

**CITY OF SCANDIA  
ORDINANCE NO. 198**

**AN ORDINANCE AMENDING  
CHAPTER 5 OF THE SCANDIA DEVELOPMENT CODE,  
SHORELAND MANAGEMENT REGULATIONS**

The City Council of the City of Scandia, Washington County, Minnesota hereby ordains:

**Section 1. Amendment.** Chapter 5 of the Development Code of the City of Scandia shall be repealed and replaced with the new Chapter 5, Shoreland Management Regulations, as follows:

**SECTION 1. STATUTORY AUTHORIZATION AND PURPOSE**

- 1.1 **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.
- 1.2 **Intent and Purpose.** 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 Scandia.

The City finds that the uncontrolled use of shorelands of the City affects the public health, safety, and general welfare by contributing to pollution of public waters and potentially decreasing property, public, and natural resource values. It is the intent and purpose of these regulations to:

- (1) Designate suitable land use districts of each public water body.
- (2) Regulate the placement of sanitary and waste treatment facilities on lots.
- (3) Regulate the area of a lot and the length of water frontage suitable for building sites.
- (4) Regulate the alteration of shorelands of public waters.
- (5) Regulate alterations of the natural vegetation and the natural topography along shorelands.
- (6) Conserve natural resources and maintain a high standard of environmental quality.
- (7) Preserve and enhance the quality of surface waters.
- (8) Preserve the economic, natural, and environmental values of shorelands.
- (9) Provide for the utilization of water and related land resources.
- (10) Maintain water quality, reduce flooding and erosion, and provide sources of food and habitat for a variety of fish and wildlife.

## 2.0 GENERAL PROVISIONS AND DEFINITIONS

2.1 **Jurisdiction.** The provisions of this ordinance shall apply to the shorelands of Public Water bodies as defined by Minnesota Statutes, Section 103G.005, Subd. 15 and 15a, and as classified in Section 4.1 of this ordinance. The requirements of Section 6.41B of this ordinance shall apply to all wetlands in the City that are regulated by the Minnesota Wetland Conservation Act and as defined in Minnesota Rules 8420.0111.

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.

2.2 **Enforcement.** The City of Scandia 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 3.2 of this ordinance.

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

2.4 **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.

2.5 **Relationship to Scandia Development Code.** The regulations contained in this chapter of the City of Scandia Development Code are in addition to and not in lieu of other regulations contained in other chapters of the City of Scandia Development Code. Where the standards contained in any other chapters of the Development Code are inconsistent with standards of this chapter, the more restrictive standard shall apply, except that the standards pertaining to lot size, lot width, and permitted uses contained in this chapter shall apply.

2.6 **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.

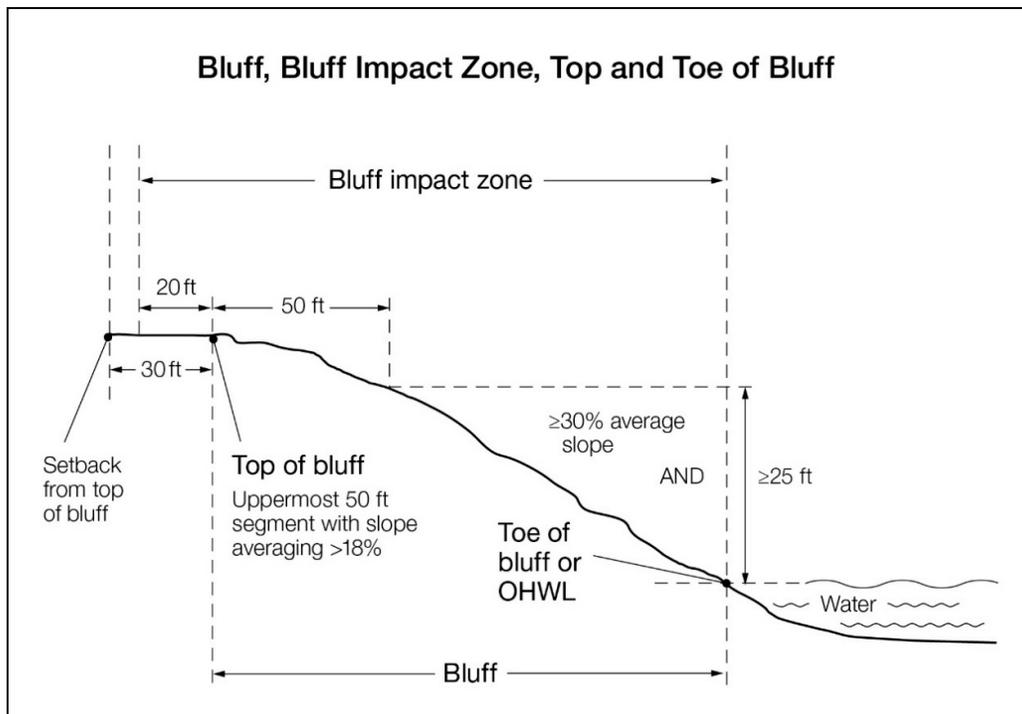
(1) **Accessory dwelling unit.** A dwelling unit that is located on the same lot as a principal residential or commercial structure to which it is accessory, and that is subordinate in area and form to the principal use. A density unit is not attributed to this dwelling unit when calculating density.

(2) **Accessory structure or use.** A structure or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

(3) **Animal feedlot.** A facility as defined by Minnesota Rules, part 7020.0300.

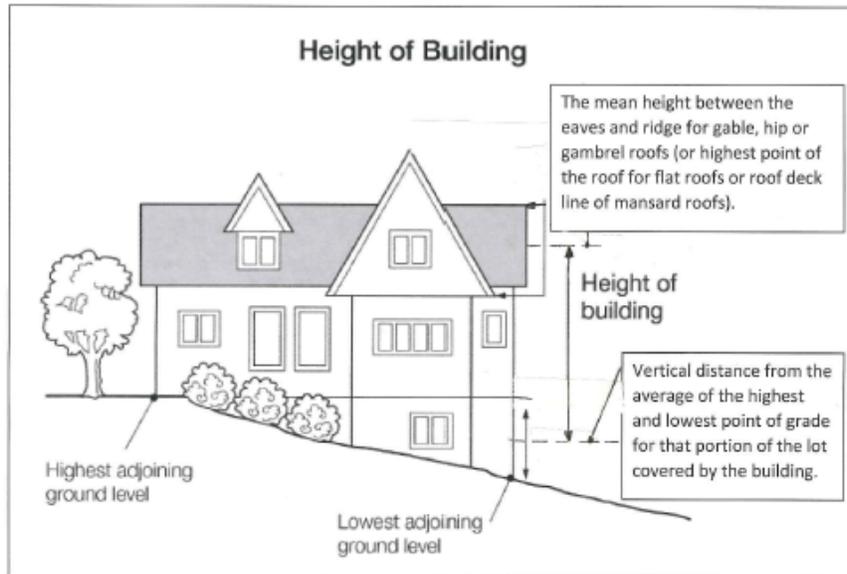
(4) **Bluff.** A topographic feature such as a hill, cliff, or embankment having the following characteristics:

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

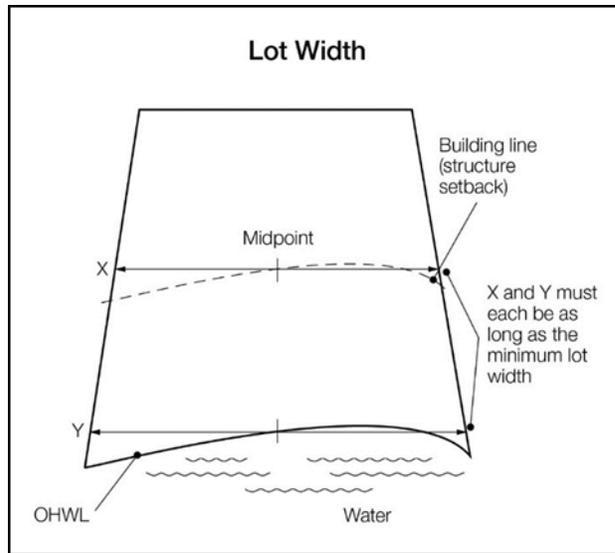


- (5) **Bluff impact zone.** A bluff and land located within 20 feet of the top of a bluff.
- (6) **Bluff, Toe of.** The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.
- (7) **Bluff, Top of.** For the purposes of measuring setbacks, the higher point of a 50-foot segment with an average slope exceeding 18 percent.
- (8) **Boathouse.** A facility as defined by Minnesota Statutes Section 103G.245.
- (9) **Buffer.** A vegetative feature as defined by Minnesota Statutes, Section 103F.48.
- (10) **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.
- (11) **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.
- (12) **Commissioner.** The commissioner of the Department of Natural Resources.

- (13) **Conditional use.** 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 Development Code, upon a finding that certain conditions as detailed in the zoning ordinance exist, and that the structure and/or land use conform to the comprehensive land use plan and are compatible with the existing neighborhood.
- (14) **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.
- (15) **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.
- (16) **Dwelling site.** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
- (17) **Dwelling unit.** A residential accommodation including complete kitchen and bathroom facilities, permanently installed, which is arranged, designed, used or intended for use exclusively as living quarters for 1 family.
- (18) **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.
- (19) **Forest land conversion.** The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
- (20) **Forested land.** As defined in Minnesota Statutes 89.001, land which is at least ten (10) percent stocked by trees of any size and capable of producing timber, or of exerting an influence on the climate or on the water regime; land from which the trees described above have been removed to less than ten (10) percent stocking and which has not been developed for other use.
- (21) **Height of building.** The vertical distance from the average of the highest and lowest point of grade for that portion of the lot covered by the building, to the highest point of the roof for flat roofs, to the roof deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip, or gambrel roofs. No structure shall exceed the maximum height permitted for the zoning district in which it is located, except for church spires, chimneys, agricultural silos, wind energy conversion systems, wireless communication antennas and towers and flag poles up to 45 feet in height. The height of a stepped or terraced building is the maximum height of any segment of the building.



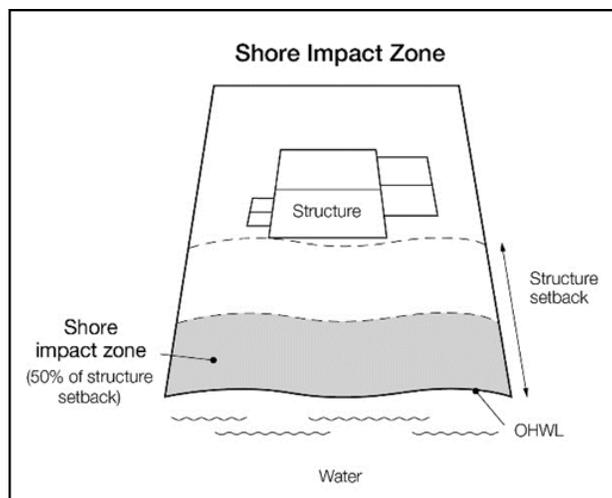
- (22) **Impervious surface.** A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops; decks; sidewalks; patios; driveways; swimming pools; parking lots; storage areas; concrete, asphalt, or gravel roads; pavers (including pervious pavers); and other similar surfaces.
- (23) **Industrial use.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- (24) **Intensive vegetation clearing.** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- (25) **Lot.** A parcel of land designated by plat, metes and bounds, registered land survey, plat, or other accepted means and which description is either recorded in the Office of the Washington County Recorder or Registrar of Titles or used by the County Treasurer or County Assessor to separate such parcel from other lands for tax purposes.
- (26) **Lot width.** The minimum horizontal 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.



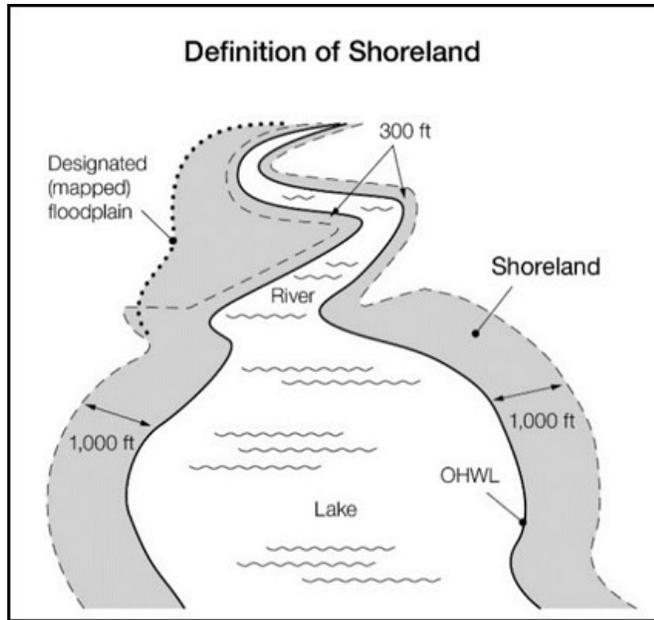
- (27) **Metallic minerals and peat.** “Metallic minerals and peat” has the meaning given under Minnesota Statutes, Sections 93.44 to 93.51.
- (28) **Nonconformity.** Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.
- (29) **Ordinary high water level (OHWL).** The boundary of public waters and wetlands. For lakes and wetlands, the OHWL shall be an elevation determined by the Minnesota DNR or a wetland delineation that complies with Minnesota Rules 8420. If the DNR has not determined an elevation, it 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.
- (30) **Planned unit development.** All developments having two or more uses on a single parcel of land, and may include townhomes, multi-use structures, recreational uses, mixed residential and commercial-type developments, commercial- type developments and industrial-type developments.
- (31) **Public waters.** Any water as defined in Minnesota Statutes, Section 103G.005, Subd. 15, 15a.
- (32) **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.
- (33) **Resort.** Any structure or group of structures containing more than two (2) dwelling units or separate living quarters designed or intended to serve as seasonal or temporary dwellings on a rental or lease basis for profit with the primary purpose of said structure or structures being recreational in nature.

Uses may include a grocery for guests only, fish cleaning house, marine service, boat landing and renal, recreational area and equipment and similar uses normally associated with a resort operation, or as defined in Minnesota Statute, Section 103F.227.

- (34) **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.
- (35) **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.
- (36) **Sewage treatment system.** “Sewage treatment system” has the meaning given under Minnesota Rules, part 7080.1100, Subp. 82.
- (37) **Sewer system.** Pipelines or conduits, pumping stations, 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.
- (38) **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.



- (39) **Shoreland.** “Shoreland” means land located within the following distances from Public Waters as defined in Minnesota Statutes Section 103G.005, Subd. 15, 15a:
  - 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.



- (40) **Shore recreation facilities.** Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.
- (41) **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 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 unplatted cemeteries are automatically considered to be significant historic sites.
- (42) **Steep slope.** Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.
- (43) **Structure.** Anything constructed or erected on the ground or attached to the ground or on-site utilities, including but not limited to decks, dwellings, sheds, detached garages, swimming pools, cabins, recreational vehicles not meeting the exemption criteria in the Scandia Development Code, and similar items. Used interchangeably with “building” for the purposes of this ordinance.
- (44) **Subdivision.** Land that is divided for the purpose of sale, rent, or lease, including planned unit developments, or the process of dividing land into two or more parcels for the purpose of transfer of ownership, building, development, or tax assessment purposes by platting, replatting, registered land survey, conveyance, sale, contract for sale or other means by which a beneficial interest in land is transferred.
- (45) **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.

- (46) **Variance.** “Variance” means the same as that defined in Minnesota Statutes Section 462.357 Subd. 6 (2).
- (47) **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.
- (48) **Wetland.** “Wetland” has the meaning given under Minnesota Rules, part 8420.0111.

### 3.0 ADMINISTRATION

- 3.1 **Administration.** The purpose of this Section is to identify administrative provisions to ensure the ordinance is administered consistent with its purpose. Administration of this Chapter, including issuance of variances, shall be in accordance with Chapter One of the City of Scandia Development Code.
- 3.2 **Permits.**
  - 3.21 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 8.3 of this ordinance.
  - 3.22 An Administrative Permit (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.
- 3.3 **Application materials.** Application for permits and other zoning applications such as variances shall be made to the City of Scandia on the forms provided. The application shall include the necessary information so that the City can evaluate how the application complies with the provisions of this ordinance.
- 3.4 **Variances.** Variances may only be granted in accordance with Minnesota Statutes Section 462.357 and Chapter One, Section 6 of the Scandia Development Code.
- 3.5 **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:
  - 3.51 The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
  - 3.52 The potential to reduce impervious surface area;
  - 3.53 The visibility of structures and other facilities as viewed from public waters is limited;

3.54 There is adequate water supply and on-site sewage treatment; and

3.55 The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

3.6 **Conditions Attached to Conditional Use Permits** The City of Scandia, upon consideration of the criteria listed above and the purposes of the chapter, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:

3.61 Increased setbacks from the ordinary high water level.

3.62 Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.

3.63 Special provision for the location, design, and use of structures, sewage treatment system, watercraft launching and docking areas, and vehicle parking areas.

3.64 Reductions in impervious cover.

3.7 **Nonconformities.**

3.71 All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes 462.357 Subd. 1e and its successor statutes, and Chapter One, Section 13 of the Scandia Development Code, including the following provisions for nonconformities in Shoreland areas:

A. A non-conforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

(1) All structure and septic system setback distance requirements can be met; and

(2) A Type 1 sewage treatment system consistent with Minnesota Rules, Chapter 7080 and Washington County Ordinance 196, can be installed, or the lot is connected to a public sewer; and

(3) The impervious surface coverage does not exceed 25 percent of the lot; and

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

(1) The lot must be at least 66 percent of the dimensional standard for lot width and lot sizes for the shoreland classification;

(2) The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, Chapter 7080, and Washington County Ordinance 196;

(3) Impervious coverage must not exceed 25 percent of each lot; and

- (4) Development of the lot must be consistent with the adopted Comprehensive Plan.
- C. A lot subject to paragraph A above and not meeting the requirements of paragraph B must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
- D. Notwithstanding paragraph C, contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership, and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Rules, Chapter 7080 and Washington County Ordinance 196, or connected to a public sewer.
- E. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

3.72 All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Sections 5.0 to 8.0 of this ordinance. Any deviation from these requirements must be authorized by a variance.

### **3.8 Notifications to the Department of Natural Resources.**

- 3.81 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 thirty (30) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- 3.82 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 Scandia will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least thirty (30) days before any scheduled public hearings.
- 3.83 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.
- 3.84 Any request to change the shoreland management classification of public waters within the 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.
- 3.85 Any request to reduce the boundaries of shorelands of public waters within the 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.

3.9 **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.

**4.0 SHORELAND CLASSIFICATION SYSTEM AND LAND USES**

**4.1 Shoreland Classification System.**

4.11 Purpose. To ensure that shoreland development on the public waters of the City of Scandia is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.

4.12 The shoreland area for the waterbodies listed in Sections 4.13 to 4.15 are defined in Section 2.6 (item 39) and are shown on the Official Zoning Map.

4.13 Lakes are classified as follows:

<b>Lake Classification</b>	<b>DNR Public Waters I.D. #</b>
<b>Recreational Development</b>	
Big Marine	82-52P
Bone	82-54P
Keewahtin (formerly Sylvan)	82-80P
<b>Natural Environment</b>	
Sea	82-53W
Nielson (Nielsen)	82-55W
Unnamed (German)	82-56P
Unnamed	82-57W
Wojtowicz Pond	82-58W
Goose	8259P
Unnamed	82-60W
Unnamed	82-61W
Unnamed	82-62W
Fish	82-64P
Hay	82-65P
Unnamed	82-66W
Sand	82-67P
Long	82-68P
Rasmussen Pond	82-70W
White Rock	82-72P
Clear	82-78W
Elwell	82-79W
Washington	82-169W
Unnamed	82-171W
Unnamed	82-172W
Unnamed	82-173W
Unnamed	82-174W
Unnamed	82-210W
Unnamed	82-211W

Unnamed	82-212W
Unnamed	82-213W
Unnamed	82-280W
Unnamed	82-281W
Pitzl Pond	82-282W
Unnamed	82-283W
Unnamed	82-284W
Unnamed	82-285W
Unnamed	82-286W
Unnamed	82-287W
Berglund Marsh	13-104W
Third	13-24P

4.14 Rivers and Streams are classified as follows:

River and Stream Classification	Legal Description
<b>Tributary</b>	
Falls Creek	Sections 1, 6, 7 and 12, T32N R20 W
Crystal Springs	Sections 7 and 18, T32N R19W
Unnamed creek	Section 19, T32N R 19W
Unnamed creek	Section 6, T32N, R19W
<b>Wild and Scenic Rivers</b>	
St. Croix River The requirements of the Lower St. Croix River Bluffland and Shoreland Management Regulations contained in the Washington County Development Code, Chapter 5 must be followed, and are herein adopted by reference.	82-1P

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

**4.2 Land Uses.**

4.21 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.

4.22 Shoreland district land uses listed in Sections 4.23 and 4.24 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 3.6 of this ordinance and any additional conditions listed in this ordinance; and
- C. Not permitted uses (N). These uses are prohibited.
- D. Administrative Permit (AP). These uses are permitted with an Administrative Permit. The use must be evaluated according to the criteria in Chapter 2 of the Scandia Development Code.

- E. Planned Unit Development (PUD). These uses are permitted with approval of an Planned Unit Development. The use must be evaluated according to the criteria in Chapter 2 Section 7 of the Scandia Development Code.

4.23 Land uses for lake classifications:

Land Uses	Recreational Development	Natural Environment
<b><i>Residential</i></b>		
Single-family residential	P	P
Duplex residential	P	C
Triplex and quad residential	N	N
Residential PUD	C/PUD	C/PUD
Open Space Conservation subdivision (regulations included in Chapter 2 of the Scandia Development Code)	C/PUD	C/PUD
<b><i>Commercial, Public, and Utilities</i></b>		
Bed and breakfast	C	C
Commercial	N	N
Commercial PUD	N	N
Essential services (Defined in Chapter 1, Section 4.2 of the Development Code)	P	P
Museums	CUP	CUP
Parks & historic sites	C	C
Public, semipublic	CUP	CUP
Place of worship	C	C
Industrial	N	N
Water-dependent commercial – when included in a residential PUD	C	C
<b><i>Resource-Dependent</i></b>		
Agricultural: cropland and pasture	P	P
Agricultural feedlots - new	N	N
Agricultural feedlots - expansion or resumption of existing	N	N
Forest management	P	P
Forest land conversion	N	N
Extractive use	N	N
Mining of metallic minerals and peat	N	N
<b><i>Accessory Uses</i></b>		
Accessory dwelling unit (accessory to a Single-Family Residential use)	C	C
Accessory solar energy systems	P/CUP	P/CUP
Home occupations (accessory to a single-family residential use)	P	P
Other accessory uses as permitted by the underlying zoning district	P/CUP	P/CUP
Water-dependent uses (accessory to a Residential PUD)	C	C

4.24 Land uses for river and stream classifications:

- A. Land uses within the shoreland of the St. Croix River shall be governed by the Lower St. Croix River Bluffland and Shoreland Management Regulations contained in the Washington County Development Code, Chapter 5.
- B. Tributary Streams. Land uses for lands abutting tributary streams identified in Table 4.14 of this chapter shall be governed by the underlying zoning district.

## **5.0 SPECIAL LAND USE PROVISIONS**

### **5.1 Commercial, Public, and Semipublic Use Standards.**

5.11 Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:

- A. The use is accessory to a Residential PUD and complies with provisions of Section 7.0;
- 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.

### **5.2 Agriculture Use Standards.**

5.21 Buffers.

- 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 (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the Natural Resource Conservation Service, as provided by a qualified individual or agency.
- B. 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.

5.22 New animal feedlots and expansion of existing animal feeds are not allowed in shoreland.

**5.3 Forest Management Standards.**

5.31 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.

5.32 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.

5.4 **Mining and Related Activities.** Aggregate Mining is not permitted in Shoreland Districts.

**6.0 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS**

6.1 **Purpose.** To establish dimensional and performance standards that protect shoreland resources from impacts of development.

6.2 **Lot Area and Width Standards.** After the effective date of this ordinance, all new lots (except outlots created as part of a subdivision) must meet the minimum lot area and lot width requirements in Sections 6.25 and 6.26, subject to the following standards:

6.21 Only lands above the ordinary high water level can be used to meet lot area and width standards;

6.22 Lot width standards must be met at both the ordinary high water level and at the building line;

6.23 The sewer lot area dimensions can only be used if publicly-owned sewer system service is available to the property. Parcels located where the City’s 201 sewer systems are available may use the sewer lot area dimensions.

6.24 Residential subdivisions with dwelling unit densities exceeding those in Sections 6.25 and 6.26 are allowed only if designed and approved as residential PUDs under Section 10.0 of this ordinance.

6.25 Lake Minimum Lot Area and Width Standards:

<b>Recreational Development – No Sewer</b>				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	2.5 Acres	160	2.5 Acres	160
Duplex	2.5 Acres	225	2.5 Acres	265
Triplex	NA	NA	NA	NA
Quad	NA	NA	NA	NA
<b>Natural Environment – No Sewer</b>				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	Goose Lake - 2.5 Acres; Other lakes – 5 Acres	Goose Lake – 160 feet; Other Lakes – 300 feet	Goose Lake - 2.5 Acres; Other lakes – 5 Acres	Goose Lake – 260 feet; Other Lakes – 300 feet
Duplex	Goose Lake - 2.5 Acres;	Goose Lake – 160 feet;	Goose Lake - 2.5 Acres;	Goose Lake – 160 feet;

	Other lakes – 5 Acres	Other Lakes – 300 feet	Other lakes – 5 Acres	Other Lakes – 300 feet
Triplex	NA	NA	NA	NA
Quad	NA	NA	NA	NA

<b>Recreational Development – Public Sewer</b>				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	2.5 Acres	160	2.5 Acres	160
Duplex	2.5 Acres	160	2.5 Acres	160
Triplex	NA	NA	NA	NA
Quad	NA	NA	NA	NA

6.26 River/Stream Minimum Lot Width Standards. All lots within the Shoreland Overlay Districts of tributary streams shall meet the density and lot size standards of the underlying zoning districts.

**6.3 Special Residential Lot Provisions.**

6.31 Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes (except Goose Lake) 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.

6.32 Accessory Dwelling Units are permitted as accessory uses on single-family residential lots and shall be governed by the standards in the Scandia Development Code, Chapter 2.

- A. A detached accessory dwelling unit must be located in the rear yard (between the primary dwelling and roadway on lakeshore parcels) or side yard, and designed to reduce its visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

6.33 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:

<b>Controlled Access Lot Frontage Requirements</b>	
<b>Ratio of lake size to shore length (acres/mile)</b>	<b>Required percent increase in frontage</b>
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 watercraft 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.
- E. Any individual lot or lots which do not contain a seasonal or permanent home may have one (1) dock with the capacity to accommodate up to three (3) watercraft. No other temporary or permanent structures or recreational vehicles are allowed.

**6.4 Placement, Height, and Design of Structures.**

6.41 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 provisions:

- A. *OHWL Setbacks.* Structures, impervious surfaces, and sewage treatment systems must meet the following setbacks from the Ordinary High Water Level (OHWL):

<b>Classification</b>	<b>Structure Setback</b>	<b>Sewage Treatment System Setback</b>
<b>Lakes</b>		
Natural Environment	200	150
Recreational Development	100	75
<b>Rivers and Streams</b>		
Tributary	200	150

- B. *Wetland Setbacks.* Structures, impervious, surfaces, and sewage treatment systems must meet the following setbacks from the delineated boundaries of wetlands (defined in Minnesota Rules 8420.0111). The wetland classifications are based on the Wetland Management Classification System defined by the Minnesota Board of Water and Soil Resources (BWSR) and the application of the Minnesota Routine Assessment Method (MnRAM) for Evaluating Wetland Functions, Version 3.0 or most recent version. The MnRAM evaluation shall be completed with wetland delineations for determination of setbacks.

<b>Water Body</b>	<b>Structure Setback Requirement</b>	<b>Sewage Treatment System Setback</b>
Preserve Wetland	100	100
Manage 1 Wetland	75	75
Manage 2 Wetland	50	75
Manage 3 Wetland	25	75
Lake or wetland is a groundwater-dependent resource	100	100
If a stream is a groundwater-dependent resource	150	150

- (1) Setbacks shall not be required for wetlands that are less than 400 square feet in area, except for types 3, 4, 5, or 8 wetlands, or up to 1,000 square feet in area if approved by the City and if the wetland is isolated and determined to have no direct surficial connection to a public water.
- (2) On Manage 2 and Manage 3 wetlands, structures may encroach onto 100 square feet, or on up to 5% of the structure setback area, whichever is greater.
- (3) Wetland setbacks shall not be required for water bodies exempted from wetland replacement requirements in Minnesota Rules 8420.0420, including public drainage systems, restored or created wetlands, and wetlands impacts due to utility projects.

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

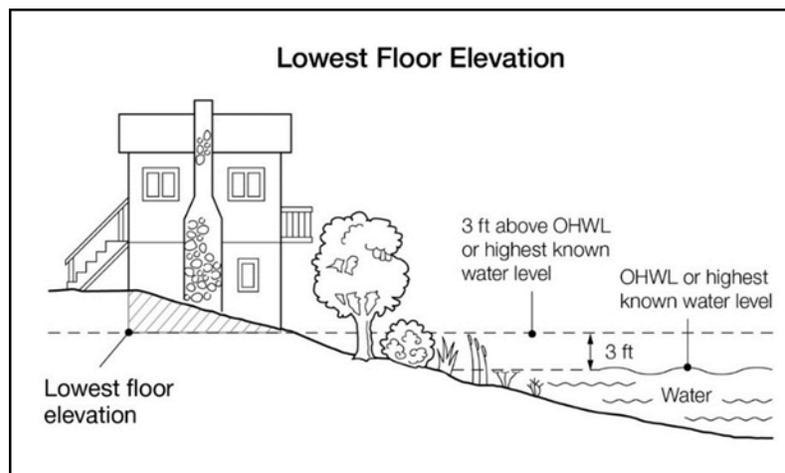
<b>Setback from:</b>	<b>Setback (feet)</b>
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads not classified	20

- D. *Bluff Impact Zones.* Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

6.42 Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed thirty-five feet (35') in height.

6.43 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:

- A. For lakes, by placing the lowest floor at a level at least three feet (3') 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 (3') above the highest known flood elevation. If data are not available, by placing the lowest floor at least three feet (3') 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 flood-proofed instead of elevated under items A and B above, then it must be flood-proofed in accordance with Minnesota Rules, part 6120.5900 Subp. 3.



6.44 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.

**6.5 Water Supply and Sewage Treatment.**

6.51 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.

6.52 Sewage treatment. Any premises used for human occupancy must comply with Minnesota Rules, Chapters 7080 – 7081 and the Washington County Development Code, Chapters 4 and 8, Subsurface Sewage Treatment Systems and 201 Systems.

## **7.0 PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES**

- 7.1 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:
- 7.11 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;
  - 7.12 Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening, imperious cover, and erosion control conditions of this subpart are met;
  - 7.13 Private facilities must comply with the grading and filling provisions of Section 8.3 of this ordinance; and
  - 7.14 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.
- 7.2 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:
- 7.21 Stairways and lifts must not exceed four feet (4') in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
  - 7.22 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-space recreational uses, and planned unit developments;
  - 7.23 The area of stairways, lifts, and landings shall be included in the calculation of lot coverage and maximum area of coverage permitted by this ordinance.
  - 7.24 Canopies or roofs are not allowed on stairways, lifts, or landings;
  - 7.25 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;
  - 7.26 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
  - 7.27 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 sub items 7.21 to 7.25 and the requirements of Minnesota Rules, Chapter 1341.

## **8.0 VEGETATION AND LAND ALTERATIONS**

8.1 **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.

### **8.2 Vegetation Management.**

8.21 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 7.1 of this ordinance;
- C. Forest management uses consistent with Section 5.3 of this ordinance; and
- D. Agricultural uses consistent with Section 5.2 of this ordinance.

8.22 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 5.3 of this ordinance.

8.23 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.

8.24 Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.

8.25 Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

### **8.3 Grading and Filling.**

8.31 Grading and filling activities must comply with the provisions of this subsection and the Scandia Development Code, Chapter 2, Sections 3.6.

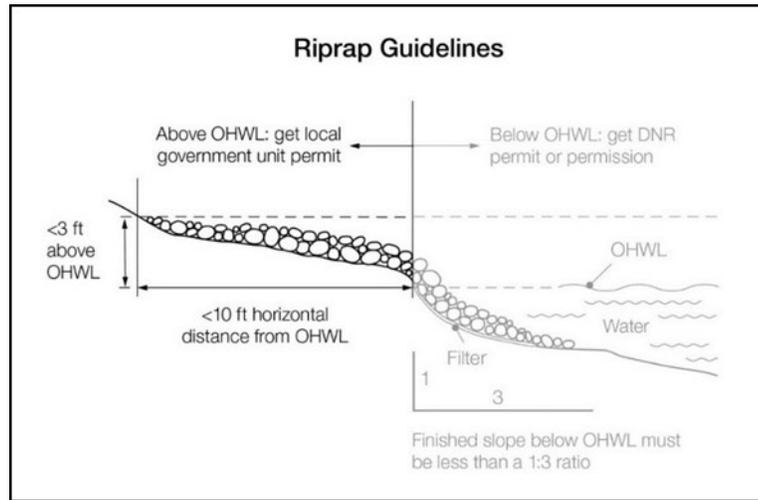
### 8.32 Permit Requirements.

- A. Grading, filling and excavations necessary for the construction of structures and sewage treatment systems, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Section 8.33 of this ordinance must be incorporated into the permit.
- B. For all other work, a grading and filling permit is required for:
  - (1) The movement of more than ten (10) cubic yards of material and/or disturbance of an area of 600 square feet or more, or within the shore or bluff impact zones.
  - (2) Any project with wetland impacts and/or grading within wetland buffers or within 40 feet of a bluff line.
  - (3) Any land alteration or changing of a natural drainageway or drainage pattern that increases or intensifies the flow of surface water onto an adjacent property or that the City determines is likely to impact an environmentally sensitive area.

### 8.33 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. Grading, filling and excavation activities must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by: (The first five items below duplicate the City's Development Code requirements; the others are unique to shorelands.)
  - (1) 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;
  - (2) Fill or excavated material must not be placed in bluff impact zones;
  - (3) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G;
  - (4) 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
  - (5) 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 (3').



- 8.34 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.

#### 8.4 Stormwater Management.

##### 8.41 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.

##### 8.42 Specific Standards:

- A. Impervious surfaces of lots must not exceed 25 percent of the lot area.
- B. Stormwater management and design shall be in accord with the requirements of the Scandia Development Code Chapter 2, Section 3.7, Scandia's Engineering Standards, and the requirements of the local Watershed District.
- C. New constructed stormwater outfalls to public waters must be consistent with Minnesota Rules, part 6115.0231.

## 9.0 SUBDIVISION/PLATTING PROVISIONS

- 9.1 **Purpose.** To ensure that new development minimizes impacts to shoreland resources and is safe and functional.
- 9.2 **Requirements.** All subdivisions, lot consolidations, lot line adjustments, and platting shall comply with the requirements of the Scandia Development Code, Chapter 3.
- 9.3 **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.
- 9.4 **Controlled Access Lots.** Controlled access lots within a subdivision must meet or exceed the lot size criteria in Section 6.33 of this ordinance.

## 10.0 PLANNED UNIT DEVELOPMENTS (PUDs)

- 10.1 **Purpose.** To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of residential uses.
- 10.2 **Types of PUDs permissible.** Planned unit developments (PUDs) are allowed for new residential 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 6.2 of this ordinance is allowed if the standards in this Section are met.
- 10.3 **Processing of PUDs.** Planned unit developments must be processed as a conditional use. Approval cannot occur until all applicable environmental reviews are complete.
- 10.4 **Application for a PUD.** The applicant for a PUD shall follow the process and requirements for a PUD in accord with Chapter 2, Section 7 of the Scandia Development Code, and must also submit the following documents prior to final action on the application request:

10.41 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

10.42 A property owners association agreement (for residential PUD's) with mandatory membership, and consistent with Section 10.6 of this ordinance.

10.43 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 10.6 of this ordinance.

10.44 A master plan/site plan describing the project.

10.45 Additional documents necessary to explain how the PUD will be designed and will function.

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

10.51 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)
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All Rivers	300	300

10.52 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.

10.53 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. 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.
- C. All PUDs with densities at or below the base density must meet the design standards in Section 10.6

10.54 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 10.53 are allowed if the design criteria in Section 10.6 of this ordinance are satisfied as well as the standards in Section 10.54, item B:

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

10.6 **Design Criteria.** All PUDs must meet the following design criteria.

10.61 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 6.5 of this ordinance. Sewage treatment systems must meet the setback standards of Section 6.41, 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 6.3 and 6.4:
- 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 7.3 of this ordinance and are centralized.

10.62 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.

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; and
- (2) Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.

C. Open space shall not include:

- (1) Dwelling units or sites and residential lots; road rights-of-way, or land covered by road surfaces; parking areas, or structures, except water-oriented accessory structures or facilities; and
- (2) Commercial facilities or uses.
- (3) Land below the OHWL of public waters.

10.63 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 owners 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.

10.64 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, the Scandia Development Code Chapter 2, Section 3.6, and the requirements of the local Watershed District. 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, and to comply with the requirements of the Scandia Development Code Chapter 2, Section 3.7 and the requirements of the local Watershed District. **Section 2. Effective Date.** This ordinance shall be in full force and effect upon its adoption and publication according to law.

Passed and adopted by the City Council of the City of Scandia this \_\_ day of \_\_\_, 2018.

\_\_\_\_\_  
Christine Maefsky, Mayor

ATTEST:

\_\_\_\_\_  
Neil Soltis, Administrator/Clerk