

**TOWN OF ATHENS
ISANTI COUNTY, MN.**

ORDINANCE NO. 202202

**ORDINANCE AMENDING CHAPTER 20 ARTICLE IX OF THE TOWN
CODE RELATING TO SHORELAND DISTRICT**

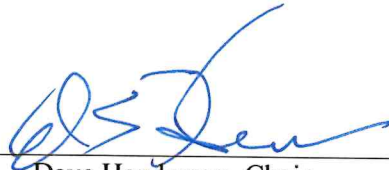
THE TOWN BOARD OF ATHENS ORDAINS:

Section 1: Pursuant to authority granted by Minnesota Statutes, 462.357,
the Town of Athens hereby adopts the amendment to Chapter 20, Article IX of the
Town Code as shown in Exhibit A.

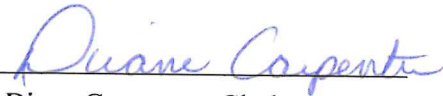
Section 2: This Ordinance shall be in full force upon passage and publication.

Adopted this 6th day of December 2021.

Adopted Clarification this 4th day of April 2022



Dave Henderson, Chair



Diane Carpenter, Clerk

	Aye	Nay	Abstain	Absent
Henderson	<input checked="" type="checkbox"/>			
Beckstrom				<input checked="" type="checkbox"/>
Peterson			<input checked="" type="checkbox"/>	
Olson	<input checked="" type="checkbox"/>			
Christensen	<input checked="" type="checkbox"/>			

**EXHIBIT A-AMENDMENT TO Chapter 20 Article IX Shoreland
Ordinance**

Note: Isanti County Ordinance is adopted by reference including all updates as they may be made from time to time.

4/4/2022 amendment/clarification

This Ordinance is a complete repeal and replacement of the existing Athens Township Ordinance.

ISANTI COUNTY SHORELAND ORDINANCE ADOPTION BY REFERENCE

SECTION 11. S Shoreland District

Subdivision 1. Purpose

The intent of the S Shoreland District is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values, and the general health, safety, and welfare of all public waters in the unincorporated areas of the county.

Subdivision 2. Subdistricts

Special Protection (SP)

1. Purpose: To manage and preserve areas with special historical, natural or biological characteristics by limiting and properly managing development in unsuitable areas due to flooding, erosion, limiting soil conditions, steep slopes or other physical constraints.
2. Permitted Uses:
 - a. All general agricultural pasture and minimum tillage cropland, uses including farm dwellings and agricultural buildings.
 - b. Forestry tree farms and timber harvesting.
 - c. Nature areas, hiking and riding trails, wildlife preserves, and designated county, state, or federal wetland areas.
 - d. Home Occupation.
 - i. Only persons who are members of the household residing on the premises may be employed in the home occupation.
 - ii. Not more than 25 percent of the square footage of the dwelling including attached garage, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
 - iii. Adequate off-street parking shall be provided and not more than three parked vehicles may be present at one time.
 - iv. A sign on the premises shall not exceed four (4) square feet.
 - v. Any home occupation in existence prior to the adoption of this ordinance will be allowed to continue as a legal non-conforming use subject to Section 22 of this Ordinance.
 - e. Single family homes.
 - f. Swimming pools.
3. Conditional Uses (see Section 18, Subdivision 7 & 8)

- a. Parks and designated county, state, or federal historic sites which do not maintain

overnight camping facilities.

- b. Travel trailers or motor homes used as temporary dwelling shall be limited to a maximum placement on a lot for six (6) months within a calendar year (from May through October), on a lot of record and shall conform to all required structure setbacks established herein. Only one (1) travel trailer or motor home is allowed on a single lot of record.
 - c. Any essential services which cannot be reasonably located in other than the Shoreland District.
 - d. Assisted Living Facility.
 - e. Retreat Centers.
 - a. Duration of temporary lodging to be determined by the Planning Commission.
 - b. Minimum of 25 acres required.
 - c. Up to twenty five (25) people for overnight lodging.
 - d. The owner/operator/director must reside on the property.
 - f. Rural Retail Tourism businesses which attract travelers or visitors to areas historically or traditionally used for agricultural purposes, which are generally small – scale, low impact, and entertainment, recreation, and/or education focused. (See Section 14 General Regulations Subdivision 12 for further permitting regulations.)
4. General District Provisions.
- a. See Subdivision 3 in this Section for regulations pertaining to structure height, side yards, lot area, lot width, lot depth, and other setbacks.
 - b. See Subdivision 4 in this Section regarding provisions regulating subdivisions of multi-family dwelling on Natural Environment Lakes, the placement of Guest Houses on single family lots, and lots intended as access lots.
 - c. See Subdivision 5 in this Section regarding other design criteria for structures in the case of high water elevations, water oriented accessory structures, stairways, lifts, and landings, historic sites, and steep slopes.
 - d. See Subdivision 6 in this Section regarding shoreland alterations.
 - e. See Subdivision 7 in this Section regarding the placement of roads.
 - f. See Subdivision 8 in this Section regarding stormwater management.
 - g. See Subdivision 9 in this Section regarding standards for non-residential uses.
 - h. See Section 14, Subdivision 2 for parking. Subdivision 3 for sanitary provisions.
 - i. The private ownership of dogs over the age of four (4) months shall be limited to two (2) at one time per residential household.

Residential District (R)

- 1. Purpose: To allow a low to medium density residential use on lands suitable for these uses. To

prevent other uses that conflict with residential use.

2. Permitted Uses:

- a. Single family homes.
- b. Travel trailers or motor homes used as temporary dwelling shall be limited to a maximum placement on a lot for six (6) months within a calendar year (from May through October), on a lot of record and shall conform to all required structure setbacks established herein. Only one (1) travel trailer or motor home is allowed on a single lot of record.
- c. Essential services.
- d. Nature areas, wildlife preserves, and designated county, state or federal wetland areas.
- e. Home Occupation.
 - i. Only persons who are members of the household residing on the premises may be employed in the home occupation.
 - ii. Not more than 25 percent of the square footage of the dwelling including attached garage, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
 - iii. Adequate off-street parking shall be provided and not more than three parked vehicles may be present at one time.
 - iv. A sign on the premises shall not exceed four (4) square feet.
 - v. Any home occupation in existence prior to the adoption of this ordinance will be allowed to continue as a legal non-conforming use subject to Section 22 of this Ordinance.
- g. Swimming pools.

3. Conditional Uses (See Section 18, Subdivision 7 & 8)

- a. Semi-public uses.
- b. Parks and designated county, state, or federal historic sites which do not maintain overnight camping facilities.
- c. Golf courses, clubhouses, miniature courses, and golf driving ranges operated for commercial purposes.
- d. Duplexes designed to be occupied by not more than two (2) families with separate housekeeping and cooking facilities provided that such dwellings will be compatible with the surrounding dwellings.
- e. Public school or private schools having a curriculum equivalent to public schools.

- f. Places of worship.
 - g. Limited agricultural uses including fruit and vegetable farms and tree farms, provided such use shall not have any livestock associated with the use.
 - h. Assisted Living Facility.
 - i. Retreat Centers.
 - a. Duration of temporary lodging to be determined by the Planning Commission.
 - b. Minimum of 25 acres required.
 - c. Up to twenty five (25) people for overnight lodging.
 - d. The owner/operator/director must reside on the property.
 - j. Rural Retail Tourism businesses which attract travelers or visitors to areas historically or traditionally used for agricultural purposes, which are generally small – scale, low impact, and entertainment, recreation, and/or education focused. (See Section 14 General Regulations Subdivision 12 for further permitting regulations.)
4. General District Provisions.
- a. See Subdivision 3 in this Section for regulations pertaining to structure height, side yards, lot area, lot width, lot depth, and other setbacks.
 - b. See Subdivision 4 in this Section regarding provisions regulating subdivisions of multi-family dwelling on Natural Environment Lakes, the placement of Guest Houses on single family lots, and lots intended as access lots.
 - c. See Subdivision 5 in this Section regarding other design criteria for structures in the case of high water elevations, water oriented accessory structures, stairways, lifts, and landings, historic sites, and steep slopes.
 - d. See Subdivision 6 in this Section regarding shoreland alterations.
 - e. See Subdivision 7 in this Section regarding the placement of roads.
 - f. See Subdivision 8 in this Section regarding stormwater management.
 - g. See Subdivision 9 in this Section regarding standards for non-residential uses.
 - h. See Section 14, Subdivision 2 for parking. Subdivision 3 for sanitary provisions.
 - i. The private ownership of dogs over the age of four (4) months shall be limited to two (2) at one time per residential household.

Water Oriented Commercial District (WC)

- 1. Purpose: To provide for existing or future commercial uses that are functionally dependent upon water location.
- 2. Permitted Uses.

- a. Surface water oriented commercial uses, except along natural environment lakes or any streams. Such uses include single family dwellings associated with a resort, marinas, campgrounds, recreational vehicle parks, bait shops, and marine repair shops.
 - b. Resorts and other permanent buildings which provide sleeping accommodations on a transient rental basis.
 - c. Restaurants, drive-ins, dinner clubs, taverns, and private clubs.
 - d. Home Occupation.
 - i. Only persons who are members of the household residing on the premises may be employed in the home occupation.
 - ii. Not more than 25 percent of the square footage of the dwelling including attached garage, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
 - iii. Adequate off-street parking shall be provided and not more than three parked vehicles may be present at one time.
 - iv. A sign on the premises shall not exceed four (4) square feet.
 - v. Any home occupation in existence prior to the adoption of this ordinance will be allowed to continue as a legal non-conforming use subject to Section 22 of this Ordinance.
 - e. Public and semi-public uses.
 - f. Parks and historic sites.
 - g. Essential services.
 - h. Swimming pools.
3. Conditional Uses (See Section 18, Subdivision 7 & 8).
- a. Surface water oriented commercial uses along natural environment lakes and streams.
 - b. Commercial Planned Unit Developments, or a Residential Planned Unit Development to allow the conversion of a resort to a planned unit development.
 - c. Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design compatible with other general allowable uses of the district.
 - d. Riding academies and horse stables.
 - e. Assisted Living Facility.
 - f. Retreat Centers.

- a. Duration of temporary lodging to be determined by the Planning Commission.
 - b. Minimum of 25 acres required.
 - c. Up to twenty five (25) people for overnight lodging.
 - d. The owner/operator/director must reside on the property.
- g. Rural Retail Tourism businesses which attract travelers or visitors to areas historically or traditionally used for agricultural purposes, which are generally small – scale, low impact, and entertainment, recreation, and/or education focused. (See Section 14 General Regulations Subdivision 12 for further permitting regulations.)
4. General Use Provisions.
- a. See Subdivision 3 in this Section for regulations pertaining to structure height, side yards, lot area, lot width, lot depth, and other setbacks.
 - b. See Subdivision 4 in this Section regarding provisions regulating subdivisions of multi-family dwelling on Natural Environment Lakes, the placement of Guest Houses on single family lots, and lots intended as access lots.
 - c. See Subdivision 5 in this Section regarding other design criteria for structures in the case of high water elevations, water oriented accessory structures, stairways, lifts, and landings, historic sites, and steep slopes.
 - d. See Subdivision 6 in this Section regarding shoreland alterations.
 - e. See Subdivision 7 in this Section regarding the placement of roads.
 - f. See Subdivision 8 in this Section regarding stormwater management.
 - g. See Subdivision 9 in this Section regarding standards for non-residential uses.
 - h. See Subdivision 11 in this Section regarding PUD standards.
 - i. See Section 14, Subdivision 2 for parking. Subdivision 3 for sanitary provisions.
 - j. The private ownership of dogs over the age of four (4) months shall be limited to two (2) at one time per residential household.

General Use District (G)

- 1. Purpose: A district to be established where urban and commercial development has occurred prior to the amending of this Ordinance or where this type of development is likely to occur.
- 2. Permitted Uses.
 - a. Commercial uses, except along natural environment lakes and any streams.
 - b. Public and semi-public uses, except along natural environment lakes and any streams.
 - c. Essential services.
 - d. Swimming pools.

3. Conditional Uses (See Section 18, Subdivision 7 & 8)
 - a. Commercial uses along natural environment lakes and streams.
 - b. Public and semi-public uses along natural environment lakes and streams.
 - c. Commercial Planned Unit Developments.
 - d. Extractive uses.
 - e. Industrial uses, except along natural environment lakes and streams classified as Transitional or Agricultural.
 - f. Parks and historic sites.
 - g. Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design compatible with other general allowable uses of the district.
 - h. Riding academies and horse stables.
 - i. Assisted Living Facility.
 - j. Retreat Centers.
 - a. Duration of temporary lodging to be determined by the Planning Commission.
 - b. Minimum of 25 acres required.
 - c. Up to twenty five (25) people for overnight lodging.
 - d. The owner/operator/director must reside on the property.
 - k. Signs
 1. No more than one (1) free standing or pylon sign of not more than thirty-five (35) square feet in surface area.
 2. The total surface area of all business signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage or twenty percent (20%) of the front building face area or three hundred (300) square feet in area, whichever is less.
 3. No business sign shall project above the permitted building height.
4. General District Provisions.
 - a. See Subdivision 3 in this Section for regulations pertaining to structure height, side yards, lot area, lot width, lot depth, and other setbacks.
 - b. See Subdivision 4 in this Section regarding provisions regulating subdivisions of multi-family dwelling on Natural Environment Lakes, the placement of Guest Houses on single family lots, and lots intended as access lots.
 - c. See Subdivision 5 in this Section regarding other design criteria for structures in the case of high water elevations, water oriented accessory structures, stairways, lifts, and landings, historic sites, and steep slopes.
 - d. See Subdivision 6 in this Section regarding shoreland alterations.

- e. See Subdivision 7 in this Section regarding the placement of roads.
- f. See Subdivision 8 in this Section regarding stormwater management.
- g. See Subdivision 9 in this Section regarding standards for non-residential uses.
- h. See Subdivision 11 in this Section regarding PUD standards.
- i. See Section 14, Subdivision 2 for parking. Subdivision 3 for sanitary provisions.
- j. The private ownership of dogs over the age of four (4) months shall be limited to two (2) at one time per residential household.

Subdivision 3. Height, Yard, Area and Lot Depth Regulations

- 1. Height Regulations: All structures, except churches and agricultural structures must not exceed thirty-five (35) feet in height.
- 2. Lot Area Requirements (specified in Square Feet or Acres).

- a. Lakes:

	<u>General Development</u>		<u>Recreational Development</u>		<u>Natural Environment</u>	
	Non-		Non-		Non-	
	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>
1. Single	20,000	40,000	40,000	40,000	80,000	80,000
2. Duplex	40,000	80,000	80,000	80,000	120,000	160,000

- 3. Each lot in the Natural Environment lake category shall contain a minimum of one (1) acre of buildable area.
- 4. In addition, Non – riparian lots in the Natural Environment lake category shall follow the underlying district housing density requirements.

- b. Rivers: Every lot on which a single family dwelling is erected shall contain a minimum of two (2) acres which shall also contain one (1) acre of buildable area.

- 3. Lot Width Regulations (Specified in Linear Feet).

- a. Lakes

	<u>General Development</u>		<u>Recreational Development</u>		<u>Natural Environment</u>	
	Non-		Non-		Non-	
	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>
1. Single	100'	150'	150'	150'	200'	200'
2. Duplex	180'	265'	225'	265'	300'	400'

- b. Rivers

	<u>Transition</u>	<u>Agriculture/Tributary</u>
1. Single	250'	200'
2. Duplex	375'	275'

All lots shall have a minimum width at the shoreline as stated above, measured at the ordinary high water line. All lots shall also have a minimum lot width as stated above, at the building setback from the OHW, or bluffline, whichever is greater.

All lots shall also have a minimum of one hundred (100) feet of frontage along the road right-of-way line except on cul - de - sacs where lots shall have a minimum of fifty (50) feet of lot width at the road right-of-way and all lots shall have a minimum of one hundred (100) feet of width at the front yard setback line.

a. New Private Access Drives – Single Parcel

All new private access drives serving a single parcel shall have a (33) foot easement or owned property and a twelve (12) foot driving surface, with a minimum of three (3) inches of class 5 gravel, and shall provide an adequate turning surface at the terminus of the road. The access drive must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

b. New Private Access Drives – 2 Parcels

All new private access drives intended to service two building sites shall have a sixty-six (66) foot easement or owned property and a twenty-four (24) foot driving surface, with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least one hundred twenty (120) feet in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

c. Private Access Drives – 3 or more parcels

All new private access drives established to serve three (3) or more building sites shall build the road to the road standards adopted by the Township in which the private access drive is located. The Township shall have the authority to approve and inspect the road. If the Township does not have adopted road standards, the road must be upgraded to a sixty – six (66) foot easement and a twenty – four (24) foot driving surface with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least 120' in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the certificate of occupancy. All driveway access points on County or

Township roads shall require a permit from the local road authority.

4. Setback Regulations - from Ordinary High Water Level.

a. Placement of Dwellings on Lots: When more than one (1) setback applies to a site, dwellings and facilities must be located to meet all setbacks. Where dwellings exist on adjoining side lots of a proposed building site, consideration may be given to alter the setback from the ordinary high water level of the proposed dwelling without a variance to meet the setbacks of those existing dwellings, provided the proposed building site is not located in a Shore Impact Zone or in a Bluff Impact Zone. If, however, one or more of the existing dwellings is less than fifty percent (50%) structurally sound (based upon the Minnesota State Building Code definition), then the dwellings(s) will not be considered a viable building for determining applicable setbacks and this provision will not apply to the proposed development (for accessory structures, see "e" below).

b. Lakes.

	<u>General Development</u>	<u>Recreational</u>	<u>Natural Environment</u>
1. Structure	75	100	150
2. Septic System	50	75	150

c. Rivers

	<u>Transition</u>	<u>Agriculture/Tributary</u>
1. Structure	150	150
2. Septic System	100	75

d. Additional Structure Setbacks - Apply to all Shoreland Subdistricts:

<u>Setback from</u>	<u>Setback</u>
1. Top of Bluff	30'
2. Unplatted Cemetery	50'
3. Right-of-way line of all roads or streets, including private road easements	50'
4. Side Yards	20' on NE Lakes and Streams 10' on RD or GD Lakes
5. Rear Yard	40'

e. Accessory Structure Setbacks:

Accessory structures shall meet all structure setbacks, except as provided for in "f" below. In addition, where accessory structures exist on adjoining side lots of a proposed building site, consideration may be given to alter the setback from the road right-of-way line of the proposed accessory structure without a variance to meet the setbacks of those existing structures. However, this administrative variance procedure shall only be permitted up to 25' of the road right-of-way line. If an applicant wishes to construct, erect, or place an accessory structure in a position on a lot which would encroach closer than 25' from the road right-of-way line, the applicant must request a variance from the setback requirement.

f. Additional Setback Regulations:

- i. The one water oriented accessory structure allowed per lot must be setback ten (10) feet from the ordinary high water level.
- ii. A use without water oriented needs, if located on a lot with public water frontage, must be setback double the normal structure setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions, and meeting the minimum normal structure setback.

Subdivision 4. Special Provisions Applicable to Lot Area and Width Standards

1. Residential subdivision with dwelling densities exceeding those established in the performance standards of each land use district can only be allowed if designed and approved as residential PUD's.
2. Subdivisions of duplexes on Natural Environment Lakes must also meet the following standards:
 - a. Each building must be set back at least 200 feet from the ordinary highway water level.
 - b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building.
 - c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building.
 - d. No more than twenty-five percent (25%) of a lakes shoreline can be in duplex developments.
3. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Subdivision 3, 2 & 3 of this Section, provided the following standards are met:
 - a. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit.
 - b. A guest cottage must not cover more than 700 square feet of land surface and must not exceed fifteen (15) feet in height.
 - c. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
4. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards:
 - a. They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
 - b. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be

increased by the percent of the requirements for riparian residential lots for each watercraft beyond six (6), consistent with the following table:

Controlled Access Frontage Requirements

Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100 - 200	20
201 - 300	15
301 - 400	10
Greater than 400	5

- c. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot.
- d. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

Subdivision 5. Design Criteria for Structures

1. High Water Elevations: 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:
 - a. For lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher;
 - b. For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.
 - c. 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.

2. Water Oriented Accessory Structure: Each lot may have one (1) water oriented accessory structure not meeting the normal structure setback in Subdivision 3, #4 of this Section, provided this water oriented accessory structure complies with the following provisions.
 - a. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails and cannot occupy an area greater than 120 square feet. Detached decks must not exceed eight (8) feet above grade at any point.
 - b. The setback of the structure or facility from the ordinary high water level must be at least ten (10) feet.
 - c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.
 - d. The roof may be used as a deck with safety rails but must not be enclosed or used as a storage area.
 - e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

3. Stairways, Lifts and Landings: Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements.
 - a. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open space recreational properties, and planned unit developments.
 - b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open space recreational properties, and planned unit developments.
 - c. Canopies or roofs are not allowed on stairways, lifts, or landings.
 - d. 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.
 - e. 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.
 - f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

4. Significant Historic Sites: No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
5. Steep Slopes: The Isanti County Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

Subdivision 6. 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.

1. Vegetation Alterations.
 - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Subdivision 7 of this Section are exempt from the vegetation alteration standards that follow. However, if such alteration substantially reduces vegetative screening, replanting of native species may be required through the appropriate permit process.
 - b. Removal or alteration of vegetation, except for agricultural and forest managements uses as regulated in Subdivision 9, #2 and 3 respectfully, in this Section, is allowed subject to the following standards:
 - i. 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 these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - ii. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principle dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water oriented accessory structures or facilities, provided that:
 - 1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
 - 2) Along rivers, existing shading of water surface is preserved.
 - 3) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
2. Topographic Alterations/Grading and Filling.

- a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construct of structures, sewage treatment systems, and driveways.
- b. Public roads and parking areas are regulated by Subdivision 7 of this Section.
- c. Notwithstanding Item “a” and “b” above, a grading and filling permit issued by the Isanti County Zoning Office will be required for:
 - i. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones.
 - ii. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
- d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals.
 - i. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the Wetland*
 - 1) Sediment and pollutant trapping and retention.
 - 2) Storage of surface run-off to prevent or reduce flood damage.
 - 3) Fish and wildlife habitat.
 - 4) Recreational use.
 - 5) Shoreline or bank stabilization.
 - 6) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
 - * This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approval by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.
 - ii. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
 - iii. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetation cover must be established as soon as possible.
 - iv. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
 - v. Altered areas must be stabilized to accept erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and for the United States Soil Conservation Service.

- vi. Fill or excavated material must not be placed in a manner that creates an unstable slope.
 - vii. Plans to fill or excavate material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater.
 - viii. Fill or excavated material must not be placed in bluff impact zones.
 - ix. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under Minnesota Statutes, Section 103G.245, or as amended.
 - x. 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.
 - xi. Placement of natural rock rip rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the rip rap is within ten (10) feet of the ordinary highway water level, and not more than five (5) feet into the water (waterward) and the height of the rip rap above the ordinary high water level does not exceed three (3) feet.
- e. **Connections to Public Waters.** 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.

Subdivision 7. Placement and Design of Roads, Driveways, and Parking Areas

1. 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. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district or other applicable technical materials.
2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternative exist, they may be placed within these area and must be designed to minimize adverse impacts.
3. Public and private watercraft access ramps, approach roads, and access related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Subdivision 6 of this Section must be met.

Subdivision 8. Stormwater Management

The following general and specific standards shall apply:

1. General Standards.

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

2. Specific Standards.

- a. Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area.
- b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Subdivision 9. Special Provisions for Commercial, Industrial, Public/Semi-public, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat

1. Standards for Commercial, Industrial, Public and Semi-public Uses.

- a. Surface water oriented commercial uses and industrial, public, or semi-public 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 uses with water oriented needs must meet the following standards.
 - i. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - ii. 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.
 - iii. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards.

- 1) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
 - 2) 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 (10) 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.
 - 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. This does not preclude use of navigational lights.
- b. Uses without water oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be setback double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
2. Agriculture Use Standards.
- a. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation district or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.
 - b. Animal feedlots must meet the following standards.
 - i. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public water basins.
 - ii. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
3. Forest Management Standards: The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment

Forestry and the provisions of Water Quality in Forest Management A Best Management Practices in Minnesota.

4. Extractive Use Standards.
 - a. Site Development and Restoration Plan: An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
 - b. Setbacks for Processing Machinery: Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
5. Mining of Metallic Minerals and Peat: Mining of metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, Section 93.44 to 93.51 are satisfied.

Subdivision 10. Non-Conformities

1. Construction on Non – conforming Lots of Record.
 - a. This subdivision applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes. Except as otherwise provided by law, a non-conformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this section, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure 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, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure 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, the board may impose reasonable conditions upon a zoning 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 zoning or building permit to mitigate created impacts on the adjacent property or water body.
 - b. Existing nonconforming lots in shoreland areas. This subdivision applies to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A county 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 according to this subdivision. 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 the Minnesota Pollution Control Agencies rules on onsite septic systems, 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.

- c. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

- (1) the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
- (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 Pollution Control Agencies rules on onsite septic systems, and local government controls;
- (3) impervious surface coverage must not exceed 25 percent of each lot; and
- (4) development of the lot must be consistent with an adopted comprehensive plan.

- d. A lot subject to paragraph (c) not meeting the requirements of paragraph (c) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

- e. Notwithstanding paragraph (c), 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 section 115.55 and Minnesota Pollution Control Agencies rules on onsite septic systems, or connected to a public sewer.

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

- g. 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 system requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

2. Additions/Expansions to Non-Conforming Structures.

- a. All additions or expansions to be outside dimensions of an existing non-conforming structure must meet the setback, height, and other requirements of Subdivision 3 and 4 of this Section. Any deviation from these requirements must be authorized by a variance pursuant to Section 20.

- b. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met.
 - i. The structure existed on the date the structure setbacks were established.
 - ii. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.
 - iii. The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive.
 - iv. The deck is constructed primarily of wood and is not roofed or screened.

Subdivision 11. Planned Unit Development (PUD)

1. Purpose:

The purpose of this Subdivision is to provide the means of designing building complexes containing an internal relationship between buildings and between building(s) and site(s) that cannot be accomplished through the standard one building - one lot application of this Ordinance. This Subdivision provides a procedure for the development of more than one structure upon a single tract or lot, as well as the integrated development of one or more lots as a single tract in the Shoreland District. The Planned Unit Development (hereinafter referred to as A PUD) is intended for use only as a commercial development and where the usual application of bulk and density controls (1) would not provide adequate environmental protection; (2) would allow design standards detrimental to the natural aesthetic and physical characteristics of the site; (3) would not provide an efficient and feasible use of the land.

2. Administrative Procedure.

- a. An applicant for a Planned Unit Development shall follow the procedure as outlined for a Conditional Use Permit in Section 18 of this Ordinance. Approval cannot occur until the environmental review process (EAW/EIS) is complete.
- b. The applicant for a PUD shall obtain the application for the Conditional Use Permit at the office of the Zoning Administrator and simultaneously follow the County Subdivision Ordinance to secure both preliminary and final design approval from the Planning Commission and the County Board.

3. General Regulations.

- a. All other development regulations of the appropriate Zoning District not specified in this Subdivision or specified as a condition to the Conditional Use Permit shall apply to a Planned Unit Development.
- b. It is the intent of this Subdivision that subdivision of the land involved be carried out simultaneously with the review of a Planned Unit Development.

- c. The application for a Conditional Use Permit shall state precisely the reasons for requesting the consideration of the property for Planned Unit Development.
 - d. The land which is to be set aside as open space or common area shall be clearly indicated on the plan. Provisions for recreational area and for continual maintenance of that area not dedicated and accepted by the County shall be required.
 - e. No conveyance of property within the Planned Unit Development shall take place until the property is platted in conformance with the provisions of this Subdivision and applicable to the County Subdivision Ordinance. All by-laws, Property Owner's Association Articles of Incorporation, and Protective Covenants must be approved by the County Attorney and filed with the record plat.
 - f. All buildings shall be used only for those purposes and the customary accessory uses of the Zoning District in which the PUD is located.
 - g. There is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas in accordance with the requirements of Section 14, Subdivision 2 of this Ordinance.
 - h. Drives, access ways and common parking areas must be developed to a standard equal to that required or public use by Section 14, Subdivision 2. Such drives and access ways must be protected by recorded deed covenants assuring their availability to all residents of the project.
4. Site Design Outside Shoreland Areas.
- a. The number of principal use structures which may be constructed within the Planned Unit Development shall be determined by dividing the net acreage of the project area by the required lot area per unit which is required in the district which the Planned Unit Development is located. The net acreage shall be defined as the project area less the land area dedicated for public streets. The project area includes all the land within the Planned Unit Development which is allocated for residential, commercial, or industrial uses, and for common open space as required by this Subdivision. Land to be dedicated for public streets is to be excluded from the project area.
 - b. The common open space, any other common properties, individual properties, and all other elements of the Planned Unit Development shall be so planned that they will achieve a unified scheme of integrated planning and a harmonious selection and efficient distribution of uses.
 - c. The proposed PUD shall be of such size, composition, and arrangement that its construction, marketing and operation is feasible as a complete unit, without dependence on any subsequent unit or development.
 - d. All Planned Unit Developments shall be served by central sewer and water facilities.
5. Site Design in Shoreland Areas.
- a. Site A Suitable Area Evaluation: Proposed new or expansions to existing Planned Unit Developments must be evaluated using the following procedures and standards to

determine the suitable area for the dwelling unit/dwelling site density evaluation in 5b below.

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

Shoreland Tier Dimensions

	<u>Unsewered (feet)</u>	<u>Sewered (feet)</u>
General Development Lakes - First Tier	200	200
General Development Lakes - 2nd + addl. tiers	267	200
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All River Classes	300	300

- ii. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial Planned Unit Development density evaluation steps to arrive at an allowable number of dwelling units or sites.
- b. Residential and Commercial PUD Density Evaluation: The procedures for determining the A base density of a PUD and density increase multipliers are as follow. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

- i. Residential PUD A Base Density Evaluation

The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density and suitability analyses herein and the design criteria in this Section.

- ii. Commercial PUD A Base Density Evaluation

- 1) Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
- 2) Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development
Floor Area Ratios* (Public Waters Classes)

Sewered general development lakes; first	Second & additional tiers on unsewered general
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*Ave. Unit Floor Area (Sq. Ft.)	tier on unsewered General development lakes; urban, agricultural, tributary river segments	development lakes; Recreational development lakes; transition and forested river segments	Natural environment lakes and remote river segments
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

*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- 3) Multiply the suitable area within each tier by the floor area ratio to yield floor area for each tier allowed to be used for dwelling units or sites.
 - 4) Divide the total floor area by tier computed in Item 3 above by the average inside living area size determined in Item 1 above. This yields a base number of dwelling units and sites for each tier.
 - 5) Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in this Section.
- iii. Density Increase Multipliers
- 1) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in this Section are met or exceeded and the design criteria in this Section are satisfied. The allowable density increases in Item 2 below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty (50) percent greater than the minimum setback or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography or additional means acceptable to the local unit of government and the setback is at least twenty-five (25) percent greater than the minimum setback

2) Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments

Density Evaluation Tiers	Maximum Density Increase Within Each Tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

6. Standards for Common or Public Open Space

- a. No open area may be accepted as common open space under the provisions of this Subdivision unless it meets the following standards:
 - i. The location, shape, size, and character of the common open space must be suitable for the PUD.
 - ii. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography, and the number and type of structures to be provided.
 - iii. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open spaces must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space, having regard to its topography and unimproved conditions.
 - iv. The development plan must coordinate the improvement of common open space and the construction of buildings, structures, and improvements in the common open space, with the construction of the permitted structures of the Zoning District in which the Planned Unit Development is located.
 - v. If the final development plan provides for buildings or structure improvements in the common open space, the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The County Board shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.
 - vi. The construction and provision of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of the principal structures of the PUD.
- b. Open space requirements for PUD's in Shoreland Areas must meet the following criteria.

- i. At least fifty (50) percent of the total project area must be preserved as open space.
 - ii. Dwelling units or sites, road right-of-ways, or land covered by road surfaces, parking areas, or structures, except water oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
 - iii. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
 - iv. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public.
 - v. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
 - vi. Open space must not include commercial facilities or uses, but may contain water oriented accessory structures or facilities.
 - vii. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
 - viii. The Shore Impact Zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least fifty (50) percent of the Shore Impact Zone area of existing developments or at least seventy (70) percent of the Shore Impact Zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least fifty (50) percent of the Shore Impact Zone must be preserved in its natural state.
- c. Maintenance and Administration Requirements for Shoreland PUD Open Space.
- i. Open Space Preservation: Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - 1) Commercial uses prohibited (for residential PUD's).
 - 2) Vegetation and topographic alterations other than routine maintenance prohibited.
 - 3) Construction of additional buildings or storage of vehicles and other materials prohibited.
 - 4) Uncontrolled beaching of watercraft prohibited.

- ii. Development Organization and Functioning: Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features.
 - 1) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
 - 2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
 - 3) Assessments must be adjustable to accommodate changing conditions.
 - 4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

7. Conveyance and Maintenance of Common Open Space

- a. All land shown on the final development plan as common open space must be conveyed under one of the following options:
 - i. It may be conveyed to a public agency (State, County or Township) to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
 - ii. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees; subject to covenants to be approved by the Planning Commission and the County Attorney which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes. Interest in the common open space shall be undivided and such interest shall not be transferable.
- b. No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas and all rights to enforce these covenants against any permitted use are expressly reserved.
- c. If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:
 - i. The legal right to develop the common open space for the uses not specified in the final development plan must be conveyed to a public agency.
 - ii. The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.

- d. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement and maintenance of the common open space may authorize a public agency to enforce their provisions.

8. Required Covenants, Easements and Provisions in the Plan

The development plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of permitted structures, accessory uses thereto, and public facilities as may be necessary for the welfare of Planned Unit Development and not inconsistent with the best interest of the entire County.

The applicant may be required to dedicate land for street or park purposes and, by appropriate covenants, to restrict areas perpetually (or for the duration of the Planned Development) as open space for common use. The development shall be subject to all conditions so imposed, and shall be exempted from other provisions of this Ordinance only to the extent specified in the authorization.

9. Guarantee the Provision of Common Open Space

The County Board may require adequate assurance, in a form and manner which it approves, that the common open space shown in the final development plan will be provided. The following methods of assurance are intended as illustrative and they may be used singly or in combination:

- i. The County Board may accept a bond, corporate surety, or other acceptable financial guarantee, in a form which complies with the provisions of the Subdivision Control Ordinance, and in an amount sufficient to purchase the common open space shown in the final development plan or alternative acreage which is equivalent in the size and character.

10. Other Provisions for Shoreland PUD's

- a. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:
 - i. 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, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
 - ii. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater run-off. Impervious surface coverage within any tier must not exceed twenty-five (25) percent of the tier area, except that for commercial PUD's thirty-five (35) percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Subdivision 8 of this Section.
- b. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards.

- i. Planned Unit Developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Subdivision 4 of this Section and Section 14, Subdivision 3 of this Ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
- ii. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with #5;b;iii,(1) of this Subdivision for developments with density increases.
- iii. Shore recreation facilities, including, but not limited to, swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
- iv. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- v. Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized.
- vi. Water oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Subdivisions 4 and 5 of this Section and are centralized.

11. Conversions in Shoreland Areas

Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met.

- a. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

- b. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
- c. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - i. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
 - ii. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
 - iii. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
- d. Existing dwelling unit or dwelling site densities that exceed standards in #5; b of this Subdivision may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

12. Final Approval

When the County Board gives final approval, a Certificate of Occupancy shall be issued for the Planned Unit Development even though the size of lots, depth of yards, and the required distance between grouped buildings and the building height, may not conform in all respects to the regulations of the district in which the project is to be located.

13. Final Action by Applicant

The applicant shall then review his application and plan in its final approved form and sign a statement that the Planned Unit Development Plan in its final form shall be made binding on the applicant, any successors in interest and assigns.

14. Control of Planned Unit Development Following Acceptance

All changes in use, or rearrangement of lots, blocks, and building tracts, any changes in the provisions of common open spaces, and all other changes in the approved final plan must be made by the County Board, under the procedures authorized for the amendment of this Ordinance. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of this County.

15. Amendments to the Final Development Plan

All changes in use, or rearrangement of lots, blocks, and building tracts, any changes in the provision of common open spaces, and all other changes in the approved final plan must be approved by the Planning Commission. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the County.

16. Failure to Begin Planned Unit Development

If no construction has begun or no use established in the Planned Unit Development within one (1) year from the final approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion and for good cause, the County Board may extend for one (1) additional year the period for the beginning of co