

RENVILLE COUNTY LAND USE ORDINANCE

CHAPTER SIX

SHORELAND MANAGEMENT REGULATIONS

SECTION 1. STATUTORY AUTHORIZATION AND POLICY

1. **Statutory Authorization.** This Shoreland Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, Parts 6120.2500 – 6120.3900; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.
2. **Policy.** The uncontrolled use of shorelands and scenic river areas of Renville County, Minnesota, affects the public health, safety, and general welfare not only by contributing to 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 environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Renville County.

SECTION 2. GENERAL PROVISIONS

1. **Jurisdiction.** The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in Section 4 of this Ordinance. Pursuant to Minnesota Rules, 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.
2. **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.
3. **Enforcement.** The Renville County Zoning Administrator and Renville County Attorney are 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) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 3.1 of this Ordinance.

4. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Renville County and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
5. 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.
6. 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 their inconsistency only.

SECTION 3. ADMINISTRATION

1. Permits Required.
 - A. 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 5.2.E of this Ordinance. Application for a permit shall be made to the Renville County Zoning Administrator on the form provided. The application shall include the necessary information so that the Zoning Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.
 - B. All permits authorizing an addition or modification to an existing or newly built structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 7.3, shall be reconstructed or replaced in accordance with the provisions of this Ordinance.
2. Certificate of Zoning Compliance. The Renville County Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 3.1 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 2.3 of this Ordinance.

3. Variance.

- A. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394, as applicable. A variance may not circumvent the general purposes and intent of this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment and Appeals must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- B. The Board of Adjustment and Appeals shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. 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 required in Section 3.4.B below shall also include the Board of Adjustment and Appeal's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
- C. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. A certificate of compliance, consistent with Minnesota Rules, Part 7082.0700, Subp. 3, is required for variance approval. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.
- D. Variances issued within the shoreland zone shall apply solely to project proposal or permit application under consideration. All future proposals shall be considered separately.

4. Notification to the Department of Natural Resources.

- A. All alterations of landscape below the ordinary high water level must first receive approval from the Minnesota DNR area office. Landowners wishing to do shoreline alterations below the ordinary high water level

must receive approval from the area hydrologist at the area office before beginning construction.

- B. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least 10 days before the hearings. Notices of hearing to consider proposed subdivisions/plats must include copies of the subdivision/plat.
 - C. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within 10 days of final action.
 - D. All amendments to this Shoreland Ordinance must be submitted to the Minnesota DNR for review and approval for compliance with the statewide shoreland management rules.
 - E. Any request to change the shoreland management classification of public waters within Renville County 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.
 - F. Any request to reduce the boundaries of shorelands of public waters within Renville County 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.
5. Mitigation. In evaluating all variances, conditional uses, zoning, and building permit applications, the Zoning Administrator 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 stormwater 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 Administrator deems necessary.

**SECTION 4. SHORELAND CLASSIFICATION SYSTEM
AND LAND USE DISTRICTS**

- 1. Shoreland Classification System. The public waters of Renville County have been classified below consistent with the criteria found in Minnesota Rules, Part 6120.3300, and the Protected Waters Inventory Map for Renville County, Minnesota.
 - A. The shoreland area for the water bodies listed in Sections 4.1.B and 4.1.C shall be as defined in Chapter One and as shown on the Official Zoning Map.
 - B. Lakes.
 - i. Natural Environment:

Name of Lake	DNR Public Waters I.D. #
Round Grove (McLeod)	43-116
No Name (McLeod)	43-117
No Name (Meeker)	47-104
No Name (Nicollet)	52-51
Hodgson	65-10
Phare	65-12
Boon	65-13
Mud	65-17
Round	65-28
No Name	65-82
Long	65-100
Beckendorf	65-108
Dybsand Marsh	65-124
Lorette	65-129
Lac Mac	65-145
Anderson	65-149
Swan (Sibley)	72-93

ii. Recreational Development:

Name of Lake	DNR Public Waters I.D. #
Preston	65-2
Allie	65-6

iii. General Development:

None in Renville County.

C. Rivers and Streams.

i. Remote Rivers:

None in Renville County.

ii. Forested Rivers:

None in Renville County.

iii. Transition Rivers:

None in Renville County.

iv. Agricultural Rivers:

Name of River	Legal Description
Minnesota River**	From Section 19, Twp 115N, Range 38W, to Section 35, Twp 112N, Range 33W
Hawk Creek	From Section 7, Twp 116N, Range 38W, to Section 28, Twp 115N, Range 38W

v. Urban Rivers:

None in Renville County.

vi. Tributary Streams:

Name of Tributary Stream*	Legal Description
Sacred Heart Creek	From Section 1, Twp 114N, Range 37W, to Section 24, Twp 114N, Range 37W
Beaver Creek	From Section 29, Twp 115N, Range 35W, to Section 27, Twp 113N, Range 35W
Birch Cooley Creek	From Section 8, Twp 113N, Range 34W, to Section 5, Twp 112N, Range 34W
Fort Ridgley Creek	From Section 24, Twp 112N, Range 33W, to Section 31, Twp 112N, Range 32W
Buffalo Creek	From Section 35, Twp 116N, Range 32W, to Section 25, Twp 115N, Range 31W

* All protected watercourses in Renville County shown on the Protected Waters Inventory Map for Renville County, a copy of which is hereby adopted by reference, not given a classification in items i – v above shall be considered "Tributary."

** The Minnesota River is also subject to the provisions of the Renville County Minnesota Scenic River Ordinance; Minnesota Rules, Parts 6105.0010 – 6105.0250 and 6105.1200 – 6105.1370; and the Renville County Project River Bend Ordinance.

2. Land Use District Descriptions. The land use districts in Section 4.2.C, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the comprehensive land use plan and the following criteria, considerations, and objectives:

A. General Considerations and Criteria For All Land Uses:

- i. Preservation of natural areas.
- ii. Present ownership and development of shoreland areas.
- iii. Shoreland soil types and their engineering capabilities.
- iv. Topographic characteristics.
- v. Vegetative cover.
- vi. In-water physical characteristics, values, and constraints.

- vii. Recreational use of the surface water.
- viii. Road and service center accessibility.
- ix. Socio-economic development needs and plans as they involve water and related land resources.
- x. The land requirements of industry which, by its nature, require location in shoreland areas.
- xi. The necessity to preserve and restore certain areas having significant historical or ecological value.

B. Factors and Criteria For Planned Unit Developments:

- i. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments.
- ii. Physical and aesthetic impacts of increased density.
- iii. Suitability of lands for the planned unit development approach.
- iv. Level of current development in the area.
- v. Amounts and types of ownership of undeveloped lands.

C. Land Use Districts for Lakes. The land use districts provided as follows, and the allowable land uses therein for the given classifications of water bodies, shall be properly delineated on the Official Zoning Map for the shorelands of Renville County.

Definitions: P = A permitted use within the land classification.
 C = A conditional use permit is required for this land use function within this land classification.
 N = None permitted within this classification.

Land Use	Recreational Development	Natural Environment
Single-Family Dwelling	P	P
Parks and Historic Sites	C	C
Agricultural – Cropland and Pasture	P	P
Forest Management	P	P
Sensitive Resource Management	P	P
Extraction and Processing of Minerals	C	C
Duplex, Triplex, Quad Residential	P	C

Residential PUD	C	C
Commercial PUD	C	C
Public and Semi-Public	P	C
Agricultural Feedlots – New	N	N
Agricultural Feedlots – Expansion or Resumption of Existing	C	C
Golf Course	C	C
Essential Service (Minor)	P	P
Essential Service (Major)	C	C
Home Occupation (Level I)	P	P
Accessory Structures to Permitted and Permitted Conditional Uses	P	P
Agricultural Buildings and Accessory Structures	P	P

D. Land Use Districts for Rivers and Streams.

Land Use	Agricultural	Tributary
Single-Family Dwelling	P	P
Parks and Historic Sites	C	C
Agricultural – Cropland and Pasture	P	P
Forest Management	P	P
Sensitive Resource Management	C	C
Extraction and Processing of Minerals	C	C
Duplex, Triplex, Quad Residential	P	P
Residential PUD	C	C
Commercial PUD	C	C
Public and Semi-Public	C	P
Agricultural Feedlots – New	N	N
Agricultural Feedlots – Expansion or Resumption of Existing	C	C
Golf Course	C	C
Essential Service (Minor)	P	P
Essential Service (Major)	C	C
Home Occupation (Level I)	P	P
Accessory Structures to Permitted and Permitted Conditional Uses	P	P
Agricultural Buildings and Accessory Structures	P	P

E. Use and Upgrading of Inconsistent Land Use Districts.

- i. When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply:

- a. For Lakes. When a revision to a land use district designation on a lake is considered, the land use district 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 in Sections 4.2 and 4.2.C of this Ordinance.
 - b. For Rivers and Streams. When a revision to a land use district designation 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 in Sections 4.2 and 4.2.D of this Ordinance. If the same river classification is contiguous for more than a five-mile segment, only the shoreland for a distance of 2.5 miles upstream and downstream, or to the class boundary if closer, need be evaluated and revised.
- ii. When an interpretation question arises about whether a specific land use fits within a given "use" category, the interpretation shall be made by the Board of Adjustment and Appeals. 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 Renville County Board of County Commissioners.
 - iii. 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 Renville County Board of County Commissioners will direct the Renville County Zoning Administrator to provide such additional information for this water body as is necessary to satisfy item i.
 - iv. The Renville County Zoning Administrator 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 water body, are consistent with the enumerated criteria and use provisions of Section 4.2.

SECTION 5. ZONING AND WATER SUPPLY/SANITARY PROVISIONS

1. 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, subject to the following standards:

- Only lands above the ordinary high water level can be used to meet lot area and width standards.
- Lot width standards must be met at both the ordinary high water level and at the building line.
- The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property.
- The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex, and quad residential lots for the lake and river/stream classifications are the following (see Section 7.1 for existing lots of record):

A. Unsewered Lakes.

i. Natural Environment:

	Riparian Area		Nonriparian Area	
	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

ii. Recreational Development:

	Riparian Area		Nonriparian Area	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490

iii. General Development:

None in Renville County.

B. Sewered Lakes.

i. Natural Environment:

	Riparian Area		Nonriparian Area	
	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

ii. Recreational Development:

	Riparian Area		Nonriparian Area	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	20,000	100	15,000	100
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

iii. General Development:

None in Renville County.

C. River/Stream Lot Width Standards. There are no minimum lot size requirements for rivers and streams. The lot width standards are:

	Agricultural	Urban and Tributary	
		No Sewer	Sewer
Single	150	100	75
Duplex	225	150	115
Triplex	300	200	150
Quad	375	250	190

D. Additional Special Provisions.

- i. Residential subdivisions with dwelling unit densities exceeding those in the tables in Sections 5.1.B and 5.1.C can only be allowed if designed and approved as residential planned unit developments under Section 9 of this Ordinance. 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 ordinary high water level and at the building line. The sewer lot area

dimensions in Section 5.1.B can only be used if publicly owned sewer system service is available to the property.

- ii. Subdivisions of duplexes, triplexes, and quads on natural environment lakes 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.
 - d. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- iii. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 5.1.A – 5.1.C, provided the following standards are met:
 - a. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit.
 - b. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height.
 - c. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions.
- iv. Lots intended as controlled accesses 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 watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, 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. 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 lot; and
- d. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment to normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water; and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water assuming summer, leaf-on conditions.

2. Placement, Design, and Height of Structures.

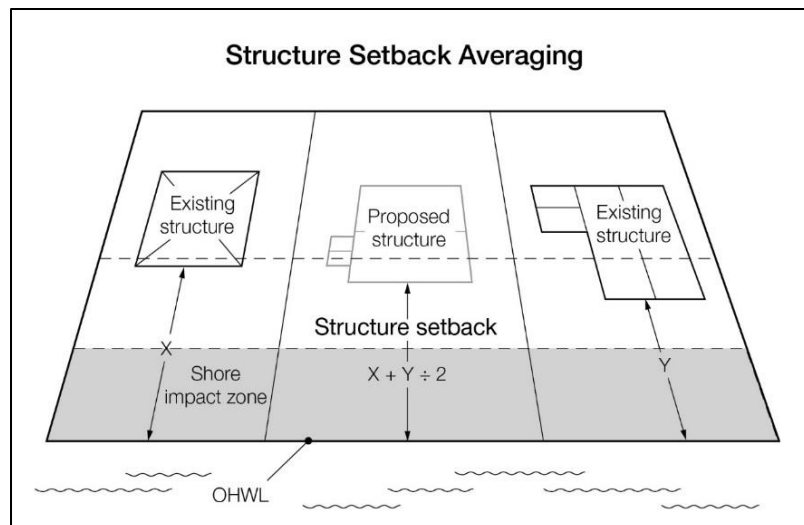
A. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. The setback for sewer structures can only be used if a publicly owned sewer system service is available to the property. Structures shall be located as follows:

i. Structure and On-Site Sewage System Setbacks (in feet) from Ordinary High Water Level.*

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

* One water-oriented accessory structure designed in accordance with Section 5.2.B of this Ordinance may be set back a minimum distance of 10 feet from the ordinary high water level.

ii. 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 ordinary high water level, provided the proposed structure is not located in a shore impact zone or in a bluff zone.



- iii. **Additional Structure Setbacks.** The following additional structure setbacks apply, regardless of the classification of the water body:

Setback From	Setback (in feet)
Top of Bluff	30
Unplatted Cemetery	50
Federal or State, County, or Township Road*	67 feet from right-of-way
Side Lot Setback (Adj. Property Owner)	10

* Those lots located within Sheppards Oak Knoll and Oakdale Bay Subdivisions shall be required to maintain a 50-foot front yard setback from the centerline of CSAH 38. All other structures located along CSAH 38 shall maintain a 75-foot front yard setback from the centerline.

Structure fronting CSAH 38 at the point where the road turns east along the township section line within Section 34 of Boon Lake Township within the 1,000-foot shoreland zone area shall maintain a 67-foot minimum setback from the road right-of-way.

- iv. **Bluff Impact Zones.** Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- v. **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 view from the water by vegetation or topography, assuming summer, leaf-on conditions.

B. Design Criteria for Structures.

- i. **High Water Elevations.** Structures must be placed in accordance with any flood plain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

- a. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.
 - b. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data is available. If data is 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 – 6120.6200, governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.
 - c. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation; electrical and mechanical equipment is placed above the elevation; and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
 - d. Existing homes within the Lake Allie Shoreland District in place at the time of adoption of this Ordinance shall be allowed to remain until such use is removed or discontinued. Replacement dwelling units on these properties and all other properties within the Shoreland District shall maintain a minimum width requirement of 18 feet.
- ii. Water-Oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 5.2.A of this Ordinance if this water-oriented accessory structure complies with the following provisions:
 - a. The structure or facility must not exceed 10 feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point.

- b. The setback of the structure or facility from the ordinary high water level must be at least 10 feet.
 - c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color assuming summer, leaf-on conditions.
 - d. The roof may be used as a deck with safety rails but must not be enclosed or used as a storage area.
 - e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
 - f. As an alternative for general development and recreational development water bodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting 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 configuration of the shoreline.
- iii. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- a. Stairways and lifts must not exceed six feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - b. Landings for stairways and lifts on residential lots must not exceed 100 square feet in area. Landings larger than 100 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - c. Canopies or roofs are not allowed on stairways, lifts, or landings;
 - d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

- e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of items a – e are complied with in addition to the requirements of Minnesota Rules, Chapter 1341.
 - iv. 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.
 - v. Steep Slopes. The Renville County Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on conditions.
- C. Height of Structures. All structures within the Shoreland District, except churches and non-residential agricultural structures, must not exceed 35 feet in height.
- D. Shoreland Alterations.
 - i. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 5.2.F of this Ordinance are exempt from the vegetation alteration standards that follow.
 - ii. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Sections 6.4, 6.5, and 6.6, respectfully, is allowed subject to the following standards:
 - a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forestland conversion to another use

outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the Soil and Water Conservation District in which the property is located.

- b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the 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 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.
 - 3. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

E. Topographic Alterations/Grading and Filling.

- i. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- ii. Public roads and parking areas are regulated by Section 5.2.F of this Ordinance.
- iii. Notwithstanding items i and ii above, a grading and filling permit will be required for:
 - a. The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones.

- b. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
- iv. 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:
 - a. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland: *
 - 1. Sediment and pollutant trapping and retention.
 - 2. Storage of surface runoff to prevent or reduce flood damage.
 - 3. Fish and wildlife habitat.
 - 4. Recreational use.
 - 5. Shoreline or bank stabilization.
 - 6. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
 - * This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or 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.
 - b. 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.
 - c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.

- d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
- e. Altered areas must be stabilized to acceptable erosion control standards consistent with the Field Office Technical Guide of the local Soil and Water Conservation Districts and the United States Soil Conservation Service.
- f. Fill or excavated material must not be placed in a manner that creates an unstable slope.
- g. 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.
- h. Fill or excavated material must not be placed in bluff impact zones.
- i. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245.
- j. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
- k. Placement of natural rock riprap (12 – 24 inch diameter), including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
- v. Excavations where the intended purpose is connection to a public water, such as boat skips, 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.

- i. 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 Guide of the local Soil and Water Conservation District, or other applicable technical materials.

- ii. 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.
- iii. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 5.2.E of this Ordinance must be met.

SECTION 6. STORMWATER MANAGEMENT

- 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 diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
- 2. Specific Standards.
 - A. Impervious surface coverage of lots must not exceed 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.
3. Standards for Commercial, Industrial, Public, and Semi-Public Uses.
- A. Surface water-oriented commercial uses and industrial, public, or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - i. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - ii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
 - iii. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - a. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.
 - b. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than 10 feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial

lights, the lights must be shielded or directed to prevent illumination out across public waters.

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

- B. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

4. Agricultural Use Standards.

- A. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan that includes alternative riparian water quality practices based on the Natural Resources Conservation Service Field Office Technical Guide (FOTG), practices approved by the Board of Water and Soil Resources, or practices based on local conditions approved by the local Soil and Water Conservation District that are consistent with the FOTG. The shore impact zone for parcels with permitted agricultural land uses is an area with a 50-foot average width and a 30-foot minimum width, as measured from the ordinary high water level if identified, or the top or crown of bank or normal water level as provided in Minnesota Statutes, Section 103F.48, Subd. 3(c), whichever is applicable. Incorporation of approved alternative practices may reduce the overall buffer width; however, the minimum width cannot be less than 30 feet.

- B. Animal feedlots must meet the following standards:

- i. No new feedlots shall be located within the shoreland area of watercourses or in bluff impact zones as of the effective date of this Ordinance.
- ii. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

- iii. All current feedlots within the shoreland area must meet all current MPCA rules and regulations.
- 5. Forest Management Standards. 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.
- 6. Extractive Use Standards.
 - A. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
 - B. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
- 7. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 – 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 – 93.51, are satisfied.
- 8. 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 Countywide. The following additional evaluation criteria and conditions apply within shoreland areas:
 - A. Evaluation Criteria. A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
 - i. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - ii. The visibility of structures and other facilities as viewed from public waters is limited;
 - iii. The site is adequate for water supply and on-site sewage treatment; and

- iv. 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 this watercraft.
 - B. Conditions Attached to Conditional Use Permits. The Renville County Board of County Commissioners, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
 - i. Increased setbacks from the ordinary high water level.
 - ii. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
 - iii. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.
9. Water Supply and Sewage Treatment.
- A. 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.
 - B. 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 – 7083.

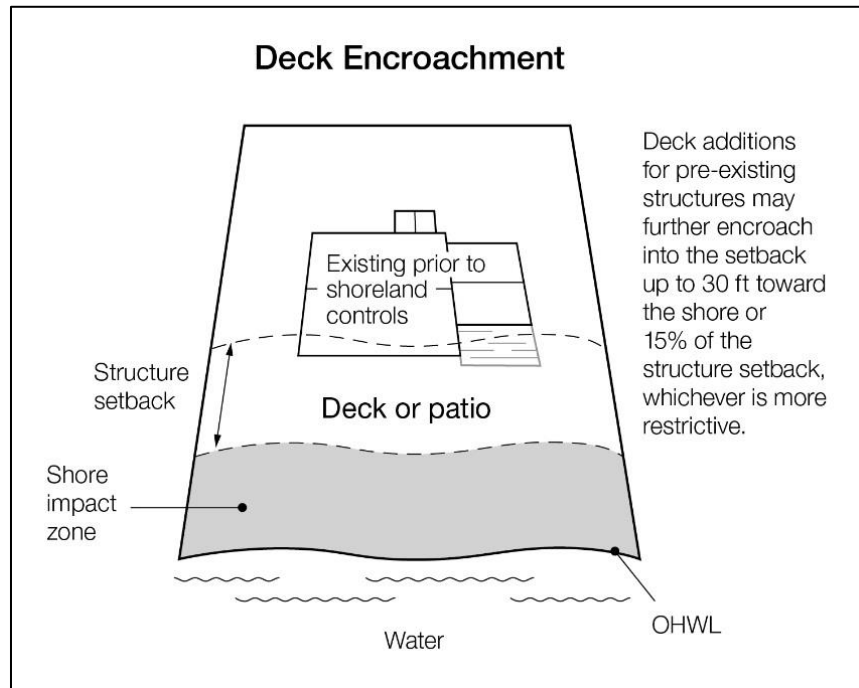
SECTION 7. NONCONFORMITIES

All legally established nonconforming uses as of the date of this Ordinance may continue, but they will be managed according to applicable state statutes and other regulations of Renville County 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 and Sale of 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 5.1 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 became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met.

- B. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment and Appeals shall consider sewage treatment and 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 5.1 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 the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 5.1 of this Ordinance 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 5 of this Ordinance. Any deviation from these requirements must be authorized by a variance pursuant to Section 3.3.
 - B. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - i. The structure existed on the date the structure setbacks were established;
 - ii. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback for the structure;
 - iii. 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 does not encroach closer than 30 feet, whichever is more restrictive; and
 - iv. The deck is constructed primarily of wood and is not roofed or screened.



3. **Nonconforming Sewage Treatment Systems.** A sewage treatment system not meeting the requirements of Minnesota Rules, Chapters 7080 – 7083, must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property or in the event of property sale or transfer. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

SECTION 8. SUBDIVISION/PLATTING PROVISIONS

1. Each lot created through subdivision, including planned unit developments authorized under Section 9 of this Ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the County.
2. Subdivisions must conform to all official controls of this County. 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. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment

system consistent with Sections 5.2 and 6.9 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 5.1, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks may be approved. Lots must maintain the minimum allowable specifications for development as set forth by these official controls. Variance shall not be granted to these requirements in the area of sewage treatment. Easement for sewage disposal system establishment may be allowed.

3. Sufficient information must be submitted by the applicant for the County to make a determination of land suitability. The information shall include at least the following:
 - A. Topographic contours at 10-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
 - B. 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 accurate sources;
 - C. Adequate soils information to determine suitability for building and on-site 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;
 - D. 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;
 - E. Location of 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 the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
4. 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.

5. All subdivisions that create five or more lots or parcels that are 2.5 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 sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.
6. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 5.1 of this Ordinance.

SECTION 9. PLANNED UNIT DEVELOPMENTS (PUDs)

1. **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. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 4.2 of this Ordinance 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 calculated in the project density evaluation procedures in Section 9.5. Approval cannot occur until the environmental review process (EAW/EIS) is complete.
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:
 - A. 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, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at 10-foot intervals or less. When 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.
 - B. A property owner's association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of Section 9.9 of this Ordinance.
 - C. Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and 2) ensure

the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 9.9 of this Ordinance.

- D. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
 - E. Those additional documents as requested by the Renville County zoning office 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 density evaluation in Section 9.5.
- 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 Shoreland Tier Dimensions:

Classification	Unsewered (feet)	Sewered (feet)
General Development Lakes – First Tier	200	200
General Development Lakes – Second and Additional Tiers	267	200
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All River Classes	300	300

- B. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.
5. 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 farther from the water body, but must not be transferred to any other tier closer.
6. Residential PUD "Base" Density Evaluation. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential

planned unit developments are then compared with the tier, density, and suitability analysis herein and the design criteria in Section 9.9.

7. 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 units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

B. Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development Floor Area Ratios* Public Water Classes			
Average Unit Floor Area (sq. ft.)	Sewered General Development Lakes; First Tier on Unsewered General Development Lakes; Urban, Agricultural, Tributary River Segments	Second and Additional Tiers on Unsewered General Development Lakes; Recreational Development Lakes; Transition and Forested River Segments	Natural Environment Lakes; Remote River Segments
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

* For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use

the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- 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 above by the average inside living area size determined in item A above. 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 analysis herein, and the design criteria in Section 9.9.

8. Density Increase Multipliers:

- A. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 5 are met or exceeded and the design criteria in Section 9.12 are satisfied. The allowable density increases in item B below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
- B. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments:

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

9. Maintenance and Administration Requirements.

- A. 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.

- B. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - i. Commercial uses prohibited (for residential PUDs);
 - ii. Vegetation and topographic alterations other than routine maintenance prohibited;
 - iii. Construction of additional buildings or storage of vehicles and other materials prohibited; and
 - iv. Uncontrolled beaching of watercraft prohibited.
 - C. Development organization and functioning. Unless an equally effective alternative County framework is established, when applicable, all residential planned unit developments must use an owners 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 prorata 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 insurance, taxes, and maintenance of all commonly owned property and facilities.
10. 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 surface, 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 may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
 - F. Open space must not include commercial facilities or uses but may contain water-oriented accessory structures or facilities;
 - G. 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
 - H. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state.
11. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:
- A. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a Soil and Water Conservation District may be required if project size and site physical characteristics warrant.
 - B. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUDs 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 5.2.D.

12. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:
 - A. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Sections 5.2 and 6.9 of this Ordinance.
 - B. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 9.8 of this Ordinance for developments with density increases.
 - C. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (not withstanding 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.
 - D. 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.
 - E. Accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 5.2 of this Ordinance and are centralized.

- F. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 5.2 of this Ordinance and are centralized.
13. Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:
- A. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
 - B. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - i. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
 - ii. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
 - iii. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
 - C. Existing dwelling unit or dwelling site densities that exceed standards in Section 9.5 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.

SECTION 10. EFFECTIVE DATE

The regulations contained in this chapter shall become effective from and after its publication according to law.