

CITY OF FIFTY LAKES, MINNESOTA

LAND USE ORDINANCE

#2017-02

Adopted July 11, 2017

**Amended December 12, 2017
 September 11, 2018
 October 9, 2018
 June 11, 2019
 September 10, 2019
 October 8, 2019
 June 8, 2021
 November 9, 2021
 February 14, 2023
 May 9, 2023
 February 13, 2024**

CITY OF FIFTY LAKES LAND USE ORDINANCE

TABLE OF CONTENTS

1.0 STATUTORY AUTHORIZATION, POLICY AND PURPOSE.....5

 1.01 STATUTORY AUTHORIZATION 5

 1.02 PURPOSE 5

2.0 GENERAL PROVISIONS.....6

 2.01 INTERPRETATION AND SCOPE..... 6

 2.02 COMPLIANCE 6

 2.03 SEVERABILITY 6

 2.04 ABROGATION AND GREATER RESTRICTIONS, REPEALOR 6

 2.05 ENFORCEMENT..... 6

 2.06 RIGHT OF INSPECTION..... 8

 2.07 CONFLICTING REGULATIONS..... 8

3.0 ADMINISTRATION8

 3.01 ZONING ADMINISTRATOR..... 8

 3.02 PLANNING COMMISSION/BOARD OF ADJUSTMENT 9

 3.03 PUBLIC HEARING PROCEDURES..... 10

 3.04 APPEALS 11

 3.05 CITY COUNCIL 12

 3.06 PERMITS..... 12

 3.07 CERTIFICATE OF LAND USE COMPLIANCE 14

 3.08 VARIANCES..... 14

 3.09 CONDITIONAL USES..... 17

 3.10 INTERIM USES 20

 3.10 NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES 20

 3.12 TIMELINE FOR REVIEW 20

 3.13 PERMIT APPLICANT AND CONTRACTOR RESPONSIBILITY..... 21

 3.14 ENVIRONMENTAL REVIEW 21

 3.15 FEES 22

 3.16 PERFORMANCE SECURITY 23

 3.17 NONCONFORMITIES 23

 3.18 BUILDING STANDARDS 25

4.0 LAND USE DISTRICTS AND PROVISIONS26

 4.01 CRITERIA FOR DESIGNATION 26

 4.02 LAND USE DISTRICT DESCRIPTIONS..... 27

 4.03 LAND USE TABLES 29

5.0 LAND USE PROVISIONS.....33

 5.01 LOT AREA, WIDTH, BUILDABLE AREA AND IMPERVIOUS SURFACE STANDARDS 33

 5.02 RURAL RESIDENTIAL USE STANDARDS..... 35

 5.03 AGRICULTURAL USE STANDARDS..... 36

 5.04 COMMERCIAL USE STANDARDS 37

 5.05 WATERFRONT COMMERCIAL AND SPECIAL PROTECTION STANDARDS 38

 5.06 FOREST MANAGEMENT DISTRICT STANDARDS..... 38

 5.07 FOREST MANAGEMENT USE STANDARDS 39

 5.08 HOME OCCUPATION USE STANDARDS 39

 5.09 HOME BUSINESS USE STANDARDS 40

5.10	EXTRACTIVE USE STANDARDS.....	40
5.11	MINING OF METALLIC MINERALS AND PEAT STANDARDS	44
5.12	ACCESSORY STRUCTURES	44
5.13	COMMERCIAL MIXED-USE (CMU).....	45
6.0	SUBDIVISION/PLATTING PROVISIONS	46
6.01	PURPOSE AND POLICY	46
6.02	SURVEY FILING REQUIREMENTS	46
6.03	SUBDIVISION PROCEDURES	47
6.04	APPLICATION REQUIREMENTS.....	48
6.05	PLAT DESIGN STANDARDS	53
6.06	DEVELOPER’S AGREEMENT	55
7.0	PLANNED UNIT DEVELOPMENTS (PUDS)	56
7.01	GENERAL PROVISIONS	56
7.02	PROCESSING OF PUDS	57
7.03	CITY REVIEW OF APPLICATION	57
7.04	APPLICATION REQUIREMENTS FOR A PLANNED UNIT DEVELOPMENT	58
7.05	SITE PLAN REQUIREMENTS.....	59
7.06	DENSITY FOR SHORELAND DISTRICT PLANNED UNIT DEVELOPMENTS.....	60
7.07	PLANNED UNIT DEVELOPMENT DESIGN CRITERIA	62
7.08	EROSION CONTROL AND STORMWATER MANAGEMENT	63
7.09	MAINTENANCE AND ADMINISTRATION REQUIREMENTS.....	65
7.10	CONVERSIONS.....	66
7.11	NON-SHORELAND RESIDENTIAL PUD DENSITY EVALUATION	66
8.0	SHORELAND MANAGEMENT STANDARDS	66
8.01	LOT AREA, AND WIDTH, STANDARDS	66
8.02	PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES	67
8.03	DIRT MOVING - SHORELAND ALTERATIONS	72
8.04	VEGETATION ALTERATIONS	75
8.05	REVEGETATION, STORMWATER MANAGEMENT, AND EROSION CONTROL PLANS	77
8.06	PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS, AND PARKING AREAS	78
8.07	SPECIAL PROVISIONS FOR COMMERCIAL AND PUBLIC/SEMIPUBLIC USES.....	79
8.08	WETLAND REGULATION.....	80
9.0	PERFORMANCE STANDARDS.....	80
9.01	AGRICULTURAL WASTE AND WATER SUPPLY,	80
9.02	SIGNS	80
9.03	SCREENING AND FENCING	83
9.04	EXTERIOR STORAGE	84
9.05	PETS AND ANIMALS.....	85
9.06	PARKING, STORAGE AND USAGE OF RECREATIONAL VEHICLES	85
9.07	PARKING AND LOADING	86
9.08	USE AND CONSTRUCTION OF ROADS.....	86
9.09	EXTERIOR LIGHTING.....	87
9.10	SMOKE	88
9.11	DUST AND OTHER PARTICULATED MATTER	88
9.12	ODORS	88
9.13	NOISE	88
9.14	SOLID WASTE MANAGEMENT	88
9.15	ADULT USE.....	88
9.16	TOWER FACILITY STANDARDS	96
9.17	SUBSURFACE SEWAGE TREATMENT SYSTEMS-TECHNICAL STANDARDS AND CRITERIA	101

9.18 COMMERCIAL STORAGE BUILDINGS 113

9.19 FOREST MANAGEMENT 113

9.20 MOBILE FOOD UNIT..... 113

10.0 DEFINITIONS 114

11.0 SHORELAND CLASSIFICATION SYSTEM 141

11.1 LAKES 141

11.2 TRIBUTARY STREAMS..... 143

**12.0 AMENDMENTS TO ORDINANCE TEXT, LAND USE DISTRICT BOUNDARIES,
AND DESIGNATION OF SPECIAL PROTECTION DISTRICTS; REPEAL; EFFECTIVE
DATE 143**

12.01 AMENDMENTS 143

12.02 APPLICATION AND HEARING 143

12.03 DESIGNATION OF SPECIAL PROTECTION DISTRICTS (SP) 144

12.04 REPEAL..... 145

APPENDIX A—ROAD CONSTRUCTION SPECIFICATIONS 149

1.0 STATUTORY AUTHORIZATION, POLICY AND PURPOSE

1.01 Statutory Authorization

This ordinance is adopted pursuant to the authority granted by the Fifty Lakes Comprehensive Plan, adopted in October, 1998; and by Minnesota Statutes, in particular the Municipal Planning Act, Chapters 462.351 to 462.364; the Municipal Shoreland Act, Chapter. 103F.221; Minnesota Rules, Chapters 6120.2500 to 6120.3900; the regulation of individual sewage treatment systems, Chapter 115.55, and Minnesota Rules, Chapters. 7080, 7081, 7082, and 7083; and any amendments thereto. The Crow Wing County Local Comprehensive Water Management Plan is incorporated herein by reference. The “Minnesota Stormwater Manual”, Minnesota Pollution Control Agency (2005), is incorporated herein by reference. The Minnesota Department of Natural Resources document entitled “Minnesota’s Sensitive Lakeshore Identification Manual, A Conservation Strategy for Minnesota’s Lakeshores” (January 2012, Version 3) is incorporated herein by reference. The “Agricultural BMP Handbook For Minnesota”, Minnesota Department of Agriculture, is hereby adopted by reference for agriculture uses. “Sustaining Minnesota Forest Resources”, Minnesota Forest Resources Council, is hereby adopted by reference for timber management activities. Throughout this Chapter, wherever references are made to Minnesota statutes or rules, or Federal statutes and rules, such reference shall be interpreted to include any successor statutes or rules.

1.02 Purpose

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

- a) Regulating land use in accordance with the Fifty Lakes Comprehensive Plan.
- b) Promoting orderly development of the residential, commercial, recreational, and public areas of the City.
- c) Dividing the City into land use districts.
- d) Regulating the location, height, and bulk of structures.
- e) Preserving the economic and natural environmental values of shorelands.
- f) Regulating setbacks.
- g) Regulating sizes of lots, yards, and other open spaces.
- h) Preventing overcrowding of land and undue concentration of structures.
- i) Encouraging compatible developments of different land use and the most appropriate use of land within the City.
- j) Providing adequate access to air, direct sunlight, and convenience of access to property.
- k) Coordinating with the floodplain management ordinance standards for the city.
- l) Insuring the proper installation of all new subsurface sewage treatment systems and bring all non-complying systems into compliance.

2.0 GENERAL PROVISIONS

2.01 Interpretation and Scope

This ordinance shall be fairly read so as to give effect to the plain meaning of words and the definitions hereinafter set forth, to accomplish the purpose stated in Section 1.02 above, and to be in keeping with the constitutions of this State and of the United States. This ordinance shall apply and be binding upon all of the incorporated areas of the City.

2.02 Compliance

Compliance with all provisions of this ordinance shall be required for:

- a) All new buildings or structures constructed, converted, enlarged, or moved;
- b) The use of all buildings, structures, or lands for any purpose;
- c) All subsurface sewage treatment system installed, repaired, or modified;
- d) All dirt moving, filling, grading and private road construction;
- e) Any manipulation of vegetation in the shore impact zone;
- f) All subdivisions of land. No lot existing at the time of adoption of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this ordinance shall meet all minimum requirements established herein.

2.03 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

2.04 Abrogation and Greater Restrictions, Repealor

It is not intended by this ordinance to repeal, abrogate, or impair any existing laws, rules, easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All previous versions of this ordinance and amendments thereto are hereby repealed. All Ordinances, resolutions, or parts of Ordinances or resolutions of the City in conflict with the provisions of this Ordinance are hereby repealed

2.05 Enforcement

2.05.01 Responsibility for enforcement. The Fifty Lakes City Attorney and the Zoning Administrator shall have a duty to enforce this ordinance.

2.05.02 Civil and criminal enforcement. Any violations of the provisions of this ordinance or failure to comply with any of its requirements by a landowner or authorized agent, including violations of or failure to comply with the conditions and safeguards established in connection with the granting of a structure, land use, or shoreland permit, or contained within variances or conditional uses, shall constitute a misdemeanor and shall be prosecuted

pursuant to Minnesota Statutes, Chapter 412.861. The provisions of this ordinance may be enforced through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.

- 2.05.03 Permit does not protect permit holder.** Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity.
- 2.05.04 Separate offenses.** Each day that a violation of this ordinance continues shall constitute a separate offense.
- 2.05.05 Citations.** The Zoning Administrator shall have the power to enforce this ordinance by issuing citations for criminal violations of this ordinance upon the owner of a property and/or their authorized agent.
- 2.05.06 Cease and desist order.** The Zoning Administrator may issue cease and desist orders to halt the progress of any regulated activity, based upon probable cause that a violation of this ordinance has been committed. When any work has been stopped by a cease and desist order, it shall not be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.
- 2.05.07 Injunctive relief allowed.** The Fifty Lake City Attorney, in cooperation with the City, may sue for injunctive relief on any violation, including restoration of the premises to its existing condition prior to the violation.
- 2.05.08 Administrative fee for enforcement.** The City may charge an administrative fee, according to a schedule established by the City Council, to compensate for staff time, attorney's fees, and other expenses incurred during the investigation and prosecution or civil enforcement of violations.
- 2.05.09 After the fact applications and fees.** Any person making application for a permit after the commencement of work requiring a permit may be charged an administrative fee. In the event the application for a permit is denied or the activity permitted does not include all of the work commenced prior to approval of said permit, the Planning Commission/Board of Adjustment or the Zoning Administrator may require restoration of the subject property to its condition before such work commenced, including removal of structures or improvements not approved.
- 2.05.10 Certificate of Survey.** The City may require a certificate of survey prepared by a registered land surveyor when it is determined that the survey will assist with the resolution of an existing violation.

2.06 Right of Inspection¹

An applicant for any permit, subdivision and/or variance request under this ordinance gives City staff, Zoning Administrator, Mayor, City Council members, Planning Commission members, and Board of Adjustment members the right of access to the premises concerned for inspection, and enforcement of this ordinance. Additionally, the Zoning Administrator is authorized to enter upon lands within the incorporated area of the City for the purpose of carrying out the duties and functions imposed under this ordinance, and/or make investigations of any violations of this ordinance and/or cause proceedings to be instituted when warranted.

2.07 Conflicting Regulations

2.07.01 For the purpose of determining land use district designation, where a parcel lies in two land use districts as described in Section 4.02 of this ordinance, the parcel shall be classified in the land use district which encompasses the larger percentage of the lot area.

2.07.02 Where a lot in the shoreland area lies in an area where two different lake or river classifications overlap, lot standards shall be determined as follows: In situations where shorelands with different lake classifications overlap due to close proximity of public waters, the lake classification of the public water receiving more than 50% of the water flow from the parcel based on topography shall be used to determine the appropriate shoreland regulations according to this ordinance.

3.0 ADMINISTRATION

3.01 Zoning Administrator²

3.01.01 The Zoning Administrator shall be appointed by the City Council.

3.01.02 The duties of the Zoning Administrator shall include:

- a) Administration and enforcement of this ordinance.
- b) Determination of whether permit applications are complete and comply with this ordinance.
- c) Conduct site and setback inspections on buildings, subsurface sewage treatment systems, and other land uses to determine compliance with this ordinance.
- d) Maintain accurate, permanent records including but not limited to maps, amendments, appeals; building or use permits, conditional uses, and variances, as well as expirations of permits.
- e) Review and approve or deny lot line adjustment requests.

¹ Amended 2/13/24

² Amended 10/8/19

- f) Review, file, and forward applications for appeals, variances, conditional uses, interim uses, metes and bounds subdivisions, plats, and land use amendments to the Planning Commission/Board of Adjustment or City Council as necessary.
- g) Review complaints and pursue contacts with violators in accordance with standard procedures ~~as~~ adopted by the City Council and ~~or~~ the City Attorney.
- h) Attend meetings and provide research and findings to the Planning Commission/Board of Adjustment and City Council as required.
- i) Review, inspect, and issue land use and building permits conforming to the standards of this ordinance.
- j) Issue conditional use permits, interim use permits and variances when directed by the Planning Commission/Board of Adjustment or City Council.
- k) Issue notices of land use change when directed by the City Council.
- l) Issue certificates of compliance as specified in Section 3.07.
- m) Mail a copy of the findings to the applicant.
- n) When required, send notifications of public hearings and approvals of conditional uses, interim uses, variances, plats and amendments to the Commissioner of the Department of Natural Resources.

3.02 Planning Commission/Board of Adjustment³

- 3.02.01 The Planning Commission/Board of Adjustment is appointed by the City Council as provided in Minnesota Statutes, Chapter 462.354.
- 3.02.02 Membership shall consist of not less than five members nor more than seven members. The City Council shall appoint a non-voting liaison and may appoint an alternate to the Planning Commission/Board of Adjustment. No member of the City Council may be appointed as a voting member of the Planning Commission/ Board of Adjustment.
- 3.02.03 Officers and Their Duties
 - a) Officers of the Planning Commission/Board of Adjustment shall be a Chairperson, Vice-Chairperson and other officers as needed.
 - b) Officers shall be elected by the Planning Commission/Board of Adjustment at the first regular meeting held in January.
 - c) In the event of a resignation of an Officer, the City Council shall fill the vacancy.
 - d) The Chairperson shall preside at all meetings.
 - e) The Vice-Chairperson shall assume the responsibilities of the Chairperson when he/she is unable to serve.
- 3.02.04 Planning Commission/ Board of Adjustment Duties

³ Amended 2/14/23

- a) Acting in its capacity as the Planning Commission, the Planning Commission/Board of Adjustment is hereby designated by the City Council to:
 1. Review all plats, land use district map amendments, and amendments to the land use ordinance text, and make recommendations to the City Council.
 2. Review and make final decisions regarding all conditional use permit and metes and bounds subdivision applications.⁴
 3. Exercise all powers and perform all duties granted to the Planning Commission/Board of Adjustment under Minnesota Statutes, Chapter 462.354.
 4. Adopt and annually review rules of business necessary to the conduct of its affairs.
- b) Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment is designated by the City Council to:
 1. Review and make final decisions regarding all variance applications.
 2. Hear appeals of all administrative orders, requirements, administrative decisions, or determinations.
 3. Exercise all powers and perform all duties granted to the Planning Commission/Board of Adjustment under Minnesota Statutes, Chapter 462.357, Subd. 6.
 4. Adopt and annually review rules of business necessary to the conduct of its affairs.

3.03 Public Hearing Procedures

- 3.03.01 All public hearings shall be conducted pursuant to the procedures established in Minnesota Statutes, Chapter 462.357 and 462.359, and the adopted Planning Commission/Board of Adjustment rules of business.
- 3.03.02 The Planning Commission/Board of Adjustment shall hold at least one public hearing on all conditional use permit, variance, plat, and appeal applications. The Planning Commission/Board of Adjustment may hold additional public hearings when it determines that such hearings will be in the public interest.
- 3.03.03 Written notice of time, place and purpose of the public hearing shall be published in the official newspaper designated by the City Council and sent to the landowner, the applicant, the Department of Natural Resources area hydrologist (if the application concerns property within the shoreland area), and owners of record within three hundred and fifty feet (350) of the affected property at least ten (10) days prior to the date upon which the application will be considered.
- 3.03.04 Delayed Action. The Planning Commission/Board of Adjustment may adjourn a hearing to a future time and defer action or consideration until further information is submitted. The applicant shall be notified in writing of the information needed or reason for tabling the item. The provisions for

⁴ Amended 10/8/19

action on an application shall be in compliance with Minnesota Statutes, Chapter 15.99 and Section 3.12 of this ordinance.

- 3.03.05 The Zoning Administrator shall file copies of approved conditional use permits, interim use permits, variances, and plats with the County Recorder within 45 days of approval.

3.04 Appeals

- 3.04.01 Appeals of Administrative Actions to the Planning Commission/Board of Adjustment
- a) Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment shall hear all appeals of final administrative orders, requirements, decisions, or determinations. Appeals to the Planning Commission/Board of Adjustment shall be filed with the City Clerk within 30 days of the date the affected property owner is mailed notice of the decision by the Clerk. The appeal shall be filed in writing together with a fee according to the most recent City Council approved fee schedule. The City Clerk shall notify the Planning Commission/Board of Adjustment of the appeal within 5 working days. The City Clerk shall, within 30 days of such notice call a properly noticed public hearing to hear such appeal. The appellant may appear in person at the hearing and/or be represented by an agent or attorney.
 - b) The Planning Commission/Board of Adjustment shall review the information submitted by the appellant, a report from the Zoning Administrator, and the pertinent provisions of this ordinance, and affirm the original decision unless the Planning Commission/Board of Adjustment determines that:
 1. The decision was arbitrary and capricious, or;
 2. The decision did not comply with the standards in this ordinance.
 - c) The Planning Commission/Board of Adjustment shall decide the matter appealed within 30 days after the date of the hearing. The Planning Commission/Board of Adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed, and to that end shall have all the powers of the officer whose decision was appealed, and may direct the issuance of a permit. The reasons for the Planning Commission/Board of Adjustment decision shall be stated in writing and provided to the appellant and the City Council.
- 3.04.02 Appeals of Planning Commission/Board of Adjustment Decisions to the City Council
- a) The City Council shall hear all appeals of the decisions of the Planning Commission/Board of Adjustment. Appeals to the City Council shall be filed with the City Clerk within 30 days of the date the affected property owner is mailed notice of the decision by the Clerk. The appeal shall be filed in writing together with a fee according to the most recent City Council approved fee schedule. The City Clerk shall notify the City Council of the appeal within 5 working days. The City Clerk shall, within 30 days of such notice call a properly noticed public hearing to

hear the appeal. The appellant may appear in person at the hearing and/or be represented by an agent or attorney.

- b) The City Council shall review the information submitted by the appellant, a report from the Planning Commission/Board of Adjustment, and the pertinent provisions of this ordinance, and affirm the original decision unless the City Council determines that:
 - 1. The decision was arbitrary and capricious, or;
 - 2. The decision did not comply with the standards in this ordinance.
- c) The City Council shall decide the matter appealed within 30 days after the date of the hearing. The City Council may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed, and to that end shall have all the powers of the officer whose decision was appealed, and may direct the issuance of a permit. The reasons for the City Council decision shall be stated in writing and provided to the appellant.

3.04.03 Appeals of City Council Decisions

- a) Pursuant to Minnesota Statutes, Chapter 462.361, all decisions by the City Council in hearing appeals of any administrative order, requirement, decision, or determination made by the Planning Commission/Board of Adjustment shall be final, except that any aggrieved person or persons, or any department, board, or commission of the jurisdiction or of the State shall have the right to appeal within 30 days after the affected property owner is mailed notice of the decision by the Clerk to District Court on questions of law and fact.

3.05 City Council

The City Council shall have the following duties under this Ordinance:

- 3.05.01 Appoint the Zoning Administrator.
- 3.05.02 Appoint the Planning Commission/Board of Adjustment members.
- 3.05.03 To hear the following:
 - a) Recommendations from the Planning Commission/Board of Adjustment for changes in land use district boundaries or amendments to the Ordinances.
 - b) Recommendations from the Planning Commission/Board of Adjustment for acceptance of final plats and condominium plats.
 - c) Appeals of Planning Commission/ Board of Adjustment decisions.

3.06 Permits

3.06.01 Permits Required⁵.

A land use permit is required prior to commencement of any change in land use, the construction of any structure including expansion of building footprint or the addition of stories or living space, the replacement of any structure not exempted

⁵ Amended 6/8/21

by Section 3.06.08, the installation and/or alteration of subsurface sewage treatment systems, and those grading and filling activities not exempted by Section 8.03.04 of this ordinance. Application for a permit shall be made to the Zoning Administrator on the forms provided by the City. The application shall include:

- a) A description of the type and scope of construction, use, development, or alteration proposed.
 - b) A sketch plan showing the location of public waters, wetlands, existing and proposed structures, road rights of way, driveways, parking spaces, water and subsurface sewage treatment system locations, and utility lines.
 - c) Topographic features including but not limited to wetlands, bluffs, ordinary high water level designations, or steep slopes.
- 3.06.02 The Zoning Administrator, at their discretion, may require that a certificate of survey or other documents be provided as part of permit application.
- 3.06.03 A permit authorizing an addition to an existing structure shall stipulate that an identified non-conforming subsurface sewage treatment system, as identified in Section 9.17.09, shall be reconstructed or replaced in accordance with the provisions of this ordinance.
- 3.06.04 Approvals of any necessary conditional use permit, interim use permit, variance, land use district change, or final plat are required prior to a land use permit being issued.
- 3.06.05 All permits are valid for a period of two years from the date of approval. The exterior of a permitted structure shall be complete within this two year period. The permit deadline may be extended by the Zoning Administrator for good cause for up to one year.
- 3.06.06 **Other Permits.** The granting of any permit or variance under provisions of this ordinance shall in no way affect the landowner's responsibility to obtain the approval required under any federal or state statute, or legislation of any state agency or state subdivision thereof. Approval may be expressly given in conjunction with other permit(s) applied for, but no approval shall be implied from the granting of any City permits nor from the necessity to apply for a permit described in this ordinance. Approval of a permit application by the Zoning Administrator shall not be considered acceptance of structural components or workmanship, but rather shall be only for the purpose of determining compliance with this ordinance.
- 3.06.07 If the Zoning Administrator determines that any violation of the permit or other section of this ordinance has occurred, the permit shall become null and void.
- 3.06.08 Exceptions (no permits required):
- a) A maximum of two structures on a lot, each not exceeding 25 square feet in size, meeting all setbacks and complying with all other requirements of this ordinance.

- b) Maintenance of structures including but not limited to the replacement of windows, doors, siding, roofs, paint, deck boards, and railings.
- c) Deer stands not exceeding 32 square feet in floor area or the height permitted under State statute.
- d) Stored fish houses currently licensed and meeting all setbacks.
- e) Playground equipment meeting all setbacks, covering a maximum of 200 square feet of land area, and not a component of a commercial or semipublic use.

3.07 Certificate of Land Use Compliance

The Zoning Administrator shall issue a certificate of land use compliance for the installation and/or alteration of each subsurface sewage treatment system and for every structure or use requiring a conditional use permit, interim use permit, or variance. The certificate will specify that the use of land conforms to the requirements of this ordinance. A certificate of compliance for a conditional use permit, ~~or~~ interim use permit, or variance certifies that the use complies with the conditions of the permit as of the date of the certificate. A certificate of compliance for a conditional use or interim use is issued subject to continuous compliance with the conditions of the permit. Any use, or construction not specifically authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 2.05 of this ordinance.

3.08 Variances

3.08.01 Variance Application

After a pre-application meeting with the Zoning Administrator, an application for a variance shall be filed with the Zoning Administrator and include:

- a) A completed variance application on forms provided by the City, and,
- b) A certificate of survey signed by a registered land surveyor licensed in the State of Minnesota, unless the Zoning Administrator determines otherwise. A negative determination, signed by the Zoning Administrator, shall be made in writing and forwarded to the applicant and the Planning Commission/Board of Adjustment setting forth the facts upon which the determination was made. Required certificates of survey shall indicate information pertinent to the application which may include the following:
 1. Graphic Scale
 2. North Point
 3. Bearing/Coordinate System
 4. Date of Preparation
 5. Legal description of subject parcel boundary and resulting parcels
 6. Property boundary with sufficient survey and mathematical data to locate and retrace the boundary.
 7. Location of right of ways, public roads and easements of record.
 8. Structure setbacks including all pertinent dimensions.
 9. Area of parcel(s) in square feet and acres.
 10. Total Area of riparian parcel and area above ordinary high water elevation level.
 11. Buildable area of parcel(s).
 12. Building Envelope.

13. Location, square footage and height of all existing and proposed structures/additions.
 14. Location of all wells (existing and proposed) and septic systems.
 15. Location and size of all existing and proposed driveways, roads and easements.
 16. Nonconforming structure setbacks including all pertinent dimensions.
 17. Bluff or steep slopes including all pertinent dimensions and setbacks.
 18. Shoreline and ordinary high water elevation line, if riparian.
 19. Location of delineated Wetlands.
 20. Impervious Coverage Calculation
- 3.08.02 In accordance with Section 3.12, within 15 working days of receiving a variance application, the Zoning Administrator shall review the application to determine if it is complete. The applicant shall be notified of any additional information needed. When the Zoning Administrator determines that application complete, the 60-day review period begins.
- 3.08.03 The Zoning Administrator shall have the discretion to determine whether an application may be forwarded to the Planning Commission/Board of Adjustment without an accompanying certificate of survey. Such determination shall be made in writing on a form approved by the City Council for this purpose. The form shall specifically set forth the facts upon which the determination was made, and a copy, signed by the Administrator, shall be forwarded to the City Council and to the Planning Commission/Board of Adjustment.
- 3.08.04 **Public Hearing**
Public hearings shall be conducted according the provisions of Section 3.03 of this ordinance.
- 3.08.05 **Variance Criteria**
- a) Variances shall only be allowed in accordance with Minnesota Statutes, Chapter 462.357 subd. 6.
 - b) No variance shall be granted that would allow any use that is prohibited in the land use district in which the subject property is located.
 - c) In considering a variance request, the Planning Commission/Board of Adjustment must determine that “practical difficulties” exist according to the following factors:
 1. Is the variance request in harmony with the purposes and intent of this ordinance?
 2. Is the variance consistent with the Fifty Lakes Comprehensive Plan?
 3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?
 4. Is the need for a variance due to circumstances unique to the property and not created by the property owner?
 5. Will the issuance of a variance maintain the essential character of the locality?
 6. Does the need for a variance involve more than economic considerations?

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

3.08.06 Conditions May Apply

- a) If the variance criteria in Section 3.08.03 have been met, the Planning Commission/Board of Adjustment, in approving any such application, may require additional mitigating requirements to protect the public health, safety, or the environment, to be imposed as a condition for granting of the variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. Such conditions may include, but are not limited to, the following:
 - 1. Mitigation actions to off-set environmental consequences of variance approval according to Section 8.03.08., c.;
 - 2. Increased setbacks from the ordinary high water level;
 - 3. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted according to Section 8.03.08;
 - 4. Special provisions for the location, design, size and use of allowed structures, sewage treatment systems, and vehicle parking areas;
 - 5. Performance security as prescribed in Section 3.16 of this ordinance.
 - 6. Extension of the time frame within which the variance must be substantially completed.
- b) The Zoning Administrator may conduct follow up inspections as necessary to insure that the conditions established by the Planning Commission/Board of Adjustment are met.
- c) Failure to comply with variance conditions as imposed by the Planning Commission/Board of Adjustment is a violation of this ordinance punishable under Section 2.05.

3.08.07 Variance Decision

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

3.08.08 Approved Variances.

- a) A variance shall run with the land and is transferable with the real estate to subsequent owners.

- b) A permit for construction approved under a variance shall be applied for within six months of the date of variance approval. Construction approved under a variance shall be substantially completed within two years of the date of approval.

3.09 Conditional Uses

3.09.01 Land uses shown as conditional uses in the land use tables in Section 4.03, shall be allowed only after a conditional use permit application has been made to and approved by the Planning Commission/Board of Adjustment. After a pre-application meeting with the Zoning Administrator, an application for a conditional use permit shall be filed with the Zoning Administrator including:

- a) A certificate of survey signed by a registered land surveyor licensed in the State of Minnesota, unless the Zoning Administrator determines otherwise. A negative determination, signed by the Zoning Administrator, shall be made in writing and forwarded to the applicant and the Planning Commission/Board of Adjustment setting forth the facts upon which the determination was made. Required certificates of survey shall indicate information pertinent to the application which may include the following:
 - 1. Graphic scale;
 - 2. North point;
 - 3. Bearing/coordinate system;
 - 4. Date of Preparation;
 - 5. Legal description of subject parcel boundary and resulting parcels;
 - 6. Property boundary with sufficient survey and mathematical data to locate and retrace the boundary;
 - 7. Location of right of ways, public roads and easements of record;
 - 8. Structure setbacks including all pertinent dimensions;
 - 9. Area of parcel(s) in square feet and acres;
 - 10. Total area of riparian parcel and area above ordinary high water elevation level;
 - 11. Buildable area of parcel(s);
 - 12. Building envelope;
 - 13. Location, square footage and height of all existing and proposed structures/additions;
 - 14. Location of all wells (existing and proposed) and septic systems;
 - 15. Location and size of all existing and proposed driveways, roads and easements;
 - 16. Nonconforming structure setbacks including all pertinent dimensions;
 - 17. Bluff or steep slopes including all pertinent dimensions and setbacks;
 - 18. Shoreline and ordinary high water elevation line, if riparian;
 - 19. Location of delineated wetlands;
 - 20. Impervious coverage calculation
- b) Grading and storm water plans utilizing the current certificate of survey as a base for the subject property depicting the following:
 - 1. Existing contours at two (2) foot intervals.

2. Drainage plan, including the configuration of drainage areas and calculations.
 3. Surface water ponding and treatment areas.
 4. Erosion control measures.
- c) In accordance with Section 3.12, within 15 working days of receiving a conditional use application, the Zoning Administrator shall review the conditional use application to determine if it is complete. The applicant shall be notified of any additional information needed. When the Zoning Administrator determines that application complete, the 60-day review period begins.
 - d) After determining that the application is complete, the Administrator, shall forward the application and supporting documentation to the Planning Commission/Board of Adjustment for public hearing.

3.09.02 **Public Hearing**

Public hearings shall be conducted according the provisions of Section 3.03 of this ordinance.

3.09.03 **Determination**

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

- a) The potential impact of the proposed use on health, safety and general welfare of the occupants in the surrounding neighborhood;
- b) The ability of the proposed use to meet the standards of this ordinance;
- c) The ability of the proposed use to meet goals and policies adopted within the Fifty Lakes Comprehensive Plan;
- d) The effect of the proposed use on property values and future development of the land in the surrounding neighborhood;
- e) The effect of the proposed use on public utility, public services, roads and schools;
- f) The effects of the proposed use on the environment including its impact on groundwater, surface water and air quality;
- g) The adequacy of water supply, subsurface sewage treatment system facilities, erosion control and storm water management are provided pursuant to applicable standards.

3.09.04 **Additional Evaluation Criteria in the shoreland area.** A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

- a) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- b) The visibility of structures and other facilities as viewed from public waters is limited;
- c) The site is adequate for water supply and subsurface sewage treatment; and,
- d) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

- 3.09.05 **Conditions may apply.** The Planning Commission/Board of Adjustment, in approving any such application, may impose additional conditions to the granting of the permit that shall fulfill the purposes of this ordinance. Such conditions may include, but are not limited to the following:
- a) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
 - b) Special provisions for the location, use of structures, subsurface sewage treatment systems, water craft launching and docking areas and vehicle parking areas.
 - c) Performance security as prescribed in Section 3.16 of this ordinance to assure the City of Fifty Lakes is reimbursed for legal fees, engineer services, and any other professional services.
 - d) Provisions to insure that the conditional use will not be detrimental to the use and enjoyment of the environment or of other properties.
 - e) Buffers between potentially conflicting uses or along shorelines.
 - f) Increased setbacks from the ordinary high water level;
 - g) Designate the length of time in which work must be completed;
 - h) The Zoning Administrator may conduct follow up inspections as necessary to insure that the conditions established by the Planning Commission/Board of Adjustment are met.
 - i) Failure to comply with variance conditions as imposed by the Planning Commission/Board of Adjustment is a violation of this ordinance punishable under Section 2.05.
- 3.09.06 **Conditional Use Permit Decision**
After reviewing the application, considering all pertinent facts, and hearing testimony at the public hearing, the Planning Commission/Board of Adjustment shall determine if the conditional use requested be approved, denied, or modified. The Planning Commission/Board of Adjustment shall prepare written findings of fact to support its decision. A copy of the decision and findings of fact shall be forwarded to the applicant. If the conditional use is approved by the Planning Commission/Board of Adjustment, the Zoning Administrator shall cause a copy of the conditional use to be recorded with the land records for the subject property in the Office of the County Recorder. A copy of the final decision granting a conditional use within a shoreland or floodplain area shall be sent to the Department of Natural Resources within 10 days of final action.
- 3.09.07 Amendments to conditional use permits or request for changes in conditions attached to Conditional Use Permits shall be referred to the Planning Commission and processed in the same manner as new Conditional Use Permits.
- 3.09.08 Conditional use permits shall be transferable with the real estate to subsequent landowners.
- 3.09.09 Construction approved under a conditional use permit shall be substantially completed within two years of the date of approval. The Zoning Administrator may grant an extension of completion of up to one year upon request for good cause.

- 3.09.10 Appeals of a Planning Commission/Board of Adjustment decision shall be filed as specified in Section 3.04 of this ordinance.

3.10 Interim Uses

- 3.09.01 Applications for interim uses as designated in the land use tables in Section 4.03 shall be processed in the same manner as conditional uses under Section 3.09.
- 3.09.02 The Planning Commission/Board of Adjustment may approve an interim use of property if:
- a) The use conforms to the land use regulations;
 - b) The date or event that will terminate the use can be identified with certainty;
 - c) Permitting of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
 - d) The user agrees to all conditions that the Planning Commission/Board of Adjustment deems appropriate for permission of the use.
- 3.09.03 Any interim use may be terminated by a change in land use regulations.

3.10 Notifications to the Department of Natural Resources

- 3.10.01 Copies of all notices of any public hearings to consider variances, amendments, or conditional uses or interim uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- 3.10.02 A copy of approved amendments and subdivisions/plats, and final decisions granting variances, conditional uses or interim uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

3.12 Timeline for Review

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

- 3.12.01 **Completed application.** The timeline for review in this section begins upon the receipt of a completed application by the City. An application shall be deemed complete when a written request containing all information required by this ordinance is submitted to the City. If the City receives a written request that does not contain all required information, the 60 day limit shall not start if the City sends written notice within 15 business days of receipt of the request telling the applicant what information is missing.
- 3.12.02 **Extension of time line for review by multiple agencies.** The time limit in this section is automatically extended if:
- a) A completed application submitted to the City requires prior approval of a State or Federal agency.
 - b) In cases described in this paragraph, the deadline for action by the City is extended for 60 days after the required approval is granted.
- 3.12.03 **City extension of time line.** The Zoning Administrator may extend the time line before the end of the initial 60 day period described in this section by providing written notice of the extension to the applicant. The notice must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.
- 3.12.04 **Extension of time line by applicant.** The applicant may, in writing, waive the 60 day time deadline.

3.13 Permit Applicant and Contractor Responsibility

- 3.13.01 It is the responsibility of the landowner to apply for and obtain an approved permit from the City before undertaking any works or changes in land use regulated by this ordinance. Actions taken pursuant to permits granted under this ordinance are the sole responsibility of the property owner or his/her agents. Failure of a landowner to comply with these requirements shall constitute a violation of this ordinance and is subject to the enforcement provisions of Section 2.05. The City assumes no liability for any adverse effects to the property owner, or to third parties, caused by any actions taken pursuant to permits granted under this ordinance.
- 3.13.02 Each contractor shall ascertain in advance that a permit has been approved by the City for any work to be done on the property of another person and to adhere to any conditions to be followed in conjunction with that permit. Failure of a contractor to comply with these requirements shall constitute a violation of this ordinance and is subject to the enforcement provisions of Section 2.05.
- 3.13.03 Contractors with outstanding unresolved violations within the City shall not be issued any new permits until those violations are completely resolved.

3.14 Environmental Review

- 3.14.01 An environmental review may be required for projects that could result in significant environmental impacts. Minnesota Statutes, Chapter 116D and Minnesota Rules, Chapter 4410 regulate the preparation of Environmental Assessment Worksheets (EAW) and Environmental Impact Statements (EIS) for mandatory development thresholds or discretionary environmental reviews ordered by the responsible government unit (RGU). The RGU is the designated review authority.
- a) **Approval before consideration of application.** Once the environmental review process is determined to be necessary, no permits or other final approvals shall be granted until the environmental review process has been completed. No permit shall be issued unless and until all issues identified in the EAW/EIS process have been addressed.
- b) **Payment for cost of review.** The City, as the RGU, shall prepare or cause to have prepared, at the developer's expense, any mandated or discretionary EAW or EIS for a project.
- 3.14.02 **Preparation and review.**
The EAW/EIS preparation and review process will be conducted in accordance with Minnesota Rules, Chapter 4410, when the City of Fifty Lakes is determined to be the responsible governmental unit (RGU).

3.15 Fees

- 3.15.01 **Schedule of fees.** The schedule of fees for all land use-related activities and permits shall be available at the City Hall and may be altered or amended only by resolution of the City Council.
- 3.15.02 **Collection of fees.** The City shall collect all required fees in full in conjunction with any application.
- 3.15.03 **Administrative fees.** When work has commenced before approval of a permit, a variance, a conditional use, or other approval requiring a public hearing, the applicant may be charged an administrative fee in conjunction with a late application according to the schedule established by the City Council.
- 3.15.04 **Fee refunds.** Fees collected in conjunction with the application for land use permit, variance, or conditional use permit are not refundable if the application is denied. However, any fees paid in error will be refunded by the City.
- 3.15.05 **Certification of Unpaid Charges.** Nothing in this section shall be held or construed as in any way stopping or interfering with the city's right to certify as unpaid service charges or assessments against any premises affected, any past due and/or delinquent fees, including interest and late fees. Each and every unpaid fee is hereby made a lien upon the lot, land, or premises served, and such charges that are past due and/or delinquent on May 15 and/or October 15 of each year shall be certified to the Crow Wing County Auditor. The charges shall be collected and the collection thereof enforced in the same manner as Crow Wing County and State of Minnesota taxes,

subject to penalties, costs and interest charges. Upon certification to the Crow Wing County Auditor, any past due and/or delinquent fees shall be due and payable to the office of the Crow Wing County Auditor.

3.16 Performance Security

Upon approval of a conditional use, variance, or other permit application, the Planning Commission/Board of Adjustment, City Council, or the Zoning Administrator may, if reasonably necessary to achieve the purposes of this ordinance, require a surety bond, cash escrow, or cash deposit prior to issuing a land use permit or initiation of work on a proposed improvement or development. Said security shall be irrevocable and shall guarantee conformance and compliance with the conditions of the permit, conditional use, or variance. The amount of the security may be set at up to 150% of the estimated cost of compliance with the conditions including but not limited to legal and professional fees, construction of roads, subsurface sewage treatment system installation, community water supplies, vegetation establishment, stormwater plan implementation, soil stabilization, water quality protection, tower site restoration, or pollution control measures. Any interest accrued on funds held by the City for this purpose shall be retained by the City.

3.17 Nonconformities

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

3.17.01 Existing Nonconforming Uses and Lots of Record⁶

- a) Pursuant to Minnesota Statutes, Chapter 462.357, Subd 1 e, except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of this ordinance, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion without a variance granted in accordance with Section 3.08, unless:
 1. The nonconformity or occupancy is discontinued for a period of more than one year; or,
 2. Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the City may impose reasonable conditions upon a land use or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a

⁶ Amended 11/9/21

land use or building permit to mitigate created impacts on the adjacent property or water body.

- b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. The City may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit the City from enforcing the provisions Section 9.15 of this ordinance regarding adult uses.
- c) Notwithstanding Section 3.17.01, a. and b. above, the City shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

3.17.02 **Lots of Record in the Shoreland Zone.** These standards apply to shoreland lots of record in the office of the County Recorder on February 18, 1983, the date of adoption of local shoreland controls, which do not meet the requirements for lot size or lot width. The City shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas.

- a) 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:
 - 1. All structure and septic system setback distance requirements can be met;
 - 2. A Type 1 sewage treatment system consistent with Minnesota Rules, Chapter 7080.2200 and Section 9.17 of this ordinance, can be installed or the lot is connected to a public sewer; and,
 - 3. The impervious surface coverage does not exceed 25 percent of the lot.
- b) In a group of two or more contiguous lots of record under a common ownership, an individual lot must not be considered as a separate parcel of land for the purpose of sale or development, unless it meets the following requirements:
 - 1. The lot must be at least 66 percent of the dimensional standard for minimum lot width and lot area for the shoreland classification consistent with Table 5.01.01 in this ordinance;
 - 2. 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 7080.2200 and Section 9.17 of this ordinance;
 - 3. Impervious surface coverage must not exceed 25 percent of each lot; and
 - 4. Development of the lot must be consistent with the Fifty Lakes Comprehensive Plan.
- c) A lot subject to paragraph b) not meeting the requirements of paragraph b) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

- d) Notwithstanding paragraph b), 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, Chapter 7080.1500, subp. 4 and Section 9.17 of this ordinance, or connected to a public sewer.
- e) In evaluating all variances, land use and building permit applications, or conditional use requests, the land use authority shall require the property owner to address, when appropriate, storm water runoff management, use of berms to control runoff, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- f) A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the land use district for a new lot and the newly created parcel is combined with an adjacent parcel.

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

- a) Changed to a different use;
- b) Expanded by 25% of the current building size;
- c) Discontinued for a period of five years.

Any subsequent commercial use at the same location shall meet all pertinent standards of this ordinance.

3.17.04 **Existing Nonconforming Structures.** A nonconforming structure existing on the date of adoption of this ordinance and complying with City standards in effect at the time it was approved, shall remain a legal nonconforming structure and may be continued subject to the following provisions:

- a) **Maintenance and replacement.** Existing nonconforming structures may be continued, including through repair, replacement, restoration, maintenance, or improvement but not including expansion. Expansions that meet setbacks and other provisions of this ordinance shall not require a variance.
- b) **Conforming Sewer System.** Dwellings are connected to a conforming sewage treatment system compliant with Minnesota Rules, Chapter 7080.1500, subp. 4 and Section 9.17 of this ordinance, or the lot is connected to a public sewer.
New structures shall meet all pertinent standards of this ordinance.

3.18 Building Standards⁷

3.18.01 All structures and appurtenances shall be constructed in accordance with the Minnesota Building Code. The City does not examine plans, inspect

⁷ Amended 9/11/18

dwelling for conformance with any state codes nor assume liability for the structural stability or quality of any structures.

- 3.18.02 All dwelling units shall be a minimum of 20 feet wide and shall be placed on a foundation.
- 3.18.03 No building shall be placed closer than 10 feet from any other structure, unless designed to meet the fire separation requirements of the state codes.
- 3.18.04 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.
- 3.18.05 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.

4.0 LAND USE DISTRICTS AND PROVISIONS

4.01 Criteria for Designation

The land use districts in sections 4.02 and 4.03 and the delineation of a land use district's boundaries on the official map are based on the goals and policies of the City's Comprehensive Plan and the following criteria, considerations, and objectives:

- 4.01.01 General considerations and criteria for all land uses districts:
 - a) preservation of natural areas and wetlands;
 - b) present ownership and development of shoreland areas;
 - c) shoreland soil types and their engineering capabilities;
 - d) physical suitability of the district for the primary use;
 - e) vegetative cover;
 - f) recreational use of surface water;
 - g) road and service center accessibility;
 - h) socioeconomic development needs and plans of the City, especially as they involve water and related land resources;
 - i) the necessity to preserve and restore certain areas having significant historical or ecological value.
- 4.01.02 Factors and criteria for planned unit developments:
 - 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) Amount and types of ownership of undeveloped lands.

- 4.01.03 **Special Protection District Designation**
 In designating Special Protection land use districts within the shoreland area, the City shall consider the land use evaluation system to protect ground water, surface water, and natural areas, while respecting the rights of private landowners and the public. They shall also:
- a) Utilize technical support from the Crow Wing County Soil and Water Conservation District, the Minnesota Board of Water and Soil Resources, the Minnesota Department of Natural Resources, the U. S Army Corps of Engineers, the U. S. Geological Survey, and the U.S. Fish and Wildlife Service.
 - b) Conduct an analysis of the ecosystem based on:
 1. Composition—plants and animals, soils, lakes, wetlands
 2. Structure—erosion, floodplains, clean water
 3. Function—watershed, wildlife habitat
 - c) Utilize the procedures established in Section 12.03 of this ordinance.

4.02 **Land Use District Descriptions**

The City of Fifty Lakes is hereby divided into the land use districts provided below as shown on the official map pursuant to Minnesota Statutes, Chapter 462.359, which may be amended from time to time according to the procedures of Section 12.02. This map shall be filed in the office of the City Clerk and is hereby made a part of this ordinance. In the shoreland area, these land use districts conform to the criteria specified in Minnesota Rules, Chapter 6120.3200, Subp. 3.

- 4.02.01 **Shoreland Residential District** SR
 The purpose of this district is to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, protect drinking water sources, and provide for the wise use of water and related land resources in the shoreland area. The primary use within this district is seasonal and year-round single family residential. Lot dimensions and density limitations are established according to the lake or river classifications. Compatible residential, commercial, or water-oriented commercial uses may be allowed as permitted or conditional uses.
- 4.02.02 **Rural Residential District** RR
 A Rural Residential District is intended to be semi-rural in character and to allow low density residential and compatible agricultural uses outside the shoreland area. Other compatible uses may be allowed under conditional use permits or, as the situation warrants, interim use permits.
- 4.02.03 **Agricultural District** A
 An Agricultural District is intended for non-shoreland areas, to allow extensive cropland use, animal and poultry production, dairy operations, and feedlot operations. Single residences are permitted. Some other uses may be allowed as conditional uses or, as the situation warrants, interim uses if generally compatible within the district.
- 4.02.04 **Commercial District** C
 A Commercial District is intended for commercial or compatible public, semipublic, or other uses, generally near existing business areas. It is not

intended for single-family detached residential use. Some other uses may be allowed as conditional uses, or as the situation warrants, interim uses if generally compatible within the district.

4.02.05 **Water Oriented Commercial District** WC

A Water Oriented Commercial District is intended to provide for existing or future commercial uses in the shoreland area that are functionally dependent on close proximity to public waters. Some other uses may be allowed as conditional uses or, as the situation warrants, interim uses if generally compatible within the district.

4.02.06 **Special Protection District** SP

A Special Protection District is intended for two purposes in shoreland areas:

- a) To limit and properly manage development in areas that are generally unsuitable for development or uses due to the presence of wetlands, flooding, erosion, limiting soil conditions, steep slopes, or other major physical constraints.
- b) To protect flora or fauna in need of special protection and to set aside such areas for possible recreational use and for the protection of wildlife.

Some other uses may be allowed as conditional uses, or as the situation warrants, interim uses if generally compatible within the district.

4.02.07 **Forest Management District** FM

A Forest Management District is intended for non-shoreland areas to:

- a) Promote the sustainable, long-term management of forest resources and related uses on public and privately owned lands.
- b) Reduce forest fragmentation and ensure that large tracts of land remain available for forest management as well as for other functions, such a wildlife habitat and outdoor recreation.
- c) Limit development in forested areas to protect other resources important to the community, such as scenic areas, steep slopes, wildlife habitat and headwaters.
- d) Require very low densities of development, or prohibit development unrelated to forest management.
- e) Avoid conflicts between incompatible land uses, limiting the type, location and overall density of development to keep working forests intact.

4.02.08 **Commercial Mixed Use District⁸** CMU

A land use district for a mix of residential and commercial uses. Commercial Mixed-Use districts should be clustered to provide the maximum amount of interaction and accessibility between the different establishments.

⁸ Amended 6/8/21 & 11/9/21

4.0**4.03 Land Use Tables**

The following table establishes the permitted, conditional, interim, and allowed uses within the land use districts of the City. Any uses not listed or not closely associated with a listed use are prohibited.

For the purposes of this table:

“P” a use requiring a permit	“SR” a shoreland residential district
“CU” a use requiring a conditional use permit	“RR” means a rural residential district
“I” an interim use	“AG” means agricultural district
“A” a use is allowed without a permit but may require performance standards	“C” means a commercial district
“N” not allowed--a prohibited use	“WC” means a water-oriented commercial district
	“SP” means a special protection district
	“FM” means a forest management district

USE	SR	RR	AG	C ⁹	CMU ₁₀	WC	SP	FM
Accessory Structures	P	P	P	CU	CU	P	P	P
Adult Use	N	N	N	CU	N	N	N	N
Agricultural Use-- Farm buildings (barns, silo, hay shed, etc.)	N	P	P	N	N	N	N	N
Agricultural Use-- Crop growing and harvesting	N	A	A	N	N	N	N	N
Agricultural Use-- Livestock, poultry use, including related buildings	N	A	A	N	N	N	N	N
Animal breeding and boarding facility	N	N	P	N	N	N	N	N
Animal Feedlot	N	N	CU	N	N	N	N	N
Auto body shop	N	N	N	CU	N	N	N	N
Auto Service Shop (with major repairs)	N	N	N	CU	N	N	N	N
Auto Sales	N	N	N	CU	N	N	N	N
Auto Salvage Yard	N	N	N	N	N	N	N	N
Bank/financial institution	N	N	N	CU	CU	N	N	N
Beauty/barber shop	N	N	N	CU	CU	N	N	N
Bed and Breakfast/Boarding House	I	I	I	N	N	N	N	N
Bowling Lanes	N	N	N	CU	N	N	N	N
Business or professional offices	N	N	N	CU	CU	N	N	N
Camps, Transient or Church	I	I	I	N	N	I	N	N
Campground	N	CU	CU	N	N	CU	N	N
Car Wash, Commercial	N	N	N	CU	N	N	N	N
Cement/asphalt/redi-mix sales	N	N	N	N	N	N	N	N
Cemetery	N	CU	CU	N	N	N	N	N
Church	N	CU	CU	N	N	N	N	N
Community Recreation Center	N	CU	CU	CU	CU	CU	N	N
Contractor Shop (ie. Plumber/Electrician - without retail sales)	N	CU	CU	CU	N	N	N	N
Convenience store—with or without fuel sales	N	N	N	CU	CU	CU	N	N
Day Care Centers	N	N	N	CU	CU	N	N	N
Day Care Home	I	I	I	N	N	N	N	N
Deck or Patio	P	P	P	CU	CU	P	P	P
Demolition Landfill	N	N	N	N	N	N	N	N
Dirt Moving-less than 10 cu.yds. (Shore Impact Zones 1 & 2)	P	P	P	N	N	P	P	P
Dirt Moving > 10 cu. yds.(Shore Impact Zones 1 & 2)	CU	CU	CU	N	N	CU	CU	CU
Dirt Moving <50 cu.yds. (Shoreland District--Rear Lot Zone & Non-Shoreland Districts)	P	P	A	CU	CU	P	CU	CU
Dirt Moving >50 cu. Yds. (Shoreland District--Rear Lot Zone & Non-Shoreland Districts)	CU	CU	CU	CU	CU	CU	CU	CU
Drive In Restaurant	N	N	N	CU	CU	CU	N	N

⁹ Amended 11/9/21

¹⁰ Amended 6/8/21& 11/9/21

USE	SR	RR	AG	C	CMU	WC	SP	FM
Driveway ¹¹	P	P	P	P	P	P	P	P
Dwelling, Duplex	CU	CU	CU	N	CU	N	N	N
Dwelling, Multiple Family	N	CU	N	N	CU	N	N	N
Dwelling, Single Family	P	P	P	N	CU	N	P	P
Dwelling, Single-Family Associated with Commercial Use	N	CU	CU	CU	CU	CU	N	N
Energy system, renewable (i.e. solar collectors and wind generators under 50KW)*	CU	CU	CU	CU	CU	CU	CU	CU
Extractive Use	N	N	I	N	N	N	N	N
Forest Land Conversion	N	CU	CU	N	N	N	N	CU
Forest Management (with BMP) ¹²	P	P	P	CU	CU	P	P	P
Gas Station (with or without minor repairs)	N	N	N	CU	CU	CU	N	N
Golf Course	N	CU	N	CU	N	N	N	N
Golf—Miniature	N	N	N	CU	CU	CU	N	N
Government Buildings	N	N	N	CU	CU	N	N	N
Greenhouse/Nursery—Commercial	N	N	CU	CU	CU	N	N	N
Group Care Facility	N	CU	CU	N	N	N	N	N
Guest Cottage/Guest Quarters	P	P	P	N	N	N	N	N
Home business	I	I	I	N	I	N	I	I
Home occupation	A	A	A	N	CU	N	A	A
Hotel/Motel	N	N	N	CU	CU	CU	N	N
Liquor Sales, On-Sale	N	N	N	CU	CU	CU	N	N
Laundromat	N	N	N	CU	CU	N	N	N
Long-Term Care Facility	N	CU	CU	N	CU	N	N	N
Lumber Yard Warehouse/Sales	N	N	N	CU	N	N	N	N
Manufactured Home Park (PUD)	CU	CU	CU	N	CU	N	N	N
Manufacturing/Assembly, Limited	N	N	N	CU	N	N	N	N
Medical Clinic	N	N	N	CU	CU	N	N	N
Mining of Metallic Minerals and Peat	N	N	I	N	N	N	N	I
Mobile Food Unit, Placement of ¹³	N	N	N	P	P	N	N	N
Outdoor seasonal sales	N	I	I	I	I	I	N	N
Packaging/Warehouse	N	N	N	CU	N	N	N	N
Parks and Historic Sites	P	P	P	CU	CU	P	P	P
Private clubs and lodges	N	N	N	CU	CU	CU	N	N
Public Beach	N	N	N	N	N	P	N	N
Public Parking	N	N	N	CU	CU	CU	N	N

¹¹ Amended 2/14/23

¹² Amended 9/10/19

¹³ Amended 2/13/24

USE	SR	RR	AG	C	CMU	WC	SP	FM
Planned Unit Development (PUD), Commercial	N	N	N	CU	CU	N	N	N
Planned Unit Development (PUID), Mixed Use	N	N	N	N	CU	N	N	N
Planned Unit Development (PUD), Residential	CU	CU	CU	N	CU	N	N	N
Recreational Vehicle, Placement of (not in storage) ¹⁴	P/I	P/I	P/I	N	N	P/I	N	P/I
Recycling Center/Collection Site	N	N	CU	CU	CU	N	N	N
Rental equipment sales and service	N	N	N	CU	CU	N	N	N
Repair shop—equipment	N	N	N	CU	CU	N	N	N
Resort/recreation facility	N	N	N	CU	CU	CU	N	N
Restaurants	N	N	N	CU	CU	CU	N	N
Retail Business	N	N	N	CU	CU	CU	N	N
Sawmill	N	N	N	N	N	N	N	N
Schools/Educational Buildings	N	CU	CU	CU	CU	N	N	N
Sign, Off-Site	N	N	N	N	N	N	N	N
Sign, On-Site	P	P	P	CU	CU	P	CU	CU
Sign, Public Information	I	I	I	I	I	I	I	I
Storage buildings, Commercial ¹⁵	N	N	N	CU	N	N	N	N
Telecommunication tower	N	CU	CU	N	N	N	CU	CU
Theaters—Indoor/Outdoor	N	N	N	CU	CU	CU	N	N
Truck and freight terminal	N	N	N	N	N	N	N	N
Vehicle, boat, recreational equipment sales	N	N	N	CU	CU	CU	N	N
Veterinary clinic	N	N	N	CU	CU	N	N	N
Water-oriented accessory structures	P	N	N	N	N	P	N	N
Water Oriented Commercial Business	N	N	N	CU	N	CU	N	N
Welding/Machine Shop	N	N	CU	CU	N	N	N	N
Wholesale/Warehouse Facility	N	N	N	CU	N	N	N	N

¹⁴ Amended 2/13/24

¹⁵ Amended 9/10/19

5.0 LAND USE PROVISIONS

5.01 Lot Area, Width, Buildable Area and Impervious Surface Standards

Table 5.01.01 Shoreland Residential District (SR) Lot Area, Width, Buildable Area, and Impervious Surface Standards

Shoreland Residential District (SR)	SINGLE FAMILY RESIDENTIAL				DUPLEX RESIDENTIAL			
	Min. Lot Area (ft²)	Min. Lot Width	Min. Buildable Area (ft²)**	Max. Impervious Coverage (%)	Min. Lot Area (ft²)	Min. Lot Width	Min. Buildable Area (ft²)	Max. Impervious Coverage (%)
Lake Classification								
General Development								
General Development -Riparian	20,000	100	12,000	25	50,000	200	33,600	25
General Development -Non-Riparian	40,000	150	14,400	20	80,000	265	28,800	25
GD Planned Unit Development	261,360	425	117,600	15	217,800	400	78,400	25
Recreational Development								
Recreational Development- Riparian	40,000	150	17,400	15	60,000	225	30,000	20
Recreational Development-Non-Riparian	60,000	150	25,000	15	80,000	265	40,000	20
RD-Planned Unit Development	435,000	800	111,100	15	435,000	800	111,100	20
Natural Environment								
Natural Environment-Riparian	80,000	200	40,000	10	120,000	400	60,000	15
Natural Environment-Non-Riparian	120,000	200	60,000	10	160,000	400	80,000	15
NE-Planned Unit Development	435,000	800	111,100	20	435,000	800	111,100	15

Shoreland Residential District (SR)	SINGLE FAMILY RESIDENTIAL				DUPLEX RESIDENTIAL			
	Min. Lot Area (ft²)	Min. Lot Width	Min. Buildable Area (ft²)**	Max. Impervious Coverage (%)	Min. Lot Area (ft²)	Min. Lot Width	Min. Buildable Area (ft²)	Max. Impervious Coverage (%)
River Classification								
Tributary –Riparian	80,000	200	20,400	20	120,000	300	40,800	20
Tributary -Non-Riparian	80,000	200	20,400	20	160,000	400	54,400	20
Tributary-Planned Unit Development	435,600	800	111,100	10	435,600	800	111,100	10

**-- a minimum 50% of buildable area shall be contiguous.

City of Fifty Lakes Land Use Ordinance

Table 5.01.02 Water Oriented Commercial (WC) Lot Area, Width, Buildable Area, and Impervious Surface Standards

Water Oriented Commercial District (WC)--Riparian and Non-riparian Lake and River Classification	Min. Lot Area (ft ²)	Min. Lot Width	Max. Impervious Coverage (%)
General Development Lakes	217,800	400	25
Recreational Development Lakes	326,700	600	25
Natural Environment Lakes	435,600	800	15
Tributary Rivers	435,600	800	15 ¹⁶

Table 5.01.03 Special Protection (SP) Lot Area, Width, Buildable Area, and Impervious Surface Standards

Special Protection District (SP) Lake and River Classification	SINGLE FAMILY RESIDENTIAL				DUPLEX RESIDENTIAL			
	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)	Max. Impervious Coverage (%)	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)	Max. Impervious Coverage (%)
General Development Lakes	65,340	150	31,300	10	653,400	500	235,200	10
Recreational Development Lakes	108,900	200	47,500	8	653,400	500	284,200	8
Natural Environment Lakes	217,800	250	55,500	5	653,400	500	166,600	5
Tributary Rivers	217,800	250	55,500	5	653,400	500	166,600	5

Table 5.01.04 Non-Shoreland Districts Lot Area, Width, and Impervious Coverage Standards

Land Use District	SINGLE FAMILY RESIDENTIAL		DUPLEX RESIDENTIAL		Max. Impervious Coverage (%)
	Min. Lot Area (Acres)	Min. Lot Width	Min. Lot Area (Acres)	Min. Lot Width	
Rural Residential District (RR)	2	150	3	225	20
Agricultural (AG)	5	200	6	300	10
Forest Management (FM)	15	500			5

Table 5.01.05 Commercial (C) District Lot Area, Width, and Impervious Coverage Standards

Land Use District	Min. Lot Area (ft ²)	Min. Lot Width	Max. Impervious Coverage (%)
Commercial District (C)	40,000	200	50

¹⁶ Amended 5/9/23

5.02 Rural Residential Use Standards

5.02.01 Rural Residential District Structure Setback and Height Standards

Structure Lot Line Setbacks (feet)	Public Road Right –of-Way Setback (feet)	Wetland Setback (feet)	Max. Structure Height (feet)
20	35*	20	35

*20 feet for all lots created before April 18, 2002¹⁷

5.02.02 It shall be the policy of the City to encourage well- planned areas for residential use. Such use will be encouraged to be on larger lots in Rural Residential Districts. Open Space Subdivision Design techniques are also encouraged to preserve open space. Other uses accessory to the principal use requires a permit, but the principal use must first be established. It shall also be the policy of the City to discourage residential use where it is not in the best interests of health, safety and general public welfare to allow such use.

5.02.03 **Guest Cottages and Guest Quarters.** A guest cottage or guest quarter requires a permit on a residential lot in non-shoreland districts and shall comply with the following standards:

- a) All required setbacks are met.
- b) The maximum impervious surface limits for the lot shall not be exceeded.
- c) The maximum building footprint for a guest cottage shall not exceed 700 square feet in size.
- d) A guest cottage shall not exceed 15 feet in structure height.
- e) Guest quarters located in an accessory structure shall not exceed 700 square feet in size. Stairways and unfinished storage areas shall not be counted as part of this area.
- f) The building footprint for a new accessory structure containing a guest quarter shall not exceed 1200 square feet in size.
- g) Guest quarters requires a permit in existing accessory structures exceeding 1200 square feet in size.
- h) An accessory structure containing guest quarters does not exceed 25 feet in building height.
- i) Only one guest cottage or guest quarter is allowed on a lot but not both.

5.02.04 Churches may exceed the height limit in Section 5.02.01.

5.02.05 All dwellings, except those in Manufactured Home developments, must be at least 18 feet wide and on a foundation.

5.02.06 Home occupations and home businesses shall comply with the standards in in Section 5.08 and 5.09 respectively.

¹⁷ Amended 12/17/17

City of Fifty Lakes Land Use Ordinance

5.02.07 Fertilizer must be used in accordance with the provisions of the University of Minnesota Extension’s “Shoreland Best Management Practices” Fertilizers containing phosphorous are not allowed for residential use.

5.03 Agricultural Use Standards

5.03.01 Agricultural District Structure Setback and Height Standards

Structure Lot Line Setbacks (feet)	Public Road Right –of-Way Setback (feet)	Wetland Setback (feet)	Max. Structure Height (feet)
30	35	20	50

- 5.03.02 Restrictions on agricultural uses are intended primarily to:
- a) Protect agricultural uses from undue encroachment by other uses, and
 - b) Promote the compatibility of agricultural land use with adjacent property or nearby land uses.
- 5.03.03 Animal wastes or manure shall be acceptable fertilizer for use in the agricultural and rural residential districts provided that:
- a) The application thereof is done to preclude any such material from being carried by surface water run-off into public waters.
 - b) The application thereof does not contaminate the water supply of anyone.
 - c) No phosphorous shall be used for fertilizer unless certified testing indicates a phosphorus deficiency.
- 5.03.04 Feedlots are a permitted use in an agricultural district provided that:
- a) A Minnesota Pollution Control Agency Certificate of Compliance or Interim Permit is obtained.
 - b) The facility does not lie in the shoreland area and lies at least 300 feet from any adjacent property not zoned Agricultural and from any residence on adjacent property.
 - c) No odor problem or air pollution problem adversely affects adjacent property.
 - d) Feedlots must meet required structure setbacks.
- 5.03.05 No corral or barn for the keeping of animals shall be constructed in an agricultural district closer than 200 feet from a residence on adjacent property.
- 5.03.06 Agricultural uses allowed in shoreland areas, i.e., cropland and grazing, must maintain steep slopes and shore and bluff impact zones in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guide of the USDA Natural Resources Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

City of Fifty Lakes Land Use Ordinance

- 5.03.07 Fertilizer, pesticides, or animal wastes must be used in such a way as to minimize impact on shore impact zones or all waters by proper application and use of earth or vegetation. The provisions of the Minnesota Department of Agriculture’s “Agricultural BMP Handbook for Minnesota” must be followed.
- 5.03.08 Right to Farm Act.
- a) Purpose and Interpretation. It is the policy of the City of Fifty Lakes to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. The city recognizes an increased use of land for residential purposes in the city and finds that when nonagricultural land uses extend in agricultural areas, agricultural operations often become the subject of nuisance litigation. As a result, agricultural operations are sometimes curtailed or cease entirely, and many farmers may be prevented from making investments in farm improvements. It is the purpose of this section to reduce the loss to the City of its agricultural resources by further limiting the circumstance under which agricultural operations may be deemed to be a nuisance, in addition to those limitations set forth in Minnesota Statutes, Chapter 561.19.
 - b) Agricultural operation not a nuisance. An agricultural operation, which is a part of a family farm, is not and shall not become a private or public nuisance after six years from its established date of operation. The provisions of this subdivision do not apply:
 1. To a condition or injury which results from the negligent or improper operation of an agricultural operation or from operations contrary to commonly accepted agricultural practices or to applicable state or local laws, ordinances, rules, or permits.
 2. When an agricultural operation causes injury or direct threat of injury to the health or safety of any person.
 3. To the pollution of, or change in the conditions of, the waters of the state or the overflow of waters on the lands of any person.
 4. To any prosecution for the crime of public nuisance as provided in Minnesota Statutes, Chapter 609.74 or to an action by public authority to abate a particular condition which is a public nuisance.
 5. If the agricultural operation is subsequently expanded or significantly altered, the established date of operation for each expansion or alteration is deemed to be the date of commencement of the expanded or altered operation.
 - c) Severability. If a provision of this section or application thereof to any person or set of circumstances, is held invalid or unconstitutional by a court of competent jurisdiction, such invalidation shall not affect other provisions or applications of this section.

5.04 Commercial Use Standards

- 5.04.01 Commercial Structure Setback and Height Standards

City of Fifty Lakes Land Use Ordinance

Structure Lot Line Setbacks (feet)	Setback Between Bldgs. (feet)	Road Right -of-Way Setback (feet)	Wetland Setback (feet)	Max. Structure Height (feet)
20	20	35	20	35

- 5.04.02 Signage and parking shall conform to Sections 9.02 and 9.07 respectively.
- 5.04.03 Except for the display of merchandise for sale, outside storage shall be screened.
- 5.04.04 Business operation shall be compatible with the surrounding development.
- 5.04.05 Single residences may be allowed under a conditional use permit if occupied by the owner or manager of the commercial operation on the premises.
- 5.04.06 No animals other than household pets or those necessary for the maintenance, operation or protection of facilities or premises shall be allowed in any commercial districts. Pets shall not constitute a nuisance.
- 5.04.07 Fertilizer must be used in accordance with the provisions of the University of Minnesota Extension’s “Shoreland Best Management Practices”. Fertilizers containing phosphorous are not allowed for commercial use.
- 5.04.08 All structures in commercial districts except churches shall not exceed 35 feet in height.
- 5.04.09 All Commercial Uses require a stormwater retention plan, and other appropriate plans based on future or projected use.

5.05 Waterfront Commercial and Special Protection Standards
(See Sections 8.02.06 and 8.02.07 respectively)

5.06 Forest Management District Standards

- 5.06.01 Forest Management District Structure Setback and Height Standards

Structure Lot Line Setbacks (feet)	Public Road Right -of-Way Setback (feet)	Wetland Setback (feet)	Max. Structure Height (feet)
20	75	20	30

- 5.06.02 Lands in the Forest Management District consist of publicly owned and privately owned lands in non-shoreland districts. The privately owned lands generally lie on the periphery of this district. It shall be the policy of the City to allow the more intensive uses as specified in Section 4.03 on privately-owned lands on the periphery of the District and allow only less intensive uses on the publicly owned, more primitive areas in the interior of the District. These less

City of Fifty Lakes Land Use Ordinance

intensive uses are uses, which require little or no development or construction and will have minimal impact on the environment.

- 5.06.03 For a lot crossing the special protection district boundary into another district, the minimum lot size shall be the same as the other district with no credit given to the special protection district area.
- 5.06.04 Commercial Forestry requirements:
 - a) All harvests shall be open to city inspection.
 - b) Forest harvest in the City managed by a government agency shall use the “Sustaining Minnesota Forest Resources” guidebook published by the Minnesota Forest Resources Council, 2005 as a mandatory requirement for site-level forest management and harvest.
 - c) Forest harvest in the City of Fifty Lakes managed by non-governmental entities shall apply and use the “Sustaining Minnesota Forest Resources” guidebook published by the Minnesota Forest Resources Council, 2005 as a voluntary site-level forest management guideline for management and harvest.
- 3.06.01 Fertilizer must be used in accordance with the provisions of the University of Minnesota Extension’s “Shoreland Best Management Practices”. Fertilizers containing phosphorous are not allowed.

5.07 Forest Management Use Standards

The harvesting of timber and associated reforestation or conversion of forested use to a non-forested use must be conducted consistent with the following standards:

- 5.07.01 The harvesting of timber and associated reforestation must be conducted consistent with the provisions of “Sustaining Minnesota Forest Resources”.
- 5.07.02 If allowed, forest land conversion to another use requires the issuance of a conditional use permit and adherence to the following standards:
 - a) Shore and bluff impact zones must be preserved and not cleared of vegetation; and,
 - b) An erosion and sediment control plan must be developed by the Crow Wing County Soil and Water Conservation District and approved by the Zoning Administrator before issuance of a conditional use permit for the conversion.

5.08 Home Occupation Use Standards

- 5.08.01 **Intent.** Home Occupations are important to the community in allowing reasonable use of residentially zoned property while protecting the commercial tax base within the City. Home Occupations are allowed without a permit within the City provided they meet the following minimum performance standards.
- 5.08.02 **Performance Standards**
 - a) The home occupation shall be conducted exclusively within the principal structure on the property and/or in an attached or accessory structures.

City of Fifty Lakes Land Use Ordinance

- b) No persons other than persons residing on the premises shall be allowed as employees of the home occupation.
- c) No exterior signage shall be allowed in excess of six (6) square feet of nameplate signage. The sign shall be limited to the name and phone number of the facility. The sign shall be placed on the principal structure or accessory structure and shall not be illuminated.
- d) Two parking spaces for customers may be provided they are not within a public road right-of-way.

5.09 Home Business Use Standards

- 5.09.01 A home business requires an interim ~~conditional~~ use permit and shall comply with the following standards:
- a) There shall be a primary residence on the property that is occupied by the business owner. The business enterprise may be conducted outside as well as within the buildings.
 - b) There may only be one sign, with a permit, on the parcel advertising the business which shall not be illuminated, and shall not measure greater than 12 square feet in area.
 - c) Persons other than those that occupy the dwelling may be employed.
 - d) The outdoor storage of those items not generally considered to be retail display items shall be screened from view from public roads, abutting residences, public surface water and public recreational facilities.
 - e) The Planning Commission/Board of Adjustment may impose conditions on home businesses such as, but not limited to, hours of operation, parking provisions, and equipment storage.

5.10 Extractive Use Standards

- 5.10.01 Policy. Extractive Use is important to the City and contributes directly and indirectly to the economy of the City. Construction sand and gravel are used in concrete, aggregates, concrete products, asphalt, road base, fill, snow and ice control and other miscellaneous uses. Peat, black dirt, rock and other soils are used extensively for landscaping. The excavation of these materials requires an interim use permit.
- 5.10.02 Purpose. The purpose of this Section is to ensure that extractive uses will proceed in an environmentally sound manner and that the area will be properly reclaimed.
- 5.10.03 Applicability. All forms of extractive use shall be subject to the provisions of this Section including, but not limited to, gravel, sand, topsoil, humus, and any other similar uses in which material is removed from the ground, except for the following:
- a) Personal non-commercial extractive use by the owner of the land on which the extractive use takes place is exempt from permitting requirements, but are subject to restoration requirements in Section 5.10.05 within one year of suspension of extraction activities.
 - b) Commercial extractive uses in existence on the date of adoption of this ordinance may continue:

City of Fifty Lakes Land Use Ordinance

1. Subject to the conditions and restrictions of any previously approved permits.
2. If not previously permitted, obtain an interim use permit under this Section within two years of the date of adoption of this ordinance.

5.10.04 In addition to the application and information for an interim use permit in Section 3.10, all new extractive use applications shall included:

- a) An index map, using a U.S.Geological Survey topographic, showing all features within one (1) mile of the pit including all residences, wetlands, lakes, rivers, streams, roads, existing borrow pits, and utility lines.
- b) A written site plan for the extractive use operation including:
 1. Volume of materials to be excavated,
 2. Length of time the pit is to be in operation,
 3. Amount of truck activity at highest and average levels, dust control measure
 4. Buffer area,
 5. Depth to ground water and methods to prevent groundwater contamination.
 6. Hours of operation,
 7. Existing vegetation, additional buffer type and area (if needed) to screen pit from adjacent residences,
 8. Haul road location, routes trucks will take to and from site, established property line.
 9. Property access control plan including types of barriers established to exclude people and livestock by the active area of excavation,
 9. Dust control plan,
 10. Noise abatement plan,
 11. Drainage within the extractive use site and from the site,
 12. Reclamation plan and future plans including the timing of reclamation and location and adequacy of top soils set aside for reclamation.
 13. Preservation and mitigation plan for any cultural and/or archaeological sites,
- b) A detailed drawing at a scale of 1 inch per 100 ft (unless pit property covers 40 acres or more, then 200 ft per inch) including the following:
 1. A contour map indicating two (2) foot intervals.
 2. Location of the parcel on which the extractive use is located.
 3. Dimensions and area of the extractive use site.
 4. All setbacks from roads and adjacent property lines.
 5. Location, size and use of all structures on the parcel.
 6. Location of all adjacent structures, within one quarter (1/4) mile and their use.
 7. Extent of vegetation in buffer area.
 8. Location of utilities.
 9. Location of all interior roads, barricades, right of ways and easements.
 10. Location of all lakes, rivers, streams and wetlands on the property.

5.10.05 Standards

- a) Reclamation of property to an acceptable and safe condition:
 1. Where natural vegetation exists, a buffer strip (a minimum of fifty (50) feet in width) shall remain along the border of the property lines and

City of Fifty Lakes Land Use Ordinance

- road right-of-ways. Said buffer area may contain a haul road, if for safety purposes, the pit access needs to be within the buffer area. Haul roads may be placed in buffer area to avoid wetlands. Haul roads must be located as far away from adjacent property as feasible unless permission has been received from adjacent property owner.
- a. If authorized in an approved reclamation plan the buffer area may be used for storage of topsoil for final sloping. All topsoil storage areas must be seeded and mulched to prevent erosion.
 - b. Buffer area shall apply to all public roads and highways. Buffer area shall begin at edge of right of way.
 - c. Property lines shall be established either by a Registered Survey or Written Agreement as to property lines with adjacent property owner and pit operator/owner. A copy of any such survey or agreement shall be on file with the Zoning Administrator.
2. Where vegetation is lacking, evergreen seedlings and grasses or legumes shall be planted to establish a screen.
 3. Pit slopes shall be left in a safe and non-hazardous condition.
 4. An ongoing reclamation plan shall be submitted and adhered to in order that the pit is kept in a safe non-hazardous condition.
 - a. Non-working face of pit shall be maintained at slope not exceeding 2:1 except at cessation of operation slope shall not exceed 3:1. The working face may be greater slope than 2:1 provided that by November 15th of each year banks that are higher than 15 ft shall be rounded for safety purposes, or shall be fenced. Permanent extractive uses may be exempted from this standard providing the operator demonstrates to the Zoning Administrator that the property access controls and established barriers are such that these safety measures are not needed.
 5. Erosion, ~~and~~ sediment control, and vegetative establishment measures shall conform to the standards and specifications of the Natural Resources Conservation Service "Field Office Technical Guide" or that of the Minnesota Department of Transportation.
 6. All trees, brush and stumps and any other debris removed for the sole purpose of operation of the pit shall be disposed of in a manner acceptable to the fire warden and local solid waste authority. In no case shall vegetation from over a ten (10) acre area be kept on the property unless it is burned or buried.
 7. All slopes shall be stabilized, equipment and structures removed, top soil properly placed, permanent seeding and mulching completed, banks rounded and conform to surrounding topography and any other reclamation on approved plan completed. The Zoning Administrator to be notified upon completion and an inspection made before the performance security bond is released.
 8. Pits may be reclaimed for wetland mitigation or creation. If it is the owner/operators intent to reclaim in this manner it must be approved as part of the reclamation plan by the Planning Commission/Board of Adjustment.
 9. No more than five (5) acres of land on the excavation site shall be opened at any time.
 10. Reclamation must occur within one year of the cease of operation.

City of Fifty Lakes Land Use Ordinance

- b) A performance security bond of \$2,500 per acre with a minimum of \$2,500 or that amount designated by the Planning Commission/Board of Adjustment, conditioned in favor of the City of Fifty Lakes, shall be posted with the Zoning Administrator in lieu of satisfactory pit reclamation. A photocopy of the bond, or any bond required by the State, shall be provided by the operator to the Zoning Administrator.
- c) Proof of approved State and Federal permits as required shall be provided. The contractor shall present operational permits as required by the Minnesota Pollution Control Agency when applying for a permit.
- d) Noise, Water and Air Pollution. The contractor or operator shall conform to the standards and requirements of the Minnesota Pollution Control Agency for operation in the gravel pit.
 - 1. Dust control measures shall be utilized on non-paved routes in accordance with the local road authority.
 - 2. Dust control measures shall take place in the pit if dust leaves the pit and affects adjacent residential properties.
- e) Water Setbacks – No new gravel pit source shall be established within the shorelands zone.
- f) Excavation may not be below the water table without appropriate State Permits being on file and provided there is no adverse impact on surface water or nearby wells.
- g) Residence Setbacks - No processing equipment, such as screening, crushing, or washing plants shall operate within 1,000 feet of any adjacent occupied residence unless the operator obtains written permission from the residence owner(s).
- h) The contractor or operator shall provide traffic safety devices in the proximity of the operation.
 - 1. All entrances and exits shall be constructed so as not to create a safety hazard.
 - 2. "Truck Hauling" Signs shall be placed along all roadways a distance of not less than 500 ft. Signs must be covered or removed when pit not in operation.
 - 3. A pit shall have a barrier access and such barriers shall be clearly visible to prevent safety hazards to the public. Such barrier shall not be of cable, chain or similar materials. The control barrier shall deny access to the pit when pit is not in operation.
 - 4. Haul road shall be constructed in such a manner that minimizes the view into the pit from the public road or adjacent residences unless improved visibility is required for safety purposes.
- i) Hours of operation shall be 7:00 A.M. to 7:00 P.M., Monday through Friday. No extractive use operation shall take place on Weekends or Holidays. Equipment maintenance may take place during those hours when pit not in operation.
 - 1. Pit hours may be extended when an emergency exists. An emergency is a short term, unplanned and unexpected event where an immediate need for material exists in order to address a significant threat to public safety.
- j) An extractive use shall be used only for those operation directly related to the extractive use. Any other use shall require an Interim Use Permit.

City of Fifty Lakes Land Use Ordinance

1. It shall be the responsibility of the operator/owner to control activity within the pit as well as to clean up any debris or other materials left on site.
 - k) No waste classified as hazardous by the Minnesota Pollution Control Agency shall be disposed of at the site.
 - l) Crushing operation shall be limited to thirty (30) days in one calendar year. Hauling may continue until completion of the permit. Operations beyond 18 days will require an Interim Use Permit.
 - m) Any encroachment into a utility right of way shall only be allowed with written approval of the utility owner.
 - n) Where several operators may work in the same pit at different times, the land owner shall be the permit holder and be responsible to meet the requirements of this ordinance.
 - o) All extractive use permits shall be subject to review and inspection every two years for compliance and adequacy of the performance security bond.

5.11 Mining of metallic minerals and Peat Standards

Mining of metallic minerals and peat are regulated under the provisions of Minnesota Statutes, Chapter 93

5.12 Accessory Structures¹⁸

- 5.12.01 Accessory structures or uses shall require the establishment of a principal structure when placed on parcels less than 10 acres in size.
- 5.12.02 One accessory structure shall be allowed on parcel 10 acres in size and greater when placed on a parcel without a principal structure.
- 5.12.03 All parcels with accessory structures permitted without principal structures shall have adequate buildable area for a principal structure, a subsurface sewage treatment system (SSTS) and a well.
- 5.12.04 Accessory structures constructed on a parcel without a principal structure shall meet the following setback requirements:

Sideyard:	50 feet
Right-of-way:	100 feet

¹⁸ Amended 10/9/18 and 2/14/23

5.13 Commercial Mixed-Use (CMU)¹⁹

5.13.01 Intent and Purpose: To establish and maintain a land use district for a mix of medium/high density residential and commercial uses. Commercial Mixed-Use districts should be clustered to provide the maximum amount of interaction and accessibility between the different establishments.

5.13.02 Lot and Use Requirements (CMU):

Lot width– feet, minimum	50
Buildable lot area – square feet, minimum	10,000
Maximum Density (units per acre)	10
Setback, right of way	10
Setback, side yard – feet, minimum	10
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	50%
Building height – feet, maximum	25
Building above highest groundwater level – feet, minimum	3

5.13.03 Performance Standards (CMU):

- A. Parking. Developments shall minimize the appearance of parking areas.
 - i. 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.
 - ii. Landscape Buffering. Suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks and buildings.
 - iii. 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.

¹⁹ Amended 6/8/21

City of Fifty Lakes Land Use Ordinance

- 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. 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.
- E. Impervious Coverage. The impervious coverage may be increased to 75% through a land use permit if the following is provided:
 - a. A stormwater management plan that retains the 25-year, 24-hour rain event is provided on-site. Upon approval, the plan must be fully implemented and maintained.
 - b. Direct runoff to adjacent properties, including publicly owned lands, in a 25-year, 24-hour rain event is eliminated through the use of swales, berms, ditches, grading or other necessary and permitted means.
 - c. Failing to maintain the stormwater management system will be considered a violation of the Land Use Ordinance.

6.0 SUBDIVISION/PLATTING PROVISIONS

6.01 Purpose and Policy

Pursuant to Minnesota Statutes, Chapter 358, Subd. 1, to protect and promote the public health, safety, and general welfare, to provide for the orderly, economic, and safe development of land, to preserve agricultural lands, to promote the availability of housing affordable to persons and families of all income levels, and to facilitate adequate provision for transportation, water, sewage, storm drainage, schools, parks, playgrounds, and other public services and facilities, the City by this ordinance adopts subdivision regulations establishing standards, requirements, and procedures for the review and approval or disapproval of subdivisions. The regulations may contain varied provisions respecting, and be made applicable only to, certain classes or kinds of subdivisions. The regulations shall be uniform for each class or kind of subdivision. Each new subdivision of land becomes a permanent unit in the basic physical structure of the City. All divisions of land shall comply with the regulations set forth in this ordinance

6.02 Survey Filing Requirements

6.02.01 Pursuant to Minnesota Statutes, Chapter 389.08, any registered land surveyor who shall perform a survey of any lands in the City for an individual, firm, association, syndicate, partnership, corporation, trust, or any legal entity shall file a true and correct copy of the survey with the County and the City within 30 days after completion of the survey. The manner of filing and all incidents thereof shall be determined by the County with all surveys filed being public record and available for viewing.

City of Fifty Lakes Land Use Ordinance

- 6.02.02 A certificate of location of government corner shall be filed in the Office of the County Recorder for all public land survey corner positions determined and/or established by any registered land surveyor in the course of a survey pursuant to Minnesota Statutes, Chapters 160.15 and 381.12, Subd 3.
- 6.02.03 For any land survey record to be considered in compliance with this section, the requisite certificate of location of government corner must accompany the survey or have been previously filed or an agreement put in effect between the County and land surveyor to comply with this provision within the one year statutory time frame from date of the submission of the survey.

6.03 Subdivision Procedures²⁰

The following land subdivision principles, standards and requirements will be applied by the Zoning Administrator and the Planning Commission/Board of Adjustment in evaluating plans for proposed subdivisions.

- 6.03.01 **Land Suitability.** Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the City of Fifty Lakes shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, 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 sites, 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.
- 6.03.02 **Exempt Activities.** Exempt activities are divisions of land that do not require approval from the City as listed below:
- a) Resulting land divisions determined through Court action.
 - b) Cemetery plots.
 - c) Transfers of small parcels in case of encroachments, road right-of-ways, or utility easements.
 - d) Survey corrections as filed by a registered land surveyor with the County and the City.
- 6.03.03 **Metes and Bounds Subdivision.** Any division of real estate resulting in two or more parcels which are not platted, but divided by description prepared and signed by a Registered Land Surveyor. All subdivisions by metes and bounds shall be reviewed and approved or denied by the Planning Commission. The Planning Commission may include any requirement from Subdivision by Plat Sec. 6.05 to sanction orderly development. Subdivision by metes and bounds shall be limited the creation of three (3) parcels in any five (5) year period, including the remnant parcel. Conditions may be attached to an approval

²⁰ Amended 10/8/19

City of Fifty Lakes Land Use Ordinance
requiring appropriate improvements. The resulting land descriptions shall be recorded in the office of the county recorder.

- 6.03.04 **Plats.** Land divisions that create parcels not meeting the requirements of 6.03.01 or 6.03.02 above shall require platting pursuant to Minnesota Statutes, Chapter 462.358, Subdivision 3, and Chapter 505 or Chapter 515, including preliminary and final plat submission, review by the Planning Commission/Board of Adjustment and approval by the City Council.

6.04 Application Requirements

- 6.04.01 **Boundary line adjustment application.** An application for a boundary line adjustment shall include:
- a) Location of proposed lines for all affected lots;
 - b) The existing lot lines for all affected lots proposed to be changed;
 - c) The location and dimension of all structures/improvements existing upon the affected lots and the distances between structures/improvements and the proposed boundary lines if within 50 feet of the proposed property line;
 - d) The original legal description of the entire property together with the new separated legal descriptions for each parcel;
 - e) All parcel numbers of affected lots;
 - f) The location and dimension of any subsurface sewage treatment system, easements, right-of-ways existing within or adjacent to any affected lots;
 - g) The area and dimensions of each parcel following the proposed adjustment.
- 6.04.02 **Metes and Bounds Subdivision Procedure.** A metes and bounds subdivision procedure shall include the following:
- a) Submittal of the required application, fees and a certificate of survey or registered land survey drawing showing resulting divisions, parcels and descriptions together with details information meeting the design requirements of section 6.04.03.
 - b) The planning commission shall review all information to determine compliance with this ordinance and statutory requirements and approve if deemed to be in compliance. A public hearing shall not be required.
- 6.04.03 **Metes and Bounds Subdivision Design Standards.** The standards for an administrative subdivision shall be as follows:
- a) Record parcel must have deeded access to public road.
 - b) Proposed easements must have a minimum width of 33 feet.
 - c) A private easement/driveway shall not serve more than three parcels.
 - d) A road or access serving more than three parcels shall be required to be constructed to the City of Fifty Lakes' "Road Construction Specifications," platted, and dedicated to the public.
 - e) Proposed subdivision must meet the land use district standards in which it is located.
 - f) Proposed subdivisions to include location of delineated wetlands, or a letter stating there are no wetlands from certified wetland delineator, if no wetlands exist.
 - g) Applications must include all of the following applicable items:
 1. Certificate of survey.

City of Fifty Lakes Land Use Ordinance

2. County coordinates for public land survey corners if they are not of public record.
3. Certificate of location of government corner must be prepared and placed of record for any corner(s) used in determining the boundary of the subject parcel as specified in Minnesota Statutes, Chapter 381.12, Subd 3 or executed public land survey corner perpetuation and record agreement.
4. Completed wetland delineation submittal and review form or statement that none exist from a certified wetland delineator.
5. Consolidation form completed (for non-conforming property to an adjacent parcel).
6. Once approved, electronic version of subdivision (compatible with County software).
7. Subsurface sewage treatment site suitability provided for two sites on each new parcel planned, with supporting documentation from a MPCA-licensed designer or compliance inspection reports for existing systems.

6.04.04 **Preapplication meeting.** Prior to the preparation of a preliminary plat, the subdivider shall meet with the Zoning Administrator in order to be review the development proposal and the applicable ordinances provisions and regulations pertaining to the area to be subdivided. The subdivider shall submit a rough sketch of the proposed area to be subdivided.

6.04.05 **Preliminary Plat Procedure.** Pursuant to Minnesota Statutes, Chapter 462.358, Subd. 3, the procedure for consideration of a preliminary plat shall include the following:

- a) The subdivider shall submit to the Zoning Administrator eight ~~six~~ copies of the preliminary plat, covenants, and supporting documents, along with payment of the preliminary plat fee.
- b) The Zoning Administrator shall submit the plat to the Planning Commission/Board of Adjustment and shall publish notice of the time and place of the public hearing in the official newspaper at least ten days before the hearing. Notice shall also be sent to all property owners within 350 feet of the proposed subdivision. In addition, one copy of the preliminary plat shall be submitted to the County Surveyor, the County Engineer (if applicable), and the Minnesota Department of Natural Resources (if located in the Shoreland District) for their review and comment.
- c) At the public hearing set for consideration of the preliminary plat, the Planning Commission/Board of Adjustment shall evaluate the preliminary plat based on the following criteria:
 1. Subdivision policies in the City Comprehensive Plan.
 2. Applicable performance standards in this ordinance.
 3. Other standards, rules or requirements that the proposed plat must meet.
 4. Compatibility with the present land use in the area of the proposal.
 5. Environment impacts have been adequately addressed (stormwater, erosion/sediment control, wetlands, floodplain, shoreland, and subsurface sewage treatment systems).
 6. Public health, safety or traffic impacts have been adequately addressed.

City of Fifty Lakes Land Use Ordinance

- d) At the conclusion of the public hearing, the Planning Commission shall either recommend approval or denial of the preliminary plat. The Planning Commission/Board of Adjustment may also table the preliminary plat for future consideration.
- e) A preliminary plat shall be approved or denied within 120 days following submission of an application completed in compliance with this ordinance, unless an extension of the review period has been agreed to by the City and the subdivider. If the City fails to preliminarily approve or disapprove an application within this review period, the application shall be deemed preliminarily approved, and upon demand the City shall execute a certificate to that effect.
- f) The Planning Commission/Board of Adjustment may attach reasonable conditions to any approval based upon its consideration of the preliminary plat application.
- g) The action of the Planning Commission/Board of Adjustment shall be stated in writing setting forth the conditions of approval, reasons for approval or the reasons for denial. The Planning Commission/Board of Adjustment's recommendation shall then be submitted to the City Council.

6.04.06 **Preliminary Plat Submittal Requirements** Pursuant to Minnesota Statutes, Chapter 505, the following shall be submitted as part of a preliminary plat application:

- a) Preliminary plat must be prepared by a Minnesota registered land surveyor.
- b) Completed preliminary plat application and applicable fees.
- c) Scale: One inch equals 100 feet if possible, but not smaller than 1 inch equals 200 feet.
- d) Confirmation from County Recorder's Office stating that the plat name is not a duplicate or closely resembles the name of any plat previously recorded in the County.
- e) Location by section, township, range, or other identifying description.
- f) Names and addresses of the owner, subdivider, surveyor, and engineer of the plan.
- g) Graphic scale
- h) North arrow
- i) Date of preparation
- j) Existing land use district classifications for land in and abutting the subdivision.
- k) Existing conditions in tract and in surrounding area to a distance of 100 feet.
- l) Existing structures.
- m) Boundary line of proposed subdivision and ownership of adjoining lands.
- n) Total acreage of parcel to be subdivided. If riparian, total area of parcel and lot area above the ordinary high water level (OHWL).
- o) Location of platted roads, rights-of-way, and utility easements.
- p) Sewers, water mains or wells, culverts, or other underground utilities.
- q) Site suitability showing two subsurface sewage treatment system locations on each lot or evidence of public sewer availability.
- r) Well location or evidence of access to a public water supply.
- s) Erosion and sedimentation control plan for pre-construction, construction and post-construction activities.

City of Fifty Lakes Land Use Ordinance

- t) Stormwater/drainage plan according to Section 8.03.07 of this ordinance, including preliminary road grades, prepared by a Minnesota state licensed engineer.
- u) Minnesota Pollution Control Agency (MPCA) National Pollution Discharge Elimination System (NPDES) permit, if disturbing a total of more than one acre of soil.
- v) A map of the site showing soil survey data.
- w) All wetlands delineated by a certified wetland delineator including a report signed by the certified wetland delineator. The delineated wetland boundaries shall be surveyed and shown on the preliminary plat.
- x) Location of all lakes, rivers, streams, intermittent streams, public drainage ditches, water courses, bluffs, steep slopes, flood fringe and floodway boundaries (if available) including location of the ordinary high water levels (OHWL). The preliminary plat map shall include two foot contours for the entire land area proposed to be subdivided.
- y) Structure setbacks from any lake, river, stream, water course, wetland, bluff, right of way or lot line must be clearly shown on the plat.
- z) Buildable area as indicated in Table 5.01.01 for land within the shoreland residential district.
- aa) Preliminary title opinion or commitment or other proof of title acceptable to City Attorney.
- bb) Within 14 days of submitting the preliminary plat, the subdivider must clearly stake and identify on the ground the proposed lot corners and the proposed centerline of the road serving the subdivision.

6.04.07 **Final Plat Procedures.** Pursuant to Minnesota Statutes, Chapter 462.358, Subd. 3, the procedure for consideration of a final plat shall include the following:

- a) Following preliminary approval the subdivider may request final approval by the City Council, and upon such request the City shall certify final approval within 60 days if the subdivider has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of the Developer's Agreement in Section 6.06. If the City fails to certify final approval as so required, and if the subdivider has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the City shall execute a certificate to that effect. After final approval a subdivision may be filed or recorded.
- b) An approved preliminary plat or condominium plat must be submitted to the City Council for final plat approval within one year following the preliminary approval or be considered void, unless a request for time extension is submitted in writing and approved by the Council prior to expiration of the one year period.
- c) The subdivider shall provide six copies of the final plat to the Zoning Administrator along with a certificate from the County Treasurer that there are no unpaid current or delinquent taxes.
- d) The City Council shall consider the final plat at a regularly scheduled meeting.

City of Fifty Lakes Land Use Ordinance

- e) Before the City Council approves the final plat, the subdivider shall complete a Developer's Agreement pursuant to Section 6.06 of this ordinance to insure construction of all roads dedicated to the public in accordance with road specifications in Section 6.05.01. The Developer's agreement shall also insure completion of all other improvements and conditions as recommended by the Planning Commission/Board of Adjustment and/or required by the City Council. These improvements include, but are not limited to, stormwater management, erosion control, community water supply, and subsurface sewage treatment systems.
- f) Following signature of the final plat or final condominium plat by the City Council, the subdivider shall file all pertinent documents with the County Recorder. Failure to file a final or final condominium plat within eighteen (18) months following final approval shall void approval of the final plat or final condominium plat unless a request for time extension is made in writing and approved by Council prior to expiration of the eighteen (18) month period.

6.04.08 **Final Plat Submittal Requirements.** When submitting a final plat, the following components shall be required:

- a) Data requirements as set forth in Minnesota Statutes, Chapter 505 and this ordinance, and all interior and exterior boundary lines shall be correctly designated on the final plat and shall show bearings on all straight lines, or angles at all angle points, and central angle and radii and arc lines for all curves.
- b) Durable iron monuments shall be set at each angle and curve point on the interior and exterior boundary lines and at all block corners and at all intermediate points on the block or lot lines indicating a change of direction in the lines. The plat shall indicate that the monuments have been set.
- c) An identification system for all lots and blocks. All lots shall be numbered consecutively.
- d) The subdivider or owner shall submit two sets of mylar copies and an electronic version of final plat (compatible with County software) to the County Recorder after Council approval.
- e) Notarized certification by the owner and by any mortgage holder of record, of the adoption of the plat and the dedication of roads and other public areas.
- f) Certification but the County Auditor showing that all taxes currently due on the property to be subdivided has been paid in full for the calendar year in which the plat is recorded.
- g) Document indicating the results of a third party plat check by a registered land surveyor.
- h) Final Title Commitment or Title Opinion or other proof of title acceptable to City Attorney.

6.04.09 **Effect of Subdivision Approval.** Pursuant to Minnesota Statute, Chapter 462.358, Subd 3c, for one year following preliminary approval and for two years following final approval, unless the subdivider and the City agree otherwise, no amendment to the City's Comprehensive Plan or ordinances shall apply to or affect the use, development density, lot size, lot layout, or dedication or platting required or permitted by the approved application. Thereafter, a new application

City of Fifty Lakes Land Use Ordinance
shall be submitted unless substantial construction and investment has occurred in
reasonable reliance on the approved application.

6.05 Plat Design Standards

- 6.05.01 **Roads.** The design of all roads shall be considered in relation to existing and planned roads, reasonable circulation of traffic, topographical conditions, run off of storm waters and the proposed uses of the areas to be served and shall meet the following standards:
- a) Where adjoining areas are not subdivided, the arrangement of roads in new subdivisions shall make provisions for the proper projection of roads. When a new subdivision adjoins un-subdivided land, then the new road shall be carried to the boundaries of such un-subdivided land. Where new roads extend to existing adjoining roads, their projections shall be at the same or greater width, but in no case, less than the minimum required width.
 - b) Road designs shall comply with the most current version of the City of Fifty Lakes road construction specifications (attached to this ordinance as Appendix A) and the road standards of this section.
 - c) Where a proposed plat is adjacent to a primary road or highway, the City Council or other road authority may require the subdivider to provide a service road along the right-of-way to service the proposed plat. Segments of existing public roadways have controlled access right -of-way in place. The appropriate road authority shall be contacted to determine those locations.
 - d) When a subdivision or portion thereof abuts a major collector road, no lot shall have direct access thereto, unless approved by the City Council. Instead, such lots shall be provided with frontage on a frontage/backage road or an interior road, or similar design feature.
 - e) At road intersections, curb lines shall be rounded at a radius of not less than 30 feet.
 - f) Cul-de-sacs are allowed when designed to permit future road expansion into adjoining properties or where topography, environmental, land use or existing conditions justify their use as approved by the City Council. Cul-de-sacs shall include a terminal turn-around which shall be provided at the closed end, with an outside shoulder radius of not less than 50 feet and a right of way radius of not less than 66 feet.
 - g) The minimum right-of-way widths for roads shall be as follows except where existing or anticipated traffic on the roadway warrants greater right of way width as determined by a state of Minnesota licensed engineer, road authority, or the City Council:

1. Major Collector Road	100 feet
2. Minor Collector Road	100 feet
3. Local Road	66 feet
4. Cul-de-sac turn-around	132 feet
 - h) Platted roads shall be public and meet following requirements:
 - a) Shall be dedicated to the public on the final plat.
 - b) Shall have a minimum 66 foot right-of-way.
 - c) Shall be designed and constructed in accordance with the City of Fifty Lakes' road construction specifications (attached to this ordinance as Appendix A).

City of Fifty Lakes Land Use Ordinance

6.05.02 Easements

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

6.05.03 Lots

- a) Where possible, side lot lines shall be at right angles to straight or radial to curved road lines. Each lot shall front on a public road.
- b) Every lot must have adequate legal access to a public road or approved private road. If proposing to access a roadway under County authority, review the most current version of the “Driveway Access to Roads Under County Jurisdiction” on file in the office of the County Highway Department.
- c) Lots must comply with the minimum lot standards specified in Section 5.01 of this ordinance for the land use district in which the plat is located.
- d) Regard shall be shown for trees, wetlands, steep slopes, water courses, historic natural features or other similar conditions. Plans shall be submitted to minimize the impact to these natural features.
- e) Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans consistent with the purpose of this ordinance for the future use of such remnants.
- f) All newly created lots shall have primary and alternate subsurface sewage treatment system sites in accordance with Minnesota Rules, Chapter 7080.1700 and Section 9.17.08 of this Ordinance.
- g) Lots intended as controlled accesses or easements across riparian lots to public waters or for recreational use area dedicated for use by owners of nonriparian lots shall not be allowed.

6.05.04 Blocks

- a) In residential areas, other than along waterfronts or where topographic conditions necessitate otherwise for prudent land use, blocks shall not be less than 600 feet or more than 1320 feet in length measured along the greatest dimension of the enclosed block area. Design features may require consideration of future plats of other adjoining property in relation to the proposed subdivision.
- b) Blocks for commercial districts may vary from the design requirements in this Section upon evaluation and approval by the Planning Commission/Board of Adjustment.

City of Fifty Lakes Land Use Ordinance

- c) Blocks shall be wide enough to allow two tiers of lots with the minimum depth as required herein except that one tier may be allowed when the block adjoins:
 - 1. Public waters,
 - 2. A road that access is not provided to,
 - 3. Other topographic conditions of an unusual nature.

6.05.05 **Improvements.** The subdivider shall pay for the cost of all improvements required in the subdivision pursuant to their Developer’s Agreement in Section 6.06 of this ordinance including but not limited to:

- a) **Public Dedication**²¹. A reasonable portion of any proposed subdivision may be required as a dedication to the public or reserved for public use as roads, utilities, drainage, ponds, parks, playgrounds, trails, open space, and similar utilities and improvements. The City shall have the option of requiring a cash contribution in lieu of land dedication. Such cash contributions shall be based upon 5 % of the “fair market land value” of the land within such plat or subdivision as of the date presented to the Council for preliminary approval. “Fair market land value” is defined as the market value of the land for tax purposes. Any money so paid to the City shall be placed in a special fund and used for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open spaces.
- b) **Drainage.** Surface water drainage shall be provided by drainage courses adequate to drain surface water from the subdivision so as to protect roadway surfaces and the property of others. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- c) **Community water and/or subsurface sewage treatment.** Where a community water supply and/or subsurface sewage treatment system is to be provided, plans and covenants shall be included with the preliminary plat. All such systems must conform to the provisions of this ordinance.
- d) **Monuments:** All plat boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with the survey monuments pursuant to Minnesota Statutes, Chapter 505.021, Subd 10.
- e) **Stormwater Management:** Stormwater management facilities and drainage shall be completed in accordance with Section 8.03.07 of this Ordinance and be designed by an engineer licensed in Minnesota.
- f) **Erosion/Sediment Control:** All plats must include an erosion and sediment control plan and time schedule that will prevent soil loss to the Zoning Administrator before any development activity is to begin. The subdivider must also obtain a national pollution discharge elimination system (NPDES) permit from the Minnesota Pollution Control Agency if there will be disturbance of more than one acre of land.

6.06 Developer’s Agreement

Prior to City Council approval of a final plat of a proposed subdivision, the subdivider shall execute and submit to the City Council, at the expense of the subdivider, a

²¹ Amended 2/13/24

City of Fifty Lakes Land Use Ordinance

developer's agreement that shall ensure the construction of all improvements required under the provision of this ordinance and that all improvements shall be completed. The subdivider shall pay for the cost of all improvements required in the subdivision along with the subdivision's share of the cost of any road improvements or utilities to be extended to the subdivision. The developer's agreement shall stipulate that no permit of any type shall be issued until all improvements required by this ordinance have been met or are arranged for in a manner prescribed in the developer's agreement.

- 6.06.01 **Financial assurance.** The subdivider shall provide a financial guarantee naming the City as first obligee to ensure completion of all improvements as required. No part of the financial guarantee will be released until all aspects of the developer's agreement are completed unless specifically stated. The amount of the financial guarantee shall be 125% of the estimated improvement construction cost. It shall be the responsibility of the subdivider to determine the improvement construction cost which must be approved by the Zoning Administrator. Any interest accrued on funds held by the City for this purpose shall be retained by the City.
- 6.06.02 **Default:** The City shall be entitled to use the financial guarantee to implement said improvements and provide maintenance if the subdivider defaults on the timeline set forth in the developer's agreement. Upon completion of work and termination of any liability to the City, the balance remaining in the financial guarantee shall be refunded to the subdivider.
- 6.06.03 **Timeline:** The subdivider shall set a guaranteed timeline and completion plan for all improvements and a provision for determining supervision of the details of the work. The developer's agreement shall include provisions for when the road authority will be responsible for maintenance of the road(s).
- 6.06.04 **Inspections.** The subdivider shall guarantee payment for all costs incurred by the City for review and inspection. This shall include but not be limited to preparation and review of plans and specifications by technical assistants and costs incurred by the City Attorney, City Engineer, and the Zoning Administrator, as well as other related costs.

7.0 PLANNED UNIT DEVELOPMENTS (PUDs)

The City Comprehensive Plan encourages residential planned unit developments to:

- a. Protect open space, agricultural uses and woodlands.
- b. Group of housing units into relatively tight patterns.
- c. Providing for a unified network of open space.

7.01 General Provisions

- 7.01.01 Types of PUDs
Planned Unit Developments (PUDs) are only allowed in those land use districts as stated in Section 4.03. The design of Planned Unit Developments in shoreland is controlled to minimize impacts on water quality and to mitigate visual impacts from the lake.

City of Fifty Lakes Land Use Ordinance

- 7.01.02 PUDs provide more latitude in land use than normal development to allow for clustering facilities. When densities higher than normal for a tier are allowed, they must be offset by:
- a) Preservation and consolidation of open space, woodlands, and wetlands,
 - b) Increased screening and natural landscaping,
 - c) Addition of recreational facilities.
 - d) Design features that are beneficial to the residents, the community and the general public.
- 7.01.03 All parcels must be suitable in their natural state for the proposed use with minimum alterations. In determining the suitability of a parcel for a PUD, the City must consider the criteria in Sections 4.01 and 4.02 of this ordinance as well as the following:
- a.) Existing recreational use of 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;
 - d.) Level of current development in the area; and
 - e.) Amounts and types of ownership of undeveloped lands.

7.02 Processing of PUDs

Planned unit developments must be processed as a conditional use. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 10.5. Approval cannot occur until all applicable environmental reviews are complete.

- 7.02.01 Conditional use.** A Planned Unit Development shall be processed as a Conditional Use as provided for in Section 3.09 of this ordinance.
- 7.02.02 Environmental Review.** An environmental review may be required for projects that could result in significant environmental impacts. If such a review is required, it will be conducted pursuant to the standards in Section 3.14 of this ordinance.
- 7.02.03 One Land Use District.** At discretion of the City, the entire PUD may have to be in one land use district.

7.03 City Review of Application

The Zoning Administrator shall conduct the following reviews prior to submitting a PUD application to the Planning Commission/Board of Adjustment:

- 7.03.01 **Preapplication meeting and sketch plan.** In order to ensure that all applicants for PUDs are informed of the application process and procedure, as well as the requirements of this ordinance and related ordinances, applicant is required to meet with the Zoning Administrator. At the time of this initial meeting, the applicant shall present a sketch plan for review.
- a) **Sketch plan requirements.** The sketch plan need not be drawn to scale but must show the proposed PUD boundaries, intended use of the property, street layout, proposed location of structures, significant topographical and

City of Fifty Lakes Land Use Ordinance
physical features, including shoreline edge vegetation, and adjacent land use.

- b) Sketch plan shall also include a concept statement describing the project and explaining how it is designed and will function.

7.03.02 **Review of application for completeness.** After the meeting has been conducted:

- a) The applicant may submit an application based on Section 7.04 below.
- b) The Zoning Administrator shall review the application and determine if the application is complete pursuant to the requirements of this ordinance.
- c) If the Zoning Administrator determines that the application is not complete, then the application will be returned to the applicant, and the applicant shall be informed as the reasons for the incompleteness of the application.

7.03.03 **On-site review.** Within fifteen (15) working days of receipt of a completed application;

- a) The Zoning Administrator will conduct an on-site review of the property to gather information and photographs to aid in review of the application.
- b) The Zoning Administrator will ensure there are no violations of City ordinances on property.
- c) Prior to the on-site review, the applicant shall locate and identify all proposed lot and exterior boundary corners and the boundaries of the primary access drive with flags or stakes.
- d) The applicant shall also flag the location of any water based recreation and access sites.

7.04 Application Requirements for a Planned Unit Development

7.04.01 The applicant for a planned unit development shall submit an application with the City that meets all of the following requirements:

- a) **Forms:** Completed forms for the proposed PUD to be provided by the City.
- b) **Fee.** A fee in the amount listed in the fee schedule adopted by the City.
- c) **Density Calculation.** Calculations showing all information necessary to determine conformance with the density standards in Section 7.06. Proposals exceeding the allowable density maximums shall not be accepted.
- d) **Site plan:** A site plan meeting the requirements of Section 7.05.
- e) **Plat.** A subdivision plat meeting the requirements of Section 6.0 of ordinance if any land division is proposed.
- f) **Owner's Association.** A Property Owner's Association agreement with mandatory membership in accordance with Section 7.09.02 of this ordinance.
- g) **Restrictions.** Deed restrictions, covenants, permanent easements or other instruments that:
 - 1. Regulate future vegetative and topographic alterations, construction of additional buildings, beaching and mooring of watercraft, and
 - 2. Ensure the long term preservation and maintenance of open space in accordance with Section 7.09.01 of this ordinance including the perpetual renewal of the covenants and deed restrictions.
- h) **Master Plan.** A master plan/drawing describing the project.
- i) **Floor Plans.** Floor plans for all structures including height of buildings.

City of Fifty Lakes Land Use Ordinance

- j) **Additional Documents.** Any additional documents as requested by the Zoning Administrator or Planning Commission/Board of Adjustment necessary to explain how the planned unit development will be designed and will function.

7.05 Site Plan Requirements

- 7.05.01 Certificates of Survey are required with planned unit development applications and shall include the following information:
 - a) Name of Planned Unit Development
 - b) Legal description of property involved.
 - c) Name and address of owner, applicant, registered land survey and/or designer of plan
 - d) Recommended graphic scale, one (1) inch=thirty (30) feet.
 - e) North arrow.
 - f) Date of plan preparation.
 - g) All current and proposed property boundaries.
 - h) Boundary, dimensions and area of all shoreland tiers.
 - i) Total acreage of property involved.
 - j) Topographic contours at ten (10) foot intervals except areas of slopes over twelve (12) percent shall be shown at two (2) foot intervals for projected or completed development.
 - k) All roads, existing and proposed, showing right of way widths.
 - l) Location and design of all subsurface sewage treatment systems, existing and proposed, and domestic water supply.
 - m) All structures, recreational and/or accessory facilities, both existing and proposed, including but not limited to: cabins, campsites, housing facilities, lodges, offices, sheds, swimming pools, tennis courts, laundries, stores, boat storage, and fish cleaning houses, etc.
 - n) All surface water features including, but not limited to, lakes, rivers, streams, floodplains, ponds and wetlands, including location of Ordinary High Water Level including acreages of each.
 - o) Existing and proposed mooring sites, docking facilities, and other related implements including rafts and buoys, markers delineating swimming facilities and bathing areas, beaches and other facilities.
 - p) All easements and right-of ways, including document number.
 - q) All easements and right-of ways within one hundred (100) feet of plat.
 - r) Existing land use classification(s) for property and land and abutting property.

- 7.05.02 **Additional Information.** In addition to the Certificates of Survey the following information shall be submitted for the proposed planned unit development:
 - a) Existing soil conditions and soil types from the County soil survey.
 - b) Lake study showing aquatic vegetation in water, water depth in one (1) foot intervals to a depth of six (6) feet, and bottom substrate type conditions.
 - c) Grading and drainage plans which meet the requirements of Section 7.07 and 7.08.
 - d) Percent of impervious surface existing and proposed.

7.06 Density for Shoreland District Planned Unit Developments

The following process shall be used in the determination of allowed densities for planned unit developments:

7.06.01 **Density Determination.** Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.

7.06.02 Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

Classification	Tier Depth	
	No Sewer (ft)	Sewer (ft)
General Development Lakes – 1st tier	200	200
General Development Lakes – all other tiers	267	200
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All Rivers	300	300

7.06.01 Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.

7.06.02 Step 3. Determine Base Density:

A. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width.

B. For commercial PUDs:

(1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.

(a) For dwelling units, determine the average inside living floor area of dwelling units in each tier:

I. For average floor area less than 200 sf, use 200 sf.

II. For average floor area greater than 1,500 sf, use 1,500 sf.

(b) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:

I. For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.

II. For recreational vehicles, campers or tents, use 400 sf.

City of Fifty Lakes Land Use Ordinance

- (2) Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Section 7.06.02(B)1.

Inside Living Floor Area or Dwelling Site Area (sf)	Floor Area/Dwelling Site Area Ratio		
	General Development Lakes w/Sewer – all tiers	General Development Lakes w/no sewer – all other tiers	Natural Environment Lakes Remote Rivers
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

- (3) Multiply the suitable area within each tier determined in Section 7.06.01 by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.
- (4) Divide the total floor area or dwelling site area for each tier calculated in Section 7.06.02(B)1 by the average inside living floor area for dwelling units or dwelling site area determined in 7.06.02(B)1. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.
- C. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.

City of Fifty Lakes Land Use Ordinance

D. All PUDs with densities at or below the base density must meet the design standards in Section 7.07

7.06.03 Step 4. Determine if the Site can Accommodate Increased Density:

A. The following increases to the dwelling unit or dwelling site base densities determined Section 7.06.02 are allowed if the design criteria in Section 7.07 of this ordinance are satisfied as well as the standards in Section 7.06.03(B):

Shoreland Tier	Maximum density increase within each tier (percent)
1 st	50
2 nd	100
3 rd	200
4 th	200
5 th	200

B. Structure setbacks from the ordinary high water level:

- (1) Are increased to at least 50 percent greater than the minimum setback;
or
- (2) The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

7.07 Planned Unit Development Design Criteria

Proposed Planned Unit Developments shall meet all of the design criteria:

7.07.01 **Minimum development area required.** The minimum area for consideration of a new planned unit development is 200,000 sq. ft. and five hundred (500) feet of lot width for riparian lots and 320,000 sq. ft. and eight hundred (800) feet of lot width for non-riparian lots.

7.07.02 **Minimum number of units.** To qualify for a Planned Unit Development, a development must contain at least three dwelling units.

7.07.03 **Access.** Any such development, which fronts on a major road, shall be served by a common access road.

7.07.04 **Open Space Requirements.** Planned Unit Developments must contain open space meeting all of the following criteria:
a) At least seventy (70) percent of the total project area must be permanently preserved as open space; however, twenty five (25) percent of the open space may be dedicated for recreational use. Creation of stormwater ponds or rain gardens on area originally considered upland may be included in the open space.

City of Fifty Lakes Land Use Ordinance

- b) The land area of all dwelling units and accessory structures, common buildings, the space between buildings in a cluster, an area of twenty five (25) feet around each structure, all road right-of-way and all land covered by impervious surfaces, road surfaces, parking areas or structures, are developed areas and shall not be included in the computation of minimum open space;
- c) Open spaces must include area with physical characteristics unsuitable for development in their natural state, areas containing significant historical sites or unplatted cemeteries;
- d) Open space may include outdoor recreational facilities for use by owners of dwelling units, or by guests staying in units or sites.
- e) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
- f) Open space shall not include commercial facilities or uses.
- g) The appearance of open area, including topography, vegetation and allowable uses, shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance or equally and permanent means.
- h) The shore and bluff impact zones shall be included as open space. At least sixty (60) percent of shore impact zones 1 and 2 (SIZ-1 and SIZ-2) area must be preserved in their natural state.
- i) A shoreland vegetative buffer plan designed and implemented meeting the standards in Section 8.03.08.

7.07.05 **Other criteria:**

- a) If a road right-of-way (ROW) borders public waters the water-ward side of right-of-way must be a minimum of 30' from ordinary high water level (OHWL).

7.08 Erosion Control and Stormwater Management

Erosion control and stormwater management plans for a PUC must:

- 7.08.01 Be designed and the construction managed to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, infiltration areas, vegetative buffer strips, berms, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans shall be approved by the Crow Wing County Soil and Water Conservation District.
- 7.08.02 Be designed and constructed for permanent on-site treatment of one inch of stormwater runoff on all impervious surface coverage on the lot. This means that a volume of water equal to one inch multiplied by the area of impervious surface must be treated. Impervious surface coverage within any tier must not exceed that allowed in Table 5.01.01.
- 7.08.03 The stormwater management plan must be properly engineered. The hydrologic models and design methodologies used for determining runoff characteristics, and their specifications, assumptions and computations for the

City of Fifty Lakes Land Use Ordinance

plan submitted must be signed by a registered professional engineer. The stormwater management plan must include the following:

- a) Techniques which achieve a reduction of eighty (80) percent of the sediment load carried in runoff on an average annual basis until the construction site has undergone final stabilization. The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period to prevent their transport in to a lake, river or adjacent wetlands.
- b) After construction, best management practices shall be designed, installed and maintained to control total suspended solids, peak discharge, and infiltration. Planned unit developments are required to have best management practices so that the post-development infiltration volume is the same as pre-development infiltration volume. All developments shall contain a one inch storm event within the development comparable to the natural, pre-development condition. Best management practices include porous pavement, filter strips, swales, infiltration basins, discontinued impervious areas, rain gardens, berms and other similar conservation practices.

7.08.04 Construction activity that results in the disturbance of one or more acres will need a national pollution discharge elimination system (NPDES) permit from the Minnesota Pollution Control Agency (MPCA).

7.08.05 Centralization and design of facilities: Centralization and design of facilities and structures must be done according to the following standards:

- a) Planned Unit Developments shall be connected to both publicly owned water supply and sewer systems, if available. On-site water supply and subsurface sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of Minnesota Department of Health, Minnesota Pollution Control Agency and Section 9.17.
- b) Dwelling units must be situated into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification, setback from the Ordinary High Water Level, elevation above the surface water features, and maximum height.
- c) Shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock or other relevant factors. Boating facilities shall be located adjacent to deepest water available.
- d) The number of spaces provided for continuous beaching, mooring or docking of watercraft shall not exceed one for each authorized dwelling unit in the first tier. Individual docks shall not be allowed. Launching ramp facilities (If allowed in PUD) including a small dock for loading and unloading equipment may be provided for use by occupants of dwelling units. Non-moored watercraft shall be stored so they are not visible from the lake. A common access ramp requires a permit on lakes with no public access.

City of Fifty Lakes Land Use Ordinance

- e) Structures, parking area and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks, color or other means acceptable to the Planning Commission/Board of Adjustment, assuming summer leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- f) Roads must meet the road standards in Appendix A of this ordinance.
- g) Accessory structures and facilities must meet the required principal structure setback and must be centralized.

7.08.06 **Water Supply and Sewer Systems.** No system of water supply or system for disposal of sewage, industrial waste, garbage or refuse, shall be installed or extended by any public agency or by any person or corporation until complete specifications for installation, alternation or extension, together with such information as the State Board of Health and the Minnesota Pollution Control Agency may require, have been submitted and approved by the Planning Commission/Board of Adjustment.

7.09 Maintenance and Administration Requirements

All Planned Unit Developments shall meet all of the following maintenance and administration requirements:

- 7.09.01 **Open Space protection.** Before final approval of a Planned Unit Development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- a) Deed restrictions, covenants, permanent easements, public dedication and acceptance or other equally effective and permanent means must be provided to ensure perpetual preservation and maintenance of open space. The instruments must include all of the following protections:
 - 1. Commercial uses shall be prohibited.
 - 2. Vegetation and topographic alterations other than to prevent personal injury or property damage and for restoration efforts based on approved shoreland vegetation buffer plan shall be prohibited;
 - 3. Construction of additional buildings, impervious surfaces, or storage of vehicles and other materials shall be prohibited; and
 - 4. Uncontrolled beaching of watercraft shall be prohibited.
 - 5. Dumping, storage, processing or landfill of solid or other wastes shall be prohibited.
- 7.09.02 **Development Organization and Functioning.** Unless an equally effective alternative community framework is established, all Planned Unit Developments shall comply with Minn Statutes, Chapter 515B, common interest communities, and include a homeowner's association with the following features:
- a) Membership shall be mandatory for each dwelling unit purchaser and successive purchasers.
 - b) Each member shall pay a pro rata share of the association's expenses and unpaid assessments can become liens on units or sites.
 - c) Assessments shall be adjustable to accommodate changing conditions.

City of Fifty Lakes Land Use Ordinance

- d) The association shall be responsible for insurance, taxes and maintenance of all commonly owned property and facilities.

- 7.09.03 Maintenance of Vegetative Buffers, Screening and Vegetative Restoration Sites:
 - a) Maintenance shall be performed according to an approved plan.
 - b) Loss of vegetation as a result of unapproved activities shall be replaced in-kind.
 - c) Loss of vegetation as a result of natural or catastrophic events shall be replaced so as to restore the “before” conditions within a reasonable period of time, generally assumed to be 10 years.
- 7.09.04 The City has the right to inspect the Planned Unit Development at all reasonable times.

7.10 Conversions

Other land uses and facilities may be converted to Planned Unit Developments if all of the following standards are met:

- 7.10.01 Proposed conversions must be evaluated using the same procedures and standards presented in this part for developments involving new construction.
- 7.10.02 Inconsistencies between existing features of the development and these standards shall be identified and corrected.
- 7.10.03 Any nonconformity shall be abated.
- 7.10.04 A three (3) percent maximum for the PUD lakeshore frontage on any lake shall not be exceeded.

7.11 Non-Shoreland Residential PUD Density Evaluation

- 7.11.01 The design of residential planned unit developments outside of the shoreland is controlled to minimize visual impacts, provide green space and centralize facilities.
- 7.11.02 Procedures for a PUD, non-shoreland in a residential area should proceed as described in Sections 7.02 – 7.05, 7.07 -7.09. References which apply to shoreland areas should not be given consideration.

8.0 SHORELAND MANAGEMENT STANDARDS

8.01 Lot Area, and Width, Standards

See Section 5.01 for lot area and width standards

- 8.01.01 Special Provisions
 - a) Residential subdivisions with dwelling configurations with more than two dwellings unit per lot can only be allowed as residential planned unit developments under Section 7.0 of this ordinance. Only land above the

City of Fifty Lakes Land Use Ordinance
 ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met.

- b) Lots intended as controlled accesses or easements across riparian lots to public waters or as recreation areas dedicated for use by owners of nonriparian lots within subdivisions shall not be allowed.

8.02 Placement, Design, and Height of Structures

8.02.01 Placement of Structures on Lots. Structures, subsurface sewage treatment systems, and other structures and facilities must be located to meet all setbacks. Structures shall be located as follows:

Table 8.02.01 Structure and Sewage Treatment Setbacks

Classes of Public Waters	Standard Structure Setbacks	Special Protection District Structure Setback	Standard Subsurface Sewage Treatment System Setbacks	Special Protection District Subsurface Sewage Treatment System Setbacks
Natural Environment Lakes	150 (200 for duplexes)	200	150	150
Recreational Development Lakes	100	150	100	150
General Development Lakes	75	100	75	100
Tributary Rivers	100	200	100	100
Wetlands	20	20	20	20

8.02.02 **Additional Structure Setbacks.**

- a) The following additional structure setbacks apply, regardless of the classification of the waterbody.

Table 8.02.02 Additional Structure Setbacks

Setback from:	Setback (in feet)
Bluff (top, bottom, or sides)	30
Significant Cultural or Historic Site	50
Unplatted Cemetery	50
City, County, State, or Federal road right-of-way, or streets not classified	35*
Property Line	10
Publicly-owned Recreational Trail (not easements)	10
Subsurface Sewage Treatment System--Septic Tank (to dwelling unit)	10
Subsurface Sewage Treatment System--Drainfield (to dwelling unit)	20
Subsurface Sewage Treatment System--Drainfield (to road right of way) ²²	0

²² Amended 2/14/23

*20 feet for all lots created before April 18, 2002²³

- b) Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- c) Uses Without Water-oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage.

8.02.03 Design Criteria for Structures²⁴.

- a) **High Water Elevations.** Residential structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
 - 1. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.
 - 2. For streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level.
 - 3. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long-duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
- b) **Decks.** Construction of new decks or replacements of existing decks that change the shape or increase the size of the deck shall require permits and comply with the following standards:
 - 1. Decks adjacent to dwellings shall meet structure setbacks in Tables 8.02.01 and 8.02.02 of this ordinance except as provided under Minnesota Rules Chapter 6120.3300 Subpart 3 J.
 - 2. A 4 foot wide walkway, for access purposes, may be added without a variance lakeward and located closer than the required structure setback from the ordinary high water level.
 - 3. Deck construction ground preparation shall comply with all standards in Section 8.03 of this ordinance.
 - 4. Decks should be constructed to be pervious, allowing water to reach a pervious surface below the deck. Decks not meeting this requirement shall be considered impervious surfaces. Maintenance of existing decks that do not change the shape or increase the size of the deck shall not require a permit.
- c) **Patios.** Patios require permits and shall comply with the following standards:
 - 1. Not be located in shore impact zone 1(SIZ-1);
 - 2. Be free standing;

²³ Amended 12/17/17

²⁴ Amended 2/14/23

City of Fifty Lakes Land Use Ordinance

3. Have no railings;
 4. Be a maximum of 200 square feet in size in shore impact zone 2 (SIZ-2) or 400 square feet in the rear lot zone (RLZ);
 5. Not be more than one foot below or above natural ground level; and;
 6. Construction complies with all standards in Section 8.03 of this ordinance;
 7. The maximum impervious surface limits for the lot shall not be exceeded.
- d) **Fire Pits/Fireplaces (outdoor).** Fire pits shall not require permits but shall comply with the following standards. Outdoor fireplaces require a land use permit and shall comply with the following standards:
1. Only allowed in shore impact zone 2 (SIZ-2) or the rear lot zone (RLZ).
 2. All ash is disposed of in the RLZ away from any public water;
 3. Runoff from the fire pit and outdoor fireplace area shall not be allowed to enter public water;
 4. Fire pits and outdoor fireplaces shall meet right-of-way and side property line setback requirements.
 5. Outdoor fireplaces including chimneys shall not exceed 12 feet in height.
- e) **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 recreation and lake access areas. Stairways and lifts require permits and must meet the following design requirements:
1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways for commercial properties, public open-space recreational properties, and planned unit developments require a conditional use permit (CUP).
 2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet for commercial properties, public open-space recreational properties, and planned unit developments require a conditional use permit (CUP);
 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 landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical. ~~and~~
 6. Facilities such as ramps or mobility paths for handicapped access to shoreline areas may be allowed with a permit, provided that:
 1. The Zoning Administrator determines there is no other reasonable way to achieve access, and;
 2. The dimensional and performance standards of this section are met, and;
 3. The requirements of Minnesota Rules, Chapter 1341.0403 are met.
- f) **Water Oriented Accessory Structures.** One water oriented accessory structure not meeting the structure setbacks in Table 8.02.01 of this ordinance may be placed with a permit on a riparian residential lot provided the following standards are met:

City of Fifty Lakes Land Use Ordinance

1. The structure or facility must not exceed 12 feet in height and cannot occupy an area greater than 120 square feet.
 2. The setback of the structure or facility from the ordinary high water level must be at least 20 feet.
 3. The structure must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the Zoning Administrator, assuming summer, leaf-on conditions.
 4. Construction complies with all standards in Section 8.03 of this ordinance.
 5. The maximum impervious surface limits for the lot are not exceeded.
 6. The structure shall not be located within a bluff impact zone.
 7. The structure shall not be used for human habitation.
 8. The structure shall not include bathroom facilities.
- g) **Significant Historic Sites.** No structure may be placed on a significant historic site. Structures must meet the setbacks in Table 8.02.02
- h) **Steep Slopes.** The Zoning Administrator must evaluate soil erosion potential and development visibility from public waters before issuing a permit for construction of subsurface sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. All permits issued for work on steep slopes shall include an approved stormwater and erosion control plan pursuant to the standards in Section 8.05 of this ordinance. Conditions may also be attached to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on conditions.

8.02.04 **Height of Structures.** All residential structures in the shoreland residential district, except churches, must not exceed 25 feet in height.

8.02.05 **Guest Cottages and Guest Quarters.** A guest cottage or guest quarter requires a permit on a conforming residential lot in the shoreland district and shall comply with the following standards:

- a) All required setbacks are met.
- b) The maximum impervious surface limits for the lot shall not be exceeded.
- c) The maximum building footprint for a guest cottage shall not exceed 700 square feet in size.
- d) A guest cottage shall not exceed 15 feet in structure height.
- e) Guest quarters located in an accessory structure shall not exceed 700 square feet in size. Stairways and unfinished storage areas shall not be counted in this area.
- f) The building footprint for a new accessory structure containing a guest quarter shall not exceed 1200 square feet in size.
- g) Guest quarters requires a permit in existing accessory structures exceeding 1200 square feet in size.
- h) An accessory structure containing guest quarters does not exceed 25 feet in building height.
- i) Only one guest cottage or guest quarter is allowed on a lot but not both.

City of Fifty Lakes Land Use Ordinance

- j) It is located or designed to reduce visibility as viewed from public water and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
- k) Guest cottages and guest quarters are not allowed on nonconforming parcels. They shall only be allowed on lots meeting the minimum lot size and dimensions for single family lots.
- l) All permits issued for guest cottages and guest quarters shall require the implementation of an approved stormwater management plan which prevents runoff onto neighboring properties, roads and public waters through the use of bioretention, filter strips, berms, swales, rain gardens, and/or other similar conservation practices.
- m) All permits issued for guest cottages and guest quarters on riparian lots shall require the implementation of an approved shore impact zone restoration/protection plan consistent with Section 8.04 "Vegetation Alterations."

8.02.06 **Water Oriented Commercial Standards**

- a) Water Oriented Commercial Structure Setback and Height Standards:

Lake Classification	Structure Lot Line Setbacks (feet)	Setback Between Bldgs. (feet)	Road Right -of-Way Setback (feet)	Wetland Setback (feet)	Structure Height (feet)
General Development	30	20	50	20	35
Recreational Development	30	20	50	20	35
Natural Environment	30	20	50	20	35
Tributary Rivers	30	20	50	20	35

- b) All commercial standards listed in section 5.04 shall apply to waterfront commercial uses. In addition, all standards established by the Minnesota Pollution Control Agency, specifically those dealing with storage tanks regulated by Minnesota Statutes, Chapters 116.46 through 116.50, as well as all regulations established by the Fire Marshal for petroleum storage and dispensing in shoreland areas shall also apply.

8.02.07 **Special Protection Standards**

- a) Special Protection District Structure Setback and Height Standards:

Structure Lot Line Setbacks (feet)	Public Road Right -of-Way Setback (feet)	Wetland Setback (feet)
20	50	20

- b) Lands in the Special Protection District may include publicly and privately owned lands in the shoreland area.
- c) This district is intended for less intensive uses and development which have minimal impact on the environment.
- d) Commercial Planned Unit Developments (PUDs) shall be prohibited.
- e) Any permit application for residential or commercial development shall include a vegetation and wetland preservation plan, and an erosion and stormwater management plan. Rare and endangered plants shall be identified and those areas preserved.

City of Fifty Lakes Land Use Ordinance

- f) Fertilizer must be used in accordance with the provisions of the University of Minnesota Extension’s “Shoreland Best Management Practices”. Fertilizers containing phosphorous are not allowed.

8.03 Dirt Moving - Shoreland Alterations

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat. Such alterations must be conducted consistent with the provisions of the University of Minnesota Extension’s “Shoreland Best Management Practices”.

8.03.01 Policy

It is the policy of the Fifty Lakes City Council and its appointed commissions that the protection of wetlands, protected waters and sensitive slopes and bluff areas is essential to the welfare of the City as a whole. The Wetland Conservation Act of 1991, pursuant to Minnesota Statutes, Chapter 103G.245 and the state shoreland regulations in Minnesota Rules, Chapter 6120 have delegated authority to local units of government to protect the wetlands and water resources of the State of Minnesota. In as much as the excavation or fill of materials into these protected natural resources is detrimental to the welfare of the State, the City desires to adopt a dirt moving permit review process that recognizes the need for protection while attempting to streamline the application review process. In addition the Crow Wing County Water Plan has prioritized wetlands in the shoreland area for protection due to their intrinsic functions. To this end, the following standards are adopted.

8.03.02 Dirt Moving in Shoreland Areas

The standards for dirt moving in the shoreland area allow greater quantities of dirt moving as the distance from the receiving water increases. The three zones recognized within the shoreland area are: shore impact zone 1 (SIZ-1), shore impact zone 2 (SIZ-2) and rear-lot zone (RLZ). In the shoreland area all dirt moving activities require a permit. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties. Dirt moving includes but is not limited to: riprap, ice ridge alterations, and any movement of dirt.

a) Dirt moving in the shore impact zone-1 (SIZ-1)²⁵:

1. In upland areas, up to 10 cubic yards (cumulative from natural state) of movement of material (including sand) requires a permit provided that analysis of existing shoreland vegetation is conducted by the Zoning Administrator, a revegetation plan developed, and revegetation installed as set forth in Section 8.05.
2. In wetland areas, fill or dirt moving are prohibited.
3. The movement of any annual ice ridge requires a dirt moving permit. All such projects shall comply with Department of Natural Resources guidelines.

²⁵ Amended 6/11/19

City of Fifty Lakes Land Use Ordinance

4. Historic Ice Ridges. On those ice ridges with well-established vegetative cover, alterations for lake access shall require a shoreland alteration permit and comply with the following standards:
 - i. One alteration site is allowed per conforming residential lot, single nonconforming lot of record, or per group of contiguous nonconforming lots in the same ownership.
 - ii. On residential lots, the bottom width shall not exceed 15 feet, with side slopes no steeper than 2:1 (a ratio of length to height) at each end.
 - iii. On water oriented commercial lots, the maximum bottom width shall be 25 feet with 2:1 (a ratio of length to height) side slopes at each end.
 - iv. Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all ice ridge alterations to prevent erosion from upland runoff.
 - v. A stormwater management plan meeting the standards of Article 41 of this ordinance must be approved by the zoning administrator prior to any dirt moving.
 - vi. All disturbed material shall be graded landward or removed from the site.
 - vii. Any alteration below the OHWL may require approval from the Department of Natural Resources and/or U.S. Army Corps of Engineers.
- b) **Dirt moving in shore impact zone-2 (SIZ-2)**
 1. In upland areas, up to 50 cubic yards of fill/dirt moving requires a permit.
 2. In wetland areas, up to 400 square feet of fill (one time cumulative), requires a permit pursuant to Section 8.08. An approved Wetland Conservation Act Certificate of Exemption from the Crow Wing County Soil and Water Conservation District shall also be required.
 3. Only 400 sq. ft of cumulative wetland impact shall be permitted in the SIZ-2 and the RLZ.
- c) **Dirt moving in the Rear Lot Zone (RLZ)**
 1. In upland areas, up to 100 cubic yards of fill/dirt moving requires a permit.
 2. In wetland areas, up to 400 square feet of fill (one time cumulative), requires a permit pursuant to Section 8.08. An approved Wetland Conservation Act Certificate of Exemption from the Crow Wing County Soil and Water Conservation District shall also be required.
 - a. Only 400 sq. ft of cumulative wetland impact shall be permitted in SIZ-2 and the RLZ.
- d) **Dirt moving on steep slopes**
 1. Filling or excavation shall not be permitted in SIZ-1 or a bluff impact zone.
 2. Finished slopes shall not exceed 30%.

City of Fifty Lakes Land Use Ordinance

3. Plans to place fill or excavated materials on steep slopes must be designed and inspected by the Crow Wing County Soil and Water Conservation District or a registered professional engineer to insure continued stability.
- e) **Dirt moving below the ordinary high water level (OHWL).**
 1. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, sections 103G.245 and 103G.405.
- f) **Connections to public waters.**
 1. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

8.03.03 **Retaining Walls**

- a) Retaining walls in shore impact zones 1 and 2 (SIZ-1 and SIZ-2) require permits and may only be in installed situations where bio-engineering practices (vegetation) are not feasible. More than one (1) tier or combination of tiers of a retaining wall exceeding four feet in height shall require a conditional use permit.
- b) No tier of a retaining wall shall exceed four (4) feet in height. A design plan, showing elevations, stormwater drainage patterns, soil erodibility factors, critical area seeding/landscaping recommendations and amount of dirt displaced/moved for existing and proposed conditions must be submitted.
- c) Length of retaining wall is limited to half of the lot width, not to exceed forty (40) feet.
- d) No more than 30 cubic yards of dirt moving shall be permitted.
- e) Retaining walls in the rear lot zone (RLZ) require permits and may be installed provided they do not create a runoff or erosion problem.

8.03.04 **Riprap**

- a) Placement of natural rock riprap waterward of ordinary high water level does not require a permit from the City. However, all work done waterward of the ordinary high water level shall comply with Department of Natural Resources guidelines.
- b) The placement of up to ten (10) cubic yards of riprap landward of the ordinary high water level (OHWL) including associated grading of the shoreland and placement of a filter blanket, requires a dirt moving permit and shall comply with Department of Natural Resources guidelines. The placement of more than ten (10) cubic yards of riprap landward of the ordinary high water level (OHWL) including associated grading of the shoreland and placement of a filter blanket, requires a conditional use permit.
- c) Rock riprap landward of ordinary high water level will only be allowed with a permit in situations where bio-engineering practices (vegetation) are not feasible.

City of Fifty Lakes Land Use Ordinance

- d) Riprap used for ornamental purposes shall be prohibited.
- e) Permits for rock riprap landward of ordinary high water level shall also include requirements to establish vegetative shoreline buffers (landward of the riprap) with a minimum of ten (10) feet parallel to the edge of shoreline of the entire width of the lot, except for lake or river access areas. Earthen berms may be substituted for vegetative buffers.

8.03.05 Exemptions

- a) Grading, filling or excavations necessary for construction of structures, subsurface sewage treatment systems, if part of a validly issued construction/ permit, shall not require a separate dirt moving permit, unless located within wetlands, steep slopes, a shore or bluff impact zone.
- b) Placement of soils for the creation of yard area in upland areas of shore impact zone-2 (SIZ-2) or the rear lot zone (RLZ) are allowed without a dirt moving permit provided the fill/dirt moving is not located within a bluff or shore impact zone 1 (SIZ-1), and do not exceed 10 cu. yds.
- c) The creation of wetland habitat improvements, except in shore impact zone 1 (SIZ-1), are allowed without a dirt moving permit provided plans are approved by the Crow Wing County Soil and Water Conservation District (SWCD) prior to construction and that spoils be deposited in a manner consistent with Wetland Conservation Act (WCA) standards,
- d) The construction of livestock watering ponds, agricultural manure storage facilities which are approved by the Natural Resources Conservation Service (NRCS) and the Crow Wing County Soil and Water Conservation District (SWCD) are allowed without a dirt moving permit, except in SIZ-1 and 2.
- e) Public and private roads and parking areas are allowed without a dirt moving permit provided that the roadway is designed to achieve maximum screening from adjacent properties and public waters and are not located within wetlands, a bluff, or shore impact zone 1 or 2 (SIZ-1 or 2). All appropriate permits from other regulatory agencies must be obtained.

8.04 Vegetation Alterations

8.04.01 Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Sections 5.03 and 5.06, respectively, is allowed with a permit (unless otherwise specified below) and subject to the following standards²⁶:

- a) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of the shore and bluff impact zones and on steep slopes may be allowed as a conditional use if an erosion control and sedimentation plan is developed and approved by the Crow Wing County Soil and Water Conservation District.
- b) In shore and bluff impact zones and on steep slopes, no clearing or cutting of trees and shrubs shall be allowed except to establish a view corridor. In establishing a view corridor the following standards shall be met:
 - 1. Prior to vegetative removal regulated by this section or prior to establishing a view corridor on a riparian lot, the property owner shall

²⁶ Amended 6/11/19

City of Fifty Lakes Land Use Ordinance

contact the zoning administrator to arrange for a site visit and complete an application for vegetative alteration.

2. The zoning administrator may require that the property owner clearly mark any proposed view corridor and/or any vegetation to be removed from a riparian lot. Additionally, the zoning administrator may require the property owner to supply information on slope, soil type, property line locations, location of easements and any other information that may be needed in order for the zoning administrator to act on a request.
 3. The view corridor shall not exceed 50 feet or half the lot width, whichever is less.
 4. Tree/shrub removal within the view corridor shall not exceed 25% of the trees greater than 5" in diameter (measured at 4.5 feet above the ground, known as "diameter at breast height" or DBH), and 25% of the trees/shrubs less than 5" (DBH). A permit is not required to cut new growth (including tree branches) in order to maintain an established view corridor.
 5. From the ordinary high water level, extending through the shore impact zone and extending to the building setback, exclusive of the view corridor, no vegetative alterations are allowed, however planting of trees, shrubs and other vegetation is encouraged.
 6. The removal of exotic species such as european buckthorn, ~~or~~ purple loosestrife, or noxious species such as poison ivy or prickly ash is allowed.
 7. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 8. The existing shading of water surfaces along the shoreline is preserved during leaf-on periods of the year.
 9. Trees and shrubs which are located outside of the view corridor, but within the shore impact zone, bluff impact zone, or on steep slopes shall be left undisturbed except for the removal of exotic species such as european buckthorn or purple loosestrife or noxious species such as poison ivy or prickly ash.
 10. Naturally dead or diseased trees may be removed without a permit.
 11. A permit is not required to remove a tree that is creating a safety hazard as determined by the zoning administrator.
 12. Application of fertilizer and pesticides in shoreland must be done in such a way as to minimize runoff into the shore impact zone or public water. The use of phosphorus containing fertilizer is prohibited within the shore impact zone.
 13. Burning of yard waste is prohibited within the shore and bluff impact zones or on steep slopes.
 14. An area up to 15 ft wide within the view corridor may be 100% cleared of woody vegetation in order to accommodate a permitted path to access the shoreline. Paths, stairways, lifts and landings located in the Shore Impact Zone may not be located outside of a view corridor.
- c) A vegetative buffer consisting of trees, shrubs, and ground cover plants and understory in a natural state is required in bluff impact zones and on areas with slopes greater than 25 percent. Vegetation clearing and removal of

City of Fifty Lakes Land Use Ordinance

ground cover is not allowed except as allowed in Section 8.04.01 (b) and as follows:

1. Only removal of vegetation is necessary to accommodate the placement of a stairway and associated landings, lifts, is allowed. Trees, shrubs, and low ground cover consisting of plants and understory must be maintained in a natural state within these areas.
 2. Removal of trees or branches that pose a safety hazard or are diseased is allowed.
- d) The Zoning Administrator shall evaluate possible soil erosion impacts and the development visibility from public waters before issuing a permit for construction of roads, driveways, structures, or other alterations on steep slopes. When determined necessary, conditions shall be attached to issued permits to prevent erosion, preserve vegetation or restore vegetation to a natural state and screen structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- e) **Vegetative Mitigation.** To protect water quality and safeguard sensitive areas, on-site vegetative mitigation on riparian lots is required for:
1. A variance granted to the standards of this ordinance;
 2. Issuance of a permit for lots located on Natural Environment Lakes;
 3. Issuance of any conditional permit where evaluation and assessment determine the need for additional environmental protection.
 4. A no maintenance shoreline buffer shall be required for the issuance of a permit on riparian lots that exceeds 15% of total lot impervious coverage.
 5. Mitigation shall be proportional to the impact of the proposed project.
 6. Required mitigation shall be recommended by the Zoning administrator for permits, variances, or conditional uses.
 7. Plans shall comply with the standards in Section 8.04.01.
- f) Vegetation alteration necessary for the construction of structures and subsurface sewage treatment systems and the construction of roads and parking areas regulated by Section 8.06 of this ordinance are exempt from these vegetation alteration standards.

8.05 Revegetation, stormwater management, and erosion control plans

8.05.01 The following standards shall apply to all dirt moving and vegetation alteration permits listed in Sections 8.03 and 8.04²⁷:

- a) Revegetation, stormwater management, and erosion control plans shall be developed in conjunction with the issuance of all dirt moving permits and implemented during and immediately following construction.
- b) Total impervious coverage on a lot shall be calculated for each project.
- c) Impervious surface coverage of lots must not exceed the standards in Section 5.01 of this ordinance.
- d) Plans shall be designed and approved in advance by the Crow Wing County Soil and Water Conservation District (SWCD) or a registered professional engineer using the most current standards of the Natural Resources Conservation Service, the Minnesota Department of Natural Resources, or the Minnesota Board of Water and Soil Resources.

²⁷ Amended 6/11/19

City of Fifty Lakes Land Use Ordinance

- e) The Zoning Administrator or a representative of the Crow Wing County Soil and Water Conservation District (SWCD) shall inspect all permitted projects to assure compliance with revegetation and erosion control plans.
- f) Permit applicants shall be responsible for paying all fees charged by the Crow Wing County Soil and Water Conservation District (SWCD) or an engineer in conjunction with the design and inspection of revegetation and erosion control plans.
- g) 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.
- h) Excavation or fill shall not be allowed in bluff impact zones.
- i) The fill or excavation shall not negatively impact public waters, roads, adjacent or affected properties.
- j) Mulches and similar erosion control materials shall be used to provide temporary bare ground protection. Facilities or methods shall be used to retain sediment on the site.
- k) Permanent vegetative coverage shall be established within two weeks of the completion of construction.
- l) Stormwater Management Plans are required as part of the permit approval on lots exceeding 15% impervious surface.
- m) 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.
- n) 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, rain gardens, skimming devices, dikes, waterways, berms, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
- o) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be utilized. Altered areas shall be stabilized to acceptable Best Management Practice standards.
- p) All storm water plans shall be designed for permanent on-site treatment of one inch of stormwater runoff on all impervious surface coverage on the lot. This means that a volume of water equal to one inch multiplied by the area of impervious surface must be treated. No stormwater or runoff to adjacent lots or roadways shall exceed pre construction conditions.
- q) All dirt moving permits shall be for a one (1) time fill/movement or excavation within shore impact zone 1 (SIZ-1), shore impact zone 2 (SIZ-2) and/or rear lot zone (RLZ).
- r) There shall be no boat access, road, or ramp permitted for lots on public waters that have a public access.
- s) Lake access across wetlands in SIZ-1 shall be by a walkway no more than four (4) feet in width.

8.06 Placement and Design of Roads, Driveways, and Parking Areas

City of Fifty Lakes Land Use Ordinance

- 8.06.01 Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters.
- 8.06.02 Roads, driveways, and parking areas must meet structure setbacks and must not be placed within shore impact zones 1 or 2 (SIZ 1 or 2), or bluff impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.

8.07 Special Provisions for Commercial and Public/Semipublic Uses

- 8.07.01 Surface water-oriented commercial uses and public or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those with water-oriented needs must meet the following standards:
- a) In addition to meeting impervious coverage limits, setbacks, and other land use standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - b) 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.
 - c) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey the needed information to the public, subject to the following general standards:
 1. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
 2. 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 ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
 3. 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 direct illumination out across public waters.
- 8.07.02 Uses without water-oriented needs must be located on lots or parcels without public waters frontage.

8.08 Wetland Regulation

- 8.08.01 **Policy.** It is the policy of the Fifty Lakes City Council that the protection of wetlands is essential to the welfare of the City as a whole. The Wetland Conservation Act of 1991, pursuant to Minnesota Statutes, Chapter 103G.245 has delegated authority to local units of government to protect the wetlands of the State of Minnesota.
- 8.08.02 **Wetland Conservation Act of 1991.** The filling, draining or dredging of any protected wetlands as defined in Minnesota Rules, Chapter 8420.0111, Subd. 72 within the City shall be regulated by the Crow Wing County Soil and Water Conservation District pursuant to the Wetland Conservation Act of 1991.
- a) Wetland delineation reports prepared by a certified wetland delineator shall be valid for a period of 5 years from the date of issuance. Subsequent to that time, the validity of the report must be verified by the Crow Wing County Soil and Water Conservation District at the owner's expense.

9.0 PERFORMANCE STANDARDS

9.01 Agricultural Waste and Water Supply,

- 9.01.01 **Agricultural and animal wastes.**
- a) For new operations within the shoreland area, no nutrients from agricultural or animal husbandry operations shall be deposited at a greater rate than the plant and soil system can absorb them.
- b) Animal wastes shall not be allowed to accumulate where surface waters flow directly to public water.
- c) Existing agricultural operations with animals must comply with State feedlot rules, Minnesota Rules, Chapter 7020
- 9.01.02 **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 Minnesota Department of Health Standards for wells.
- c) All water systems shall meet the requirements of Minnesota Department of Health Standards for water systems.
- d) All abandoned wells or wells to be abandoned shall be sealed according to Minnesota Department of Health Standards and reported to Minnesota Department of Health and City.

9.02 Signs

The purpose of this Section 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 character of the City; to provide adequate signs for direction and property identification purposes; and to provide adequate signs for commercial uses.

- 9.02.01 All signs are considered structures and require a permit, except as provided in this Ordinance.

City of Fifty Lakes Land Use Ordinance

9.02.02 **Signs - General**

- a) No sign shall have blinking, flashing or revolving lights or unshielded lights, except time, temperature and public information by conditional use permit.
- b) Unmaintained signs or signs for discontinued business will be removed 60 days after notification by the Zoning Administrator.
- c) Permits for signs shall consider protecting sight distances at intersections, driveways and curves.
- d) Temporary real estate signs or contractor's signs not exceeding the maximum size allowed in the zone advertising a property for sale or under construction may be placed in any zone without a permit. Such signs shall be removed immediately after the premises are rented or sold.
- e) No signs, other than traffic control signs, signs placed by the City, County or State to inform of the laws or Ordinances, or to provide direction to public facilities, shall be allowed in public rights- of-way.
- f) Except for signs listed in 9.02.02, e above, all signs shall be placed at a minimum 1 foot setback from public rights- of-way.
- g) No trespassing, no hunting, and similar signs are allowed without permit.
- h) A non-conforming sign may be refaced, removed and replaced for maintenance purposes. However, it shall not be increased in size and the support system shall not be replaced 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.
- i) Political signs may be allowed without permit; provided the property owner gives written permission and signs are removed in accordance with the laws of the State.
- j) A semi-trailer shall not be used as a sign.
- k) No sign shall exceed the maximum height of twelve (12) feet, measured from the ground to the top of the sign except for on-site signs in the commercial districts, which require a Conditional Use Permit. In no case shall any sign be over 20 feet in height.

City of Fifty Lakes Land Use Ordinance

9.02.03

On-site Signs:

- a) Non-conforming on-site signs are considered existing non-conforming uses. The entire sign shall be eliminated upon sale and transfer of the property.
- b) Banners larger than 10 square feet per side shall be allowed for up to thirty (30) days per calendar year.
- c) Portable advertising such as trailered signs shall be limited to one sign not in excess of ninety (90) days per calendar year which:
 - 1) Shall be placed on-site next to or on any building regardless of the number of businesses, owners or tenants.
 - 2) Has no flashing lights.
 - 3) Shall not utilize parking space or public sidewalks.
 - 4) Shall have a permit from the Zoning Administrator.
- d) A sign for large multi-business complex may be addressed separately in the Conditional Use Permit for the principal use to allow innovations and may be allowed to have a sign area exceeding the maximums if found compatible to the surrounding area by the Planning Commission/Board of Adjustment.
- e) Residential Zones:
 - 1) Signs shall not be internally or externally lit but may be of a reflective material.
 - 2) Residential signs shall be no larger than three (3) square feet.
 - 3) Home occupation signs shall be no larger than six (6) square feet and a maximum of twelve (12) feet-in height.
 - 4) Home business signs shall be no larger than twelve (12) square feet and a maximum of twelve (12) feet-in height.
 - 5) Only one sign shall be allowed per property.
- f) Agricultural:
 - 1) Signs shall not be internally or externally lit but may be of a reflective material.
 - 2) No sign shall be larger than thirty-two (32) square feet.
 - 3) Only one sign shall be allowed per property for advertising product or services with a maximum height of up to twelve (12) feet.
- g) Commercial:
 - 1) Each building shall be allowed to have no more than one (1) wall sign per structure.
 - 2) Each lot shall have the choice of one of the following on-site signs in addition to a wall sign.
 - a. A sign protruding from the front of the building not beyond the sidewalk and not interrupting the full use of the sidewalk.
 - b. No sign shall exceed the height of the principal building peak.
 - c. One free-standing sign with a maximum sign height of 20 feet to the top of the sign from the ground.
 - 3) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - a. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.
 - b. Signs may not be placed within the shore impact zone-1.

City of Fifty Lakes Land Use Ordinance

- c. Outside lighting may be located within the shore impact zone-1 or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

9.02.04 Off-site Signs - Commercial:

- a) Off-site signs are allowed with permit and must not exceed thirty two (32) square feet in area.
- b) Sign area shall be calculated by using the area of one side of double faced sign; however, both sides of the sign may be used for advertising.
- c) No off-site sign shall be allowed on property without the written consent of the property owner and are only valid for as long as the property owner consents.
- d) There shall be a minimum of 300 feet between off-site signs or between on-site signs that are readable from the same direction of traffic. On-site signs have preference over off-site signs.

9.02.05 Off-site Signs – Residential:

- a) No off-site signs shall be allowed for residential land uses.

9.03 Screening and Fencing

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

9.03.01 Policy

It shall be policy of the City of Fifty Lakes to encourage the use of screening and fencing practices to aid in the visual and audio separation of one land use district from another as well as to aid the separation of one facility from another within a land use district; it being recognized that each such concerned premises does thereby obtain, to the degree such screening or fencing is accomplished, the improved opportunity of use without being affected by the uses on adjoining properties. No use shall create, maintain, or continue any activity which has a strong negative visual or auditory impact on adjacent property.

9.03.02 **Fencing Standards**

- a) Fences in all land use districts shall be considered structures and require land use-permits.
- b) Fences may be constructed on a property or on a property line except within the structure setbacks from the ordinary high water level of shoreland districts.
- c) Fences shall not be erected where they create a visual safety hazard.
- d) Fences may be required as part of a project requiring a conditional use permit.
- e) Fences shall not exceed six (6) feet in height in the shoreland residential, rural residential, and special protection land use districts. In all other zones fence heights shall not exceed ten (10) feet in height. Any fence over ten (10) feet will require a conditional use permit.

City of Fifty Lakes Land Use Ordinance

- f) No fence shall have any advertising on the side facing adjoining property nor shall a fence side be otherwise adorned in a manner not compatible to the property it faces.
- g) Fences may be required as part of a Conditional Use Permit.
- h) Agricultural fences are exempt from this section.

9.03.03 Screening Standards

- a) Screening by vegetation and fencing. When screening is required and must be planted and grown to meet the requirements of this standard, five (5) years shall be allowed to meet such requirements if the necessary vegetation is planted within one (1) year of when permit is issued, but if the required screening is Medium, Heavy or Extra Heavy, temporary fencing shall also be used over the five (5) year period of time.
- b) When screening is done by means of trees, bushes, shrubbery, or other planting, the following guidelines as shown in Table 9.03.03 will be used as a minimum.
- c) Screening shall be provided on premises where required as a condition of the issuance of any permit. The screening shall meet the requirements of Table 9.03.03.
- d) Screening may be required as a part of a project requiring a conditional use permit.
- e) Screening may consist of dense planting six feet or more in height, wood walls or fences, or similar aesthetically pleasing structures. All structural elements shall not exceed the height limit for that land use district.

Table 9.03.03 Screening

Screening Type	Feet in Width	Percent Effective		Feet in Width	Percent Effective		Feet in Width	Percent Effective		Feet in Width	Percent Effective
Minimal	10 feet	20%	or	25 feet	10%	or	N/A	N/A	or	N/A	N/A
Minor	10 feet	40%	or	25 feet	20%	or	50 feet	10%	or	N/A	N/A
Medium	25 feet	75%	or	50 feet	40%	or	75 feet	20%	or	100 feet	10%
Heavy Screening	50 feet	75%	or	75 feet	40%	or	100 feet	20%	or	150 feet	10%

9.04 Exterior Storage

- 9.04.01 All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjacent properties except for:
 - a) Boats, recreational vehicles, and recreational equipment less than 20 feet in length, but must meet all structure setbacks.
 - b) Construction and landscaping materials and equipment currently being used for construction on the premises
 - c) Woodpiles, agricultural equipment and materials being used or intended for use on the premises.
 - d) Off-street parking except as otherwise regulated herein.
- 9.04.02 No more than two (2)-abandoned motor vehicles shall be stored outside. Abandoned vehicles must meet all structure setbacks and require screening.

City of Fifty Lakes Land Use Ordinance

- 9.04.03 No accumulation of litter, debris, or junk shall be allowed in any land use indistrict.

9.05 Pets and Animals

- 9.05.01 Household pets of a reasonable number, which do not constitute a nuisance, are allowed in Agricultural, Rural Residential and Shoreland Residential Districts. Animals or birds, other than household pets, may be kept or pastured in the in Agricultural and Rural Residential districts without a permit, or in the Shoreland Residential district under an interim use permit provided that:
- a) The lot area of the premises concerned is at least one acre.
 - b) Not over one animal unit per acre is kept on the premises concerned. A fraction of an acre may be used to calculate the number of animals allowed.
 - c) The keeping or pasturing of such animals does not pollute public waters or the ground water.
 - d) No such animals shall be kept or pastured within 200 feet of any residence on an adjacent property.
 - e) Accumulation of animal wastes or manure shall not be allowed.
 - f) The applicant has the facilities and a plan for caring for the animals properly.
 - g) The animals do not constitute a nuisance for adjacent properties or the City.

9.06 Parking, Storage and Usage of Recreational Vehicles²⁸

- 9.06.01 General.

- a) For the purposes of this Section, the following definitions shall apply:
 - i. “Temporary Placement” shall mean the placement of a recreational vehicle on a property for up to twenty-one (21) days in any six (6) month period of time.
 - ii. “Long-term Placement” shall mean the placement of a recreational vehicle on a property for more than twenty-one (21) days in any six (6) month period of time.
- b) Recreational vehicles (RV) shall be stored inside or shall be located to reduce visibility (through use of topography and vegetation) as viewed from public water and adjacent property.
- c) RV’s must meet dwelling setback requirements for the zone they are located in.
- d) There shall be a maximum of four units allowed on a property at any one time.
- e) No recreational vehicle placement, either temporary or permanent, shall result in a use that is kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public without an approved conditional use permit, short-term rental license, and/or commercial designation.

²⁸ Amended 2/13/24

City of Fifty Lakes Land Use Ordinance

- 9.06.02 Temporary Placement for Use
- a) Any owner or tenant on a lot may use a recreational vehicle for guests for a period of up to twenty-one (21) days in any six (6) month period without a permit.
- 9.06.03 Long-term Placement for Use
- a) Long-term placement of a recreational vehicles requires a permit.
 - b) An annual permit for long-term placement for use of recreational vehicles other than in a campground shall be allowed with a land use permit for up to three (3) years.
 - c) Placement of a recreational vehicle on a property for more than three (3) years shall require an interim use permit and installation of a conforming water supply and subsurface sewage treatment system, as defined by this ordinance.
 - d) One RV may be considered a “guest cottage” on a lot meeting the minimum requirements for “Single Family Residential” lots in Section 5.01, if no other guest quarters or guest cottages are located on the property.

9.07 Parking and Loading²⁹

- 9.07.01 On-site parking shall be provided in all zones.
- 9.07.02 Parking shall be provided at the following minimum ratios, except as modified by conditional use permit:
- a) 2 stalls per dwelling unit.
 - b) 1.5 stalls per unit for a commercial planned unit development.
 - c) 1 stall per 3 seats for assembly places.
 - d) 1 stall per 100 square feet of office space.
 - e) 1 stall per 100 square feet of retail space.
 - f) 1 stall per 3 seats for restaurants.
- 9.07.03 On-site parking shall meet structure setbacks.
- 9.07.04 All required loading spaces shall be off roads and shall be located on the same lot as the principal use served.

9.08 Use and Construction of Roads

- 9.08.01 Load limit restrictions shall be in force on City roads at the time such restrictions are imposed on county roads by Crow Wing County. The load limit during the time such restrictions are in force shall be 5 tons axle weight. The City may impose other restrictions when deemed necessary.
- 9.08.02 The speed limit on all City roads shall be 30 miles per hour.

²⁹ Amended 9/11/18

City of Fifty Lakes Land Use Ordinance

- 9.08.03 Before final approval, all roads dedicated to the public by plat or accepted by the City shall be constructed in accordance with the road standards in Appendix A and the City Road Construction Specifications on file in the office of the City Clerk.
- 9.08.04 Road Department review is required for all new driveways connecting to City Roads. Culverts (minimum 12 inch diameter) may be required to accommodate drainage.
- 9.08.05 All roads constructed to City specifications with the exception of the bituminous provision for non-public roads.

9.09 Exterior Lighting³⁰

The intent of this lighting ordinance is to minimize the impact of light pollution either to the sky, over water, adjacent streets, or adjacent properties.

9.09.01 Commercial Lighting Standards

- b) All commercial permit applications submitted after July 27, 2021 shall include an exterior lighting plan consistent with the following standards for all exterior building areas, parking areas and pedestrian paths connecting parking areas and buildings.
- c) Light fixtures shall be directed downward so the illumination does not extend past property lines, public streets or across public waters in excess of the maximum light intensities in Section 9.09.05.
- d) Shielded Fixtures. All pole mounted fixtures must be shielded.
- e) Height restrictions. Commercial lighting fixtures mounted on poles or structures shall have a maximum height of twenty-five feet (25').
- f) All commercial outdoor light poles shall be metal, fiberglass, or finished wood.

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

- e) Light fixtures shall be directed downward so illumination does not extend past property lines or across public waters in excess of the maximum light intensities in Section 9.09.05
- f) Shielded Fixtures. All pole mounted fixtures must be shielded.
- g) Height restrictions. Commercial lighting fixtures mounted on poles or structures shall have maximum height of twenty-five feet (25'),
- h) All commercial outdoor light poles shall be metal, fiberglass, or finished wood.

9.09.03 Lighting Standards for residential property on riparian lots in the shoreland district.

³⁰ Amended 6/8/21

City of Fifty Lakes Land Use Ordinance

- a) Light fixtures shall be directed downward so illumination does not extend past property lines, public streets or across public waters in excess of the maximum light levels in 9.09.04.
- b) Shielded Fixtures. All pole mounted fixtures must be shielded.
- c) The height maximum for exterior pole lighting shall not exceed twenty-five feet (25').

9.09.04 Maximum lighting levels

- a) Commercial. Any light or combination of lights used for exterior illumination on a commercial or industrial property that cast light on a public street or adjacent residential property, or public waters shall not exceed one (1) foot-candle (meter reading) as measured from the centerline of said street or at the property line.
- b) Riparian residential. Any light or combination of lights used for exterior illumination on a residential property on riparian lots that cast light on a public street or adjacent residential property, or public waters shall not exceed one-half (0.5) foot-candles (meter reading) as measured from the centerline of said street or at the property line.

9.10 Smoke

The emission of smoke by any use shall be in compliance with and regulated by Minnesota Pollution Control Agency standards pursuant to Minnesota Rules, Chapter 7009.

9.11 Dust and Other Particulated Matter

The emission of dust, fly ash or other particulated matter by any use shall be in compliance with and regulated by Minnesota Pollution Control Agency standards, pursuant to Minnesota Rules, Chapter 7009.

9.12 Odors

The emission of odorous matter in such quantity as to be offensive shall not be permitted. The emission of odor by any use shall be in compliance with and regulated by Minnesota Pollution Control Agency standards, pursuant to Minnesota Rules, Chapter 7009.

9.13 Noise

All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and as measured at any property line, shall not exceed the minimum standards established by Minnesota Pollution Control Agency standards pursuant to Minnesota Rules, Chapter 7030.

9.14 Solid Waste Management

For matters concerning solid waste management incorporate as set out in full the Crow Wing County Solid Waste Ordinance.

9.15 Adult Use

9.15.01 Statutory Authorization.

- a) Statutory Authorization. This Adult Use Ordinance is adopted pursuant to the authority delegated to City of Fifty Lakes by Minnesota Statutes, Chapter 462.353.

City of Fifty Lakes Land Use Ordinance

- b) Findings and Purpose. This section is intended to regulate “adult uses,” those premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.
1. The nature of adult uses is such that they are recognized as having adverse secondary impacts, based upon studies of the impacts that adult establishments have on their surrounding communities. The Minnesota Attorney General, the American Planning Association, and cities such as St. Paul, Minnesota; Indianapolis, Indiana; Hopkins, Minnesota; Ramsey, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington have conducted these studies.
 2. The adverse secondary impacts found in the studies include increased crime rates, decreased property values, increased transience, neighborhood blight, and potential health risks. These impacts are particularly apparent when they are accessible to minors and located near residential properties or residential uses such as schools, day care centers, libraries or parks. The nature of the adult uses requires that they not be allowed within certain land use districts, or set back a minimum distance from each other, or other residential uses. Special regulation of these uses is necessary to ensure that the adverse secondary effects would not contribute or enhance criminal activity in the area of such uses, nor will it contribute to the blighting or downgrading of the surrounding property and lessening of its value.
 3. It is therefore in the best interest of the public health, safety, and welfare of the citizens of the City of Fifty Lakes that certain types of activities, as set forth in this ordinance, are prohibited upon the premises of licensed liquor, wine, and beer establishments so as to best protect and assist the owners and operators and employees of these premises, as well as patrons and the public in general. Further, the City intends, that the standards in this ordinance reflect the prevailing community standards in the City of Fifty Lakes. This Ordinance is intended to prevent harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The City Council also desires to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various acts of criminal conduct such as prostitution, sexual assault, and disorderly conduct.

9.15.02 **Title and Short Title**

- a) Title. Pursuant to Minnesota Statutes, Chapter 617.242, the City of Fifty Lakes Council ordains this document the City of Fifty Lakes Adult Use Ordinance.
- b) Short Title. This Ordinance shall be known, and may be referred to, as the Adult Use Ordinance. When referred to in this section, it shall be known as “this ordinance”.

City of Fifty Lakes Land Use Ordinance

9.15.03 **Implementation**

- a) Jurisdiction. The provisions of this Ordinance shall apply to all adult uses located in un-incorporated areas within the boundaries of City of Fifty Lakes.
- b) Compliance. All adult uses shall be in full compliance with requirements of this Ordinance; the City of Fifty Lakes Land Use Ordinance, other applicable provisions of City, State, or Federal laws, and applicable fire, health, and/or safety codes.
- c) Non-conforming adult uses. Non-conforming adult uses shall be subject to the provisions contained in the City of Fifty Lakes Land Use Ordinance, Non-conformities.
- d) Enforcement. The City of Fifty Lakes Council, the City Attorney, and the Zoning Administrator are responsible for the enforcement of this Ordinance.
- e) Penalty. Any person, firm or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provision hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense. In addition, City of Fifty Lakes may sue for injunctive relief on any violation, or to prevent a violation, or may suspend and/or revoke any permits or licenses issued by the Board with cause.
 1. Suspension or Revocation of Adult Use License. Any violation of this Ordinance shall be a basis for suspension or revocation of any permit or license granted hereunder. In the event the Planning Commission proposes to suspend or revoke the Adult Use License, the Planning Commission shall hold a hearing. The Zoning Administrator will provide 10 days written notice to the permit and license holder before such a hearing.
- f) Interpretation. In the interpretation and application, the provisions of this Ordinance shall be interpreted to protect the public health, safety and welfare of the citizens of City of Fifty Lakes by providing for the regulation of adult uses. This Ordinance is not intended to limit or repeal any other powers granted to City of Fifty Lakes by the State of Minnesota.
- g) Severability. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this Ordinance unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby.
- h) Abrogation and greater restrictions. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
- i) Referral to other laws. If any section of this Ordinance references another Ordinance, Statue, Rule, or other provision of law, the reference shall be for that other provision of law as currently enacted and as it may be amended or re-codified in the future.

9.15.04 Administration

City of Fifty Lakes Land Use Ordinance

- a) Adult Use License Required. No person shall own or operate an adult use establishment without first having secured an Adult Use License from City of Fifty Lakes.
 1. Application. The application for an Adult Use License shall be submitted on a form provided by the City and shall include:
 - a. If the application is an individual: the name, residence, phone number, and birth date of the applicant shall be provided. If the applicant is a partnership: the names, residence, phone number, and birth date of each general and limited partner shall be provided. If the applicant is a corporation or limited liability company: the name, residence, phone numbers, and birth dates of all persons holding more than five (5) percent of the issued outstanding stock of the corporation or membership units of the limited liability company.
 - b. The name, address, phone number, and birth date of the operator and manager of such operation, if different from the owner(s).
 - c. The address and legal description of the parcel where the adult establishment is to be located.
 - d. A statement detailing any misdemeanor, gross misdemeanor or felony convictions relating to sex offenses, obscenity, or the operation of an adult establishment of adult business by the applicant, operator, and manager, and whether or not the applicant has ever applied for or held a license to operate a similar type business in any other community(s). In the case of a partnership, corporation, or limited liability company, a statement detailing any misdemeanor, gross misdemeanor or felony convictions by of any partner or the owner of more than five percent (5%) of the issued and outstanding stock of the corporation or membership units of the limited liability company, and whether or not those property owners have ever applied for or held a license to operate a similar type of business in other community(s).
 - e. The activities and types of business to be conducted.
 - f. The hours of operation.
 - g. Provisions to be utilized to restrict access by minors.
 - h. A building plan of the premises detailing all internal operations and activities.
 2. Responsibility to Obtain Other Permits/Licenses. The granting of any permit or license pursuant to requirements of this Ordinance, or other applicable City of Fifty Lakes Ordinances, shall not relieve applicants of their responsibility to obtain any required state or federal permits.
- b) Adult Use License Fee
 1. Submittal of Fees. Each application for an Adult Use License shall be submitted to the Zoning Administrator and shall be accompanied by payment in full of the required fee for the Adult Use License. If rejection should occur of any application for an adult use license, the City shall refund the license fee.
 2. Expiration of Adult Use License. Each license shall be issued for a period of one (1) calendar year. All licenses shall expire on the last day of December of each year. Any portion of a year less than 12 months shall be counted as a full year for the purpose of calculation of fees.

City of Fifty Lakes Land Use Ordinance

3. Annual Fee. The City of Fifty Lakes Council by resolution shall establish the annual fee for an Adult Use License. The fee may be adjusted from time to time.
- c) Granting of Adult Use License
1. The Zoning Administrator shall investigate all facts set out in the application. Each establishment owner, be it individual, partner, limited partner, shall be subjected to a criminal history background check by the Sheriff or their designee. Costs of the criminal history investigations shall be borne by the applicant according to a fee schedule established by the Sheriff. The applicant shall not consider the application for the adult use license complete until all required information has been furnished, the Sheriff has completed the investigation, and a report provided to the Zoning Administrator.
 2. The conditional use application process, pursuant to Section 3.09 of this ordinance, shall be followed. Application for an Adult Use License shall only be considered after the Planning Commission/Board of Adjustment has granted a Conditional Use Permit. The Adult Use License shall be issued only to the applicant and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another parcel and/or premises or person without the written permission of the City Council. If the licensee is a partnership or corporation, a change in the identity of any of the principals of the partnership or corporation shall be deemed to be a transfer of the license.
- d) Persons Ineligible for Adult Use License. No license shall be issued to any person:
1. Under eighteen (18) years of age.
 2. Who is overdue in payments to a city, state, or federal government of taxes, fees, fines or penalties, or charges for municipal services and utilities assessed against them or imposed upon them.
 3. Who has been convicted of a misdemeanor, gross misdemeanor or felony, or of violating any law of this state or local Ordinance relating to sex offenses, obscenity offenses, or adult uses.
 4. Who is not the individual owner of the establishment for which the license is issued.
 5. Who has not paid the required investigation/licensing fees required by this Ordinance.
 6. Who is acting as an agent for an individual who would be disqualified pursuant to the above criteria.
- e) Places Ineligible for Issuance of Adult Use License
1. No license shall be granted for adult establishments on any premises where a licensee has been convicted of a violation of this Ordinance, or where any license hereunder has been revoked for cause, until one (1) year has elapsed after such conviction or revocation.
 2. No license shall be granted for any adult use that is not in compliance with the City's Land Use Ordinance, or other such Rules, Codes or Regulations, such as, but not limited to, subsurface sewage treatment system, fire, health, handicap accessibility and safety codes and all provisions of federal and state law.
- f) Conditions of Adult Use License

City of Fifty Lakes Land Use Ordinance

1. All licensed premises shall have the license posted in a conspicuous place at all times.
2. No Minor shall be allowed on the premises.
3. Any designated inspection officer of the City shall have the right to enter, inspect, and search and request records of the premises of a licensee during business hours.
4. No adult use goods or materials shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.
5. In granting a license for an adult use, the City may impose additional conditions to protect the best interest of the surrounding area or the City as a whole.
6. The licensee must keep itemized written records of all transactions involving the sale or rental of all items or merchandise for at least one year after the transaction. At a minimum, those records must describe the date of the transaction, a description of the transaction, the purchase or rental price, and a detailed description of the item or merchandise that is being purchased or rented. These written records must be provided to the City or City's enforcement designee(s) upon request.
7. The licensee must cover or otherwise arrange all windows, doors, and apertures to prevent any person outside the licensed premises from viewing any items or merchandise inside the premises depicting specified sexual activities or specified anatomical areas.

9.15.05 Adult Use Operational Restrictions

a) Adult Uses-Principal

1. General Provisions. Adult uses as defined in Section 10 of this Ordinance shall be subject to the following general provisions:
 - i. No person(s) under eighteen (18) years of age shall be allowed in any adult use-principal premises, enterprise, establishment, business or place.
 - ii. No liquor license, as defined, shall be issued to any adult use related premises, enterprise, establishment, business, or place open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, description of, or participation in "specified sexual activities" or "specified anatomical areas."
 - iii. No adult use related premises, enterprise, establishment, business or place shall allow or permit the sale or service of set ups to mix alcoholic drinks. No alcoholic beverages shall be consumed on the premises of such premises, enterprise, establishment, business, or place.
 - iv. Activities classified as obscene are not allowed and are prohibited. In no instance shall the application or interpretation of this Ordinance be construed to allow an activity otherwise prohibited by law.
 - v. Adult uses, either principal or accessory, shall be prohibited from locating in any building that is also utilized for residential purposes.
 - vi. An adult use that does not qualify as an accessory use pursuant to Section 9.15.05, g below shall be classified as an adult-use principal.

City of Fifty Lakes Land Use Ordinance

- vii. The owner/operator shall hire and employ their own security personnel who shall provide crowd control to maintain orderly conduct at such establishment. These employees are not required to be law enforcement personnel.
- viii. Off-street parking shall be provided.
- b) Permitted Locations for Adult Use-Principal.
 - 1. Adult use-principal, shall only be permitted in a commercial district as defined in Section 4.02.04 of this ordinance.
 - a. Access, parking, screening, lighting, and other relevant site related criteria for all adult uses shall be as set forth in this ordinance.
 - 2. Adult-use principal, shall be located at least one thousand (1,000) lineal feet, as measured in a straight line from the closest point of the main entrance of the building within which the adult use-principal is located, to the property line of:
 - a. Any residentially used or zoned property.
 - b. Any licensed day-care center or facility.
 - c. Any public or private educational facility classified as an elementary, junior high, or senior high school.
 - d. Any hotel or motel.
 - e. Any public park or trails system.
 - f. Any nursing home.
 - g. Any youth establishment.
 - h. Any church or church related organization.
 - i. Another adult establishment. No adult use-principal shall be located in the same building or upon the same property as another adult use-principal.
 - j. Any government building.
 - 3. Another adult establishment. No adult use-principal shall be located in the same building or upon the same property as another adult use-principal.
- c) Hours of Operation. Hours of operation for Adult-uses principal shall be from 9:00 a.m. to 12:30 a.m. The Planning Commission may approve a differing time schedule if it can be satisfactorily demonstrated to the Commission that all of the following apply:
 - 1. The use does not adversely impact or affect uses or activities within 1,000 feet.
 - 2. The use will not result in increased police-related service calls.
 - 3. Is critical to the operation of the business.
- d) Sign Regulations. Adult use-principal shall adhere to the following sign regulations in addition to those set forth in Section 9.02 of this ordinance:
 - 1. Sign message shall be generic in nature and shall only identify the name and type of business. Signs shall not be pictorial.
 - 2. Signs shall be limited to the size and number of signs permitted in the district in which the use is located.
- e) Adult Cabaret Regulations
 - 1. The following additional restrictions apply to Adult Cabarets:
 - a. No person, firm, partnership, corporation, or other entity shall advertise, or cause to be advertised, an adult cabaret without a valid Adult Use License.

City of Fifty Lakes Land Use Ordinance

- b. An Adult Use Licensee shall maintain and retain for a period of two (2) years the names, addresses, and ages of all persons engaged, hired, or employed as dancers or performers by the licensee. These written records must be provided to the City or City's enforcement designee(s) upon request.
 - c. An adult cabaret shall be prohibited in establishments where alcoholic beverages are served.
 - d. No owner, operator, or manager of an adult cabaret shall permit or allow any dancer or other live entertainer to perform nude unless as provided in subparts G & H below.
 - e. No patron or any person other than a dancer or live entertainer shall be wholly or partially nude in terms of "specified anatomical area" in an adult cabaret.
 - f. No dancer, live entertainer, performer shall be under eighteen (18) years of age.
 - g. All dancing shall occur on a platform intended for that purpose which is raised at least two (2) feet above the level of the floor.
 - h. No dancer or performer shall perform or dance closer than ten (10) feet from any patron unless such dancer or performer is enclosed behind a floor to ceiling glass partition.
 - i. No dancer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer.
 - j. No person under eighteen (18) years of age shall be admitted to an adult cabaret.
- f) Viewing Booth Regulations
- 1. The following additional regulations apply to viewing booths:
 - a. Individual Motion Picture viewing booths must be without doors and the occupant must be visible at all times.
 - b. Only one person may be in a viewing booth at a time.
 - c. Walls separating booths must be such that the occupants cannot engage in sexual activity.
 - d. Each booth must be kept clean and sanitary.
 - e. Minimum lighting requirements must be maintained. Minimum lighting shall be construed to be that of which a book of general print could be easily read by any given individual.
- g) Adult Use, Accessory
- 1. Permitted Locations for Accessory Adult Uses. Adult use-accessory shall be permitted Commercial as defined in Section 4.02.04 of this ordinance, provided the accessory use conforms to the provisions of this subdivision. Adult Use-Accessory shall:
 - a. Comprise no more than ten percent (10%) of the floor area of the establishment in which it is located; and
 - b. Comprise no more than twenty percent (20%) of the gross receipts of the entire business operation; and
 - c. Not involve or include any activity except the sale or rental of merchandise.
 - 2. Separation of Areas. Adult use-accessory shall be restricted from, and prohibit access to minors, by physically separating the following and similar items from areas of general public access:

City of Fifty Lakes Land Use Ordinance

- a. Movie Rental display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view of, and under the control of, the persons responsible for the operation.
 - b. Magazines or publications classified as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
 - c. Other adult uses not specifically cited shall comply with the intent of this Ordinance.
3. Advertising. Adult Use-Accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

9.16 Tower Facility Standards

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

9.16.01 Intent and Purpose

The unique and diverse landscapes of the City of Fifty Lakes are among its most valuable assets. Protecting these assets will require that location and design of tower facilities be sensitive to, and in scale and harmony with the aesthetics of the City. This Section provides standards for the proper placement and design of tower facilities in order to ensure the compatibility with surrounding aesthetics and development. The purpose of this Section is to provide predictable and balanced standards for the siting and screening of tower facilities on both public and private property while still permitting broadcast and cellular telecommunications providers to operate in accordance with Federal Communications Commission law within the City. These standards will protect the health, safety and general welfare of persons in the area surrounding such tower facilities from possible adverse effects related to the placement, construction or modification of such tower facilities. Leasing of public building, publicly owned structures, and/or public rights-of-way for the purpose of locating wireless telecommunications services facilities and/or equipment is encouraged. In cases where a facility is proposed on City property, specific locations and compensation to the City shall be negotiated in lease agreements between the City and the provider on a case-by-case basis, and would be subject to all of the review criteria contained in this ordinance. Such agreements would not provide exclusive arrangements that could limit access to the negotiated site(s) or limit competition, and must allow for the possibility of “co-locating” (sharing of facilities) with other providers. Specifically, the Telecommunications Act of 1996, affirms local governments rights to control the site, construction, and modification of cellular and other wireless telecommunications facilities. The permitting process of this Section will not discriminate among providers of functionally equivalent services and will not prohibit the provisions of personal wireless services.

9.16.02 Applicability

It shall be unlawful for any person, firms, or corporation to erect, construct in place, or place any tower facility without first receiving permit(s) from the City.

City of Fifty Lakes Land Use Ordinance

Nor may any person, firm, or corporation alter, modify, transform, add to or change in any way an existing tower facility except in compliance with the standards in this Section. The regulation of the placement, construction, and modification of personal wireless service facilities shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

9.16.03 **Tower Facilities Generally Allowed**

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

- a) Antenna(s) incidental to residential use;
- b) Routine maintenance of existing tower facilities or modification of lighting to meet the standards in Sections 9.16.11 and 9.16.14; and,
- c) Any collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station.

9.16.04 **Land Use Permits Required**

The following tower facilities require a land use permit from the City after completing the application requirements and meeting the standards of this section:

- a) Tower facilities that are located outside the Residential land use districts and the shoreland area, unlit, camouflaged, monopole tower, and do not extend more than 10 feet above the average height of the tree canopy or 99 feet above the average ground level;
- b) The addition of antenna(s) on existing structures such as but not limited to buildings, flagpoles, church steeples, cupolas, ball field lights, power line support devices that does not require modification to the structure; and
- c) Modifications to existing towers which substantially change the physical dimensions of a tower or base station including:
 - 1. The mounting of a proposed antenna on a tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; or,
 - 2. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
 - 3. The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
 - 4. The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

9.16.05 **Conditional Use Permits Required**

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

- a) Tower facilities that are located inside the Residential land use districts and shoreland area, unlit, camouflaged, monopole tower, and do not extend more than 10 feet above the average tree height of the tree canopy or 99 feet above the average ground level, whichever is less;
- b) Tower facilities that are located outside the residential land use districts and shoreland area, unlit, from 100 feet to 199 feet in height and are designed to accommodate collocated antennas.

9.16.06 **General Standards—Tower Site**

- a) **Setback.** The tower facility shall have a minimum distance to the parcel and or recorded easement boundary, equal to the height of the tower plus 10 feet.
- b) **Fencing.** The tower facility shall be protected by a security fence a minimum of six feet in height to prohibit access by unauthorized persons.
- c) **Signage.** The owner’s name, telephone number and site ID number shall be posted on the gate of a perimeter fence. No other advertising or identification sign on any kind is allowed on the tower facility, except applicable warning and equipment information as required by the manufacturer or by Federal, State, or local authorities.
- d) **Security Lighting.** The light source for any necessary security lighting shall feature down-directed, sharp cut-off luminaries that ensure there is no spillage of illumination off the parcel or easement boundary.

9.16.07 **Permit Application Requirements**

- a) The City may contract with an independent technical expert to review technical materials submitted by the applicant, and/or to determine if additional information is necessary. The tower facility applicant shall pay the cost of such review and/or independent analysis, as well as all legal fees incurred by the City in processing a tower facility permit application.
- b) Name and address of the tower facility owner, landowner of record for the parcel where the tower facility is proposed to be located and any duly appointed agents of the parties.
- c) A visual study depicting where within a one mile radius any portion of the proposed tower facility will be visible.
- d) Site plan(s) drawn to a scale of one inch equals 20 feet or less, specifying the location of tower facility, support structures, transmission buildings and/or other accessory uses, access, parking, fences, signs, lighting, and all adjacent land uses within 1000 -feet of the base.
- e) Elevation drawings of “before” and “after” simulating and specifying ground levels, the location and height of antenna(s), support structures, equipment buildings and/or accessory uses, fences and signs of the tower facility.
- f) Map showing the search radius for the antenna location and the proposed broadcast coverage obtained by the tower facility, including a narrative describing a search radius of not less than one mile for the requested site,

City of Fifty Lakes Land Use Ordinance

clearly explaining why the site was selected, identifying and locating landing and takeoff areas of aircraft within the search radius, locating all existing tower facilities, and identifying all other structures that may be potential collocation sites. In addition, the applicant must demonstrate that the selected site will meet gaps in service that cannot be addressed by existing sites and that the service gaps exist due to unique topographic, land ownership or other environmental issues that can only be resolved by construction of a higher tower. In addition, the applicant shall demonstrate whether there will be a reduction of the number of towers required to gap service if a higher tower is approved.

- g) The documentation provided by the applicant must state whether any collocation or modification is a substantial change.
- h) A letter that requires the tower facility owner and successors to allow collocation of antenna on the tower facility if an additional user(s) agrees in writing to meet reasonable industry terms and conditions for shared use.
- i) A copy of the Federal Aviation Administration (FAA) determination or a signed statement that the proposed tower facility has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations, or that no compliance with Part 77 is required, and the reasons therefore.
- j) A copy of the Federal Communication Commission (FCC) license or a signed statement from the proposed operator of the tower facility attesting to the fact that the tower facility complies with current FCC regulations, including compliance with the regulations of the FCC with regard to maximum radio frequency and electromagnetic frequency emission, or a statement from the applicant that no such compliance is necessary, and the reasons therefore. Must comply with FCC Office of Engineering and Technology's FCC OET Bulletin 65 guideline for maximum permissible exposure to radiofrequency electromagnetic fields.
- k) Tower design and their antennas shall be certified by a licensed professional engineer to ensure that they conform to applicable state structural building standards.
- l) The applicant shall submit proof, in the form of a signed affidavit, demonstrating a good faith effort to lease or purchase space on an adjacent existing tower facility. The affidavit shall state why space is not available such as:
 - 1. The planned tower facility would exceed the structural capacity of the tower facility and the structural capacity cannot reasonably be increased:
 - 2. The planned tower facility would cause interference with the usability of other existing or planned equipment at the tower facility; and/or,
 - 3. Existing tower facility cannot accommodate the planned antenna at a height necessary to function reasonably.
- m) The owner of the tower facility shall provide performance security in accordance with Section 3.16 the cost to remove the tower facility and restore the site. This amount shall be determined by the City Planning Commission/Board of Adjustment based on input from an independent technical expert.
- n) All wetlands within 50 feet of the proposed infrastructure related to tower construction and access shall be delineated. A delineation report shall be

City of Fifty Lakes Land Use Ordinance
submitted to City by a professional-wetland delineator describing the
presence or absence of wetlands.

9.16.08 **Factors Considered for a Conditional Use Permit**

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

- a) Height of the proposed tower facility;
- b) Capacity of the tower structure for additional antenna equipment to accommodate expansion or to allow for collocation of another provider's equipment;
- c) Proximity of the tower to residential structures and residential land use district boundaries;
- d) Nature of use on adjacent and nearby properties;
- e) Surrounding topography;
- f) Surrounding tree coverage and foliage;
- g) Design and siting of the tower with particular reference to design characteristics and location that have the effect of reducing or eliminating visual obtrusiveness;
- h) Proposed ingress and egress;
- i) Availability of suitable existing towers and other structures as discussed in Section 9.16.07 ,f;
- j) Impact to the existing aesthetics and character of the surrounding area;
- k) Level of adherence to the provisions set forth in Section 9.16.01 of this article.

9.16.09 **Permit and Conditional Use Permit Approvals**

- a) The Zoning Administrator shall check all applications for completeness.
- b) The review timeline for tower facility applications shall comply with Section 3.12 of this ordinance.
- c) The City shall approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of a tower or base station.
- d) Decisions shall not be based on environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC]'s regulations.

9.16.10 **Existing Tower Facilities.** Existing tower facilities may continue including:

- a) Existing use,
- b) Routine maintenance for the existing use.
- c) Any collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station.

9.16.11 **Routine Maintenance**

All tower facilities shall be maintained in a safe and clean manner. The tower facility owner shall be responsible for maintaining a graffiti, debris and litter free site. Landscaping shall be maintained for the life of the tower facility. All tower facilities shall be subject to periodic inspection to ensure continuing compliance with all conditions of the application submitted and approval required.

9.16.12 **Time Limit on Tower Facility Construction**

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

9.16.13 **Abandonment and Removal**

The tower facility owner shall give written notice to the City within 180 days when the use of a tower facility has been discontinued and is to be abandoned. Abandoned tower facilities shall be removed within 180 days of such notice. Removal includes the complete tower facility including related infrastructures, footings and other underground improvements to a depth of 36 inches below existing grade, and restoration to pre-existing vegetative cover. Failure to remove the tower facility shall constitute a violation of this ordinance.

9.16.14 **Lighting Standards for Tower Facilities**

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

9.17 Subsurface Sewage Treatment Systems-Technical Standards and Criteria

9.17.01 **Purpose**

The purpose of the Subsurface Sewage Treatment System (SSTS) section is to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) and Midsized Sewage Treatment Systems (MSTS) including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances.

City of Fifty Lakes Land Use Ordinance

9.17.02 **Intent**

It is intended by the City that this section will promote the following:

- a) The protection of lakes, rivers and streams, wetlands, and groundwater in City of Fifty Lakes essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the City
- b) The regulation of proper SSTS construction, reconstruction, repair, monitoring, and maintenance to prevent the entry and migration of contaminants, thereby preventing the degradation of surface water and groundwater quality.
- c) The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- d) The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.

9.17.03 **City Administration**

- a) The City of Fifty Lakes Zoning Administrator shall administer the SSTS program and all provisions of this section.
- b) The City's duties and responsibilities include, but are not be limited to, the following;
 1. Review all applications for SSTS
 2. Issue all permits required in this Section
 3. Inspect all work regulated in this Section
 4. Investigate all complaints regarding SSTS
 5. Issue certificates of installation, certificates of compliance or notices of noncompliance where applicable
 6. Enact enforcement provisions of this Section as necessary
 7. Refer unresolved violations of this Section to the City Attorney
 8. Maintain current records for each permitted SSTS including all site evaluation documents, design documents, inspection documents, and other applicable documents.
 9. The City shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.
 10. Submit annual reports to MPCA as required.

9.17.04 **State Administration**

The owner or owners of a single SSTS or a group of SSTS under common ownership must obtain a State Disposal System permit from the Minnesota Pollution Control Agency according to Minnesota Rules, Chapter 7001 when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day. For proposed SSTS, the flow must be determined according Minnesota Rules, Chapter 7081.0110. For existing SSTS, the flow is determined by the greater of the average maximum seven-day

City of Fifty Lakes Land Use Ordinance

measured flow or flow amounts according to Minnesota Rules, Chapter 7081.0110. The highest calculated value of the various methods in Table I under Minnesota Rules, Chapter 7081.0130, subpart 1, must be used to make this determination, with no reduction allowed. A State Disposal System permit is not required if a factor of safety is added to the design flow that results in a design flow that is in excess of the State Disposal System permit threshold.

9.17.05 **Liability**

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

9.17.06 **All SSTS**

Except as explicitly set forth in Section 9.17.08, all provisions of this Section shall apply to any SSTS regardless of the date it was originally permitted.

9.17.07 **Existing Permits**

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

9.17.08 **SSTS on Lots Created After January 23, 1996**

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

9.17.09 **Upgrade, Repair, Replacement and Abandonment**

- a) Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Section at the time of the expansion.
- b) Any addition to a structure that includes bedroom(s) that require a land use permit from the City shall require that the SSTS meet the required design flow according to Minnesota Rules, Chapter 7080.1860 or be upgraded to meet Class 1 sizing for both the septic tanks and soil absorption area. Any required upgrades shall be completed within two years.
- c) An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rule 7080.1500, Subp.4(B) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Rules, Chapter 7080.1860.
- d) An SSTS posing an imminent threat to public health or safety shall be pumped within 24 hours and managed as a holding tank in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4(A) and said SSTS shall be upgraded, repaired, replaced or abandoned by the owner in accordance with

City of Fifty Lakes Land Use Ordinance
the provisions of this Article within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Rules, Chapter 7080.1860.

- e) Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rules, Chapter 7080.2500.

9.17.10 **SSTS in Floodplains**

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

9.17.11 **Class V Injection Wells**

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

9.17.12 **SSTS Practitioner Licensing**

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

9.17.13 **Prohibitions**

- a) **Occupancy or Use of a Building without a Compliant SSTS**
It is unlawful for any person to maintain, occupy, or use any building intended for habitation or that contains plumbing fixtures that is not provided with a wastewater treatment system or that disposes of wastewater in a manner that does not comply with the provisions of this Section.
- b) **Sewage Discharge to Ground Surface or Surface Water**
It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Section that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface

City of Fifty Lakes Land Use Ordinance

water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.

c) **Sewage Discharge to a Well or Boring**

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

d) **Discharge of Hazardous or Deleterious Materials**

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

9.17.14 **Alternative Local Standards**

- a) In no land use district shall a land use permit, shoreline alteration permit, minor subdivision, plat, conditional use permit or variance be issued without a current Certificate of Compliance or Certificate of Installation that has not expired according to Section 19.17.21(C).
- b) At least one cleanout at or above finished grade shall be installed between the structure and the septic tank with additional clean outs at intervals not more than 100 feet.
- c) Class I sizing is required on all new construction. New construction will be defined as placement of a new structure or replacement structure that is served by pressurized water.
- d) Minimum septic tank sizing shall be 1,500 gallons. This can be accomplished through a compartmentalized tank, multiple tanks in series, or a single existing 1500 gallon tank with the use of an effluent filter for the last baffle. The filter must be of such a design that when the filter is removed from the filter housing, the flow of water leaving the tank is not allowed. The first tank or compartment shall be no less than 1,000 gallons in size and applies to new and replacement SSTs. Any additional septic tanks shall be a minimum of 1,000 gallons. All other tank sizing shall follow Minnesota Rules, Chapter 7080.1930.
- e) Pump tank sizing shall follow Minnesota Rules, Chapter 7080.2100.
- f) Soil pits shall be required during the construction inspection. The soil pit shall be excavated at the time of the inspection. The soil pit shall be dug by a backhoe or other acceptable method and be excavated to a depth that will allow the verification of redoximorphic features and the three feet of vertical separation as required. Location of soil pits shall be adjacent to the lowest trench or next to the down slope side of an elevated treatment area. The pit shall not impact the hydraulic performance of the ISTS. A certificate of installation will not be issued until the soils are verified.
- g) All dwellings or buildings that contain plumbing fixtures shall meet the required setbacks to the septic tank and soil absorption area. Accessory structures, including but not limited to, decks, screen decks, porches, sheds, garages and pole buildings shall not be required to meet said setbacks provided that the tank(s) can be maintained properly and that the structure does not negatively impact the function of the system.

9.17.15 **Compliance Criteria for Existing SSTS**

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

9.17.16 **Holding Tanks**

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

9.17.17 **Variance Requests**

A property owner may request a variance from the standards as specified in this ordinance pursuant to Section 3.08 of this Ordinance.

9.17.18 **State Agency Variance Requests**

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

9.17.19 **Permit Requirements**

a) **Activities Not Requiring a Land Use Permit**

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

b) **Activities Requiring a Land Use Permit**

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

c) **Permit Requirements**

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

1. Applicant name, mailing address, telephone number, and email address.
 2. Property Identification Number, property address and legal description of property location.
 3. Site Evaluation Report, as described by Minnesota Rules, Chapter 7080.1700, made on forms provided by the Zoning Administrator.
 4. Design Report, as described in Minnesota Rules, Chapter 1750, made on forms provided by the Zoning Administrator.
 5. A management plan, as defined by Minnesota Rules, Chapter 7082.0600.
- d) **Application Review and Response**
The Zoning Administrator shall review a permit application and supporting documents according to Section 3.06 of this Ordinance.
- e) **Appeal**
The applicant may appeal any decision of the Zoning Administrator in accordance with Section 3.04 of this Ordinance.
- f) **Permit Expiration**
1. A Land Use Permit for a new SSTS is valid for a period of no more than two years from its date of issue.
 2. A Land Use Permit for the replacement of SSTS failing to protect groundwater is valid for 10 months.
 3. A Land Use Permit for the replacement of SSTS that are imminent threats to public health is valid for 10 months.
 4. Satisfactory completion of construction shall be determined by as-built drawings and a signed certification that the construction and installation of the system was completed in reasonable conformance with the approved design documents by a qualified employee of the Zoning Administrator or a licensed inspection business, which is authorized by the Zoning Administrator and independent of the owner and the SSTS installer.
- g) **Transferability**
A Land Use Permit may be transferred to a new owner provided there are no proposed changes to the SSTS design.
- h) **Suspension or Revocation**
The Zoning Administrator may suspend or revoke a Land Use Permit issued under this section for any false statements, misrepresentations of facts on which the Land Use Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid Land Use Permit is obtained.
- i) **SSTS Assessment Requirements**

City of Fifty Lakes Land Use Ordinance

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

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

9.17.20 **Operating Permit**

- a. An Operating Permit shall be required for the following SSTS:
 1. SSTS with high strength waste effluent standards that exceed Minnesota Rules, Chapter 7080.2150, Subp. 3(K);
 2. Holding Tanks;
 3. SSTS serving three or more connections;
 4. Type 4 and Type 5 SSTS;
 5. SSTS that exceed a daily flow of 2,500 gallons per day; or,
 6. MSTs designed under Minnesota Rules, Chapter 7081.
- b. Operating Permits shall be a signed agreement between the Zoning Administrator and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.
- c. A valid Operating Permit shall be considered a certificate of compliance if that system is in compliance with the requirements of the Operating Permit.
- d. Owners of holding tanks shall provide the Zoning Administrator upon request a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner and prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7082.0100, Subp. 3(G). This requirement is waived if the owner is a farmer who is exempt from licensing under Minn. Statutes, Chapter 115.56, subd. 2(b)(3).
- e. Operating Permits shall be valid for the specific term stated on the permit as determined by the Zoning Administrator.
- f. An Operating Permit must be renewed prior to its expiration. If not

City of Fifty Lakes Land Use Ordinance

renewed, the Zoning Administrator may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the Zoning Administrator may require that the system be abandoned in accordance with Section 9.17.09(E).

- g. Operating permits do not transfer to new property owners. New owners shall apply for an operating permit in accordance with this Section. The Zoning Administrator shall not terminate the current permit until 90 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Zoning Administrator may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.
- h. A report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Zoning Administrator on a form provided by the Zoning Administrator on or before the compliance reporting date stipulated in the operating permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the operating permit.
- i. The Zoning Administrator may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the operating permit was issued.
- j. If suspended or revoked, the Zoning Administrator may require that the treatment system be removed from service, operated as a holding tank, or abandoned.
- k. At the Zoning Administrator's sole discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

9.17.21 **Compliance Inspection Program**

a) **Zoning Administrator Responsibility**

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

- 7. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
- 8. The Zoning Administrator shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.
- 9. No person shall hinder or otherwise interfere with the Zoning Administrator's employees in the performance of their duties and responsibilities pursuant to this Section. Refusal to allow reasonable access to the property by the Zoning Administrator may result in a determination of noncompliance.
- 10. A signed winter agreement may be accepted in lieu of a compliance

City of Fifty Lakes Land Use Ordinance

inspection for property transfers, permit applications and designs to the Zoning Administrator between November 1 and April 30, at the Zoning Administrator's sole discretion, provided the required information is submitted to the Zoning Administrator by June 1 of the subsequent year. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Ordinance.

b) New Construction or Replacement

1. New installation inspections must be performed on new or replacement SSTS in accordance with Minnesota Rules, Chapter 7082.0700. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced.
2. It is the responsibility of the SSTS owner or the owner's agent to notify the Zoning Administrator 24 hours prior to the installation inspection.
3. If the installer provides proper notice and the Zoning Administrator does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing with a certified statement that the installation of the SSTS met the appropriate standards of this Article within five working days of the installation.
4. A Certificate of Installation for new SSTS construction or replacement shall be issued by the Zoning Administrator within 30 days of inspection if the Zoning Administrator has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
5. The Certificate of Installation must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
6. No SSTS shall be placed into operation until a valid Certificate of Installation has been issued.
7. Certificates of Installation for new construction or replacement shall remain valid for (5) five years from the date of issue unless the Zoning Administrator finds evidence of noncompliance.

c) Existing Systems

1. Compliance inspections shall be required when any of the following conditions occur:
 - a) When applying for a land use permit, shoreline alteration permit, minor subdivision, plat, land use map amendment, conditional use permit or variance and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
 - b) Within 90 days of conveyance of any real property and the Certificate of Installation is more than five years old or the

City of Fifty Lakes Land Use Ordinance

Certificate of Compliance is more than three years old.

- c) Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the system.
 - d) At any time as required by this Ordinance or the Zoning Administrator deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.
2. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions, must be assessed, or verified:
 - a) Watertightness assessment of all treatment tanks including a leakage report;
 - b) Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including a vertical soil separation verification report unless soils have been verified according to Minnesota Rule 7082.0700, Subpart 4B.
 - c) Sewage backup, surface seepage or surface discharge including a hydraulic function report.
 3. The Certificate of Compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the requirements of this Article. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A construction permit application must be submitted to the Zoning Administrator if the required corrective action is not a minor repair.
 4. The Certificate of Compliance or notice of noncompliance must be submitted to the Zoning Administrator no later than 15 calendar days after the date the inspection was performed.
 5. Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue unless the Zoning Administrator finds evidence of noncompliance.
- d) **Transfer of Property**
1. Any property on which a SSTS is located shall not be transferred or sold unless the parties to the transaction have complied with one of the following:
 - a. A current Certificate of Compliance, as provided by Section 19.17.21 C
 - b. A winter agreement, as provided by Section 19.17.21, a), 4.
 - c. In the event the seller does not provide a Certificate of Compliance or compliant Operating Permit, the seller and buyer may establish a written agreement or contract to repair, replace or upgrade the existing SSTS according to the terms of this Ordinance.
 - d. The buyer may accept total responsibility of the existing SSTS and be responsible for the necessary upgrading. In the absence of a written agreement according to Section 19.17.21 d), 1, b), the buyer

City of Fifty Lakes Land Use Ordinance

shall be responsible for the necessary upgrading of said SSTS.

e) **Commercial SSTS**

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

f) **Vertical Separation Reduction**

Minnesota Rule 7080.1500, Subp. 4(D) is hereby adopted allowing a 15 percent reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS. This provision does not apply to Section 19.17.15.

9.17.22 **Enforcement**

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

9.17.23 **State Notification of Violation**

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

9.17.24 **Record Keeping**

The City shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, Certificates of Compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, Operating Permits, an annual list of all sewage tanks installed in the City sorted by licensed installation businesses, and other records the City deems relevant to a particular system.

9.17.25 **Annual Report**

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

9.17.26 **Dispute Resolution**

City of Fifty Lakes Land Use Ordinance
Resolution of disputes between SSTS Certified Individuals regarding
conflicting compliance inspections, determination of seasonally saturation of
soils and other technical issues shall follow Minnesota Rules, Chapter
7082.0700, Subp. 5.

9.18 Commercial Storage Buildings³¹

- 9.18.01 Spacing. A commercial storage building development of one or more buildings may not be located within 4,500 feet of another commercial storage building development.

9.19 Forest Management³²

- 9.19.01 Permit Requirements.
- a) All forest management operations shall require a land use permit.
 - b) The City of Fifty Lakes Forestry Committee or Planning Commission shall review all proposed forest management plans before a land use permit is issued by the zoning administrator.
 - c) The applicant shall provide the following information (unless waived by the zoning administrator):
 - i. Site Plan identifying all tree species and acreage of each.
 - ii. Forest management plan meeting the standards of “Sustaining Minnesota Forest Resources” guidebook published by the Minnesota Forest Resources Council (2005), as amended.
 - iii. Wetland delineation report.
 - d) All harvests shall be open to city inspection.
 - e) The city may require a bond or other financial guarantee to ensure city owned haul routes (roads) are repaired (if damaged by the logging operations) to the same or better condition they were in prior to commencement of the forest management operation.

9.20 Mobile Food Unit³³

- 9.20.01 **Established Boundaries.** “Mobile Food Units,” as defined by Minnesota Department of Health, are permitted to operate in the Commercial and Commercial Mixed Use Zones.
- 9.20.02 **Permitted Uses.** Mobile food units including trucks, trailers, wagons, carts, etc. are allowed to operate with a permit on public and private property subject to the following:
- a) Mobile food unit hours of operation shall be limited to 7:00 am to 11:00 pm.
 - b) Only food and non-alcoholic beverages can be sold.
 - c) At least one (1) trash receptacle with a tight-fitting lid shall be provided.
 - d) Mobile food unit operators must clean around their unit at the end of each day.

³¹ Amended 9/10/19

³² Amended 9/10/19

³³ Amended 2/13/24

City of Fifty Lakes Land Use Ordinance

- e) Mobile food unit operators cannot call attention to themselves by crying out, blowing a horn, ringing a bell, and playing music or other noise discernable beyond the unit.
- f) Mobile food units must be kept in good repair and order and have a neat appearance.
- g) Electrical cords and hookups to public utilities are not permitted.
- h) Liquids from a food unit cannot be drained onto public property.
- i) Generators must be self-contained and fully screened from view and not exceed 70 dbs.
- j) Exterior lighting that will call attention to the setup is not permitted.
- k) Follow applicable Minnesota Department of Health regulations
- l) Copies of all required State licenses are provided to the City.
- m) One “A” frame sign not exceeding 12 square feet per side is permitted during operation.
- n) Property owner written approval is required.
- o) Mobile food units cannot be left unattended nor remain at an authorized operating location outside allowed hours of operation.
- p) Proof of liability insurance is provided in accordance with City of Fifty Lakes requirements.
- q) Mobile food units are allowed to operate during festivals and community events provided it is approved by City of Fifty Lakes as part of a festival and community events permit.
- r) Sales are permitted in a City park when approved by City of Fifty Lakes.

10.0 DEFINITIONS

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

10.01.01 *Abandoned Motor Vehicle* means a motor vehicle as defined in Minnesota Statutes, Chapter 168B.011 that:

- s) Has remained illegally:
 - 1. For a period of more than 48 hours on any property owned or controlled by a unit of government, or more than four hours on that property when it is properly posted; or
 - 2. On private property for a period of time, as determined under section Minnesota Statutes, Chapter 168B.04, Subdivision 2, without the consent of the person in control of the property; and

City of Fifty Lakes Land Use Ordinance

3. Lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.
 - t) A classic car or pioneer car, as described in Minnesota Statutes, Chapter 168.10, is not considered an abandoned vehicle.
 - u) Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with Minnesota Statutes, Chapter 161.242, or that are licensed and maintained in accordance with local laws and land use regulations, are not considered abandoned vehicles.
 - v) A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while the police hold, writ, or court order is in effect.

- 10.01.02 ***Accessory Structure or Facility*** means any building or improvement subordinate to a principal use or primary dwelling. Such structures include sheds, storage shelters, pole buildings, detached garages, and similar structures.
- 10.01.03 ***Adult Uses-Accessory*** means an adult use, business, or establishment having no more than ten percent (10%) of the floor area of the establishment in which it is located; or having no more than twenty percent (20%) of the gross receipts of the entire business operation; and not involving or including any activity except the sale or rental of merchandise.
- 10.01.04 ***Adult Uses-Applicant*** means a person submitting an application for an adult use. For the purposes of this Ordinance, an applicant is a corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivision of a state or any agency or instrumentally thereof.
- 10.01.05 ***Adult Use-Body Painting Studio*** means a business or establishment that provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a person when such body is wholly or partially nude in terms of “specified anatomical area.”
- 10.01.06 ***Adult Use-Bookstore*** means a building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an

City of Fifty Lakes Land Use Ordinance
emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas.”

- 10.01.07 ***Adult Use-Cabaret*** means a building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas.”
- 10.01.08 ***Adult Use-Companionship Establishment*** means a business that excludes minors by reason of age or which provides the service of listening to or engaging in conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- 10.01.09 ***Adult Use-Conversation/Rap Parlor*** means a business that excludes minors by reason of age or which provides the service of listening to or engaging in conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- 10.01.10 ***Adult Use-Goods or Materials*** means items which include, but are not limited to goods, materials, items, articles, clothing, services or the like as described in Subparts 4 through 19 of this Section of which there is an emphasis on the presentation, display, depiction or descriptions of “specified sexual activities” or “specified anatomical areas”.
- 10.01.11 ***Adult Use-Health/Sport Club*** means a facility that excludes minors by reason of age or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- 10.01.12 ***Adult Use-Hotel/Motel*** means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, or describing or relating to “specified sexual activities” or “specified anatomical areas.”
- 10.01.13 ***Adult Use-Massage Parlor, Health Club*** means a massage parlor or health club that restricts minors by reason of age and which provides the service of massage if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- 10.01.14 ***Adult Use-Mini Motion Picture Theater*** means a building or portion of a building with a capacity of less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

City of Fifty Lakes Land Use Ordinance

- 10.01.15 ***Adult Use-Modeling Studios*** means an establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- 10.01.16 ***Adult Use-Motion Picture Arcade*** means any place to which the public is allowed or invited wherein coin operated or slug operated, or electronically, electrically, or mechanically controlled or operated still or motor picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”
- 10.01.17 ***Adult Use-Motion Picture Theater*** means a building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- 10.01.18 ***Adult Use-Novelty Business*** means a business that has as a principal activity the sale of devices which stimulate human genitals or devices that are designed for sexual stimulation.
- 10.01.19 ***Adult Uses-Principal*** means an adult use, business, or establishment having more than ten percent (10%) of the floor area of the establishment in which it is located; or having more than twenty percent (20%) of the gross receipts of the entire business operation derived from any adult use.
- 10.01.20 ***Adult Use-Sauna*** means a business which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- 10.01.21 ***Adult Use-Steam Room/Bathhouse Facility*** means a building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- 10.01.22 ***Adult Uses*** means uses which include, but are not limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities,

City of Fifty Lakes Land Use Ordinance

adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.

- 10.01.23 **Agent** means 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.
- 10.01.24 **Agricultural operation** means a facility consisting of real or personal property used jointly or severally and its appurtenances for the production of crops, livestock, including breeding and grazing, poultry, dairy products or poultry products, forages and sod crops, fruits, vegetables, flowers, seeds, grasses, trees, fish, and apiaries, but not a facility primarily engaged in processing agricultural products. Agricultural operation shall also include certain farm activities and uses as follows: chemical and fertilizer spraying, farm machinery noise, manure collection, disposal spreading or storing, open storage of machinery, feedlots, odors produced from farm animals, crops of products used in farming, marketing produce at roadside stands, aerial seeding and spraying, and the employment and use of seasonal labor.
- 10.01.25 **Agricultural Use** means the use of land for the growing and/or production of crops or livestock products for the production of income including incidental retail sales of produce or animal products.
- 10.01.26 **Alley** means a public way used primarily as a service access to the rear or side of a property which abuts on a road.
- 10.01.27 **Animal Breeding and Boarding Facility** means any lot or premises on which dogs, cats and other household pets are kept, boarded, or raised for breeding or sale.
- 10.01.28 **Animal Feedlot** means, pursuant to Minnesota Rules, Chapter 7020, 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.
- 10.01.29 **Animal Unit** means:

Animal Type	# of Animal Units
One mature dairy cow	1.4
One slaughter steer or heifer	1.0
One horse	1.0

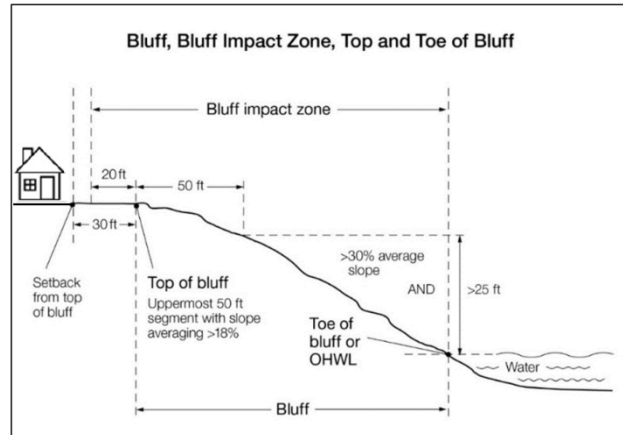
City of Fifty Lakes Land Use Ordinance

One swine over 55 lbs	0.4
One sheep or goat	0.1
One swine under 55 lbs	0.05
One turkey	0.018
One chicken	0.01

- 10.01.30 ***Animal Wastes or Manure*** means feces from animals and/or poultry, including bedding and all other solids or liquids mixed with or contained in any such animal or poultry feces.
- 10.01.31 ***Attorney, City*** means the City Attorney of Fifty Lakes, as designated by the City Council, or their authorized representative.
- 10.01.32 ***Auto Body Shop*** means a building or any portion thereof designed primarily for major reconditioning of worn or damaged motor vehicles or trailers or collision service including body, frame, or fender straightening or repair, or painting of vehicles.
- 10.01.33 ***Auto Salvage Yard*** means a lot or property where one (1) or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, sale of parts, sale as scrap, storage, or abandonment.
- 10.01.34 ***Auto Service Shop*** means a building or any portion thereof designed primarily for providing general repair, oil, lubrication and accessories to motor vehicles.
- 10.01.35 ***Bank/Financial Institution*** means an establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.
- 10.01.36 ***Beauty/Barber Shop*** means an establishment in which hair cutting, hairdressing, makeup, and similar cosmetic treatments are carried out professionally.
- 10.01.37 ***Bedroom*** means a room or unfinished area within a dwelling unit that might be reasonably used as a sleeping room.
- 10.01.38 ***Bed and Breakfast*** means a dwelling in which four or fewer guest rooms are rented within the principal structure on a nightly basis for less than one week and where at least one meal per day is provided in connection with the sleeping accommodations. The operator of the residence lives on the premises or in an adjacent premise.
- 10.01.39 ***Best Management Practices (BMP)*** means erosion and sediment control and water quality management practices that are the most effective and practical means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices
- 10.01.40 ***Bluff*** means A topographic feature such as a hill, cliff, or embankment having the following characteristics:

City of Fifty Lakes Land Use Ordinance

- a) Part or all of the feature is located in a shoreland area;
- b) The slope rises at least 25 feet above the toe of bluff;
- c) The grade of the slope from the toe of the bluff to a point 25 feet or more above the toe of the bluff averages 30 percent or greater, except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff; and
- d) The slope must drain toward the waterbody.



- 10.01.41 **Bluff Impact Zone** means a bluff and land located within ~~30~~ 20 feet from the top or sides of the bluff. (See diagrams above)
- 10.01.42 **Bluff, Side** means a line adjacent to and roughly parallel with the face of a bluff along which the slope of a 10 foot segment is less than 18 percent.
- 10.01.43 **Bluff, Toe of** The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.
- 10.01.44 **Bluff, Top of** For the purposes of measuring setbacks, the higher point of a 50-foot segment with an average slope exceeding 18 percent.
- 10.01.45 **Boarding House** means a building designed for or used as a one-family or two-family dwelling and containing guest rooms where lodging, with or without meals, is provided for compensation on a daily, weekly, or monthly basis.
- 10.01.46 **Boathouse** means a structure or watercraft that is moored by spuds, cables, ropes, anchors or chains, that may be intended for habitation and has walls, a roof, and either an open well for boats or a floor from wall to wall and does not include watercraft that are designed and operated as motorboats.
- 10.01.47 **Boundary Line Adjustment** means a procedure for changes in property lines through the attachment of land to a contiguous lot, tract, or parcel. A boundary line adjustment is intended to modify or correct the location of a boundary line or to remedy adverse topographical features or encroachments. A boundary line adjustment may be allowed provided any residual tract of land or any existing structures does not become noncompliant with the provisions of this ordinance.

City of Fifty Lakes Land Use Ordinance

- 10.01.48 **Bowling Lanes** means a building equipped with lanes and other associated equipments and accessories to facilitate the game of bowling. Bowling lanes may include food, liquor, and retail sales of bowling equipment.
- 10.01.49 **Buffer** means:
- a) A visual or physical break between properties or uses.
 - b) A strip of land on a riparian parcel adjacent to a public water and landward of a beach, retaining wall, riprap area, or other recreational use area upon which vegetation is to be maintained in its natural state, and not be mowed, cut or removed.
- 10.01.50 **Buildable Area** means the area remaining on a newly created parcel of land or platted lot after all public rights-of-way, road easements, setbacks, bluffs, and wetland are subtracted. In the shoreland area, all land below the ordinary high water level (OHW) of public waters, bluffs, areas with slopes greater than 25 %, and floodways shall also be subtracted.
- 10.01.51 **Building** means any structure having a roof, or completely enclosing an area for the purpose of sheltering persons, animals or property.
- 10.01.52 **Building Envelope** means the area of a lot on which structures can be built meeting setbacks to public waters, road-right-of way, easements, bluffs, lot lines, wetlands, and subsurface sewage treatment systems.
- 10.01.53 **Building Line** means a line parallel to a lot line or ordinance high water level at the required setback beyond which a structure may not extend.
- 10.01.54 **Business** means any establishment, employment or enterprise wherein merchandise is manufactured, exhibited, stored or sold, or where services are offered for compensation.
- 10.01.55 **Business or Professional Offices** means a room, set of rooms, or building where the business of a commercial or industrial organization or of a professional person is conducted.
- 10.01.56 **Camp, Transient or Church** means a parcel upon which an organization, religious or otherwise, offers group accommodations and organized recreation and/or instruction.
- 10.01.57 **Campground** means a planned unit development consisting of designated campsites with appropriate facilities designed for temporary occupation by tents or recreational vehicles with management services and with site rentals.
- 10.01.58 **Carwash, Commercial** means a facility used to clean the exterior and/or interior of motor vehicles that may include hand car wash facilities where the vehicle is washed by employees, coin-operated self-service facilities where the customer does the washing, and in-bay automatic machines that roll back and forth over a stationary vehicle.

City of Fifty Lakes Land Use Ordinance

- 10.01.59 ***Cease and Desist Order*** means a document issued upon discovery of a potential violation or actual violation to prevent additional violations or a continuation of a violation.
- 10.01.60 ***Cement/Asphalt/Redi-mix Sales*** means a permanent or portable facility on a site that includes devices that combine various ingredients to form cement or bituminous asphalt for retail or wholesale sale.
- 10.01.61 ***Cemetery*** means an area set apart for or containing graves, tombs, or funeral urns; a burial ground or graveyard.
- 10.01.62 ***Certificate of Compliance*** means a document issued, pursuant to Minnesota Rules, Chapter 7082.0700, Subpart 3, certifying that an existing sewage treatment system is in compliance at the time of inspection.
- 10.01.63 ***Certificate of Installation*** means a document issued pursuant to Minnesota Rules, Chapter 7082.0700, Subpart 2 after the initial inspection and certifying that a new septic system meets performance standards at the time of inspection.
- 10.01.64 ***Certificate of Survey*** means a graphic representation of any parcel, tract, or lot of real property whose primary purpose is to show the results of a boundary survey which is certified and signed by a registered land surveyor pursuant to Minnesota Statutes, Chapter 505.
- 10.01.65 ***Certificate of Land Use Compliance*** means a certificate to be issued by the Zoning Administrator indicating compliance with this ordinance.
- 10.01.66 ***Church*** means a building used for public religious worship.
- 10.01.67 ***City*** means the City of Fifty Lakes, Minnesota.
- 10.01.68 ***City Clerk*** means the duly appointed person responsible for the administration of the City of Fifty Lakes affairs.
- 10.01.69 ***City Council*** means the elected governing body of the City of Fifty Lakes.
- 10.01.70 ***Commercial Use*** means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- 10.01.71 ***Commissioner*** means the commissioner of the Minnesota Department of Natural Resources or their authorized representative.
- 10.01.72 ***Common Open Space*** means a portion of a development that:
- a) Is permanently set aside to preserve elements of the natural landscape for public or private use;
 - b) Will not be developed or subdivided; and,
 - c) Is generally owned in common by the individual owners in the development or by a permanently established management entity.

City of Fifty Lakes Land Use Ordinance

- 10.01.73 **Comprehensive Plan** means a compilation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development of the City.
- 10.01.74 **Conditional Use** means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the Land Use Ordinance exist, the use or development conforms to the comprehensive plan of the City, and the use is compatible with the existing neighborhood.
- 10.01.75 **Condominium** means a residential subdivision pursuant to Minnesota Statutes, Chapter 515B that constitutes a common interest community in which:
- a) Portions of the real estate are designated as units,
 - b) The remainder of the real estate is designated for common ownership solely by the owners of the units, and,
 - c) Undivided interests in the common elements are vested in the unit owners.
- 10.01.76 **Conforming** means to be, act, use, or exist pursuant to this ordinance and any regulations or standards promulgated under this ordinance, and with any special conditions or requirements imposed by this ordinance, and with any special conditions or requirements imposed in the issuance of any permits under this ordinance.
- 10.01.77 **Contractor Shop** means a building or buildings used by a business that engages in commercial activities including but not limited to earth moving, carpentry, electrical, plumbing, heating, ventilation, mechanical systems, flooring, insulation, and siding. Business and/or storage may be conducted inside or outside buildings.
- 10.01.78 **Convenience Store** means a retail business offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood and for travelers. A convenience store may also include a gas station and may be open for business for extended hours.
- 10.01.79 **Corrective Action** means the steps taken to return a development, structure, or use to a condition that complies with the standards of this ordinance and any conditions required by the Zoning Administrator or the Planning Commission/Board of Adjustment, or no longer poses a threat to public health, safety, welfare, and the environment; or is no longer a public nuisance.
- 10.01.80 **County** means Crow Wing County, Minnesota
- 10.01.81 **County Recorder** means the County Recorder and Register of Titles for Crow Wing County, Minnesota.
- 10.01.82 **Cul-De-Sac** means a permanent road terminating at one end, which is circular in design, without connecting with another road.
- 10.01.83 **Cutting** See “Vegetation Removal.”

City of Fifty Lakes Land Use Ordinance

- 10.01.84 **Daycare Center/Home** means a facility licensed pursuant to Minnesota Statutes, Chapter 245A and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.
- 10.01.85 **Deck** means a horizontal, unenclosed platform, on the ground or raised above the ground, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site. This does not include on-grade walks and stairs four feet or less in width.
- 10.01.86 **Demolition Landfill** means a facility licensed pursuant to Minnesota Rules, Chapter 7035, used to dispose of demolition debris resulting from the demolition of buildings, roads, and other structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts, but not including asbestos wastes.
- 10.01.87 **Development** means a human-created change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filing, grading, paving, excavating, and drilling. An activity, action, or alteration that changes undeveloped property into developed property.
- 10.01.88 **Dirt Moving** means any excavation, grading, or filling of dirt on a lot.
- 10.01.89 **Disposal or Dispose** means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 10.01.90 **DNR** means the Minnesota Department of Natural Resources.
- 10.01.91 **Driveway** means a private road providing access to no more than two residential lots.
- 10.01.92 **Duplex, Triplex, and Quad Residence** means a dwelling structure on a single lot, having two, three, or four dwelling units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
- 10.01.93 **Duplex Residential Lot** means a lot designed to accommodate a two-family dwelling or two separate dwelling units.
- 10.01.94 **Dwelling Site** means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
- 10.01.95 **Dwelling Unit**³⁴ means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons which

³⁴ Amended 2/14/23

City of Fifty Lakes Land Use Ordinance
contains permanent provisions for living, sleeping, eating, cooking and
sanitation.

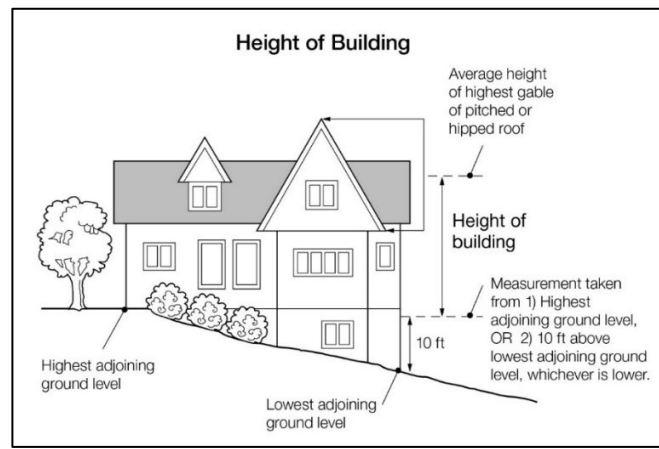
- 10.01.96 **Easement** means a non-possessory interest held by one person or unit of government in the land of another whereby the non-possessory person is given partial use of the land or restricts the use of the land for a specified purpose.
- 10.01.97 **Energy System, Renewable** means equipment designed for the generation of an energy source that is naturally replenished, such as solar, wind, or geothermal which is associated with a principal residential use.
- 10.01.98 **Engineer** means a registered professional engineer licensed in the State of Minnesota.
- 10.01.99 **Established Date of Operation** means the date on which the agricultural operation commenced.
- 10.01.100 **Exterior Storage** means storage of goods, materials, equipment, vehicles or manufactured products, and similar items outside of an enclosed building.
- 10.01.101 **Extractive Use** means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, topsoil, and peat not regulated under Minnesota Statutes, Chapter 93.
- 10.01.102 **Failing System** means any subsurface sewage treatment system that discharges sewage to a seepage pit, cesspool, drywell or leaching pit, and any system with less than the required vertical separation as described in Minnesota Rules, Chapter 7080.1500 Subps. 4.
- 10.01.103 **Family Farm** means an unincorporated farm unit owned by one or more persons or spouses of persons related to each other within the third degree of kinship according to the rules of the civil law, at least one of whom is residing or actively engaged in farming on the unit, or a “family farm corporation,” as that term is defined in Minnesota Statutes, Chapter 500.24, Subd. 2.
- 10.01.104 **Farm Buildings** means structures designed for farming and agricultural practices, including but not limited to: growing and harvesting of crops and raising livestock and small animals. Specific examples of farm buildings include: barns, greenhouses, storage buildings for farm equipment, animal supplies or feed storage buildings for equipment used to implement farming and/or agricultural practices, storage buildings for crops grown and raised on site (cold storage), and horticultural nurseries.
- 10.01.105 **Fence** means a partition, wall or gate erected as a divider, marker, barrier or enclosure on a property or property boundary.
- 10.01.106 **Fire Pit** means a pit/hole dug into the ground or a free standing metal vessel in which a contained outdoor fire is made.

City of Fifty Lakes Land Use Ordinance

- 10.01.107 **Forest Land Conversion** means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
- 10.01.108 **Forest Management** means the scientific and technical aspects, especially silviculture, protection, and forest regulation in compliance with a professionally developed forest management plan. This includes management for aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products, forest genetic resources and other forest resource values. Techniques include timber extraction, planting and replanting of various species, cutting roads and pathways through forests, and preventing soil erosion and fire.
- 10.01.109 **Foundation** means a concrete, concrete and concrete block, or treated wood portion of a structure which totally encloses the perimeter of the structure, supports the bearing loads of the superstructure and penetrates the ground to provide frost protection.
- 10.01.110 **Gas Station** means a commercial land use where gasoline, liquid propane (L.P.) or diesel fuel is stored, pumped and sold to the public. The term "gas station" includes a convenience store if fuel is dispensed at the location.
- 10.01.111 **Golf Course** means an area of land laid out for the game of golf with a series of 9 or 18 holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. A golf course may include food, liquor, and retail sales.
- 10.01.112 **Golf Course—Miniature** means a novelty golf game played with a putter on a small course usually having tunnels, bridges, sharp corners, and obstacles.
- 10.01.113 **Greenhouse/Nursery—Commercial** means a place of business where retail and wholesale gardening products and produce are sold to the public. These centers may include a nursery and/or greenhouses, nursery products, nursery stock, potting soil, hardware, hoes, rakes, shovels, and other garden and farm variety tools and utensils.
- 10.01.114 **Groundwater** means the water contained below the surface of the earth in the saturated zone including and without limitation all waters whether under confined, unconfined or perched conditions in near surface unconsolidated sediment or region or in rock formations deeper underground. The term ground water shall be synonymous with underground water.
- 10.01.115 **Group Care Facility** means 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, maternity shelters and half-way houses.
- 10.01.116 **Guest Cottage** means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

City of Fifty Lakes Land Use Ordinance

- 10.01.117 ***Guest Quarters*** means a room or rooms located within a detached accessory structure, used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
- 10.01.118 ***Habitable Area*** means the area in a structure, intended for human occupation, that has a floor to ceiling height of at least seven (7) feet or greater.
- 10.01.119 ***Height of Building*** The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof (see diagram below).



- 10.01.120 ***Home Business*** means a use of a commercial nature conducted by an occupant of a single family dwelling and/or employees which may be conducted inside as well as outside the dwelling or accessory buildings, where the use is clearly incidental and secondary to the use of the dwelling for residential purposes.
- 10.01.121 ***Home Occupation*** means a use of non-residential nature conducted by an occupant of a single family dwelling entirely within the dwelling or accessory structures or facilities, which use is clearly incidental and secondary to the use of the dwelling for residential purposes.
- 10.01.122 ***Hotel/Motel*** means a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week.
- 10.01.123 ***Ice Ridge, Annual*** means a result of a pushing action of an ice sheet that disturbs the natural lakeshore contour. This occurs within one calendar year.
- 10.01.124 ***Ice Ridge, Historic*** means the result of a pushing action of an ice sheet that disturbs the natural lakeshore contour. These ice ridges have been formed by more than one year of ice action and typically have well established vegetation.

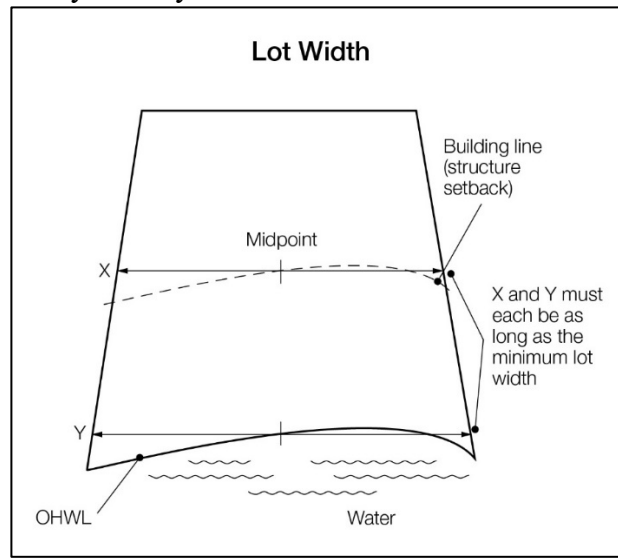
City of Fifty Lakes Land Use Ordinance

- 10.01.125 ***Imminent Threat to Public Health and Safety*** means a subsurface sewage treatment system that creates the potential to immediately and adversely affect or threaten public health and safety as described in Minnesota Rule 7080.1500 Subp. 4(A). At a minimum, this includes discharge of sewage or sewage effluent to the ground surface, agricultural or other drainage systems, ditches, storm water drains or discharges directly to surface water, sewage backup into a dwelling, electrical hazards, or sewage tanks with unsecured or weak maintenance covers.
- 10.01.126 ***Impervious Surface*** means a constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; sidewalks; patios; parking lots; storage areas; concrete, asphalt, or gravel driveways; and other similar surfaces. Driveways and parking lots are calculated as follows: asphalt, concrete, Class V at 100% impervious, gravel and grass driveways at 50% impervious. Driveway impervious area to be calculated at a minimum width of nine feet.
- 10.01.127 ***Industrial Use*** means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- 10.01.128 ***Intensive Vegetation Clearing*** means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- 10.01.129 ***Interim Use*** means a temporary use of property until a particular date, until the occurrence of a particular event, or until land use regulations no longer permits that use.
- 10.01.130 ***Landscaping*** means the placement of trees, shrubs, grass, walls, rocks and/or earth mounds or the utilization of existing natural vegetative cover.
- 10.01.131 ***Land Use District*** means an area or areas within the limits of the City for which the regulations and requirements governing use are uniform. District boundaries are shown on the official land use district map.
- 10.01.132 ***Land Use Permit or Permit*** means an authorization issued by the City of Fifty Lakes in compliance with the standards of this ordinance permitting the construction of a structure, or permitting a parcel of land to be used for a prescribed purpose.
- 10.01.133 ***Laundromat*** means a self-service laundry facility with coin-operated washing machines, dryers, and sometimes ironing or pressing machines, open to the public for washing clothing and household cloth items.
- 10.01.134 ***Liquor License*** means any on sale or off sale licenses issued or approved by the City of Fifty Lakes pursuant to Minnesota Statutes, Chapter 340A.
- 10.01.135 ***Liquor Sales, Off Sale*** means a retail establishment that sells prepackaged alcoholic beverages intended to be consumed off premises.

City of Fifty Lakes Land Use Ordinance

- 10.01.136 **Liquor Sales, On Sale** means a licensed establishment such as a bar, tavern, nightclub, or restaurant which offers the sale of alcoholic beverages intended for consumption on premises.
- 10.01.137 **Long-Term Care Facility** means a facility, such as a nursing home, where medical care is administered to residents, for periods of time typically greater than one month.
- 10.01.138 **Lot** means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
- 10.01.139 **Lot Area** means the area of a horizontal plane bounded by the lot lines and the ordinary high water level if bounded by water.
- 10.01.140 **Lot Line** means the legally defined boundary or limit of a parcel of land. Where a lot description extends into a public right-of-way, or a proposed public right-of-way, the line of such public right-of-way shall be considered the lot line for purposes of determining setbacks.
- 10.01.141 **Lot Line, Front** means the boundary or boundaries of a lot, which abut on a public right-of-way. If the lot abuts public water, that side shall also be considered a front lot line.
- 10.01.142 **Lot Line, Rear** means that boundary of a lot, which is opposite and does not intersect the front lot line.
- 10.01.143 **Lot Line, Side** means any boundary of a lot, which is not a front lot line or a rear lot line.
- 10.01.144 **Lot of Record** means one lot 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.
- 10.01.145 **Lot Width**, means the minimum distance between:
- a) Side lot lines measured at the midpoint of the buildings line; and
 - b) Side lot lines at the ordinance high water level, if applicable.

City of Fifty Lakes Land Use Ordinance



- 10.01.146 **Lumber Yard** means an establishment providing the sale or rental of building supplies, materials, construction equipment or home decorating fixtures and accessories. This term includes a contractors' building supply business and may include outdoor storage or tool and equipment sales or rental.
- 10.01.147 **Maintenance** means:
- Normal upkeep of a structure including but not limited to the replacement of decks and stairways provided there is no expansion of aerial coverage, the replacement or remodeling of a residential or accessory structure provided there is no increase in aerial coverage, the replacement of windows, siding, external roof surfaces, or exterior finish such as paint or stain.
 - Normal upkeep of a property including but not limited to driveway maintenance, mowing, raking, and gardening.
- 10.01.148 **Manufactured Home** means a structure transportable in one or more sections, which in the travel mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a residential structure dwelling with or without a permanent foundation.
- 10.01.149 **Manufactured Home Park** means any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.
- 10.01.150 **Manufacturing/Assembly, Limited** means uses that include fabrication, welding, machining, assembly or processing of materials that are produced elsewhere, packaging of parts and finished products.
- 10.01.151 **Marina** means 1) an inland sales and service facility for boats, accessories and water-related equipment or, 2) an on-shore commercial mooring facility for the

City of Fifty Lakes Land Use Ordinance
concentrated mooring of more than 2 watercraft or seaplanes, wherein
commercial ancillary services common to marinas are provided.

- 10.01.152 **Medical Clinic** means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.
- 10.01.153 **Metes and Bounds** means a description of real property which is not described by reference to a lot or block as shown on a plat map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property, or a description which delineates a fractional portion of a section, lot or area by described lines or portions thereof.
- 10.01.154 **Mining** means the use of land for surface or subsurface removal of industrial minerals, other nonmetallic minerals, and peat regulated under Minnesota Statutes, Chapter 93.
- 10.01.155 **Minor** means:
- a) As it relates to persons, those under eighteen (18) years of age.
 - b) As it relates to structural or other property modifications, lesser in importance, seriousness, or significance.
- 10.01.156 **Mobile Home/Manufactured Home** means a factory-built dwelling transportable in one or more sections, requiring only minor modifications prior to occupancy, and complying with Minnesota Statutes 327.31 to 327.36 and Federal Department of Housing and Urban Development Standards.
- 10.01.157 **Mobile Home/Manufactured Home Development** means a form of planned unit development (PUD) designed for mobile homes/manufactured homes and licensed by the State of Minnesota.
- 10.01.158 **Multiple-Family Residential** means any dwelling structure on a single-lot having three or more units, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
- 10.01.159 **Natural vegetation** means plants that are indigenous to the area or like areas.
- 10.01.160 **Nonconformity** means any legal use, structure or parcel of land already in existence, recorded, or authorized before the effective date of this ordinance but not in conformance with the provisions of this ordinance.
- 10.01.161 **Nuisance** means, by authority a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public, and as further defined by Minnesota Statutes, Chapter 609.74.
- 10.01.162 **Official Map** means the map of the City of Fifty Lakes, adopted in accordance with Minnesota Statutes, Chapter 462.359.

City of Fifty Lakes Land Use Ordinance

- 10.01.163 ***Open Space Subdivision Design*** means the clustering or concentration of allowable housing on one portion of a tract of land, in order to preserve the remainder of the tract as open space.
- 10.01.164 ***Ordinary High Water Level (OHWL)*** means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation to the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the summer pool.
- 10.01.165 ***Outdoor Seasonal Sales*** means the offer of goods on a seasonal basis, as part of a permanent business, conducted in an area immediately adjacent to the building or in the parking lot where the permanent business is conducted.
- 10.01.166 ***Parking, Public*** means an area or facility intended and reserved for the temporary parking of vehicles by the general public.
- 10.01.167 ***Parking Space*** means a site off public right-of-way for the temporary storage of one vehicle, comprised of not less than 180 square feet plus necessary maneuvering space.
- 10.01.168 ***Party Wall*** means the structural divider, vertically or horizontally, between a dwelling unit and non-habitable area, or an adjacent separate dwelling unit.
- 10.01.169 ***Patio*** means an open recreation area at ground level adjacent to a dwelling, or free standing that is covered with a pervious or an impervious surface such as asphalt, paving stones, wood, or other approved material.
- 10.01.170 ***Permitted*** means the authorized use of land or the construction of a structure through the issuance of a land use permit in accordance with the standards in this ordinance.
- 10.01.171 ***Pervious Surface*** means a surface that allows inflow of water into the underlying construction or soil.
- 10.01.172 ***Pet*** means an animal, bird, reptile or fish commonly associated with human habitation, not considered under animal units and not raised for production of income.
- 10.01.173 ***Planned Unit Development (PUD)*** means a type of development 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 open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums,

City of Fifty Lakes Land Use Ordinance

townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

- 10.01.174 ***Planned Unit Development, Commercial (PUD)*** are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
- 10.01.175 ***Planned Unit Development, Residential (PUD)*** 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 apartment, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments.
- 10.01.176 ***Planning Commission/ Board of Adjustment*** means the Planning Commission and Board of Adjustment of the City of Fifty Lakes, as created by this ordinance.
- 10.01.177 ***Plat*** means a map and supporting information prepared by a registered land surveyor and conforming to the requirements of Minnesota Statutes, Chapters 505 and 515, which graphically delineates the boundaries and dimensions of land parcels for the purpose of identification and record or title.
- 10.01.178 ***Police Related Service Calls*** means requests for assistance made to any public law enforcement agency from a neighboring resident, a victim of crime, a patron of the establishment, or the management of an Adult Use. Such calls may include but are not limited to: assaults, disorderly conduct, indecent exposure, prostitution, and trespassing.
- 10.01.179 ***Practical Difficulty*** means that the property owner proposes to use a property in a reasonable manner not permitted by this ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and a variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- 10.01.180 ***Primary Dwelling***³⁵ means the single primary structure on a lot providing complete living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, as distinguished from accessory structures such as garages, pole buildings, boathouses, etc.
- 10.01.181 ***Principal Use or Structure*** means the primary purpose for which land or a building is arranged, designed, intended, or used.

³⁵ Amended 2/14/23

City of Fifty Lakes Land Use Ordinance

- 10.01.182 **Private Clubs and Lodges** means a nonprofit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests.
- 10.01.183 **Private Road** means any vehicular way which is not an existing federal, state, county, or City roadway; or is not shown upon a certificate of survey, minor subdivision, or plat approved pursuant to law, or is not dedicated to public use.
- 10.01.184 **Property Owner** means the owner of record of a parcel in the office of the County Recorder of Crow Wing County.
- 10.01.185 **Public Beach** means a gently sloping area, generally covered with sand, extending inland from the water line of public waters which is designated and available for recreational use by the general public. A public beach may be publicly or privately owned.
- 10.01.186 **Public Waters** means lakes, rivers, streams and wetlands designated under Minnesota Statutes, Chapter 103G.005, Subd. 15 and 15a, any lakes, rivers, streams, or wetlands listed in the DNR Public Waters Inventory.
- 10.01.187 **Rear Lot Zone** means land located between the structure setback line and the landward boundary of the shoreland district.
- 10.01.188 **Recreational Use** means all uses such as driving ranges, golf courses, horse-back riding trails, game farms, skiing, tennis courts, ball fields, water sports, fishing, picnic areas and the like, whether privately or publicly owned.
- 10.01.189 **Recreational Vehicle** means any vehicular or portable structure built on a chassis, less than 8 feet wide or less than 320 square feet in size, designed to be used as a temporary dwelling for travel, recreational, and vacation uses; or, any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation; or, any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and, any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.
- 10.01.190 **Recycling Center** means an area or facility designated for the collection and temporary storage of recyclable materials.
- 10.01.191 **Registered Land Survey** means a method of surveying Torrens, or Registered, land following the procedures in Minnesota Statutes, Chapter 508.47, as amended.
- 10.01.192 **Rental Equipment Sales and Service** means a business providing machinery, equipment, and tools of all kinds and sizes to construction contractors, industry, and individual consumers for rent for a limited period of time, or for retail/wholesale sale. Service and repair of equipment may also be provided.
- 10.01.193 **Repair Shop, Equipment** means a business engaged in fixing any sort of mechanical device that has become out of order or broken. It also includes

City of Fifty Lakes Land Use Ordinance
performing routine actions which keep devices in working order or prevent
trouble from arising.

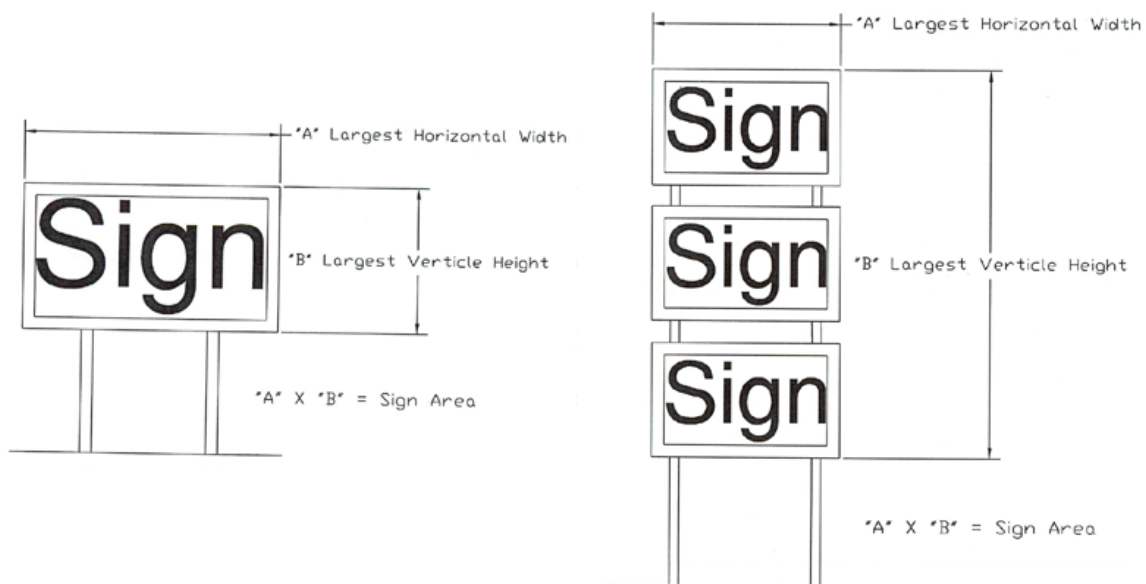
- 10.01.194 **Residence, Single** means a dwelling structure containing one dwelling unit with sleeping, cooking, eating, living, and sanitation facilities.
- 10.01.195 **Residential Use** means the use of land for dwelling units designed for permanent, continuous or long-term occupancy.
- 10.01.196 **Resort** means a commercial planned unit development (PUD) that includes lodges, dwelling units, dwelling sites, structures or enclosures kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are furnished to the public, and having for rent three or more cabins, rooms, dwelling units or enclosures. Resorts must be primarily service-oriented for transient occupancy for guests seeking recreation. All cabins, rooms, dwelling units or enclosures must be included in the resort rental business and rates set by resort. The entire parcel of land must be owned, controlled and managed by the single business entity which comprises the commercial establishment. In order to qualify as a resort pursuant to this definition, the commercial establishment shall also be fully licensed and permitted under the appropriate state and local regulations.
- 10.01.197 **Restaurant** means an establishment where food or beverages are sold and either consumed at tables located on the premises utilizing nondisposable containers and utensils with or without table service, or taken from the premises in disposable containers for consumption elsewhere.
- 10.01.198 **Right-of-Way** means land dedicated for public use including, but not limited to, streets, pedestrian ways and authorized utilities.
- 10.01.199 **Riparian** means abutting public waters.
- 10.01.200 **Road, Backage** means a road not adjacent to a major collector road used to control access and segregate local traffic from higher speed through traffic.
- 10.01.201 **Road, Frontage** means a road adjacent to a major collector road used to control access and segregate local traffic from higher speed through traffic.
- 10.01.202 **Road, Local** means a vehicular way that is primarily used to gain access to properties bordering it.
- 10.01.203 **Road, Major Collector** means a vehicular thoroughfare, the primary function of which is to deliver traffic from local roads and minor collector roads to freeways or expressways, and between cities or urban centers at the highest level of service possible.
- 10.01.204 **Road, Minor Collector** means a low-to-moderate-capacity vehicular way which serves to move traffic from residential properties and local streets to major collector roads.

City of Fifty Lakes Land Use Ordinance

- 10.01.205 **Road, Private** means any vehicular way which is not an existing federal, state, county, or township roadway; or is not shown upon a certificate of survey, minor subdivision, or plat approved pursuant to law, or is not dedicated to public use.
- 10.01.206 **Road, Public** means any vehicular way which is an existing federal, state, county, or township roadway, city street or avenue, or is shown upon a certificate of survey, administrative subdivision, or plat approved pursuant to law as dedicated to public use; or is dedicated for public use.
- 10.01.207 **Runoff** means that portion of precipitation draining from an area as surface flow.
- 10.01.208 **Salvage Yard** means any premises where used waste, discarded or salvaged materials and items are bought, sold, exchanged, stored, cleaned, packed, parked, disassembled or handled, including but not limited to, vehicles and machinery of any and all types and/or parts thereof, scrape metal, paper, rags, cardboard, rubber products, plastic products, glass products, lumber products, masonry products, fiber products, and used building materials. Three or more vehicles without current license plates constitute a salvage yard.
- 10.01.209 **Sand Blanket** means the deposition of sand placed to create or enhance a beach area landward of the ordinary high water level (OHWL).
- 10.01.210 **Sawmill** means a business in which logs are sawed into lumber by machine for retail or wholesale sale.
- 10.01.211 **Screening** means a visual barrier visually separating one land use district from another or one parcel or facility from another. This may be accomplished by the use of topography, existing vegetation, permanent structures such as fences, or other feature creating a barrier that meets the standards of this ordinance.
- 10.01.212 **Setback** means the minimal horizontal distance between a structure, subsurface sewage treatment system, or other facility and an ordinary high water level wetland, subsurface sewage treatment system, top of a bluff or edge of right-of-way, road, highway, property line, or other facility. Three feet of roof overhang, stoops not exceeding four (4) feet by eight (8) feet, and steps from stoop to ground not over 4 feet wide may extend into an ordinary high water level or property line setback.
- 10.01.213 **Sewage Treatment System, Subsurface** means a sewage treatment system or part thereof, as set forth in Minnesota Statutes, Chapters 115.03 and 115.55 and further regulated under Minnesota Rules, Chapter 7080 that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade that are designed to receive a sewage design flow of 5,000 gallons per day or less. This definition also includes all holding tanks that are designed to receive a design flow of 10,000 gallons per day or less; sewage collection systems and associated tanks that discharge into sewage treatment and dispersal components; and privies.

City of Fifty Lakes Land Use Ordinance

- 10.01.214 **Sewage Treatment Facilities** means municipally owned and maintained utilities including pipelines, conduits, pumping stations, force mains and all other construction devices, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of common, State-approved off-site treatment.
- 10.01.215 **Shore Impact Zone- (SIZ-1)** means land located between the ordinary high water level (OHWL) of public water and a line parallel to it at a setback of 50 percent of the required structure setback.
- 10.01.216 **Shore Impact Zone 2 (SIZ-2)** means land located between shore impact zone 1 and the structure setback line.
- 10.01.217 **Shoreland Area** means land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the 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 waters for lesser distances and when approved by the DNR Commissioner.
- 10.01.218 **Sidewalk** means a walkway or path for pedestrian traffic.
- 10.01.219 **Sign** means a name, identification, description, display, illustration, advertisement or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, service, place, activity, person, institution or business.
- 10.01.220 **Sign Area** means the maximum area enclosed within a connected geometric shape completely enclosing as a single unit, all letters, graphics, illustrations,



insignias, figures, designs, images, colors, or other symbols used. Structural members not bearing advertising matter shall not be included in computation of

City of Fifty Lakes Land Use Ordinance

the sign area. When signs are grouped together, sign area is the maximum area enclosed within a connected geometric shape completely enclosing all individual signs. Sign area shall be calculated by using the area of one side of double faced sign.

- 10.01.221 **Sign, Off-Site** means any sign not located on the contiguously owned property relating to the subject matter of the sign.
- 10.01.222 **Sign, On-Site** means any sign located on the contiguously owned property relating to the subject matter of the sign.
- 10.01.223 **Sign, Portable** means 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 which is able to be moved, with or without an undercarriage or wheels.
- 10.01.224 **Significant Historical Site** means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Chapter 307.08. A historic site meets these criteria if it is presently listed in either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historical sites.
- 10.01.225 **Site Plan** means a detailed drawing and supporting information indicating the current and intended use of a particular parcel or group of parcels of property including but not limited to measures required to comply with the standards of this ordinance.
- 10.01.226 **Slope**³⁶ means a measurement of change in elevation measured as (rise/run) x 100.
- 10.01.227 **Soil and Water Conservation District (SWCD)** means the Crow Wing County Soil and Water Conservation District, Crow Wing County, Minnesota.
- 10.01.228 **Special Protection Use** means the use of land for:
- a) limited development due to the presence of wetlands, flooding, erosion, limiting soil conditions, steep slopes, or other major physical constraints; or
 - b) protection of flora or fauna in need of special protection and setting aside such areas for low impact uses.
- 10.01.229 **Specified Anatomical Areas** means:
- a) Human genitals, pubic region, buttock, anus, or female breast(s), below a point immediately above the top of the areola, unless completely and opaquely covered.
 - b) Erect penis, even if completely and opaquely covered.

³⁶ Amended 6/11/19

City of Fifty Lakes Land Use Ordinance

10.01.230 ***Specified Sexual Activities*** means:

- a) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexual-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- b) Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence.
- c) Use of human or animal ejaculation or ejaculate, sodomy, oral copulation, coitus, or masturbation.
- d) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s).
- e) Situations involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical constraint of any such persons.
- f) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being.
- g) Human erection, urination, menstruation, vaginal or anal irrigation.

10.01.231 ***Steep Slope*** means lands having average slopes over 12 percent, as measured over horizontal distance of 50 feet or more, that is not a bluff.

10.01.232 ***Stoop*** means a landing or platform not including steps adjacent to the doorway to a dwelling or other structure not exceeding (4) four feet by (8) eight feet in dimension.

10.01.233 ***Storage Buildings, Commercial*** means a structure used for the storage of belongings, equipment, or materials that is not intended for human habitation and available on a rental or lease basis.

10.01.234 ***Structure*** means anything constructed, placed, or erected by humans, on the ground or attached to the ground, including but not limited to homes, garages, accessory buildings, manufactured housing, signs, storage buildings, decks, unlicensed fish houses, foundations and non-driveway slabs, but not including water supply wells.

10.01.235 ***Subdivision*** means the division of a tract of land by metes and bounds, plat, or planned unit development into two or more lots for the purpose of transfer of ownership, sale, lease, or development. Transfers of interest in land pursuant to Court Order shall not be deemed a subdivision.

10.01.236 ***Surface Water-Oriented Commercial Use*** means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

City of Fifty Lakes Land Use Ordinance

- 10.01.237 **Telecommunication Tower** means a structure 35 feet or more in height that may include a tower, antenna(s), equipment building(s), anchor points and other related equipment used by broadcast services and/or wireless telecommunications services.
- 10.01.238 **Theater, Indoor** means a business utilizing a building or part of a building for housing dramatic presentations, stage entertainments, or motion picture shows for which admission fees may be charged. Ancillary services such as food, snacks, and beverages may also be provided.
- 10.01.239 **Theater, Outdoor** means a business utilizing a stage or screen located outdoors for dramatic presentations, stage entertainments, or motion picture shows for which admission fees may be charged. Spectators may remain in their automobiles or be seated in outdoor seating. Ancillary services such as food, snacks, and beverages may also be provided.
- 10.01.240 **Trail—Non-motorized** means a recreational trail designated and intended for hiking or other human-powered mechanical transportation devices such as bicycles, roller blades, and roller skates.
- 10.01.241 **Trail—Recreational and Snowmobile** means a trail designated and intended for use by hikers and motorized vehicles such as snowmobiles, off-highway motorcycles, and other all-terrain or off-road vehicles.
- 10.01.242 **Truck and Freight Terminal** means a commercial facility where freight is stored while awaiting onward transport.
- 10.01.243 **Upland** means land lying above the ordinary high water level (OHWL) of a lake or stream or in areas not meeting the definition of wetlands.
- 10.01.244 **Variance** means any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause a practical difficulty pursuant to Minnesota Statutes, Chapter 462.357, subd. 6.
- 10.01.245 **Vegetation** means all plants including trees, shrubs, vines, forbs, and grasses.
- 10.01.246 **Vehicle, Boat and Recreational Equipment Sales** means a business selling or offering for sale, buying or taking in trade for the purpose of resale, or exchanging any vessel or vessels, or recreational vehicles and receives or expects to receive money, profit, or any other item of value.
- 10.01.247 **Veterinary Clinic** means a facility concerned with the diagnosis, treatment, and medical care of animals.
- 10.01.248 **View Corridor**³⁷ means an area with a line of sight on a riparian property extending from the lakeward side of the principal residence toward the Ordinary High Water Level (OHWL) of a the lake or river.

³⁷ Amended 6/11/19

City of Fifty Lakes Land Use Ordinance

- 10.01.249 **Walkway** means a continuous path elevated or at grade level.
- 10.01.250 **Water-Oriented Accessory Structure** means a small, above ground building, structure or other improvement, except stairways, docks and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to the public waters than the normal structure setback. This definition does not include “boathouses,” which are a prohibited use.
- 10.01.251 **Water-Oriented Commercial Business** means the use of land for commercial purposes, where access to and use of surface water feature is an integral part of the normal conducting of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.
- 10.01.252 **Welding/Machine Shop** means a facility where material is processed by machining, cutting, grinding, welding, or similar processes. An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, doors and gates, duct work, forgings and stampings, hardware and tools, tanks, docks, towers, and similar products.
- 10.01.253 **Wetland** means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must: a) have a predominance of hydric soils; b) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and 3) under normal circumstances, support a prevalence of hydrophytic vegetation, and as further defined by Minnesota Rules, Chapter 8420.0111.
- 10.01.254 **Wholesale/Warehouse Facility** means a building or group of buildings where raw materials or manufactured goods may be stored before sale or distribution for sale. Such buildings may include sales and office facilities.
- 10.01.255 **Zoning Administrator** means the person duly appointed by the Fifty Lake City Council to administer and enforce this ordinance.

11.0 SHORELAND CLASSIFICATION SYSTEM

The public waters of the City of Fifty Lakes have been classified below consistent with the criteria found in Minnesota Rules, Chapter 6120.3000, and the Protected Waters Inventory Map for Crow Wing County, Minnesota. The shoreland areas for the waterbodies listed in Sections 11.1 and 11.2 shall be as defined in Minnesota Statutes, Chapter 103G.005, Subd. 15 and as shown on the official map.

11.1 Lakes

Protected Waters Inventory ID#

a) Natural Environment Lakes

City of Fifty Lakes Land Use Ordinance

Grass	18-230
Ox (Fifty Lakes Portion)	18-288
Unnamed	18-289
Wolf	18-290
Big Stone	18-291
Lone Pine	18-292
Pike	18-295
Sand	18-299
Mallard	18-300
Meyer	18-301
Little Ox	18-302
Boiler	18-303
Clears	18-420
Unnamed	18-617
Unnamed	18-618
Unnamed	18-619
Unnamed	18-620
Unnamed	18-621
Unnamed	18-622
Unnamed	18-623
Unnamed	18-625
Four Acre	18-626
Unnamed	18-628
Unnamed	18-671
Unnamed	18-676
Unnamed	18-687
Unnamed	18-688
Unnamed	18-689
Unnamed	18-697
Unnamed	18-698
Unnamed	18-699
Unnamed	18-700
Unnamed	18-701
Unnamed	18-702
Unnamed	18-703
Unnamed	18-704
Unnamed	18-705
Unnamed	18-706
Unnamed	18-707

b) Recreational Development Lakes

Butterfield	18-231
Kego	18-293
Eagle	18-296

c) General Development Lakes

Mitchell	18-294
West Fox	18-297

City of Fifty Lakes Land Use Ordinance

East Fox 18-298

Big Trout 18-315

11.2 Tributary Streams

Daggett Brook	to Basin 294
Daggett Brook	from Basin 294 to Basin 296
Daggett Brook	from Basin 296
Crooked Creek	to Basin 294
Kego Creek	from Basin 293 to Basin 297
Fox Creek	from Basin 298 to Basin 300
Fox Creek	from Basin 300 to Daggett Brook
Unnamed	from Basin 671 to Basin 289
Unnamed	from Basin 289 to Basin 294
Unnamed	from Basin 302 to Basin 288
Unnamed	from Basin 295 to Basin 296
Unnamed	from Basin 622 to Basin 621
Unnamed	from Basin 621 to Basin 296
Unnamed	from Basin 623 to Daggett Brook
Unnamed	from Basin 301 to Basin 626
Unnamed	from Basin 626 to Basin 302
Unnamed	from Basin 689 to Kego Creek

12.0 AMENDMENTS TO ORDINANCE TEXT, LAND USE DISTRICT BOUNDARIES, AND DESIGNATION OF SPECIAL PROTECTION DISTRICTS; REPEAL; EFFECTIVE DATE

12.01 Amendments

This ordinance or the official map may be amended to reflect changes in the goals or conditions of the City or whenever the public health, safety and general welfare require it.

12.01.01 **Initiation of amendments.** An amendment to this ordinance or to the official land use district map may be initiated by the City Council, the Planning Commission/Board of Adjustment, the Zoning Administrator, or any landowner within the City.

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

12.02 Application and Hearing

12.02.01 **Application.** Applications for ordinance text map amendments or land use district reclassification shall be made to the Zoning Administrator.

12.02.02 **Hearing.** The Planning Commission/Board of Adjustment shall hold at least one public hearing on the proposed ordinance text amendment or land use

City of Fifty Lakes Land Use Ordinance
district reclassification conducted pursuant to Minnesota Statutes, 462.357 and
the adopted Planning Commission/Board of Adjustment rules of business.

12.02.03 Consideration of ordinance text amendments.

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

12.02.04 Criteria for consideration of land use district reclassification. In reviewing a land use district reclassification application, the Planning Commission/ Board of Adjustment shall find that:

- a) The reclassification is in accord with the City comprehensive plan;
- b) The reclassification is warranted due to changed land use circumstances or a need for additional property in the proposed land use district;
- c) The subject property is suitable for development in general conformance with land use standards under the proposed land use district classification;
- d) The reclassification will not be detrimental to uses or property in the immediate vicinity of the subject property, and;
- e) The reclassification promotes the health, safety, and general welfare of the public.

12.03 Designation of Special Protection Districts (SP)

12.03.01 The City Council may assign Special Protection District classification in the shoreland area adjacent to a bay of a lake, or to a clearly defined portion of the shoreline of a lake. The area considered for such designation must be classified according to the latest version of the Minnesota Department of Natural Resources document entitled "Minnesota's Sensitive Lakeshore Identification Manual, A Conservation Strategy for Minnesota's Lakeshores".

12.03.02 The reclassification of a shoreland district and/or water-oriented commercial district to a Special Protection District may be initiated by:

- a) Verification from the Minnesota Department of Natural Resources, Division of Ecological and Water Resources that area(s) proposed to be reclassified are consistent with the classification criteria and procedures set forth in Section 12.02 above.
- b) A duly approved motion by the Planning Commission/Board of Adjustment sent to the City Council for approval, along with substantiating data from the Zoning Administrator.

12.03.03 Processing requests

- a) The Zoning Administrator shall examine the official land use district maps to assure that the area(s) proposed for reclassification corresponds to

City of Fifty Lakes Land Use Ordinance

existing parcel lines and that no parcel is subjected to multiple districts. District and class boundaries shall be adjusted to best protect sensitive areas.

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

12.03.04 Planning Commission/Board of Adjustment Review. The Planning Commission/Board of Adjustment shall consider the following data and criteria when reviewing a Special Protection District classification application:

- a) The data listed in the DNR Sensitive Lakeshore Survey Report for the bay(s) or shoreline segment(s).
- b) The potential benefits of reclassification for the enhancement of water quality, conservation of economic and natural environmental values of shorelands, and wise use of water and related land resources.;
- c) The public hearing testimony;
- d) The density and characteristics of existing development in the bay(s) or shoreline segment(s);
- e) Consistency with the policies and provisions of the Comprehensive Plan and the requirements of all City ordinance sections;
- f) Other factors specific to the application that impact upon public health, safety, and welfare.

12.03.05 The Planning Commission/Board of Adjustment shall hear the application according to its adopted rules of business and shall:

- a) Affirm the application to establish the Special Protection District(s), or;
- b) Modify the district(s) for reclassification, or;
- c) Deny the application to establish the Special Protection District(s) and
- d) Document the findings of fact for any decision.

12.03.06 The Planning Commission/Board of Adjustment, if affirming and forwarding reclassification, shall:

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

12.04 Repeal

The following zoning ordinances of the City and their amendments are hereby repealed and replaced with this ordinance:

- a) 1971 - #1, An Ordinance Establishing Comprehensive Zoning Regulations and Platting Regulations for the Village of Fifty Lakes, Minnesota Prescribing a Penalty for the Violation Thereof, and Adopting Crow Wing County, Minnesota, Ordinances by Reference Relating Thereto (including Interim Zoning Ordinance for Crow Wing County, Minnesota and Crow Wing County Subdivision Platting Ordinance).
- b) 1971 - #2, An Ordinance Delineating General Specifications and Standards for Roads To Be Accepted by the Village of Fifty Lakes, County of Crow Wing, for Maintenance and Snow Removal.

City of Fifty Lakes Land Use Ordinance

- c) No. 1 - 1972, An Ordinance Regulating the Parking and Location of Mobile Homes and Regulating the Location, Erection, Maintenance and Conduct of Mobile Home Parks and Providing a Penalty for the Violation Thereof.
- d) No. 1 - 1976, An Ordinance Pertaining to Sanitary Facility, Water Supply Standards and Building Permits.
- e) No. 1 - 1982, The Management of Shoreland Areas.
- f) No. 2 - 83, An Ordinance Regulating the Parking and Usage of Camper-trailers, Recreational Vehicles and Temporary Abodes within the City Limits.
- g) Ordinance 1-88, City of Fifty Lakes, Crow Wing County, Minnesota Amendment to Ordinance 1-82, For the Management of Shoreline Areas.
- h) Ordinance 1-92, Zoning Ordinance, City of Fifty Lakes.
- i) Ordinance 94-1, An Ordinance pertaining to nonconforming lots of record.
- j) Ordinance 95-2, An Ordinance pertaining to performance standards-water supply and sewage treatment non-conforming systems.
- k) Ordinance 96-1, An amendment to the Ordinance pertaining to subdivisions of land.
- l) Ordinance 97-2, An Ordinance pertaining to shoreland alterations—Topographic alterations/grading and filling.
- m) Ordinance 98-1, An Ordinance pertaining to controlled access or recreational lots and additional provisions.
- n) Ordinance 98-1a, An Ordinance establishing development and construction standards for all public roads within the City of Fifty Lakes.
- o) Ordinance 99-1, An Ordinance defining special terms and prescribing districts within which certain uses will be allowed.
- p) Ordinance 99-2, An Ordinance amending section 8.02.02b pertaining to design criteria for structures – water oriented accessory structures.
- q) Ordinance 2000-01, An Ordinance pertaining to districts within which certain uses will be allowed within the City of Fifty Lakes.
- r) Adopt public improvement and road assessment policy; the master road policy; and the road construction policy ordinance 2004-01. 8-17-04.
- s) Section 5.12.01 pertaining to nonconformities. Council on 2-12-07.
- t) Section 6.01 pertaining to subdivision of land. Council on 2-12-07.
- u) Section 3.02 pertaining to the planning commission. Council on 3-14-06.
- v) Section 9.07 pertaining to parking, storage and usage of recreational vehicles. Council on 2-12-07.
- w) Section 7.0 pertaining to planned unit developments (PUD's). Council on 7-10-07.
- x) Section 9.03 pertaining to screening and fencing. Council on 9-11-07.
- y) Section 2.07.126 a definition pertaining to water orientated structures (WOS); eliminate 8.02.02, b, 1-8 and 4.03 chart. Council on 9-11-07.
- z) Section 9.16 Adult Use Ordinance. Council on 11-13-07.
- aa) Section 8.03.03 pertaining to sand blankets and section 5.04 pertaining to commercial use standards and 4.03. Council on 5-13-08.
- bb) Definition of buildable area and impervious surface. An Ordinance creating a new shore land zoning district (R-2) and subsequent changes in 4.02, 4.03, 5.01, 8.01.01, 8.02.01. Council on 12-09-08.
- cc) Section 3.07 Variances, 6.06 Variances and 3.025 Planning Commission. Council on 11-10-09.
- dd) Section 8.03 Dirt Moving, 2.03, 3.0, 3.06, 3.09, 3.10, 4.02, 4.03, 5.0, 5.09, 9.06 Pertaining to Conditional Use Permits and Interim Use Permits. Council on 7-13-10
- ee) Section 6.07 Subdivision/Platting Provisions. Council on 8-7-10.

City of Fifty Lakes Land Use Ordinance

- ff) Definitions of Bluff, Bluff Impact Zone, Bluff, Toe of Bluff, Top of, Building Setback Line, Hardship, Impervious Surface, Lot Width, Rear Lot Zone, Setback , Shore Impact Zone, Shoreland, Stoop, Subdivision, Variance. Variances 3.07, Construction of Nonconforming Lots of Record 5.12.01, Subdivision/Platting Provisions 6.0, Variances 6.06, 8.02.01b. Council on 1-8-2013.
- gg) Section 2.07, relating to the definitions of: Best Management Practices, Campfire, Fire Pit, Egress Window, Road, Guest Cabin and Quarters, Lot Width Riparian, Habitable Area, Impervious Surface, Dwellings, Structure, Principal Use, Party Wall. Council on 8-20-14.
- hh) Section 3.02 relating to Planning Commission. Council on 8-20-14.
- ii) Section 3.05 Permits Required. Council on 8-20-14.
- jj) Section 3.08 Conditional Uses. Council on 8-20-14.
- kk) Section 4.03 Residential – 2 (R-2). Council on 8-20-14.
- ll) Section 5.01 Zoning Districts. Council on 8-20-14.
- mm) Section 6.01 c & d Subdivision by Metes and Bounds. Council on 8-20-14.
- nn) Section 8.0 Provisions form Management of Shoreland Areas, Guest Cabin and Guest Quarters. Council on 8-20-14
- oo) Section 9.0 Water Supply and Sewage Treatment. Council on 8-20-14.
- pp) Adopt Section 9.17 Tower Facility Standards. Council on 8-20-14

City of Fifty Lakes Land Use Ordinance

12.05 Approval and Effective Date

This ordinance shall take effect and be in force at the time of its publication after its adoption by the City Council.

Adopted by Fifty Lakes City Council: _____

Published in the official newspaper on: _____

Tim Anick, Mayor

Attest:

Karen L. Stern, City Clerk – Treasurer

Appendix A—Road Construction Specifications

CITY OF FIFTY LAKES ROAD CONSTRUCTION POLICY

ORDINANCE NO. 2017-03

AN ORDINANCE ESTABLISHING DEVELOPMENT AND CONSTRUCTION STANDARDS FOR ALL PUBLIC ROADS AND BRIDGES ACCEPTED AND MAINTAINED BY THE CITY WITHIN THE CITY OF FIFTY LAKES

The City Council for the City of Fifty Lakes hereby ordains:

Section 1 Intent and Purpose

The City of Fifty Lakes desires to establish minimum road construction standards that will protect the health safety and welfare of the residents of the City of Fifty Lakes and will work to reduce future road maintenance costs.

Section 2 Bridge Standards

All bridges in the City of Fifty Lakes shall be designed by a Professional Engineer Licensed in the State of Minnesota and approved by the City Council.

Section 3 Minimum Road Standards

Except as provide in the Zoning Ordinance, all improvements of City roads will be designed and certified by a Professional Engineer and constructed in accordance with the “Standard Specifications for Highway Construction”, MNDOT current edition, as applicable.

Following are minimum construction standards for City roads:

1. All new roads in new developments and existing roads associated with new developments shall be constructed to a seven ton pavement design on residential roads or nine ton pavement design on primary roads. Bituminous roads shall have a 22 foot wide bituminous driving surface and two foot aggregate shoulders on each side. Aggregate roads shall have a 26 foot wide driving surface, a minimum of four (4) inches of aggregate base class 5 shall be constructed on all roads. For roads constructed through heavy clay and loam type soils, the minimum construction of aggregate base class 5 shall be six (6) inches, unless otherwise approved by the City Council.
2. If existing road width is sufficiently serviceable, upgrades to that existing road (not associated with new development) may be at narrower than standard width with approval of City Council.
3. The road right-of-way for all newly platted roads will not be less than 66 feet in width. See number 8.
4. The entire right-of-way can be cleared for safety purposes and to accommodate private utilities, however at a minimum clearing must be 10’ from the edge of the shoulder in fill sections and 18’ from the edge of shoulder in ditch sections (See Attachment A). Stumps, rocks and all other debris shall be hauled

City of Fifty Lakes Land Use Ordinance

away. Under no condition shall it be acceptable to bury stumps, rocks or other debris under the roadbed or right-of-way.

5. The roadbed shall be constructed in the center of the platted right-of-way. In extreme conditions, the City may specifically allow, by City Council motion, a maximum of 20 foot deviation from centerline as an exception to this specification. If City allows exception, a deviation from the centerline of more than five feet requires foot for foot and successful right-of-way acquisition on the deviated side to accommodate nominal ditch requirements and to avoid trespassing on private property.

6. The roadbed width shall be 26 feet minimum, shoulder to shoulder. It shall be constructed to a minimum crown of 2% to allow surface water to drain laterally and prevent standing water from saturating the roadbed (See Attachment A).

7. Suitable soils shall be used in the construction of embankments, using granular materials for the upper two feet with on site suitable soils placed below the upper two feet. Unsuitable soils (such as swamp materials) shall be disposed outside the roadbed shoulder lines. Embankments shall be constructed in layers not to exceed 6 inches in plastic soils and not to exceed 12 inches for non-plastic soils. Each layer shall be compacted until no evidence of further consolidation exists.

8. Ditch construction shall be provided as required for adequate roadbed drainage, including installation of culverts where required. In slopes, it shall not be constructed steeper than 4 feet horizontally to 1 foot vertically (4:1), except in extremely high fill sections where a 3:1 slope may be acceptable. Back slopes shall not be constructed steeper than 3:1, and the top of the back slope shall be blended into the contour of the natural ground. Additional right-of-way or temporary slope easements will be required, as needed, based on roadway topography to construct acceptable In-slopes and back slopes.

9. Horizontal and vertical alignment shall be designed to meet a 30 mph design speed as determined by the most current version of the MnDOT Road Design Manual. Centerline profile grades shall not exceed 10 percent and shall not be flatter than .05 percent.

10. For bituminous roads, adequate pavement structure shall be provided to maintain a minimum seven or nine ton pavement design, as determined by the City of Fifty Lakes. For granular subgrade soils, the minimum surfacing section shall include 4 inches of compacted aggregate base, class 5 and 2.5 inches of MNDOT specified bituminous material or equivalent as determined by the City of Fifty Lakes (See Attachment A). Bituminous material shall meet the requirements of MnDOT Specification 2360 with a Mix Design of SPWEA230C. Aggregate roads shall have a minimum of four (4) inches of aggregate base class 5. For roads constructed through heavy clay and loam type soils, the minimum construction of aggregate base class 5 shall be six (6) inches, unless otherwise approved by the City Council.

11. All soil disturbance areas resulting during road construction shall incorporate erosion prevention measures to prevent erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing. Final stabilization shall include that all soil disturbing activities at the site have been completed and a uniform (evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover on all unpaved/pervious areas. When required equivalent permanent stabilization measures (such as riprap, gabions, geotextiles) shall be employed.

12. All dead end roads shall have a cul-de-sac constructed with a minimum 45 foot paved radius with 2 foot aggregate shoulder or aggregate surface with a 47 foot radius, and a minimum 66 foot radius right-of-way, or other City approved turnaround (See Attachment A).

City of Fifty Lakes Land Use Ordinance

- 13. All right-of-way and slope easements must be vegetated prior to the City accepting any road.
- 14. The developer must provide a performance bond that will cover 125% of the project costs. The bond shall be in effect from the start of the project until one year after the City has accepted the project. During this one year waiting period, any erosion problems, defective materials, or any other road problems shall be promptly corrected by the developer or his contractors.
- 15. The developer shall obtain certification from a registered engineer that the road has been constructed to City standards prior to acceptance by the City.

Section 4 Roadway Cross-Section

Refer to Attachment “A” for examples of application drawings.

Section 5 Separability

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

Section 6

Prior to the city accepting existing or new roads, the city engineer shall verify said road(s) meet all the requirements of this policy.

This policy shall take effect and be in force at the time of its adoption by the City Council.

Adopted by Fifty Lakes City Council:

Tim Anick, Mayor

Attest:

Karen L. Stern, City Clerk – Treasurer