

## Summary of Proposed Revisions to Land Use Ordinance for Crow Wing County, Minnesota January 4, 2023

Change #	Subject	Article	Existing concept	Proposed change
1	Rip rap	11	Currently, the Ordinance does not require a permit for rip rap installation so long as it "...meets all applicable DNR rip-rap requirements and is not in wetlands." (Article 11.21 B7)	<p>Require a shoreland alteration permit for the placement of natural rip rap only, including associated grading, meeting the following performance standards:</p> <ol style="list-style-type: none"> <li>1. Only natural rock (cannot average less than 6 inches or more than 30 inches in diameter) may be used that is free of debris that may cause pollution or siltation. Concrete is not allowed.</li> <li>2. A filter of crushed rock, gravel, or filter fabric material must be placed underneath the rock.</li> <li>3. The minimum finished slope water-ward of the OHWL must be no steeper than 3 to 1 (horizontal to vertical).</li> <li>4. The riprapped area must be no more than 200 linear feet of shoreline along lakes and wetlands or, along shorelines of streams, must be less than five times the average width of the affected watercourse.</li> <li>5. The installation of riprap must not be located in wetlands.</li> <li>6. The installation of riprap must not result in a violation of Article 11.21 (dirt moving, historic ice ridges, etc.), Article 11.20 (vegetation alterations, recreation use areas, bluff and steep slope standards, etc.), or any other Shoreland District performance standard.</li> <li>7. The installation of riprap must be subject to the requirements of, and/or permitting by, the Minnesota Department of Natural Resources (DNR).</li> </ol>
2	Alternative/controlled access lots	11.17 B	Allowed with approval from Planning Commission with no minimum standards – but at present time is subject to a moratorium on any new alternative access lots until 4/12/2023	<p>Allow with an approved Conditional Use Permit (CUP) in all land use zoning districts except all commercial zoning (WC, C/LI, and C/HI). Create alternative access lot standards related to their use as follows:</p> <ol style="list-style-type: none"> <li>1. Access lots shall be governed by a covenant recorded on the title of every lot or parcel of land allowed to use the access lot. These access lots shall</li> </ol>

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				<p>also comply with all of the minimum lot size standards found in Article 11.3 (Shoreland District lots) and 16.4 (Waterfront Commercial lots).</p> <ol style="list-style-type: none"> <li>2. When more than six subdivision lots are served, the width of the access lot shall be increased by 25 percent for each additional subdivision lot in excess of the six served.</li> <li>3. Access lots must be jointly owned by all of those purchasers of riparian lots having rights of usage of the access lot and governed by an owners association.</li> <li>4. A lake study showing aquatic vegetation types in the water, water depth in one-foot intervals to depth of six feet, and bottom substrate type and conditions, shall be required for all alternative access lot applications.</li> <li>5. Access lots shall be suitable in its natural state for the intended activities. All facilities shall be centralized and located in areas suitable for them. Evaluation of suitability shall include, <del>to</del> but not limited to, consideration of land slope, water depth, aquatic and shoreland vegetation, the presence of important fish and wildlife habitat, soils, depth to groundwater, and other relevant factors.</li> <li>6. Docking facilities must adhere to all provisions of the Crow Wing County Water Surface Use Ordinance (Ordinance No. 83) including confinement within the access lot riparian zone.</li> <li>7. Permitted activities may include beaching, mooring, or docking area, but shall not include residential or commercial uses. Within the access lot, a single dock and boardwalk may be permitted for public water access purposes. Boating facilities must be located adjacent to the deepest water available. Continuous boat mooring shall be limited to one watercraft/mooring space per lot served, not counting the access lot.</li> <li>8. No lots served by the access lot shall own or construct an individual dock or boardwalk for public water access purposes within the shore impact zone.</li> <li>9. Covenants governing access lots shall limit the total number of vehicles allowed to be parked on the access lot, provide for the maintenance and</li> </ol>

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				<p>eventual removal of all improvements (including boardwalks and docking facilities) and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. All parking areas, storage buildings, and other facilities are to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions. The covenants shall also specify which activities, such as swimming, sunbathing, and picnicking, shall be allowed on the access lot. These activities shall not conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. The owner's association shall enforce covenants.</p> <p>10. Access lots shall have a no maintenance shoreline buffer required subject to the Shoreline Rapid Assessment Model as defined by this ordinance. If none exists or an insufficient existing natural buffer is in place at the time of application, a vegetation management plan approved by the County shall be implemented to re-establish an appropriate buffer prior to use as an alternative access lot.</p> <p>11. The impervious surface coverage for access lots must not exceed 12 percent of lot area.</p>
3	Pools/hot tubs	11.8 & 11.12 G	<p>Patios: states that in SIZ 2, they can be a maximum of 250 sq. feet in size; or, up to 400 sq. feet in size with an approved stormwater management plan.</p> <p>Pools: States that only in-ground pools and hot tubs in SIZ 2 require a permit, and cannot exceed 400 sq. feet combined, including surrounding patios/decks.</p>	<p>Revise both Articles to state that both in-ground pools <u>and above ground</u> pools and hot tubs in SIZ 2 require a permit and cannot exceed 400 sq. feet combined.</p> <p>Add a provision that pools and patios combined are part of the total amount of patio allowed within SIZ 2 (400 sq. feet max. w/stormwater management plan).</p>

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4	Boardwalks	18	Allowed with a Shoreland alteration permit – but at present time is subject to a moratorium on any new boardwalks until 4/12/2023.	<p>Revise standards to decrease maximum width and height above wetland, along with other provisions as follows:</p> <ol style="list-style-type: none"> <li>1. Boardwalks shall be the preferred method to accessing public waters across riparian wetlands; and</li> <li>2. Boardwalks constructed on posts or pilings (temporary or permanent) shall not be considered fill pursuant to MN Rules 8420.0111 Subpart 26; and</li> <li>3. Boardwalks shall be constructed to be perpendicular to the shoreline to the greatest extent possible; and</li> <li>4. Boardwalks shall not have a canopy, roof, or be enclosed; and</li> <li>5. Boardwalks shall not extend into adjoining riparian use areas; and</li> <li>6. Boardwalks shall meet property line setbacks; and</li> <li>7. The maximum width of a boardwalk shall be 6 feet; and</li> <li>8. Boardwalk supports shall be constructed above the wetland surface and decking shall be constructed a minimum of 12” above the wetland surface; and</li> <li>9. Boardwalks may be placed on posts or pilings (temporary or permanent); and</li> <li>10. Boardwalks may incorporate railings; and</li> <li>11. Boardwalk construction activity below the OHWL is not regulated by this ordinance; and</li> <li>12. Must meet the requirement of Article 21 (Floodplain Overlay District).</li> </ol>
5	Addressing and Street Name Signs	19	This Article provides for the coordinated addressing system for locating 911 emergencies and maintaining continuity in addressing throughout Crow Wing County, and providing for the administration thereof.	Incorporation of existing “Crow Wing County Coordinate Datum Based Unincorporated Addressing and Sign Ordinance” (approved 8/22/2000) into Article 19 of the Land Use Ordinance. Also includes refining language and ensuring consistency with current practices. If approved, the current stand-alone addressing and sign ordinance would be repealed.

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6	Winter Agreements (window) for subdivisions	9.6 C5	Winter agreements are currently only allowed for septic compliance inspections.	In addition to compliance inspections, allow winter agreements for septic site suitabilities and wetland delineations for both proposed subdivisions of property.
7	Tower facility standards	43.3	Article 43.3 B – states the criteria for certain tower related items that shall not require a permit application for tower facilities (i.e., maintenance).	<p>Article 43.3 B – Add the following provisions that constitute maintenance and does not therefore does not require a permit (matching the current practice in-place):</p> <ul style="list-style-type: none"> <li>• The replacement or addition of no more than 2 generators or electrical accessory structures less than 160 sq. feet in size in a 3 year period.</li> <li>• Replacing existing antennas that result in no net-addition in the overall number of antennas, provided they do not increase in the height of the tower, meet all setbacks, and comply with lighting standards.</li> <li>• Replacing existing wires or cables attached to towers.</li> </ul>
8	Conservation Developments / maximum impervious standards	Table 41.1	The maximum impervious surface coverage on new conservation developments with stormwater plans located in the Shoreland protection zone (SPZ) for each “average dwelling unit lot” is 30%. And, that this applies, “provided that the total impervious coverage for the lot is not exceeded and that a minimum of 50% of the lot is common open space.”	<p>Revise to state that the maximum impervious surface coverage on new conservation developments with stormwater plans located in the Shoreland protection zone (SPZ) is 30% for the entire project site (the combined total of all common areas / open spaces and individual lots within the open space).</p> <p>Also, revise to state that the above is allowed “provided that a minimum of 50% of the total project area is common open space” (both the common areas / open spaces and individual lots within the open space).</p>
9	Conservation Developments / maximum impervious standards	Table 41.2	The maximum impervious surface coverage on new conservation developments with stormwater plans located in the Shoreland buffer zone (SBZ) for each “average dwelling unit lot” is 30%. And, that this applies, “provided that the total impervious coverage for the lot is not exceeded and that a minimum of 50% of the lot is common open space.”	<p>Revise to state that the maximum impervious surface coverage on new conservation developments with stormwater plans located in the Shoreland buffer zone (SBZ) is 30% for the entire project site (the combined total of all common areas / open spaces and individual lots within the open space).</p> <p>Also, revise to state that the above is allowed “provided that a minimum of 50% of the total project area is common open space” (both the common areas / open spaces and individual lots within the open space).</p>

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10	Conservation Developments / maximum impervious standards	Table 41.3	The maximum impervious surface coverage on new conservation developments with stormwater plans located in non-shoreland areas for each “average dwelling unit lot” is 40%. And, that this applies, “provided that the total impervious coverage for the lot is not exceeded and that a minimum of 50% of the lot is common open space.”	Revise to state that the maximum impervious surface coverage on new conservation developments with stormwater plans located in non-shoreland areas is 40% for the entire project site (the combined total of all common areas / open spaces and individual lots within the open space).  Also, revise to state that the above is allowed “provided that a minimum of 50% of the total project area is common open space” (both the common areas / open spaces and individual lots within the open space).
11	Boardwalk – definition	46.61	There is no definition of “boardwalk” in the ordinance	Add a definition of “boardwalk” to the ordinance: “A temporary or permanent above-grade constructed linear walkway, located above the OHW, not to exceed 6 feet in width, and used to cross wetlands for the purposes of accessing shorelines/public waters.”
12	Dock – definition	46.111	There is no definition of “dock” in the ordinance	Add a definition of “dock” to the ordinance.  “A narrow platform or structure extending waterward from the shoreline (below OHW) intended for ingress and egress for moored watercraft or seaplanes or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities.”
13	Rip rap (definition)	46.270	There is no definition of “rip rap” in the Ordinance.	Add a definition of rip rap (natural) to be the following:  “Course stones randomly and loosely placed along the shoreline meeting the standards of this Ordinance”.
14	Non-commercial storage building(s)	46.331	Currently, residentially zoned properties are not allowed to use a property in such a way where employees are storing equipment and materials of building, plumbing, painting, heating, landscaping, septic system or other trades that perform their work primarily off-site. That use constitutes a	Add a new definition of “non-commercial storage building” stating the following: “A building that is used for non-commercial purposes. This includes those buildings used by employees to store equipment and materials of building, plumbing, painting, heating, landscaping, septic system or other trades that perform their work primarily off-site.” Also, include this as an allowed (“A”) use in Table 10.3 in all land use districts.

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			"commercial" use and would require a zoning change prior to the use commencing.	<ul style="list-style-type: none"> <li>• With this definition and use clarification, "non-commercial storage buildings" would be allowed with no permit in the same places as non-commercial storage yards.</li> </ul>