



ORDINANCE #19-14

CITY OF PINE CITY
COUNTY OF PINE
STATE OF MINNESOTA

AN ORDINANCE AMENDING CHAPTER 10, MUNICIPAL DEVELOPMENT ORDINANCE, SECTION 10.700.0000 – SHORELANDS AND FLOODING IN THE CODE OF ORDINANCES

The City Council of the City of Pine City (City Council) does hereby ordain the following repeal of the existing Chapter 10, Section 10.700.100 Shorelands and adopts the following amendments to the City of Pine City Code of Ordinances:

SECTION 10.700.0000: SHORELANDS AND FLOODING

SECTION 10.700.0100: SHORELANDS

SECTION 10.700.0105. Definitions:

~~Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.~~

~~**Accessory structure or facility.** Any building or improvement subordinate to a principle use which, because of the nature of its use, can reasonably be located at or greater than the normal structure setbacks.~~

~~**Basement.** Means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of depth of excavation below ground level.~~

~~**Bluff.** A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):~~

- ~~(1) Part or all of the feature is located in a shoreland area;~~
- ~~(2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;~~
- ~~(3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and~~

~~(4) The slope must drain toward the waterbody.~~

~~**Bluff impact zone.**—A bluff and land located within 20 feet from the top of the bluff.~~

~~**Boathouse.**—A structure designed and used solely for storage of boats or boating equipment.~~

~~**Building line.**—A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.~~

~~**Commercial planned unit developments.**—Typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.~~

~~**Commercial use.**—The principle uses of land or buildings for the sale, lease, rental or trade of products, goods and services.~~

~~**Commissioner.**—The commissioner of the Department of Natural Resources.~~

~~Conditional Use. Means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:~~

~~(1) Certain conditions as detailed in the zoning ordinance exist.~~

~~(2) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.~~

~~Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principle use or site and at any point extending more than three feet above ground.~~

~~Duplex, triplex, and quad. A dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.~~

~~Dwelling site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.~~

~~Dwelling unit. Any structure or portion of a structure, or other shelter designed as short—or long—term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.~~

~~Equal Degree of Encroachment. A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.~~

~~Extractive use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes sections 93.44 to 93.51.~~

~~Flood. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.~~

~~Flood Frequency. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.~~

~~Flood Fringe. That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Pine City.~~

~~Flood Plain. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.~~

~~Flood Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.~~

~~Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the flood discharge.~~

~~Forest land conversion. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.~~

~~Guest cottage. A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.~~

~~Hardship. The same as that term is defined in Minnesota Statutes, Chapter 462.~~

~~Height of building. The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.~~

~~Industrial use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.~~

~~Intensive vegetation clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row or block.~~

~~Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale.~~

~~Lot width. The shortest distance between lot lines measured at the midpoint of the building line.~~

~~Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a buildings lowest floor.~~

~~Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle".~~

~~Nonconformity. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as not written, if the official controls had been in effect prior to the date it was established, recorded or authorized.~~

~~Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.~~

~~Ordinary high water level. The boundary of public waters and wetlands, and shall be the elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.~~

~~Planned unit development. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, s, motels, and conversions of structures and land uses to these uses.~~

~~Principal Use or Structure. Means all uses or structures that are not accessory uses or structures.~~

~~Public waters. Any waters as defined in Minnesota Statutes, section 105.37, subdivisions 14 and 15.~~

~~Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.~~

~~Recreational Vehicle. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designated to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term trailer/travel vehicle.~~

~~Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in flood insurance study.~~

~~Regulatory Flood Protection Elevation. The regulatory flood protection elevation shall be elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of floodway.~~

~~Residential planned unit development. A use where the nature of the residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, development must contain at least five dwelling units or sites.~~

~~Semipublic use. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.~~

~~Sensitive resource management. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.~~

~~Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.~~

~~Sewage treatment system. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 5.8 of this ordinance.~~

~~Sewer system. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.~~

~~Shore impact zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.~~

~~Shoreland. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.~~

~~Significant historic site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets the criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.~~

~~Steep slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.~~

~~Structure. Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.~~

~~Subdivision. Means land that is divided for the purpose of sale, rent, or lease, including planned unit developments.~~

~~Substantial Damage. Means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.~~

~~Substantial Improvement. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:~~

~~(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.~~

~~(b) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Ordinance, "historic structure" shall be defined in Code of Federal Regulations, Part 59.1.~~

~~Variance. Means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstances as defined and elaborated upon in a community's respective planning and zoning enabling legislation.~~

~~SECTION 10.700.0110. Statutory Authorization and Policy.~~

~~A. Statutory Authorization~~

~~This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103 F, Minnesota Regulations, Parts 6120.2500—6120.3900 and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.~~

~~B. Policy~~

~~The uncontrolled use of shorelands of the City of Pine City, Minnesota, affects the public health, safety, and general welfare not only by contributing to the pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety, and welfare to provide for the wise subdivision, use, and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environment values of shorelands, and provide for the wise use of waters and related land resource. This responsibility is hereby recognized by the City of Pine City.~~

~~Properties that lie within the floodplain and shoreland districts shall be subject to the floodplain ordinance 10.700.0300 as well as the shoreland ordinance 10.700.0100. The more restrictive ordinance shall apply in areas of conflict. Persons owning property in the floodplain shall also be referred to the floodplain ordinance.~~

~~C. Jurisdiction~~

~~The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section 10.700.0110: 1. Pursuant to Minnesota Regulations, Parts 6120.2500—6120.3900, no lake, pond, or flowage less than ten (10) acres in size need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance~~

~~D. Compliance~~

~~The use of any shoreland of public waters; the size and shape of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.~~

~~E. Enforcement~~

~~The City is responsible for the administration and enforcement of this ordinance. Any violation of the provisions or failure to comply with any of its requirements (including violation of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this ordinance can occur regardless of whether a permit is required for a regulated activity.~~

~~F. Interpretation~~

~~In their interpretation and application, the provision of this ordinance shall be held to the minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.~~

~~G. Severability~~

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

~~H. Abrogation and Greater Restriction~~

~~It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.~~

~~I. Shoreland Classification~~

~~The public waters of the City of Pine City have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Pine County, Minnesota.~~

The shoreland for the water bodies listed in Sections 10.700.0110:1.1 and Section 10.700.0110:1.2

~~1. Lakes~~

Natural Environment Lakes	Protected Waters Inventory I.D. Number
Squaw Lake	58-146 W
Devil's Lake	58-118 W
Unnamed	58-120 W
Kick Lake	58-165 W

General Development Lakes	Protected Waters Inventory I.D. Number
Cross Lake	58-119 P

~~2. Rivers~~

Urban Rivers	Legal Description
Snake River	Starting at the City Limits of the City of Pine City in Section 32, flowing SE to the confluence of Cross Lake in Section 33.

SECTION 10.700.0120. Zoning.

~~A. Land Use District Considerations~~

~~The land use districts in Section 10.700.0140: A.2 and the delineation of a land use district boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objective of the Comprehensive Plan and the following criteria, considerations, and objectives:~~

- ~~1. General Considerations and Criteria for All Land Uses:~~
 - ~~a. Preservation of natural areas;~~
 - ~~b. Present ownership and development of shoreland areas;~~
 - ~~c. Shoreland soil types and their engineering capabilities;~~
 - ~~d. Topographic characteristics;~~
 - ~~e. Vegetative cover;~~
 - ~~f. In-water physical characteristics, value, and constraints;~~
 - ~~g. Recreational use of the surface water;~~
 - ~~h. Roads and service center accessibility;~~
 - ~~i. Socioeconomic development needs and plans as they involve water and related land resources;~~

~~j. The land requirements of industry, which, by its nature, requires location in shoreland areas; and~~

~~k. The necessity to preserve and restore certain areas having significant historical or ecological value.~~

~~2. Factors and Criteria for Planned Unit Developments~~

~~a. Existing recreational use of the surface water and likely increases in use associated with planned use associated with planned unit developments;~~

~~b. Physical and aesthetic impacts of increased density;~~

~~c. Suitability of lands for the planned unit development approach;~~

~~d. Level of current development in the area; and~~

~~e. Amounts and types of ownership of undeveloped lands.~~

~~B. Land Use District Descriptions~~

~~The Shoreland District shall act as an overlay district in reference to zoning. Whichever standards are more restrictive shall apply in all cases of conflicting standards. If a use is not permitted in either the underlying zoning district or in the Shorelands District and is a permitted or conditional use in the other, it shall not be permitted.~~

~~1. Use and Upgrading of Inconsistent Land Use Districts.~~

~~a. The land use districts as they apply to shoreland areas, and their delineated boundaries on Official Zoning Map, are not consistent with the land use district designation specified in Section 10.700.0120: A.~~

~~b. When a revision is proposed to an inconsistent land use district provision, the following additional criteria and provisions shall apply.~~

~~i. For Lakes. When a revision to a land use district designation on a lake is considered, the land use boundaries and use provisions therein for all the shoreland areas within the jurisdiction of this ordinance on said lake must be revised to make them substantially compatible with the framework of Section 10.700.0120: A and all other parts of Section 10.700.0120: B.~~

~~ii. For Rivers and Streams. When a revision to a land use district designated on a river or stream is proposed, the land use district boundaries and the use provisions therein for all shoreland on both sides of the river or stream within the same classification within the jurisdiction of this ordinance must be revised to make them substantially compatible with the framework of Section 10.700.0120: A and Section 10.700.0120: B.~~

~~iii. When an interpretation question arises about whether a specific land use fits within a given land use category, the interpretation shall be made by the Board of Adjustment. When a question arises as to whether a land use district's boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the City Council.~~

iv. ~~When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The City Council will then direct Staff to provide additional information for this waterbody as is necessary to satisfy the requirements of this Ordinance.~~

v. ~~The City Council must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on said waterbody, are consistent with the enumerated criteria and use provisions of Section 10.700.0140: B.~~

~~C. Lot Area and Width Standards~~

~~The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex, and quad residential lots created after the date of enactment of this ordinance for the lake and river/stream classifications are shown in Appendix G.~~

1. ~~Unsewered Lakes
See Appendix G.~~

2. ~~Sewered Lakes
See Appendix G.~~

3. ~~Rivers/Stream Lot Width
See Appendix G.~~

~~D. Placement, Design, and Height of Structures~~

~~1. Placement of Structures on Lots.~~

~~When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance of up to a fifty (50) foot minimum setback to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. A variance must be applied for when the structures and facilities are less than a fifty (50) foot minimum setback, except no building is allowed in the floodway ensuring compliance with the floodplain ordinance.~~

~~a. Structure and Septic Setbacks from Ordinary High Water Level~~

Classes of Public Waters Lakes	Sewered Setback (in feet)	Unsewered Setback (in feet)
Natural Environment	150	150
General Development	50	75
Rivers	Setback (in feet)	Setback (in feet)
Urban	50	100

~~One water-oriented accessory structure designed in accordance with Section 10.700.0120: D:2.b may be set back a minimum distance of ten (10) feet from the ordinary water level.~~

~~b. Additional Structure Setbacks~~

~~The following additional structure setbacks apply, regardless of the classification of the waterbody. No water-oriented structure shall be allowed in the floodway.~~

Setback from:	Setback (in feet)
Top of bluff;	30
Unplatted cemetery;	50
Right of way line of federal, state or county highway; and	50
Right of way line of town road, public street, or other roads or streets not classified.	20

~~c. Bluff Impact Zones.~~

~~Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.~~

~~d. Uses Without Water Oriented Needs.~~

~~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 set back double the normal ordinary high water level setback or if less than double the setback, must be equal or greater than the normal setback and be substantially screened from view from the water by vegetation assuming summer, leaf-on conditions or topography.~~

~~2. Design Criteria for Structures.~~

~~a. 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 the basement, is placed or flood-proofed must be determined as follows:~~

~~1. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.~~

~~2. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, 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; and~~

~~b. Water-Oriented Accessory Structures.~~

~~Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 10.700.0120: D:1 of this ordinance if this water-oriented accessory structure complies with the following provisions:~~

- ~~1. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than two hundred and fifty (250) square feet. Detached decks must not exceed eight feet above grade at any point, boathouses are prohibited on all bodies of water within the corporate limits of the City of Pine City;~~
- ~~2. The setback of the structure or facility from the ordinary high water level must be at least ten feet, except no structures shall be allowed in the floodway.~~
- ~~3. The structure or facility must be treated to reduce visibility as viewed from public water and adjacent shoreland by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions;~~
- ~~4. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;~~
- ~~5. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and~~

~~c. Stairways, Lifts, and Landings.~~

~~Stairways and lifts are preferred alternatives to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements.~~

- ~~1. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways not to exceed ten (10) feet in width may be used for commercial properties, public open-space recreational properties, and planned unit developments;~~
- ~~2. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;~~
- ~~3. Canopies and roofs are not allowed on stairways, lifts, or landings;~~
- ~~4. Stairways, lifts, and landings may either be constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;~~

~~5. Stairways, lifts and landings must be located in the most inconspicuous portions of lots, as viewed from the surface of the public water, assuming summer leaf on conditions, wherever practical; and~~

~~6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of the above items 1-5 are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.~~

~~d. Significant Historical 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.~~

~~e. Steep Slopes.~~

~~The City Building Official, or the Minnesota Pollution Control Agency, must evaluate all soil erosion impacts and development visibility from public waters before issuing a permit for sewer connections, 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 conditions.~~

~~f. Height of structures.~~

~~All structures in residential districts, except churches and non-residential agricultural structures, must not exceed twenty five (25) feet in height.~~

~~E. Special Provisions~~

~~1. Residential subdivisions with dwelling unit densities exceeding those in the tables in Appendix G can only be allowed if designed and approved as residential planned unit development under Section 10.700.0130:B. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the high water level and at the building line. The sewer lot area dimensions in Section 10.700.120:C can only be used if municipal sewer service is available to the property.~~

~~2. Subdivision of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:~~

~~a. Each building must be set back at least two hundred (200) feet from the ordinary high water level;~~

~~b. Each building must be connected to the municipal sewer and water systems;~~

~~c. Watercraft docking facilities for each lot must be centralized as much as possible and serve all dwelling units in the building; and~~

~~d. No more than twenty five (25) percent of a lake's shoreland can be in duplex, triplex, or quad developments.~~

3. ~~One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width standards as presented in Appendix G, provided the following standards are also met:

 - a. ~~A guest cottage must not cover more than seven hundred (700) square feet of land surface and must not exceed fifteen (15) feet in height; and~~
 - b. ~~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 access to public waters or as recreation areas for use by owners of nonriparian 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 requirement for riparian residential lots for each watercraft beyond six, consistent with the following table:~~

Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100 to 200	20
201 to 300	15
301 to 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 nonriparian lots in the subdivision who are provided riparian access rights on the access lots; and~~
 - d. ~~Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lots 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:~~
 1. ~~Limit the total number of vehicles allowed to be parked;~~~~

2. Limit the total number of watercraft allowed to be continuously moored, docked, or stored over water;
3. Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
4. Require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from the public water, assuming summer, leaf-on conditions.

F. ~~Nonconformities~~

~~All legally established nonconformities as of this date of this ordinance may continue, but they will be managed according to the applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:~~

~~1. Construction on nonconforming lots of record~~

- ~~a. Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 10.700.0120:C of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it has been substandard, was created compliant with official controls in effect at the time, and sewer connection and setback requirement of this ordinance are met.~~
- ~~b. A variance from setback requirements must be obtained before any use, sewer connection, or building permit is issued for a lot. In evaluating the variance, the Board of Appeals and Adjustment shall consider sewer connection, water supply capabilities, or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.~~
- ~~c. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 10.700.0120:C of this ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 10.700.0120:C as much as possible.~~

~~2. Additions/expansions to nonconforming structures~~

- ~~a. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Section 10.700.0120. Any deviation from these requirements must be authorized by a variance pursuant to Section 10.700.0130: D.~~

~~b. Deck additions shall be allowed as a conditional use for a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:~~

- ~~1. The structure existed on the date the structure setbacks were established;~~
- ~~2. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the ordinary high water level setback of the structure;~~
- ~~3. 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; and~~
- ~~4. The deck is constructed primarily of wood, or like material, and is not roofed or screened.~~

~~3. Nonconforming sewage treatment systems~~

~~All non-public sewer systems must be replaced by public sewer systems if they are available upon annexation or development. Properties located 1,000 feet from the utility line shall be required to connect to the public sewer system.~~

~~G. Special Provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry, and Extractive Uses and Mining of Metallic Minerals and Peat~~

~~1. Standards for Commercial, Industrial, Public, and Semipublic Uses~~

~~a. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. These uses with water-oriented needs must meet the following standards:~~

~~a. 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 or parking areas and structures;~~

~~b. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and~~

~~c. 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:~~

~~i. 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's Dept.~~

- ~~ii. 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 type of goods and 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 thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and~~
- ~~iii. 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 the use of navigational lights.~~

~~2. Uses without water oriented needs.~~

~~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 set back double the normal ordinary high water level setback or be substantially screened from the water by vegetation or topography, assuming summer, leaf on conditions.~~

~~3. Agricultural Use Standards~~

~~General cultivation farming, 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 and approved conservation plan (Resource Management Systems) consistent with the field office technical guide of the local soil and water conservation districts 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.~~

~~4. 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 provision of the Water Quality in Forest Management "Best Management Practices in Minnesota."~~

~~5. 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 operations 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.~~

~~6. Mining of Metallic Minerals and Peat~~

~~Mining of metallic minerals and peat, as defined in Minnesota Statutes, section 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.~~

~~SECTION 10.700.0130. Development Procedures.~~

~~A. Subdivision and Platting~~

~~1. Land Suitability.~~

~~Each lot created through subdivision, including Planned Unit Developments authorized under Section 10.700.0130: B must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider:~~

- ~~a. Susceptibility to flooding;~~
- ~~b. Existence of wetlands;~~
- ~~c. Soil and rock formations with severe limitations for development;~~
- ~~d. Severe erosion potential;~~
- ~~e. Steep topography;~~
- ~~f. Inadequate water supply or lack of sewer connection;~~
- ~~g. Near-shore aquatic conditions unsuitable for water-based recreation;~~
- ~~h. Important fish and wildlife habitat;~~
- ~~i. Presence of significant historic sites;~~
- ~~j. Any other feature of the natural land likely to be harmful to the health, safety, welfare of future residents of the proposed subdivision or of the community.~~

~~2. Consistency with Other Controls.~~

~~Subdivisions must conform to all official controls of the City of Pine City. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. A subdivision will not be approved unless domestic water supply and sewer connections are available. Each lot shall meet the minimum lot size and dimensional requirements in Appendix G.~~

3. ~~Information Requirements.~~

~~Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:~~

- ~~a. Topographical contours at ten (10) foot intervals or less from United States Geological Survey (USGS) maps or more accurate sources, showing limiting site characteristics;~~
- ~~b. The surface water features required in Minnesota Statutes, Section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;~~
- ~~c. Adequate soils information to determine suitability for building for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;~~
- ~~d. Information regarding adequacy of domestic water supply, extent of anticipated vegetation and topographic alteration, near shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods of controlling stormwater runoff and erosion, both during and after construction activities;~~
- ~~e. Location of one hundred (100) year flood plain areas and floodway districts from existing adopted maps or data; and~~
- ~~f. A line or contour representing the ordinary high water level, the "toe" and "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.~~

4. ~~Dedications.~~

~~When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or pending areas for management of stormwater and significant wetlands.~~

5. ~~Platting.~~

~~All subdivisions that create two (2) or more lots or parcels that are two and one-half (2½) acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewer connections shall be issued for lots created after these official controls were enacted unless the lot was approved as a part of a formal subdivision.~~

6. ~~Controlled Access or Recreational Lots.~~

~~Lots intended as controlled access to public waters or for recreation use area for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 10.700.0120: E:4: a-d.~~

~~B. Planned Unit Development~~

~~1. Types of PUDs Permissible~~

~~Planned Unit Developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously build sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 10.700.0120: B and the official zoning map~~

~~2. Processing of PUDs~~

~~Planned Unit Developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities. Approval cannot occur until the Environmental Review Process Environmental Impact Statement and/or Environmental Assessment Worksheet (EAW/EIS) is complete, if it is required. The applicant is responsible for the EAW/EIS.~~

~~3. Application for a PUD~~

~~The applicant for a PUD must submit the following documents prior to final action being taken on the application request:~~

- ~~i. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewer connections, water supply systems (where public water connections will not be provided, topographic contours at ten (10) foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.~~
- ~~ii. A property owner's association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of Section 10.700.0130: B.7.~~
- ~~iii. Deed restrictions, covenants, permanent easements, or other instruments that properly address: (1) Future vegetative and topographic alterations, (2) Construction of additional buildings, (3) Beaching of watercraft, (4) Construction of commercial buildings in residential PUDs and (5) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 10.700.0130: B.~~
- ~~iv. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.~~
- ~~v. Other information detailed in Section 10.600.0500 Planned Unit Development.~~
- ~~vi. Those additional documents as requested by the City that are necessary to explain how the PUD will be designed and will function.~~

~~4. Site "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 evaluation:~~

- ~~a. 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 (feet)	Sewered	Unsewered (feet)
General Development Lakes — 1st tier 200		200
General Development Lakes — 2nd & additional tiers 200		267
Natural Environment Lakes 320		400
All River Classes 300		300

- ~~b. The suitable area within each tier is next calculated by excluding from the tier 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 planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.~~

~~C. Residential and Commercial PUD Density Evaluation.~~

~~The procedures for determining the “base” density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but shall not be transferred to any tier closer.~~

~~1. Residential PUD “Base” Density Evaluation.~~

- ~~a. Lakes. The suitable area in the tier divided by the single residential lot size standard. (Suitable area in tier/single residential lot size standards).~~
- ~~b. Rivers. The suitable area in the tier divided by the single residential lot width standards times the tier depth. (Suitable area in tier/single residential lot width X tier depth).~~

~~2. Commercial PUD “Base” Density Evaluation.~~

- ~~a. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed unit and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches or basements, unless they are habitable space.~~

- ~~b. Select the appropriate floor area ratio from Appendix G:~~

- ~~c. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.~~
- ~~d. Divide the total floor area by tier computed in Item C by the average inside living area size determined in Item A. This yields a base number of dwelling units and sites for each tier.~~
- ~~e. 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 Section 10.700.0130: E.7 and 10.700.0130:E.8.~~

~~D. Density Increase Multipliers.~~

- ~~1. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 10.700.0120:C are met or exceeded and the design criteria in Section 10.700.0130:E.7 are satisfied.~~
- ~~2. The allowable density increases in Item b below will only be allowed if:

 - ~~a. structure setbacks from ordinary high water level are increased to at least fifty (50) percent greater than the minimum setback, or,~~
 - ~~b. if the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or,~~
 - ~~c. additional means acceptable to the local unit of government and the setback is at least twenty five (25) percent greater than the minimum setback.~~~~
- ~~3. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Development:~~

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

~~E. Maintenance and Design Criteria.~~

- ~~1. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development~~
 - ~~2. 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 provisions:
 - ~~a. Commercial uses prohibited (for residential PUDs);~~
 - ~~b. Vegetation and topographical alterations other than routine maintenance prohibited;~~
 - ~~c. Construction of additional buildings or storage of vehicles and other materials prohibited; and~~
 - ~~d. Uncontrolled beaching of watercraft prohibited.~~~~
- ~~F. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owner's association with the following features:~~
- ~~i. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;~~
 - ~~ii. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;~~
 - ~~iii. Assessments must be adjustable to accommodate changing conditions; and~~
 - ~~iv. The association must be responsible for all insurance, taxes, and maintenance of all commonly owned property and facilities.~~
- ~~G. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:~~
- ~~a. At least 50 percent of the total project area must be preserved as open space;~~
 - ~~b. Dwelling units or sites, road rights-of-way, or land covered by road structures, 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;~~
 - ~~c. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;~~
 - ~~d. 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;~~

- ~~e. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;~~
 - ~~f. 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; and~~
 - ~~g. The shore impact zone, based upon normal structure setbacks, must be included as open space. For residential PUDs, 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 the new developments must be preserved in its natural or existing state. For commercial PUDs, at least fifty (50) percent of the shore impact zone must be preserved in its natural state.~~
- ~~H. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must.~~
- ~~I. Be designed, and construction managed, to limit 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 impact 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; and~~
 - ~~J. Be designed and constructed to effectively manage reasonable expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed twenty-five (25) percent of the tier area, except that for commercial PUDs, 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 Section 10.700.0130: B.~~
- ~~K. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:~~
- ~~1. Planned Unit Developments must be connected to publicly owned water supply and sewer systems.~~
 - ~~2. 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:
 - ~~i. Setback from the ordinary high water level;~~
 - ~~ii. Elevation above the surface water features;~~
 - ~~iii. Maximum height.~~~~

- ~~3. Setbacks from the ordinary high water level must be increased in accordance with Section 10.700.0130: E.6-7 for developments with density increases;~~
- ~~4. 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:
 - ~~a. Land Slope;~~
 - ~~b. Water depth;~~
 - ~~c. Vegetation;~~
 - ~~d. Soils;~~
 - ~~e. Depth to groundwater and bedrock;~~
 - ~~f. Other relevant factors~~~~
- ~~5. 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;~~
- ~~6. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks, color, or other means acceptable to the 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;~~
- ~~7. Accessory structures and facilities, except water-oriented accessory structures, must meet the principal structure setback and must be centralized; and~~
- ~~8. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 10.700.0120: D.2 of this ordinance and are centralized.~~

~~L. Conditional Uses~~

~~Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:~~

- ~~1. Evaluation criteria. A thorough evaluation of the waterbody and the topographic, vegetation and soils conditions on the site must be made to ensure:
 - ~~a. The prevention of soil erosion or other possible pollutants of public waters, both during and after construction;~~~~

- ~~b. The visibility of structures and other facilities as viewed from the public waters is limited;~~
- ~~c. The site is adequate for water supply and sanitary sewer connections are provided; and~~
- ~~d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft and Section 10.700.0130: B.~~

~~2. Conditions attached to conditional use permits. The City Council, upon consideration of the criteria listed above and the purpose of this ordinance, shall attach such conditions to the issuance of the conditional use permit as it deems necessary to fulfill the purpose of this ordinance. Such conditions may include, but are not limited to, the following.~~

- ~~a. Increased setbacks from the ordinary high water level;~~
- ~~b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and~~
- ~~c. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.~~

~~M. Variances~~

~~Variances may only be granted in accordance with Minnesota Statutes, Chapter 462 as applicable. Section 10.600.0900 of this Ordinance provides the provisions for the hearing and granting of variances, excepting the following items, which shall supersede and/or be in addition to Section 10.600.0900.~~

~~1. Powers, Duties, and Obligations of the Planning Commission
See Section 10.600.0935.~~

~~2. Standards for Granting Variance~~

- ~~a. See Section 10.600.0940; also~~
- ~~b. Whether the property is used seasonally or year-round.~~

~~3. Procedures~~

- ~~a. See Section 10.600.0915~~
- ~~b. Copies of all notices of any public hearings to consider variance under local shoreland management control must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings.~~

- ~~c. A copy of final decisions granting variances under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of the final decision.~~
- ~~d. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of final decision shall also include the board of adjustment's summary of the public record/testimony and the finding of facts and conclusions which supported the issuance of the variance.~~
- ~~4. Findings of Fact
See Section 10.600.0940~~
- ~~5. Conditions and Restrictions
See Section 10.600.0960~~
- ~~6. Appeals
See Section 10.600.0965~~
- ~~7. Lapse of Variance of Appeal
See Section 10.600.0970~~
- ~~8. Performance Bond
See Section 10.600.0975~~

~~N. Conversions:~~

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

- ~~1. 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.~~
- ~~2. Deficiencies involving water supply and sewer connections, 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.~~
- ~~3. 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:~~
 - ~~a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;~~
 - ~~b. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and~~
 - ~~c. 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 setbacks and elevation requirements when they are rebuilt or replaced.~~

- ~~4. Existing dwelling unit or dwelling site densities that exceed standards in Section 10.700.0130: B.5 may be allowed to continue but must not be allowed to 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 facilities, installing new sewer connections, or other means.~~

SECTION 10.700.0140. Structures and Construction.

A. Permits Required

~~A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 10.700.0130: B. Applications for a permit shall be made to the City on the forms provided. The application shall include the necessary information so that the City can determine the site's suitability for the intended use and that a compliant sewer connection can be created.~~

~~A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system shall be replaced with a connection to the municipal sewer system in accordance with the provisions of this ordinance.~~

B. 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. Vegetative Alterations

- ~~A. Vegetation alteration necessary for the construction of structures, connection of sewers, and the construction of roads and parking areas regulated by Section 10.700.0130: F.2 are exempt from the vegetation alteration standards that follow, however, if said construction reduces the overall screening on the lot, some revegetation shall be required.~~

~~B. Removal~~

~~Removal or alteration of vegetation, except for agricultural or forest management uses as regulated in Section 10.700.0120: G:2 and Section 10.700.0150: G:3, respectively, 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 for forest land conversion to another use outside 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, defined as up to forty (40) percent, of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal 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 vegetative 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 surfaces is preserved; and (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, sewers, 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 permit for construction of structures, sewers, and driveways~~

~~B. Public roads and parking areas required by Section 10.700.0130: F.2.~~

~~C. Notwithstanding Items A. and B. above, a grading and filling permit will be required for:~~

~~1. The movement of more than ten (10) cubic yards of material on steep slopes or within shore of bluff impact zones; and~~

~~2. The movement of more than fifty (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.~~

~~1. 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 qualities of the wetland (This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews or approvals 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):~~

~~a. Sediment and pollutant trapping and retention;~~

~~b. Storage of surface runoff to prevent or reduce flood damage;~~

- ~~c. Fish and wildlife habitat;~~
- ~~d. Recreational use;~~
- ~~e. Shoreline or bank stabilization; and~~
- ~~f. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and/or animals, or others.~~
 - ~~2. 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.~~
 - ~~3. Mulches or similar materials must be used, wherever necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;~~
 - ~~4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;~~
 - ~~5. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;~~
 - ~~6. Fill or excavated material must not be placed in a manner that creates an unstable slope~~
 - ~~7. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create an unstable slope;~~
 - ~~8. Fill or excavated material must not be placed in bluff impact zones;~~
 - ~~9. Any alterations below the ordinary water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245;~~
 - ~~10. Alteration of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and~~
 - ~~11. Placement of natural rock riprap, 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 riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap 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.~~

~~F. 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 structural setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.~~
- ~~3. Public and private watercraft access ramps, approach roads, and access-related parking areas must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.~~

~~G. Stormwater Management~~

~~The following general and specific standards shall apply:~~

~~1. General Standards~~

- ~~a. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.~~
- ~~b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.~~
- ~~c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversion, 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. In all cases, compliance with MPCA standards is a must.~~

~~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.~~

SECTION 10.700.0145. Utilities.

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

Publicly owned sewer systems must be used for new construction.

SECTION 10.700.0150. Effective Date.

This ordinance shall be effective upon the passage and publication of the Municipal Development Ordinance.

~~**APPENDIX G: LOT SIZE FOR SEWERED LAKES, RIVERS AND STREAMS.**~~

~~**COMMERCIAL PLANNED UNIT DEVELOPMENT FLOOR AREA RATIOS**~~

~~**LOT SIZE FOR SEWERED LAKES, RIVERS, AND STREAMS**~~

	Sewered Lakes							
	Natural Environment				General Development			
	Riparian Lots		Nonriparian Lots		Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width	Area	Width	Area	Width
Single	40,000	125	20,000	125	15,000	75	10,000	75
Duplex	70,000	225	35,000	220	26,000	135	17,500	135
Triplex	100,000	325	52,000	315	38,000	195	25,000	190
Quad	130,000	425	65,000	410	49,000	255	32,500	245

River/Stream	Urban River	
	Area	Width
Single	n/a	250
Duplex	n/a	375
Triplex	n/a	500
Quad	n/a	625

COMMERCIAL PLANNED UNIT DEVELOPMENT FLOOR AREA RATIOS*
Public Waters Classes
 Sewered Development

Average Unit Floor Area*	General Development Lakes and Urban River Segments	Natural Environment Lakes and Transition River Segments
200	0.040	0.020
300	0.048	0.024
400	0.056	0.028
500	0.065	0.032
600	0.072	0.038
700	0.082	0.042
800	0.091	0.046
900	0.099	0.050
1,000	0.108	0.054
1,100	0.116	0.058
1,200	0.125	0.064
1,300	0.133	0.068
1,400	0.142	0.072
1,500	0.150	0.075

*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 for 1,500 square feet.

APPENDIX H SHORELANDS

RESIDENTIAL USES	Lakes										Rivers														
	General					Development					Natural Environment					Transition					Urban				
	SP	Res	HD-R	WOC	GU	SP	Res	HD-R	WOC	GU	SP	Res	HD-R	WOC	GU	SP	Res	HD-R	WOC	GU	SP	Res	HD-R	WOC	GU
Agricultural feedlots	C	-	-	-	-	C	-	-	-	-	C	-	-	-	-	C	-	-	-	-	C	-	-	-	-
Agricultural, Cropland, and Pasture	P	-	-	-	-	P	-	-	-	-	P	-	-	-	-	P	-	-	-	-	P	-	-	-	-
Commercial	-	-	-	-	P	-	-	-	-	C	-	-	-	-	C	-	-	-	-	C	-	-	-	-	P
Commercial Planned Unit Development	-	-	-	C	C	-	-	-	-	C	C	-	-	-	C	C	-	-	-	C	C	-	-	-	C
Duplex, Triplex, and Quad residential	-	P	P	-	-	-	C	P	-	-	-	C	P	-	-	-	C	P	-	-	-	P	P	-	-
Extractive Uses	C	C	-	-	-	C	C	-	-	-	C	C	-	-	-	C	C	-	-	-	C	C	-	-	C
Forest Management	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Industrial	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Mining of Metallic Minerals and Peat	P	P	-	-	P	P	P	-	-	P	P	P	-	-	P	P	P	-	-	P	P	P	-	-	P
Parks and Historic Sites	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public	-	-	-	C	P	-	-	-	C	C	-	-	-	C	C	-	-	-	C	C	-	-	-	P	P
Residential Planned Unit Developments	-	-	C	-	-	-	-	C	-	-	-	-	C	-	-	-	-	C	-	-	-	C	-	-	-
Semi-Public	-	C	C	C	P	-	C	C	C	C	-	C	C	C	C	-	C	C	C	C	-	C	C	P	P
Sensitive Resource Management	P	-	-	-	-	P	-	-	-	-	P	-	-	-	-	P	-	-	-	-	P	-	-	-	-
Single Family Residential	C	P	P	-	-	C	P	P	-	-	C	P	P	-	-	C	P	P	-	-	C	P	P	-	-
Surface Water Oriented Commercial	-	-	C	P	-	-	-	C	C	-	-	-	C	C	-	-	-	C	C	-	-	-	C	C	-

SP—Special Protection

~~Res~~—Residential
~~HD-R~~—High Density Residential
~~WOC~~—Water Oriented Commercial
~~GU~~—General Use

SECTION 10.700.0100 SHORELANDS

SECTION 10.700.0105. STATUTORY AUTHORIZATION AND POLICY

- A. **Statutory Authorization.** This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- B. **Policy.** The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Pine City.

SECTION 10.700.0110. GENERAL PROVISIONS AND DEFINITIONS

- A. **Jurisdiction.** The provisions of this ordinance apply to the shorelands of the public water bodies as classified in Section 10.700.0130.A. of this ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.
- B. **Enforcement.** The City of Pine City is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in Section 10.700.0120.B. of this ordinance.
- C. **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- D. **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- E. **Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.
 - 1. **Accessory structure or facility.** Any building or improvement subordinate to a principal use.
 - 2. **Animal feedlot.** A facility as defined by Minnesota Rules, part 7020.0300.
 - 3. **Bluff.** A topographic feature such as a hill, cliff, or embankment having the following characteristics:
 - a. Part or all of the feature is located in a shoreland area;
 - b. The slope must drain toward the waterbody
 - c. The slope rises at least 25 feet above the toe of bluff;
 - d. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater (see Figure 1), except that an area

with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff (see Figure 2).

Figure 1. Illustration of Bluff

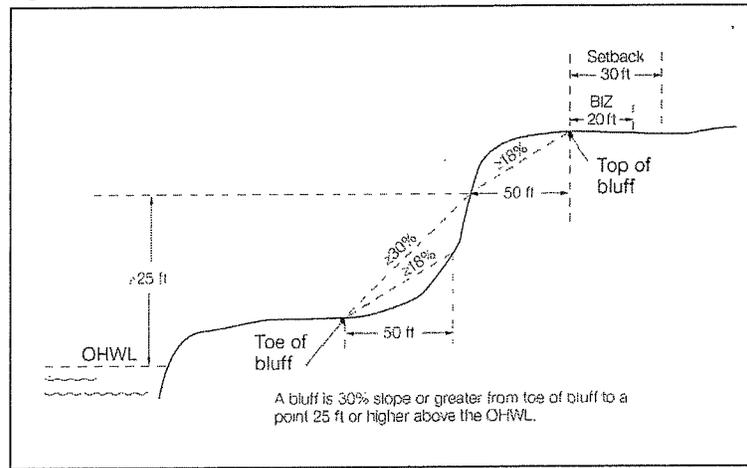
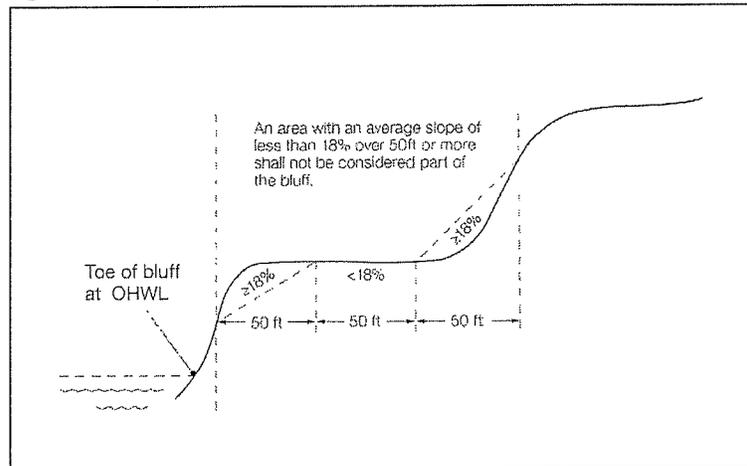


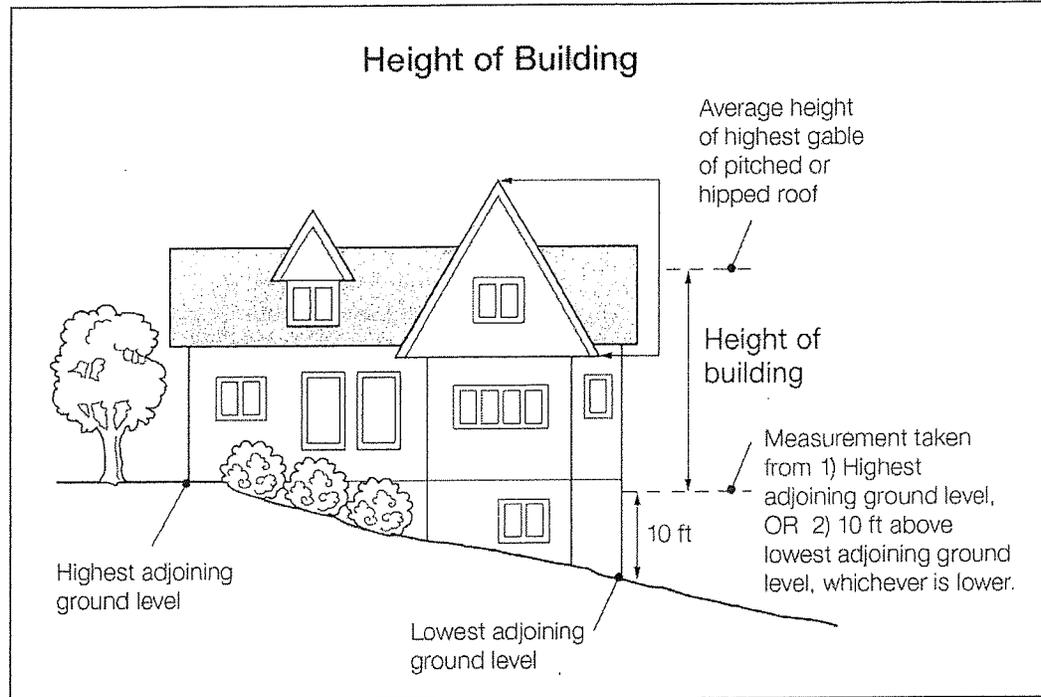
Figure 2. Exception to Bluff



4. **Bluff impact zone.** A bluff and land located within 20 feet of the top of a bluff.
5. **Bluff, Toe of.** The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high-water level, whichever is higher.
6. **Bluff, Top of.** For the purposes of measuring setbacks, bluff impact zone, and administering vegetation management standards, the higher point of a 50-foot segment with an average slope exceeding 18 percent.
7. **Boathouse.** A facility as defined by [Minnesota Statutes Section 103G.245](#).
8. **Buffer.** A vegetative feature as defined by [Minnesota Statutes, Section 103F.48](#).
9. **Building line.** A line parallel to a lot line or the ordinary high-water level at the required setback beyond which a structure may not extend.
10. **Controlled access lot.** A lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.

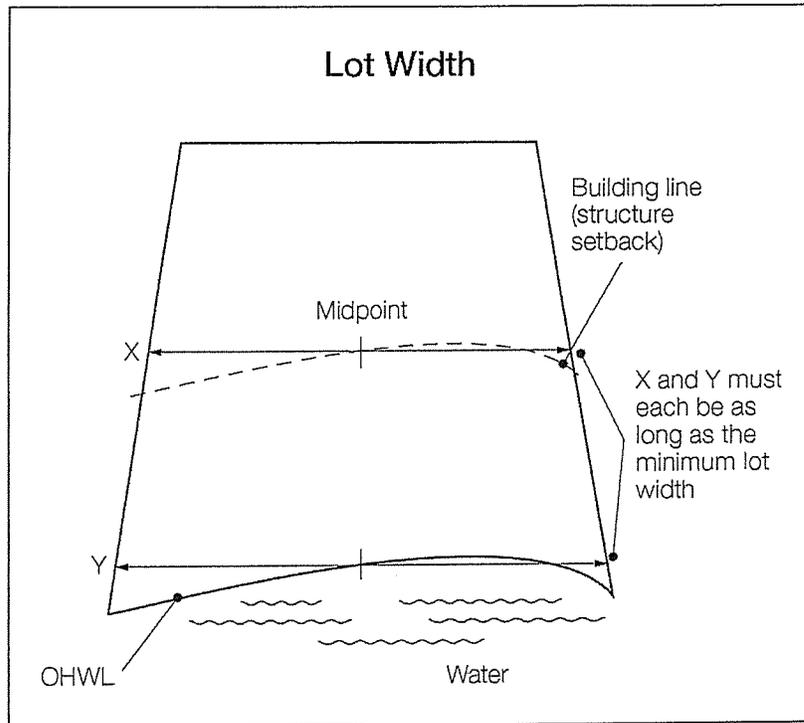
11. **Commercial planned unit developments.** Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
12. **Commercial use.** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
13. **Commissioner.** The commissioner of the Department of Natural Resources.
14. **Conditional use.** A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.
15. **Deck.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.
16. **Duplex, triplex, and quad.** A dwelling structure on a single lot, having two, three, and four units, respectively, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
17. **Dwelling site.** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
18. **Dwelling unit.** Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
19. **Extractive use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.
20. **Forest land conversion.** The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
21. **Guest cottage.** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
22. **Height of building.** The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a

flat roof or average height of the highest gable of a pitched or hipped roof.



23. **Impervious surface.** A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, or gravel driveways; and other similar surfaces.
24. **Industrial use.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
25. **Intensive vegetation clearing.** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
26. **Lot.** A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
27. **Lot width.** The minimum distance between:
 - a. Side lot lines measured at the midpoint of the building line; and

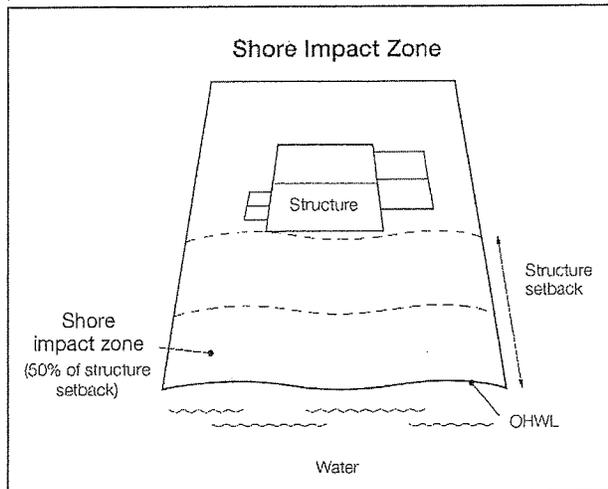
- b. Side lot lines at the ordinary high-water level, if applicable.



28. **Metallic minerals and peat.** “Metallic minerals and peat” has the meaning given under Minnesota Statutes, Sections 93.44 to 93.51.
29. **Nonconformity.** Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.
30. **Ordinary high-water level.** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high-water level is the operating elevation of the normal summer pool.
31. **Planned unit development.** A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
32. **Public waters.** Any water as defined in Minnesota Statutes, Section 103G.005, Subd. 15, 15a.
33. **Residential planned unit development.** A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments.

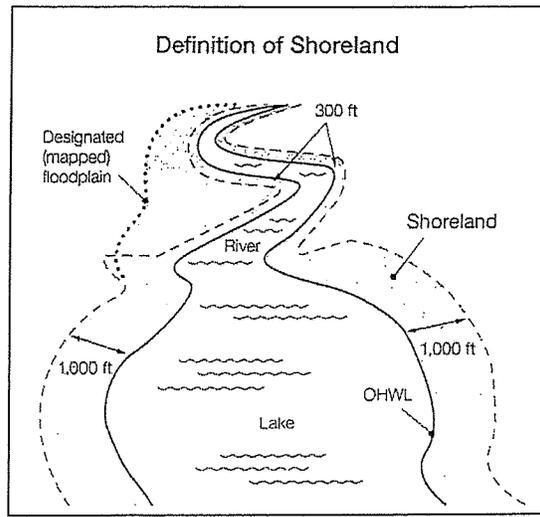
To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

- 34. **Resort.** "Resort" has the meaning in Minnesota Statute, Section 103F.227.
- 35. **Semipublic use.** The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- 36. **Setback.** The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high-water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
- 37. **Sewage treatment system.** "Sewage treatment system" has the meaning given under Minnesota Rules, part 7080.1100, Subp. 82.
- 38. **Sewer system.** Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
- 39. **Shore impact zone.** Land located between the ordinary high-water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.



- 40. **Shoreland.** "Shoreland" means land located within the following distances from public waters:
 - a. 1,000 feet from the ordinary high-water level of a lake, pond, or flowage; and

- b. 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.



41. **Shore recreation facilities.** Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.
42. **Significant historic site.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an un-platted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All un-platted cemeteries are automatically considered to be significant historic sites.
43. **Steep slope.** Having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, which are not bluffs.
44. **Structure.** Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
45. **Subdivision.** Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.
46. **Suitability analysis.** An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.
47. **Variance.** "Variance" means the same as that defined in Minnesota Statute Section 462.357 Subd. 6 (2).
48. **Water-oriented accessory structure or facility.** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to public waters than the normal structure

setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, saunas, patios, and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245 are not a water-oriented accessory structures.

49. **Water-dependent use.** The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas.

50. **Wetland.** "Wetland" has the meaning given under Minnesota Rule, part 8420.0111.

SECTION 10.700.0120. ADMINISTRATION

- A. **Purpose.** The purpose of this Section is to identify administrative provisions to ensure the ordinance is administered consistent with its purpose.
- B. **Permits.**
1. A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 10.700.0170.C. of this ordinance.
 2. **A certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required whenever a permit or variance of any type is required for any improvement on or use of the property.** A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high-water level.
- C. **Application materials.** Application for permits and other zoning applications such as variances shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can evaluate how the application complies with the provisions of this ordinance.
- D. **Certificate of Zoning Compliance.** The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 10.700.0120.B. of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 10.700.0110.B. of this ordinance.
- E. **Variances.** Variances may only be granted in accordance with Minnesota Statutes, Section 462.357 and are subject to the following:
1. A variance may not circumvent the general purposes and intent of this ordinance; and
 2. For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high-water level.
- F. **Conditional Uses.** All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:
1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 2. The visibility of structures and other facilities as viewed from public waters is limited;

3. There is adequate water supply and on-site sewage treatment; and
4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

G. Mitigation.

1. In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:
 - a. Advanced storm water runoff management treatment;
 - b. Reducing impervious surfaces;
 - c. Increasing setbacks from the ordinary high-water level;
 - d. Restoration of wetlands;
 - e. Limiting vegetation removal and/or riparian vegetation restoration;
 - f. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
 - g. Other conditions the zoning authority deems necessary.
2. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions 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 shall be attached to permits.

H. Nonconformities.

1. All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes, Section 462.357 Subd. 1e and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.
2. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Sections 10.700.0140 to 0170 of this ordinance. Any deviation from these requirements must be authorized by a variance.

I. Notifications to the Department of Natural Resources.

1. All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. The City of Pine City will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.
2. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
3. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days

of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

4. Any request to change the shoreland management classification of public waters within the City of Pine City must be sent to the commissioner or the commissioner’s designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.
5. Any request to reduce the boundaries of shorelands of public waters within the City of Pine City must be sent to the commissioner or the commissioner’s designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

J. Mandatory EAW. An Environmental Assessment Worksheet consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the thresholds of Minnesota Rules, part 4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a.

SECTION 10.700.0130. SHORELAND CLASSIFICATION SYSTEM AND LAND USES

A. Shoreland Classification System.

1. Purpose. To ensure that shoreland development on the public waters of the City of Pine City is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.
2. The shoreland area for the waterbodies listed in Sections 10.700.0130.A3-5 are defined in Section 10.700.0110.E40 and are shown on the Official Zoning Map. For the purposes of this ordinance, the boundary between Cross Lake and the Snake River shall be the first set of railroad tracks located just upstream of Cross Lake.
3. Lakes are classified as follows:

Lake Classification	DNR Public Waters I.D. #
General Development	
<i>Cross Lake</i>	<i>58-119 P</i>
Natural Environment	
<i>Squaw Lake</i>	<i>58-146 W</i>
<i>Devil's Lake</i>	<i>58-118 W</i>
<i>Unnamed</i>	<i>58-120 W</i>
<i>Kick Lake</i>	<i>58-165 W</i>

4. Rivers and Streams are classified as follows:

River and Stream Classification	Legal Description
Urban	
<i>Snake River</i>	<i>Starting at the city limits of the City of Pine City in Section 32, flowing SE to the confluence of Cross Lake in Section 33.</i>

5. All public rivers and streams shown on the Public Waters Inventory Map for Pine County, a copy of which is adopted by reference, not given a classification in Section 4.14 shall be considered "Tributary."

B. Land Uses.

1. Purpose. To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.
2. Shoreland district land uses listed in Sections 10.700.0130.B3. and B4 are regulated as:
 - a. Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed;
 - b. Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in Section 10.700.0120.F. of this ordinance and any additional conditions listed in this ordinance; and
 - c. Not permitted uses (N). These uses are prohibited.
3. Land uses for lake and river classifications:

Land Uses	General Development	Natural Environment	Urban River
Single residential	P	P	P
Duplex, triplex, quad residential	P	C	P
Residential PUD	C	C	C
Water-dependent commercial - As accessory to a residential planned unit development	C	C	C
Commercial	P	C	P
Commercial PUD - Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 10.0 of this ordinance are satisfied.	C	C	C
Parks & historic sites	C	C	C
Public, semipublic	P	C	P
Industrial	C	N	C
Agricultural: cropland and pasture	P	P	P
Agricultural feedlots - New	N	N	N
Agricultural feedlots - Expansion or resumption of existing	C	C	C

Land Uses	General Development	Natural Environment	Urban River
Forest management	P	P	P
Forest land conversion	C	C	C
Extractive use	C	C	C
Mining of metallic minerals and peat	P	P	P

SECTION 10.700.0140. SPECIAL LAND USE PROVISIONS

A. Commercial, Industrial, Public, and Semipublic Use Standards.

1. Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:
 - a. The use complies with provisions of Section 10.700.0160;
 - b. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;
 - c. 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; and
 - d. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:
 - (1) Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and
 - (2) Signs placed within the shore impact zone are:
 - (a) No higher than ten feet above the ground, and no greater than 32 square feet in size; and
 - (b) If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and
 - (3) Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.
2. Commercial, industrial, public, and semi-public uses that are not water-dependent 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 set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

B. Agriculture Use Standards.

1. **Buffers.**

- a. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high-water level.
 - b. 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 perennial vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district or the Natural Resource Conservation Service, and as approved by the local soil and water conservation district.
2. **New animal feedlots are not allowed in shoreland.** Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:
- a. Feedlots must be designed consistent with Minnesota Rules, Chapter 7020;
 - b. Feedlots must not further encroach into the existing ordinary high-water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,
 - c. Old feedlots not currently in operation may resume operation consistent with Minnesota Statutes, Section 116.0711.
- C. **Forest Management Standards.**
- 1. The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers.
 - 2. Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district.
- D. **Extractive Use Standards.** Extractive uses are conditional uses and must meet the following standards:
- 1. **Site Development and Restoration Plan.** A site development and restoration plan must be developed, approved, and followed over the course of operation. The plan must:
 - a. Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations;
 - b. Identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion; and
 - c. Clearly explain how the site will be rehabilitated after extractive activities end.
 - 2. **Setbacks for Processing Machinery.** Processing machinery must meet structure setback standards from ordinary high-water levels and from bluffs.
- E. **Metallic Mining Standards.** Mining of metallic minerals and peat is a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51, are satisfied.

SECTION 10.700.0150. DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS

- A. **Purpose.** To establish dimensional and performance standards that protect shoreland resources from impacts of development.
- B. **Lot Area and Width Standards.** After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in Sections 10.700.0150.B5. and 10.700.0150.B6, subject to the following standards:

1. Only lands above the ordinary high-water level can be used to meet lot area and width standards;
2. Lot width standards must be met at both the ordinary high-water level and at the building line;
3. The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property;
4. Residential subdivisions with dwelling unit densities exceeding those in Sections 10.700.0150.B5. and 10.700.0150.B6 are allowed only if designed and approved as residential PUDs under Section 10.700.0190. of this ordinance; and
5. Lake Minimum Lot Area and Width Standards:

General Development – No Sewer				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490
General Development – Sewer				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	15,000	75	10,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245
Natural Environment – No Sewer				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800
Natural Environment – Sewer				
	Riparian		Nonriparian	

	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

6. **River/Stream Minimum Lot Width Standards.** There are no minimum lot area requirements for rivers and streams. The lot width standards in feet are:

	Urban & Tributary	
	No Sewer	Sewer
Single	100	75
Duplex	150	115
Triplex	200	150
Quad	250	190

C. **Special Residential Lot Provisions.**

1. Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:
 - a. Each building must be set back at least 200 feet from the ordinary high-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; and
 - d. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
2. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 10.700.0150.B5 and 10.700.0150.B6, provided the following standards are met:
 - a. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within an area equal to 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 15 feet in height; and
 - 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.

3. Controlled access lots are permissible if created as part of a subdivision and in compliance with the following standards:
 - a. The lot must meet the area and width requirements for residential lots, and be suitable for the intended uses of controlled access lots as provided in item D;
 - 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 a percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements	
Ratio of lake size to shore length (acres/mile)	Required percent increase in frontage
Less than 100	25%
100 – 200	20%
201 – 300	15%
301 – 400	10%
Greater than 400	5%

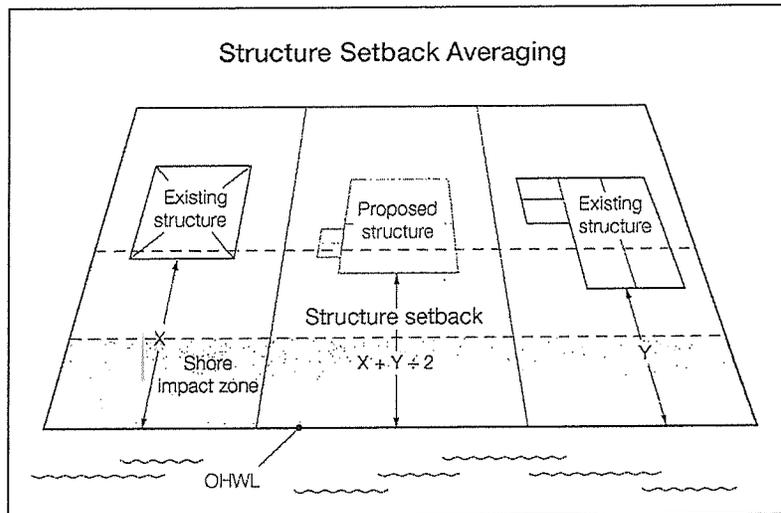
- c. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
- d. Covenants or other equally effective legal instruments must be developed that:
 - (1) Specify which lot owners have authority to use the access lot;
 - (2) Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
 - (3) Limit the total number of vehicles allowed to be parked and the total number of watercrafts allowed to be continuously moored, docked, or stored over water;
 - (4) Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
 - (5) 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.

D. Placement, Height, and Design of Structures.

1. Placement of Structures and Sewage Treatment Systems on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions. The structure setback standards for sewer properties can only be used if publicly owned sewer system service is available.

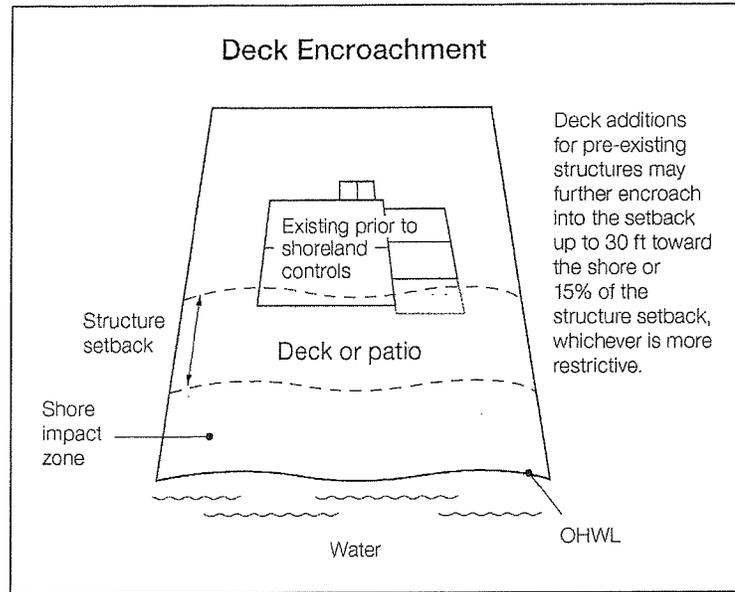
Classification	Structures		Sewage Treatment System
	No Sewer	Sewer	
Lakes			
Natural Environment	150	150	150
General Development	75	50	50
Rivers and Streams			
Urban and Tributary	100	50	75

- a. **OHWL Setbacks.** Structures, impervious surfaces, and sewage treatment systems must meet setbacks from the Ordinary High-Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Section 10.700.0160.C of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL;
- b. **Setback averaging.** Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone;



- c. **Setbacks of decks.** 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 are met:
 - (1) The structure existed on the date the structure setbacks were established;
 - (2) 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;
 - (3) The deck encroachment toward the ordinary high-water level does not exceed 15 percent of the existing setback of the structure from the ordinary high-water level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and

- (4) The deck is constructed primarily of wood, and is not roofed or screened.



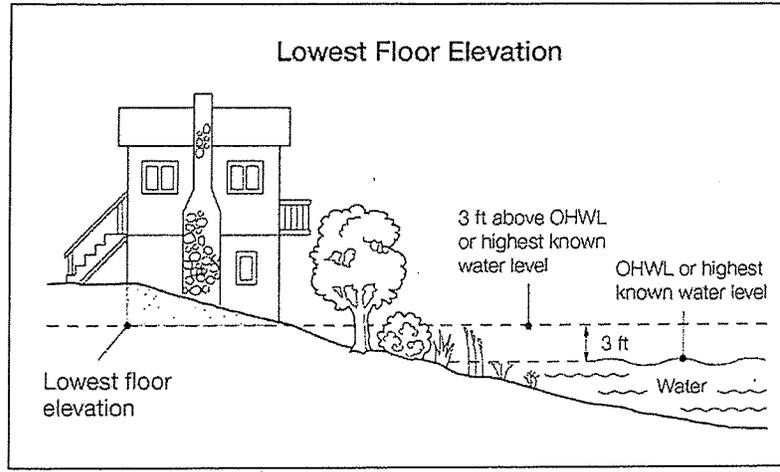
- d. *Additional structure setbacks.* Structures must also meet the following setbacks, regardless of the waterbody classification:

Setback from:	Setback (ft)
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads not classified	20

- e. *Bluff Impact Zones.* Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
2. **Height of Structures.** All structures in residential districts in cities, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.
3. **Lowest Floor Elevation.** 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:
- For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high-water level, whichever is higher;
 - For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If data are not available, by placing the lowest floor at least three 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 Minnesota Rules, 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; and

- c. If the structure is floodproofed instead of elevated under items A and B above, then it must be floodproofed in accordance with Minnesota Rules, part 6120.5900 Subp. 3 (D).



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.

E. **Water Supply and Sewage Treatment.**

1. Water supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
2. Sewage treatment. Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with Minnesota Rules, Chapters 7080 – 7081.

SECTION 10.700.0160. PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES

- A. Placement and Design of Roads, Driveways, and Parking Areas. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:
 1. 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 alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;
 2. 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;
 3. Private facilities must comply with the grading and filling provisions of Section 10.700.0170.C of this ordinance; and
 4. For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they 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.

- B. 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, lifts, and landings must meet the following design requirements:
1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
 2. 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-space recreational uses, and planned unit developments;
 3. Canopies or roofs are not allowed on stairways, lifts, or landings;
 4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 5. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of subitems 10.700.0160.B1 to 10.700.0160.B5 and the requirements of Minnesota Rules, Chapter 1341.
- C. Water-oriented Accessory Structures or Facilities. Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions:
1. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;
 2. The structure or facility is not in the Bluff Impact Zone;
 3. The setback of the structure or facility from the ordinary high-water level must be at least ten feet;
 4. The structure is not a boathouse or boat storage structure as defined under Minnesota Statutes, Section 103G.245;
 5. 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;
 6. The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;
 7. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
 8. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and

9. **Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Section 10.700.0150.D3 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.**

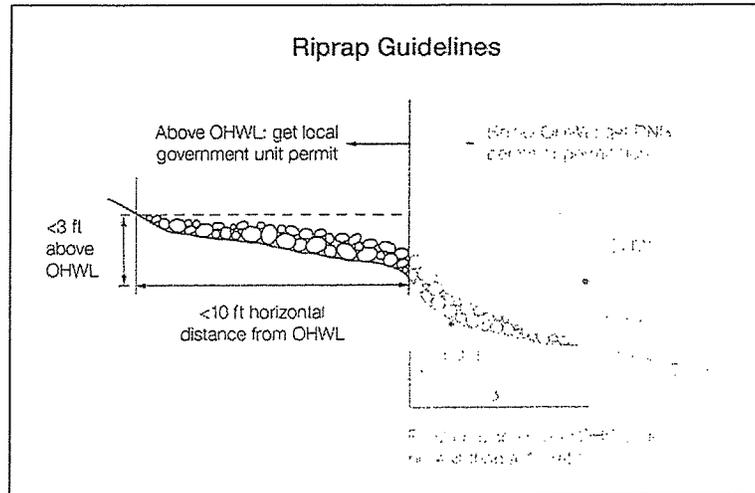
SECTION 10.700.0170. VEGETATION AND LAND ALTERATIONS

- A. **Purpose.** Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.
- B. **Vegetation Management.**
 1. Removal or alteration of vegetation must comply with the provisions of this subsection except for:
 - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;
 - b. The construction of public roads and parking areas if consistent with Section 10.700.0160.A of this ordinance;
 - c. Forest management uses consistent with Section 10.700.0140.C of this ordinance; and
 - d. Agricultural uses consistent with Section 10.700.0140.B of this ordinance.
 2. **Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited. Intensive clearing outside of these areas is allowed if consistent with the forest management standards in Section 10.700.0140.C of this ordinance.**
 3. Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling 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:
 - a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - b. Existing shading of water surfaces along rivers is preserved;
 - c. Cutting debris or slash shall be scattered and not mounded on the ground; and
 - d. Perennial ground cover is retained.
 - e. **Picnic areas, access paths, livestock watering areas, beaches and watercraft access areas are prohibited in bluff impact zones.**
 4. Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.
 5. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.
- C. **Grading and Filling.**
 1. Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section 10.700.0160.A of this ordinance.

2. Permit Requirements.
 - a. Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Section 10.700.0170.C3 of this ordinance must be incorporated into the permit.
 - b. **For all other work, including driveways not part of another permit, a grading and filling permit is required for:**
 - (1) **the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and**
 - (2) **the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.**

- C. Grading, filling and excavation activities must meet the following standards:
 - a. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420 and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;
 - b. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
 - (1) Limiting the amount and time of bare ground exposure;
 - (2) Using temporary ground covers such as mulches or similar materials;
 - (3) Establishing permanent vegetation cover as soon as possible;
 - (4) Using sediment traps, vegetated buffer strips or other appropriate techniques;
 - (5) Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
 - (6) Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
 - (7) Fill or excavated material must not be placed in bluff impact zones;
 - (8) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G;
 - (9) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - (10) **Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:**
 - (a) **the finished slope does not exceed three feet horizontal to one foot vertical;**
 - (b) **the landward extent of the riprap is within ten feet of the ordinary high-water level;**
and

- (c) the height of the riprap above the ordinary high-water level does not exceed three feet.



4. Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with Minnesota Rules, Chapter 6115.

D. **Stormwater Management.**

1. General Standards:

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

2. Specific Standards:

- a. **Impervious surfaces of lots must not exceed 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 district or the Minnesota Stormwater Manual, as applicable.
- c. New constructed stormwater outfalls to public waters must be consistent with Minnesota Rules, part 6115.0231.

SECTION 10.700.0180. SUBDIVISION/PLATTING PROVISIONS

- A. **Purpose.** To ensure that new development minimizes impacts to shoreland resources and is safe and functional.
- B. **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 10.700.0190 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- C. **Consistency with other controls.** Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.
- D. **Water and Sewer Design Standards.**
 - 1. A potable water supply and a sewage treatment system consistent with Minnesota Rules, Chapters 7080 – 7081 must be provided for every lot.
 - 2. Each lot must include at least two soil treatment and dispersal areas that support systems described in Minnesota Rules, parts 7080.2200 to 7080.223 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.
 - 3. Lots that would require use of holding tanks are prohibited.
- E. **Information requirements.**
 - 1. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics;
 - 2. The surface water features required in Minnesota Statutes, section 505.021, Subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;
 - 3. Adequate soils information to determine suitability for building and sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 - 4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
 - 5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
 - 6. A line or contour representing the ordinary high-water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- F. **Dedications.** When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- G. **Platting.** All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a and 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.

- H. **Controlled Access Lots.** Controlled access lots within a subdivision must meet or exceed the lot size criteria in Section 10.700.0150.C3 of this ordinance.

SECTION 10.700.0190. PLANNED UNIT DEVELOPMENTS (PUDs)

- A. **Purpose.** To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.
- B. **Types of PUDs Permissible.** Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Section 10.700.0150.B of this ordinance is allowed if the standards in this Section are met.
- C. **Processing of PUDs.** Planned unit developments must be processed as a conditional use. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 10.700.0190.E. Approval cannot occur until all applicable environmental reviews are complete.
- D. **Application for a PUD.** The applicant for a PUD must submit the following documents prior to final action on the application request:
 - 1. Site plan and/or plat showing:
 - a. Locations of property boundaries;
 - b. Surface water features;
 - c. Existing and proposed structures and other facilities;
 - d. Land alterations;
 - e. Sewage treatment and water supply systems (where public systems will not be provided);
 - f. Topographic contours at ten-foot intervals or less; and
 - g. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).
 - 2. A property owners association agreement (for residential PUD's) with mandatory membership, and consistent with Section 10.700.0190.F of this ordinance.
 - 3. Deed restrictions, covenants, permanent easements or other instruments that:
 - a. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
 - b. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 10.700.0190.F of this ordinance.
 - 4. A master plan/site plan describing the project and showing floor plans for all commercial structures.
 - 5. Additional documents necessary to explain how the PUD will be designed and will function.
- E. **Density Determination.** Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.

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

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

2. **Step 2. Calculate Suitable Area for Development.** Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high-water level of public waters.
3. **Step 3. Determine Base Density:**
 - a. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width.
 - b. For commercial PUDs:
 - (1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.
 - (a) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.
 - (b) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:
 - i. For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.
 - ii. For recreational vehicles, campers or tents, use 400 sf.
 - (2) Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Section 10.700.0190.E3.b(1)

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

(3) Multiply the suitable area within each tier determined in Section 10.700.0190.E2 by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.

(4) Divide the total floor area or dwelling site area for each tier calculated in Section 10.700.0190.E3.b(3) by the average inside living floor area for dwelling units or dwelling site area determined in 10.700.0190.E3.b(1). This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.

c. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.

d. All PUDs with densities at or below the base density must meet the design standards in Section 10.700.0190.F.

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

a. The following increases to the dwelling unit or dwelling site base densities determined Section 10.700.0190.E3.b(3) are allowed if the design criteria in Section 10.700.0190.F of this ordinance are satisfied as well as the standards in Section 10.700.0190.E4.b:

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

- b. Structure setbacks from the ordinary high-water level:
 - (1) Are increased to at least 50 percent greater than the minimum setback; or
 - (2) The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.
- F. Design Criteria. All PUDs must meet the following design criteria.
- 1. General Design Standards.
 - a. All residential planned unit developments must contain at least five dwelling units or sites.
 - b. On-site water supply and sewage treatment systems must be centralized and meet the standards in Section 10.700.0150.E of this ordinance. Sewage treatment systems must meet the setback standards of Section 10.700.0150.D1, item A of this ordinance.
 - c. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.
 - d. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Sections 10.700.0150.C and 10.700.0150.D.
 - e. Shore recreation facilities:
 - (1) Must be centralized and located in areas suitable for them based on a suitability analysis.
 - (2) 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).
 - (3) 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.
 - f. 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.
 - g. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.
 - h. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 10.700.0160.C of this ordinance and are centralized.
 - 2. Open Space Requirements.
 - a. Open space must constitute at least 50 percent of the total project area and must include:
 - (1) Areas with physical characteristics unsuitable for development in their natural state;
 - (2) Areas containing significant historic sites or unplatted cemeteries;
 - (3) Portions of the shore impact zone preserved in its natural or existing state as follows:

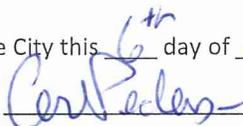
- (a) For existing residential PUD's, at least 50 percent of the shore impact zone
 - (b) For new residential PUDs, at least 70 percent of the shore impact zone.
 - (c) For all commercial PUD's, at least 50 percent of the shore impact zone.
 - b. Open space may include:
 - (1) Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 - (2) Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and
 - (3) Non-public water wetlands.
 - c. Open space shall not include:
 - (1) Dwelling sites or lots, unless owned in common by an owner's association;
 - (2) Dwelling units or structures, except water-oriented accessory structures or facilities;
 - (3) Road rights-of-way or land covered by road surfaces and parking areas;
 - (4) Land below the OHWL of public waters; and
 - (5) Commercial facilities or uses.
3. Open Space Maintenance and Administration Requirements.
- a. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means the instruments must prohibit:
 - (1) Commercial uses (for residential PUD's);
 - (2) Vegetation and topographic alterations other than routine maintenance;
 - (3) Construction of additional buildings or storage of vehicles and other materials; and
 - (4) Uncontrolled beaching of watercraft.
 - b. Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owner's association with the following features:
 - (1) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;
 - (2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;
 - (3) Assessments must be adjustable to accommodate changing conditions; and
 - (4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

4. Erosion Control and Stormwater Management.
 - a. Erosion control plans must be developed and must be consistent with the provisions of Section 8.3 of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
 - b. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff. **For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area, except that 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 Section 8.0 of this ordinance.**

G. **Conversions.** Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:

1. **Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;**
2. 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;
3. 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:
 - a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - b. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and
 - c. Conditions attached to existing dwelling units located in shore or bluff impact zones 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.
4. **Existing dwelling unit or dwelling site densities that exceed standards in Section 10.700.0190.E of this ordinance 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.**

Passed and adopted by the City Council of the City of Pine City this 6th day of November 2019

By: 
 Carl Pederson, Mayor

ATTEST: 

Matthew Van Steenwyk, City Administrator