

SHORELAND MANAGEMENT

ORDINANCE

FOR

PINE COUNTY, MINNESOTA

Adopted March 1, 2016
Amended November 7, 2017
Amended August 7, 2018
Amended September 7, 2021
Amended February 1, 2022

Drafted By:
Pine County Planning & Zoning
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Sandstone, MN 55072

Commented [PD(1)]: In general, I would suggest using the model ordinance and inserting unique standards or districting approaches from this ordinance.

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THE BOARD OF COMMISSIONERS OF PINE COUNTY, MINNESOTA DOES
ORDAIN:

Section 1.0 Statutory Authorization and Policy

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. 394.

1.2 Policy

The uncontrolled use of Shorelands of Pine County, Minnesota affects the public health, solely 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 Pine County, Minnesota.

Section 2.0 General Provisions and Definitions

2.1 Jurisdiction

The provisions of this ordinance shall apply to the Shorelands of public water bodies as classified in Section 4.0 of this ordinance. Pursuant to Minnesota Regulations, parts 6120.2500-6120.3900, no lake, pond, or flowage less than ten (10) acres in size in municipalities or twenty-five (25) acres in size in unincorporated areas need be regulated in a local government's Shoreland regulations. A separate body of water which has been created by a private user that is not connected to a public water shall be exempt from this ordinance.

2.2 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.

2.3 Enforcement

The Pine County Zoning Administrator 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) 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 3.4 of this ordinance.

2.4 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

2.5 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.

2.6 Abrogation and Greater Restrictions

It is not intended by this ordinance to repeal, abrogate, or impair any easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. The ordinance entitled "Ordinance for the Management of Shoreland Areas of Pine County" dated May 1, 1986 and all subsequent amendments are hereby repealed and replaced by this ordinance.

2.7 Definitions

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

Accessory Structure or Facility. "Accessory Structure or Facility" means any building or improvement subordinate to a principal use which, because of

the nature of its use, can reasonably be located at or greater than normal Structure Setbacks.

Agricultural Machinery. "Agricultural Machinery" means motorized or non-motorized equipment used in the raising of crops and/or livestock.

Animal FeedLot. "Animal FeedLot" means a Lot or building or a group of Lots or buildings intended for the confined feeding, breeding, raising or holding of animals. It includes areas specifically designed for confinement in which manure may accumulate or any area where the concentration of animals is such that a vegetative cover cannot be maintained.

Bluff. "Bluff" means a topographic feature such as a hill, cliff, or embankment having the following characteristics:

- 1) Part or all of the feature is located in a Shoreland area.
- 2) The Slope rises at least twenty-five (25) feet above the ordinary high-water level ~~Toe of the Bluff~~.
- 3) The grade of the slope from the Toe of the Bluff to a point twenty-five (25) feet or more above the ordinary high-water level ~~Toe of the Bluff~~ averages thirty percent (30%) or greater (see Figure 1); except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the Bluff (see Figure 2).
- 4) The slope must drain toward the waterbody.

Figure 1. Illustration of Bluff

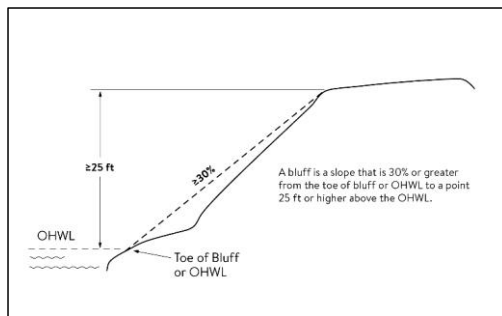
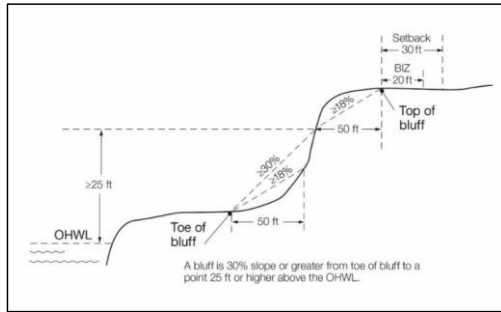
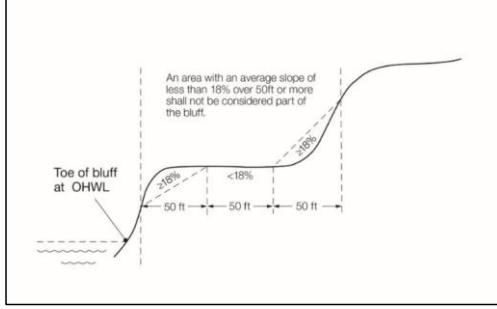
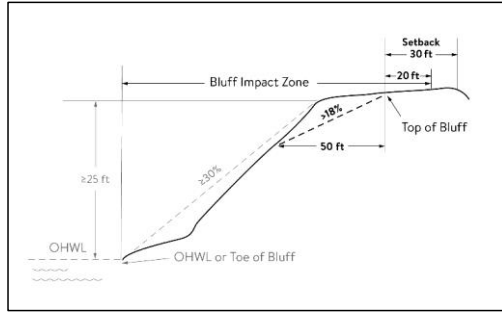


Figure 2. Exception to Bluff



Bluff Impact Zone. "Bluff Impact Zone" means a Bluff and land located within twenty (20) feet from the top of a Bluff (see [Figure 3](#)).

Figure 3. Bluff Impact Zone and Top of Bluff



Boathouse. "Boathouse" means a facility as defined by Minnesota Statutes, Section 103G.245. a separate Structure used solely for the storage of licensed watercraft and boating equipment, provided it shall not be used for habitation and shall not contain sanitary facilities.

Buildable Area. "Buildable Area" means the contiguous area of a Lot which is sufficient in area to accommodate the construction of water supply systems, Sewage Treatment Systems, buildings and Driveways, and to provide adequate Setbacks. Areas which are floodway, Wetlands, and stormwater detention/retention ponds, rights-of-way, septic system Setbacks as defined in this ordinance, and slopes in excess of 25% cannot be included in calculating the Buildable Area of a Lot.

Building Line. "Building Line" means a line parallel to a Lot line or the Ordinary High Water Level at the required Setback beyond which a Structure may not exceed.

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.

Commercial Hospitality or Event Center. Means a publicly or privately owned structure used for performances, sporting events, business meetings, gatherings, or similar events. Typically, for-profit wedding venues, retreats, arts and entertainment venues, and vacation rentals by owner.

Shoreland Commercial Planned Unit Developments. "Commercial Planned Unit Developments" are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service oriented. For example, hotel/motel accommodations, resorts, recreational

Commented [PD(2): Boathouses are not permitted anymore. Existing structures prior to changes in statute are allowed as nonconformities. Water-oriented accessory structures is the term for structures allowed near the water.

Commented [PD(3): This is a missing shoreland definition. If the county doesn't allow them, then this isn't needed. But there should be a provision that states they are not allowed.

Commented [PD(4): Hospitality generally refers to transient lodging (hotel) and facilities related to temporary stays

Commented [PD(5): This looks like it could be trouble. Vacation rentals are generally residential units rented on a short-term basis for overnight accommodations. Use of such properties for parties or any commercial use is generally not compatible with residential uses.

Commented [PD(6): At a minimum I suggest using the word shoreland to differentiate this definition from the more traditional understanding of commercial PUD which could potentially include a much wider mix of commercial uses such as restaurant, retail, office, etc.

If you want to be clearer, I might use the term "shoreland transient lodging" or something similar and get rid of the PUD term. If so, companion changes would be needed for the standards currently titled shoreland PUD.

vehicle and camping parks, ~~and other primarily service-oriented activities are Commercial Planned Unit Developments.~~

Commercial Use. "Commercial Use" means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commissioner. "Commissioner" means the Commissioner of the Department of Natural Resources.

Conditional Use. "Conditional Use" means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

County. "County" means Pine County, Minnesota.

Deck. "Deck" means a horizontal unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site. This shall exclude unenclosed on-grade slabs.

Driveway. "Driveway" means a road serving as vehicular access to a parcel of land which is not dedicated to the public but is owned by one or more private parties.

Commented [PD(7)]: What is the point of limiting this to private only?

Duplex, Triplex, and Quad. "Duplex, Triplex, and Quad" means a dwelling Structure on a single Lot, having two, three and four units, respectively, being attached by common walls and each unit ~~is~~ equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling Site. "Dwelling Site" means a designated location for ~~residential transient habitation~~ use by one (1) or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Commented [PD(8)]: While this is in the SL rules, it is problematic as camping (as well as hotel/motel) is treated as a commercial use as a commercial PUD. Whatever you end up calling these uses, they are definitely not residential uses.

Dwelling Unit. "Dwelling Unit" means any Structure or portion of a Structure or other shelter designed as short- or long-term living quarters for one (1) or more persons, including rental or time-share accommodations such as motel, hotel, and resort rooms and cabins.

Expansion. Any increase in a dimension such as number of units or size, area, volume, or height of an existing structure or accessory structure or facility.

Commented [PD(9)]: Consider adding expansion and three other terms (added alphabetically) to help clarify administration

Essential Services. "Essential Services" means all overhead or underground electrical gas, steam or water transmission or distribution systems and Structures, or collection, communication, supply or disposal systems and Structures, use by public utilities or governmental departments or commissions, or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, substations, mains, drains, sewers, pipes, fire dorm boxes, police call boxes and accessories in connection therewith, but not including buildings. For the purpose of this ordinance, the word "building" does not include "Structure" for Essential Services.

Commented [PD(10)]: I'm not sure what this means?

Extractive Use. "Extractive Use" means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and pent not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

Forest Land Conversion. "Forest Land Conversion" means the removal of forest vegetative cover to prepare for a new land use other than re-establishment of a subsequent forest stand.

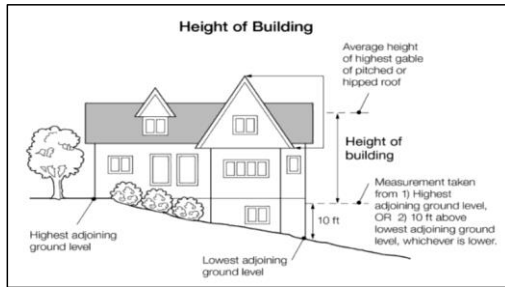
Guest Cottage. "Guest Cottage" means an Accessory Structure used as a Dwelling Unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary Dwelling Unit on a Lot.

Commented [PD(11)]: Not in the SL rules, but probably should. Cottages are accessory to the primary unit.

Guest Quarters. "Guest Quarters" means an Accessory Structure that contains a Dwelling Unit that may contain sleeping spaces and/or kitchen and/or bathroom facilities in addition to those provided in the primary Dwelling Unit on a Lot. All finished upper story spaces in Accessory Structures shall be considered Guest Quarters for the purpose of this Ordinance.

Height of Building. "Height of Building" means the vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof (see Figure 3).

Figure 3. Height of Building



Home Occupation. "Home Occupation" means any use customarily conducted entirely within a dwelling, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and which does not change the character thereof. No Home Occupation may exceed one-third (1/3) of the total floor area of the dwelling and not more than one (1) full-time non-resident employee shall be engaged on the premises for Home Occupation related services. No activity shall be permitted that will create a nuisance or be otherwise incompatible with adjacent residential use.

Commented [PD(12)]: These are performance standards and should be in a relevant standards section, not in the definitions section.

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, paver block patios, storage areas, and concrete, asphalt, or gravel Driveways.

Improvement. Making an existing structure or accessory structure or facility of better quality, more efficient, or more aesthetically pleasing, that does not replicate what pre-existed, but does not include an expansion, enlargement, or intensification.

Commented [PD(13)]: Consider adding to aid in administration

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

Intensive Vegetation Clearing. "Intensive Vegetation Clearing" means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Interim Use. "Interim Use" means a temporary use of property until a specific date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Junk and Debris. “Junk and Debris” means the accumulation of scrap copper, brass, rope, rags, batteries, paper, trash, rubber Debris, ferrous material, non-ferrous material, inoperable and/or unlicensed motor vehicles, recreational vehicles, agricultural, or construction machinery and parts thereof.

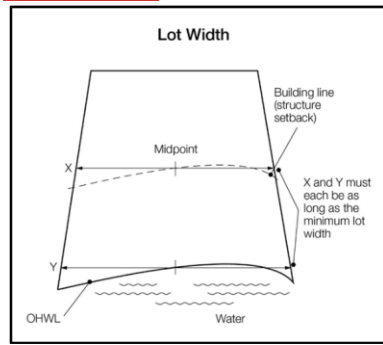
Commented [PD(14)]: What about construction material, concrete or any other of a wide range of material. This definition seems to specific and therefore providing loopholes. Putting RVs in this category seems counter intuitive. If the concern is with RVs meeting setbacks, add RVs into a structure or accessory structure definition or make it clear in the setback standards that they also apply to RVs.

Junk Vehicles. “Junk Vehicles” means a vehicle that is (a) extremely damaged with the damage including such things as broken or missing wheels, motor, drive train or transmission; (b) is apparently inoperable; (c) does not display current registration; or (d) has an approximate fair market value equal only of the value of the scrap in it.

Lot. “Lot” means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Lot Width. “Lot Width” means the shortest distance between Lot lines measured at the Building Line; and side lot lines at the ordinary high water level, if applicable (see Figure 4).

Figure 4. Lot Width



Maintenance and repair. Upkeep or preservation of an existing structure or accessory structure or facility against normal wear and tear or degradation over time that does not change exterior dimensions. Examples include the rehabilitation or replacement of windows, siding, a roof, or exterior finishes such as paint or stain.

Commented [PD(15)]: Consider adding to aid administration

Nonconforming Sewage Treatment System. “Nonconforming Sewage Treatment System” means those septic systems or privies that do not provide for adequate treatment of sewage or meet specific Setback requirements. They

include: (1) cesspools; (2) leaching pits; (3) drywells; (4) seepage pits; (5) systems with less than three feet of unsaturated soil or sand between the bottom of the drainfield or mound rockbed and the limiting soil characteristic, which includes a seasonal high water table as evidenced by the presence of ground water, mottled soil, or bedrock; (6) systems discharging sewage to (a) the surface (including tile lines), (b) active or unused wells, (c) bodies of surface waters, or (d) any rock or soil formations that are not conducive to purification of water by filtration; (7) systems that do not meet well Setback requirements; (8) systems where any part of the system is under a building; (9) privies with less than three feet of separation from the bottom of an open pit to the limiting soil characteristics described in No. 5; (10) privies with sealed containers that do not meet the capacity and construction requirements of Minnesota Chapter 7080, Subp. 4. B. (2) (b); (11) septic systems where the septic tank does not meet the minimum Setback of 10' from an occupied dwelling with a basement; and (12) lack of a septic system if running water is available to the property.

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

Ordinary High Water Level. "Ordinary High Water Level" means the boundary of Public Waters and Wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the Ordinary High Water Level is the elevation of the top of the immediate bank of the channel. For reservoirs and flowages, the Ordinary High Water Level is the operating elevation of the normal summer pool.

Major Appliances. "Major Appliances" means products such as but not limited to: washers, dryers, electric and gas range stoves, refrigerators, freezers, dehumidifiers, water heaters, residential furnaces, dishwashers, garbage disposal trash compactors, microwave ovens, air conditioners, and heat pumps.

Planned Unit Development. "Planned Unit Development" means a type of development characterized by a unified site designed for a number of Dwelling Units or Dwelling Sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide cress

of common open space, density increases, and a mix of Structure types and land uses. These developments may be organized and operated as condominiums, time-share enterprises, or any combination of these, or cluster Subdivisions of Dwelling Units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of Structures and land uses to these uses.

Public Road. "Public Road" means a right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated. Ingress and egress easements shall not be considered roads.

Public Waters. "Public Waters" means any waters as defined in Minnesota Statutes, Section 105.37 Subdivisions 14 and 15.

Shoreland Residential Planned Unit Development. "Residential Planned Unit Development" means a conditional use to allow density higher than what could be achieved by meeting the minimum lot area and width standards for single family, duplex, triplex and quad lots 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 (5) Dwelling Units or sites.

Commented [PD16]: At a minimum I suggest using the word shoreland to differentiate this definition from PUDs for designing and approving residential developments outside of shoreland.

Commented [PD17]: Suggest moving this to the Shoreland residential PUD section as it is a performance standard.

Replacement and restoration. Reconstruction of part or all of an existing structure or accessory structure or facility that closely matches or replicates the preexisting structure or facility.

Commented [PD18]: Consider adding to aid administration

Self Storage Garage. "Self Storage Garage" means any building which provides individual storage units or areas which may be accessed only by the individual who is storing materials in the unit or area. Any Structure containing two (2) or more such storage units shall be considered a Self Storage Garage. Automobile fuels shall not be sold, or motor vehicles shall not be equipped, repaired, hired or sold from any storage unit or area.

Semi-public Use. "Semi-public Use" means the use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

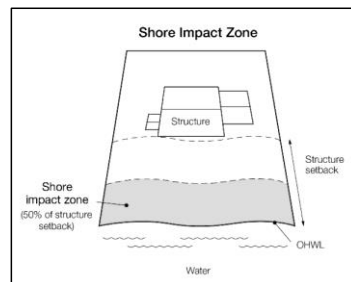
Sensitive Resource Management. "Sensitive Resource Management" means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, Steep Slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback. "Setback" means the minimum horizontal distance between a Structure, Sewage Treatment System, or other facility and an Ordinary High Water Level, Sewage Treatment System, top of a Bluff, road, highway, property line, or other facility.

Sewage Treatment System. "Sewage Treatment System" means a septic tank and soil absorption system or other individual or cluster type Sewage Treatment System as described and regulated in Section 5.7 of this ordinance.

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

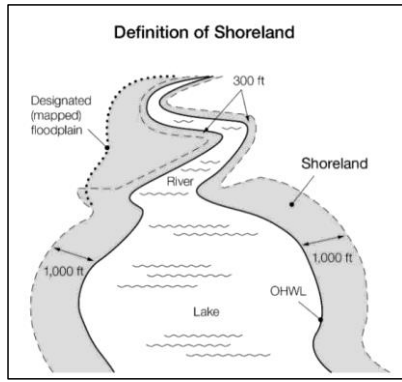
Shore Impact Zone. "Shore Impact Zone" means land located between the Ordinary High Water Level of a public water and a line parallel to it at a Setback of fifty percent (50%) of the Structure Setback.



Shoreland. "Shoreland" means land located within the following distances from Public Waters: 1,000 feet from the Ordinary High Water Level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater (see Figure 6). The limits of Shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

Commented [PD(19): Suggest putting this into an administrative section with procedures for requesting DNR approval. See model section 3.94

Figure 6. Definition of Shoreland



Shore recreation facilities. Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.

Commented [PD(20)]: This SL rule definition is used in the PUD standards and should be included here..

Significant Historic Site. "Significant Historic Site" means 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 on 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.

Steep Slope. "Steep Slope" means ~~land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and forming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, Steep Slopes are~~ lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty (50) feet or more, that are not Bluffs.

Commented [PD(21)]: Recommend removing this verbiage. It is a very difficult concept to identify and administer. Going to a simple percentage slope definition is more clear and easy to administer.

Structure. "Structure" means any building, mobile home or appurtenance, including Decks, except aprons, sidewalks, slabs, fences, and aerial or underground

utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

Subdivision. "Subdivision" means land that is divided for the purpose of sale, rent, or lease, including Planned Unit Developments.

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.

Commented [PD(22): This is a required SL rule definition. This term is used in the subdivision and PUD sections.

Surface Water-oriented Commercial Use. "Surface Water-oriented Commercial Use" means the use of land for commercial purposes, where access to and use of surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Toe of the Bluff. "Toe of the Bluff" means the lower point of a 50-foot segment with an average slope exceeding 18 percent or the Ordinary High Water Level, whichever is higher.

Top of the Bluff. "Top of the Bluff" means the higher point of a 50-foot segment with an average slope exceeding 18 percent.

Commented [PD(23): May want to put these next to the bluff, bluff line and BIZ definitions. Just start each with Bluff, toe of.....

Travel Trailer. "Travel Trailer," means a trailer mounted on wheels, that is designed to provide temporary human living quarters during recreation, camping or travel, that does not require a special highway movement permit based on its size or weight when towed by a motor vehicle that does not exceed 102 inches in width and 40 feet in length.

Variance. "Variance" means the same as that term is defined or described in Minnesota Statutes, Chapter 394.

Waste Tire. "Waste Tire" means products made of rubber or other resilient material product, which is used on a vehicle or other equipment wheel to provide tread, which is discarded or which cannot be used as originally intended because it is used, damaged or defective. A tire that is used for recreational purposes on residential property in a manner which does not collect water,

or for use in securing cover for agricultural materials on agricultural property, is not considered to be a "Waste Tire".

Water-oriented Accessory Structure or Facility. "Water-oriented Accessory Structure or Facility" means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to Public Waters than the normal Structure Setback. These Structures shall only include: Boathouses, gazebos, screen houses, pump houses (not exceeding sixteen (16) sq. ft.), saunas, and detached Decks.

Wetland. "Wetland" means all types and sizes of Wetlands which meet the Wetland definition as outlined in the January, 1989 "Federal Manual for Identifying and Delineating Jurisdictional Wetlands."

Section 3.0 Administration

3.1 Zoning Administrator

The office of the Zoning Administrator is hereby established, for which the Board of the County Commissioners may appoint such employee or employees of the County as it may deem proper.

3.1.1 Duties. The Zoning Administrator shall:

- A. Enforce and administer the provisions of this ordinance;
- B. Issue permits and certificates of occupancy and maintain records thereof;
- C. Receive and forward to the Planning Commission all applications for Conditional Use permits;

- D. Receive and forward all applications and petitions for matters to come before the Board of Adjustment;
- E. Receive and forward to the County Planning Commission all applications for amendments to this ordinance;
- F. Inspect all construction and development to insure that the standards of this ordinance are being complied with;
- G. Provide and maintain a public information bureau relative to matters arising out of this ordinance;
- H. Maintain the Pine County Official Shoreland Zoning Maps;
- I. File all matters required by Minnesota Statutes 394.27, Subdivision 8 and 394.301, Subdivision 4; and
- J. Perform any additional duties required in the administration and enforcement of this ordinance and the Pine County Subdivision and Plotting Ordinance.

3.2 Board of Adjustment

The existing Pine County Board of Adjustment is hereby recognized and vested with such authority as provided by statutes and ordinances. It shall be composed and act as set forth in the Pine County Subdivision and Platting Ordinance.

3.2.1 Powers. The Board of Adjustment shall have the following powers:

- A. To grant a Variance as provided by statute and in this ordinance.
- B. To interpret zoning district boundaries on official zoning maps.
- C. To permit the extension of a zoning district where the boundary line thereof divides a Lot in one (1) ownership of the time of the passage of this ordinance, but such extension of any district shall not exceed one hundred (100) feet.
- D. To act upon all questions as they may arise in the administration of this ordinance; and to hear and decide appeals from and to review any order, requirements, decision or determination made by an administrative official charged with enforcing this ordinance.

3.3 Planning Commission

The existing Pine County Planning Commission is hereby recognized and vested with such authority as provided by statutes and ordinances. It shall be composed, and act as set forth in the Pine County Subdivision and Platting Ordinances.

3.3.1 Powers. The Planning Commission shall have the following powers:

- A. To order the issuance of conditional and Interim Use permits.
- B. To make recommendations to the County Board of Commissioners on applications for amendments to this ordinance.
- C. To perform any additional duties in their capacity that will serve the public interest and desires of the County Board of Commissioners.

3.4 Permits Required

3.4.1 A permit is required for the construction of buildings or building additions (including such related activities as construction of Decks), the installation and/or alteration of Sewage Treatment Systems, and those grading and filling activities not exempted by Section 5.3 of this ordinance. Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include such other information deemed necessary by the Zoning Administrator to ensure proper enforcement of this and any other ordinance(s), and so that a determination can be made regarding the sites suitability for the intended use and that a compliant Sewage Treatment System will be provided.

3.4.2 Any permit or Variance which authorizes any type of improvement or use of the property shall stipulate that an identified non-conforming Sewage Treatment System, as defined by Section 5.7, shall be reconstructed or replaced in accordance with the provisions of this ordinance.

3.5 Certificate of Zoning Compliance

The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 3.4 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.

3.6 Variances from Standards

The board of adjustment shall have the exclusive power to order the issuance of Variances from the requirements of any official control including restrictions placed

on nonconformities. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394.27. No Variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Board of Adjustment may impose condition in granting Variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the Variance. Variances may be granted when all of the following ~~criteria~~~~and~~~~conditions~~ are met:

3.6.1 The applicant's proposed use is allowed in the zoning district in which the subject property is located.

3.6.2 The Variance is in harmony with the purpose and intent of the official control
The variance is consistent with the comprehensive plan.

3.6.3 The applicant establishes that there are practical difficulties in complying with the official control, including:

The property owner proposes to use the property in a reasonable manner not permitted by the official control

The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

The variance, if granted will not alter the essential character of the locality.

~~A practical difficulty exists on the property preventing the applicant from complying with the ordinance. Practical difficulty is established when the applicant proposes to use the property in a reasonable manner not permitted by the ordinance or when the Variance request is due to circumstances unique to the property not created by the landowner. Economic considerations alone do not constitute practical difficulties.~~

3.6.4 ~~If granted, the Variance may not alter the essential character of the locality.~~

3.6.5 ~~No Variance shall be granted simply because there are no objections or because those who do not object outnumber those who do; nor for any other reason than meeting the criteria listed in 3.6.1-3.6.4 of this ordinance.~~

3.6.6 ~~The board of adjustment may impose conditions in the granting of Variances. A condition must be directly related to and must bear rough proportionality to the impact created by the Variance.~~

Commented [PD(24)]: Please see 394.27 for reference.

Commented [PD(25)]: This is one of the three criteria that make up the practical difficulties test. It should be moved under practical difficulties.

Commented [PD(26)]: This isn't a condition or criteria. It's guidance and shouldn't be in the same list as the above criteria.

Commented [PD(27)]: This text is already in 3.6. not needed here.

3.6.7 The Board of Adjustment shall hear and decide requests for Variances in accordance with the rules that it has adopted for the conducting 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 3.9.2 below shall also include the Board of Adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance, of the Variance.

Commented [PD(28)]: This also is not criteria, it's procedural or guidance.

3.6.8 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. The Variance, if issued, must require reconstruction of a Nonconforming Sewage Treatment System.

3.6.9 Variance applications for ~~Structure Setbacks, Impervious Surface, or other standards of this ordinance~~ may volunteer ~~Variance mitigation to offset the impacts of the proposed variance, based on the examples below, consistent with the practices set forth in this section, to strengthen consistency with Variance criteria of Minnesota Statute 394.27.~~

Commented [PD(29)]: The way this is written it applies to any standard, so selecting a few isn't really needed. I made other edits to streamline text.

A. Mitigation examples

~~The following example Variance mitigation activities may be volunteered.~~

- 1) Maintain, restore and maintain, or plant and maintain a 10' wide natural vegetated buffer zone, parallel and adjacent to the OHWL (may be done for multiple increments). An access strip, may be included to maintain access to the lake.
- 2) Maintain, restore and maintain, or plant and maintain a 10' wide natural vegetated buffer along the top of a Bluff or Steep Slope.
- 3) Removal of Structures or patios that do not meet the standard Structure Setbacks, including water-oriented Structures.
- 4) Maintain Impervious Surfaces (excluding bedrock) to at most half of the applicable ordinance maximum (12.5% impervious or less).
- 5) Reduction of 5% Impervious Surfaces excluding bedrock (may be done for multiple increments).
- 6) Re-vegetate Bluff or Steep Slopes with natural vegetation.
- 7) Provide screening of Structures from the lake (may be done for multiple increments).

- 8) Diversion of all water runoff from Impervious Surfaces (excluding bedrock) away from the water body into retention ponds, subsurface drains, Wetlands, etc, with no outlet to the lake or tributary.
 - 9) Stabilize Eroding shoreline with natural vegetation. Any grading must follow natural contours of shoreline.
 - 10) Installation of 150 square foot natural vegetation infiltration area, within 150' of the OHWL (may be done for multiple increments).
- B. All approved ~~Variance~~-mitigation ~~plans~~ must be executed within twelve (12) months of the permit issuance date for the project receiving a Variance unless a different execution date is otherwise agreed upon by the Applicant and Zoning Board of Adjustment.

3.7 Conditional Uses

3.7.1 Application for Conditional Use Permit

Any use listed as a Conditional Use in this ordinance shall be permitted only upon application to the Planning Commission through the Zoning Administrator and issuance of a Conditional Use permit by the Zoning Administrator upon order of the Planning Commission.

3.7.2 Standards Applicable to all Conditional Uses

~~In passing upon a Conditional Use Permit, t~~The Planning Commission shall evaluate the effect of the proposed use upon:

- A. The maintenance of safe and healthful conditions;
- B. The prevention and control of water pollution including sedimentation;
- C. ~~Protectsion of E~~existing topographic and drainage features ~~ea~~and vegetative cover on the site;
- D. ~~The risk of flooding to neighboring parcels and parcels down stream~~~~The location of site with respect to flood plains and floodways of rivers or streams;~~
- E. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover;
- F. The location of the site with respect to existing or future access roads;

- G. The need of the proposed use for a Shoreland location:
- H. The visibility of Structures and other facilities as viewed from Public Waters is limited;
- I. The site is adequate for water supply and on-site sewage treatment;
- J. 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;
- K. Its compatibility with uses on adjacent land;
- L. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems; and
- M. Locational factors under which:
 - 1) domestic uses shall be generally preferred;
 - 2) uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
 - 3) use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
- N. The CUP will not be detrimental to the use and enjoyment or property values of other properties within 500' of the subject property.
- O. Adequate measures are included to provide off-street parking to serve the proposed use, as no on-street parking is allowed.

3.7.3 Conditions Attached to Conditional Uses

Upon consideration of the factors listed above, the Planning Commission may attach such conditions, in addition to those required elsewhere in this ordinance, that it deems necessary in furthering the purposes of this ordinance. Violation of any of these conditions shall be deemed a violation of this ordinance. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; increased Setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; locations of piers, docks, parking and signs; type of construction

Commented [PD(30): It's not clear what these mean or how they might be used.

Commented [PD(31): All conditions need to be related to and proportional.

Commented [PD(32): What does this mean? Impervious surface cover?

or any other requirements necessary to fulfill the purpose and intent of this ordinance.

In order to secure information upon which to base its determination, the Planning Commission may require the applicant to furnish, in addition to the information required for a zoning permit, the following information.

- A. A plan of the area showing contours, soil types, high water mark, groundwater conditions, bedrock, slope, and vegetative cover.
- B. Location of buildings, parking areas, traffic access, Driveways, walkways, piers, open spaces, and landscaping.
- C. Plans of buildings, sewage disposal facilities, water supply systems, and arrangements of operations.
- D. Specifications for areas of proposed filling, grading, lagooning, or dredging.
- E. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

3.71 Interim Uses

3.71.1 Purpose and Intent

- A. To allow a use for a limited period of time that reasonably utilized the property in a manner not permitted in the applicable zoning district.
- B. To allow a use that is presently acceptable, but not permitted within the zoning districts described in Sections 4.3 through 4.7.

3.71.2 Procedure

The application, public notice, public hearing, and procedure requirements for Interim Use permits shall be the same as those for Conditional Use Permits as provided in M.S. 394.26

3.71.3 Standards Applicable to all Interim Uses

The Zoning Board shall issue Interim Use permits only if it finds that such use at the proposed location:

- A. Meets the standards of a Conditional Use permit set forth in section 3.7 of this ordinance.

- B. Conforms to the zoning regulations and standards of this ordinance.
- C. Will terminate upon a specific date or event specified in Zoning Board's approval of said Interim Use permit.
- D. Will not impose additional costs on the public if it is necessary for the public to remediate or restore the property back to compliance in the future.
- E. Will be subjected to any conditions that the Zoning Board has deemed appropriate for permission of the use which may include a condition that the owner will provide an appropriate financial surety to cover the cost to remediate or restore the property back to compliance in the future.
- F. Meets all other requirements set forth in M.S. 394.303

3.71.4 Termination

An Interim Use permit shall terminate upon the occurrence of any of the following events; whichever occurs first:

- A. The date or event specified in the permit.
- B. A violation of the conditions under which the permit was issued.
- C. A change in the County's zoning regulations that no longer permits the use
- D. Upon the written request of the permittee.

3.71.5 No more than three Interim Use permits shall be granted to a single property at one time.

3.8 Shoreland Zoning Amendments

The County Board may adopt amendments to the Shoreland Ordinance and Zoning Map in relation both to the provisions within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies or changes in conditions of the County.

3.8.1 Kinds of Amendments

- A. A change in a district's boundary (rezoning)
- B. A change in a district's regulations

C. A change in any other provision of this ordinance

3.8.2 Initiation of Proceedings

A. Proceedings for amending this ordinance shall be initiated by at least one 1) of the following three (3) methods:

B. By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed

C. By recommendation of the Planning Commission

D. By action of the County Board

3.8.3 Required Exhibits for Rezoning or District Regulation Changes Initiated by Property Owners

A. A preliminary building or Structure and site development plan. Site plan requirements are as listed in Section 3.4.1 of this ordinance.

B. Evidence of ownership or enforceable option or easement on the property.

3.8.4 Procedure

A. The procedure for a property owner to initiate a rezoning or district regulation change applying to this property is as follows:

B. The applicant completes the application form and pays the required filing fee with the Zoning Administrator.

C. The Planning Commission reviews the request, sets the public hearing, and prepares the notices.

D. The Planning Commission prepares its recommendation after the public hearing and forwards it to the County Board.

E. The County Board takes final approval or denial action on the amendment request.

3.9 Notifications to the Department of Natural Resources

3.9.1 Copies of all notices of any public hearings to consider Variances, amendments, Interim Uses, or Conditional Uses under local Shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten (10) days before the

Commented [PD(33)]: Why can't a property owner initiate any type of amendment?

hearings. Notices of hearings to consider proposed Subdivisions/plats must include copies of the Subdivision/plat.

- 3.9.2 A copy of approved amendments and Subdivisions/plats and final decisions granting Variances, Interim Uses, or Conditional Uses under local Shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked within ten (10) days of final action.
- 3.9.3 In addition to formal notifications, the County may request that all written responses be forwarded to the applicant prior to any hearings. Failure to receive any such written comments by the applicant shall not invalidate any hearings.

Section 4.0 Shoreland Classification System and Land Use Districts

4.1 Shoreland Classification System

The Public Waters of Pine County, Minnesota have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.33~~30~~0, and the Protected Waters Inventory Map for Pine County, Minnesota.

4.1.1 The extent of the Shoreland area for the waterbodies listed in Sections 4.1.2 and 4.1.3 ~~shall be as-is~~ defined in Section 2.7 and as shown on the Official Zoning Map.

4.1.2 Lakes

A. Natural Environment Lakes

Protected Lakes Inventory I.D. #	Lake Home	Township	Range	Section
58-1	Black Lake	45	15	19
58-5	Hay Creek Flowage	42	16	20,29,30
58-7	Rock Lake	41	16,17	6,7,12
58-8	Cranberry	45	16,17	6,1
58-11	Five	41	17	5
58-12	McGowan Lake	41	17	8,17
58-13	Greigs	41	17	10
58-16	Twelve (Churchill)	41	17	12,13
58-18	Lena	41	17	15
58-22	Bullhead	41	17	21
58-23	Alma	41	17	28,33
58-25	Crooked Lake	42	17	18,19
58-28	Little Tamarack	42	17	33
58-29	Grace Lake	42	17	36
58-31	Pickereel Lake	45	17	1,12
58-33	Maheu	45	17	9
58-34	Delong Lake	45	17	9,10
58-45	Wilbur	41	18	23

Commented [PD(34)]: I would remove this. The actual boundaries are based on the distance (1000 ft of 300 ft) from the OWHL. Zoning maps are not scaled sufficiently to show the boundary of the shoreland area or district. You could refer to the zoning map as showing the approximate boundaries of the shoreland area or district.

58-50	----	45	18	16
58-52	Hicks Lake	45	18	34
Protected Lakes Inventory I.D. #	Lake Name	Township	Range	Section
58-54	Wallace Lake	41	19	10
58-58	McCormick	44	19	6,7
58-59	Stevens Lake	44	19	28,33
58-61	----	45	19	3
58-63	Lords	45	19	5,6,7,8
58-71	Close	45	19	18
58-73	Dago Lake	45	19	19,30
58-74	Johnson Lake	45	19	21
58-74	Willow	45	19	26,34,35
58-77	Big Slough	45	19	28,33
58-79	Turtle	45	19	29
58-80	----	45	19	29,30
58-83	Second Lake	44	19,20	7,12
58-89	Cedar	40	20	28,29,32,33
58-102	Fox Lake	44	20	8,9
58-103	Mud Lake	44	20	9,16
58-104	Clear Lake	44	20	9,16
58-106	Little Mud	44	20	15,16,21
58-111	Stanton Lake	44,45	20	1,2,35
58-117	Rock Lake	38	21	8,9
58-125	Grass Lake	42,43	21	3,26,27,34,35
58-126	Elbow Lake	42,43	21	3,4,33,34
58-128	Bass Lake	43	21	10,11
58-131	Fish Lake	43	21	23,24
58-132	Indian Lake	43	21	24,25
58-135	Miller Lake	43	21	35,36
58-136	Rhine Lake	44	21	31,32
13-90	----	37,38	22	4,5,32,33

B. Recreational Development Lakes

Protected Lakes Inventory I.D. #	Lake Name	Township	Range	Section
58-10	Razor Lake	41	17	3,4
58-24	Tamarack Lake	41,42	17	4,33
58-38	Net Lake	45	17	1,2
58-48	Oak Lake	45	18	10,11,14,15
58-49	Little Oak	45	18	10,15,16
58-51	Margaret	45	18	26,35
58-62	Island Lake	45	19	3,4,8,9
58-67	Sturgeon	45	19	9,10,15,16,17,20,21
58-68	Eleven Lake	45	19	11
58-69	Twelve Lake	45	19	12
58-76	Passenger	45	19	28,29,32,33
58-78	Rush Lake	45	19	28,29
58-81	Sand Lake	45	19	4,5,6
58-107	Long Lake	44	20	15,21,22
58-123	Grindstone	42	21	3,9,16,17,21
58-129	Little Pine	43	21	10,15
58-130	Upper Pine	43	21	20,21,28,29
58-137	Bass Lake	42,43	21	6,31
58-138	Big Pine	43	21	7,8,18,19

C. General Development Lakes

Protected Lakes Inventory I.D. #	Lake Name	Township	Range	Section
58-99	First Lake	44	20	1,12
58-119	Cross Lake	39	21	11,14,15,22,23,27,28,34
58-142	Pokegama	39	22	13,14,23,24,25,26,35,36

4.13 Rivers and Streams

A. <u>Remote Rivers</u>	<u>Legal Description</u>
1. St. Croix	From border of Pine County and State of Wisconsin to west section line, Section 19, T41N, R16W
2. St. Croix	From north section line, Section 3, T40N, R17W to border of Pine and Chisago Counties
B. <u>Forested Rivers</u>	
1. St. Croix	From east line, Section 24, T41N, R17W to south section line, Section 35, T41N, R17W
2. Moose	From border of Carlton and Pine Counties to the confluence with Kettle River in Section 23, T45N, R20W
3. Snake	From south section line, Section 24, T39N, R21W to confluence with St. Croix River in Section 31, T39N, R19W
4. Net	From south section line, Section 18, T45N, R16W to border of Carlton and Pine Counties
C. <u>Transition Rivers</u>	
1. Snake	From border of Kanabec and Pine Counties to north section line, Section 25, T39N, R21W
D. <u>Wild and Scenic River</u>	
1. Kettle	From border of Pine and Carlton Counties to confluence with St. Croix River in Section 20m, T39N, R19W

PLEASE NOTE that portions of the following designated tributaries to the Kettle River will be affected by MN rules, Parts 6105.0110, Subp. 3, Item B, subitem (3) and 105.0120 relating to statewide standards and criteria for Wild, Scenic and Recreational Rivers:

Birch Creek	Moose River	Grindstone River
Willow River	Pine River	Cedar Creek
Cane Creek	Wolf Creek	Deer Brook
Deer Creek	Fox Brook	Kennedy Brook

E. Tributary - Natural Environment (Trout Streams)

Stream Name	Township	Range	Section
Bang's Brook	41	17	11,14,15,20,21,22,29
Barnes Spring	41	18	1,12
Bjork Creek	42	16	2,9,10,11
Cons Creek	41	17	15,16,22
Crooked Creek	41	17	18,19,20,29,30
	and 41	18	12,13
West Fork Crooked Creek	41	18	11,12
	and 42	18	3,4,9,10,16
	and 43	18	27,34
Crystal Creek	41	16	9,10,15
N. Fork Grindstone River	42	21	20,21,28,29
Clover Creek	40	18	6,7,8,18,19
	and 41	18	9,10,15,20,21,22,29,32,33
Little Hay Creek	40	18	8,9
Unnamed to Larsons Creek	44	17	4,5
Larsons Creek	44	17	5,8
	and 45	17	29,32
Lost Creek	40	19	9,10,15
Albrechts Creek	42	16	28,33
Mission Creek	40	21	1,2
	and 41	20	30,31
	and 41	21	36
Pelkey Creek	41	20	33,34,35
Sand River Headwaters	43	18	4,5,7,8,18,19
	and 43	19	24
	and 44	18	33,34
Spring Brook	41	20	16,17,18,21
Wilbur Brook	41	17	29,30

Stream Name	Township	Range	Section
	and 41	18	23,24,25,26
Willow River Headwaters	45	17	19,22,27,28,29,30
	and 45	18	13,14,15,24
Wolf Creek	42	18	4,9,16
Wolf Creek	and 43	18	32,33

F. Tributary Streams

Stream Name	Township	Range	Section
Unnamed to Rush Lake	38	22	34
Unnamed to Rock Creek	38	21	12,13,23,24
Mud Creek	39	22	7,18,19
Unnamed to Pokegama Creek	39	22	4,9,10,11,14,15,16
Pokegama Creek	39	22	1,11,12,13,14,36
	and 40	22	5,8,9,14,15,16,23,24,36
	and 40	21	30,31
Jarvis Creek	39	22	33,34,35
Unnamed to Pokegama Creek	39	22	1,2
Mission Creek	39	22	25,36
	and 39	21	4,5,8,17,18,19,30,31
	and 40	21	12,13,14,22,23,27,28,32,33
	and 41	21	25,26
Bear Creek	39	20	17,20,29
Unnamed to Bear Creek	39	20	18,19,20
Red Horse Creek	39	19	7,18,19,30
Unnamed	40	22	11,13,14,24
East Pokegama Creek	40	21	6,7,17,18,19,20,30
	and 41	21	29,32
Unnamed to East Pokegama Creek	40	21	5,8,17,20
	and 41	21	33,34
Cedar Creek	40	20	14,22,23,27,28,29,30

Stream Name	Township	Range	Section
Unnamed to Cedar Creek	40	20	28
Kennedy Brook	40	19	33
Lost Creek	40	19	14,15,22
Bear Creek	40	19	6,7,8,16,17,20,21,22,23,26,35
	and 41	19	5,8,9,16,21,28,33
	and 42	19	30,31,32
Sand Creek	40	19	2,11,12,13,24
	and 40	18	19
	and 41	19	2,3,11,14,23,25,26,35,36
	and 42	19	1,2,11,14,22,23,26,27,34,35
	and 43	19	25,36
Unnamed to Sand Creek	43	18	3
	and 44	18	34,35
Little Sand Creek	40	19	1,11,12
	and 41	19	1
	and 41	18	6,7,18,19,30,31,32
	and 42	19	36
	and 42	18	19,30,31
Grindstone River	41	21	24
	and 41	20	15,19,20,21,22,28
Unnamed to Grindstone Lake	42	21	8,9
North Fork Grindstone River	41	21	3,10,14,15,23
	and 42	21	33,34
South Fork Grindstone River	41	21	7,15,16,17,18,21,22,23
Deer Creek	41	20	4,5,9
Fox Brook	41	20	2,9,10,11
Little Bear Creek	41	19	3,4,9,10
Little Bear Creek	and 42	19	33
West Fork Crooked Creek	41	18	2
	and 42	18	16,21,22,27,34,35
	and 43	18	14,23,26

Stream Name	Township	Range	Section
East Fork Crooked Creek	41	18	12
	and 41	17	6,7
	and 42	18	25,36
	and 42	17	6,7,18,19,30,31
	and 43	18	24
	and 43	17	6,7,18,19,30,31
Unnamed to East Fork Crooked Creek	42	17	17,18,19
Crooked Creek	41	17	32
Thunder Creek	41	18	2
	and 42	18	14,23,26,35
Kenney Brook	41	17	5,8,17,19,20
Lower Tamarack Riva	41	16	4,5,7,8,18
	and 42	16	31,32,33
	and 42	17	5,8,16,17,21,25,26,27,28,36
	and 43	17	3,4,9,10,16,21,28,29,32
	and 44	17	1,2,10,11,15,21,22,28,33
Upper Tamarack River	41	17	2
	and 42	16	12,13,14,23,24,25,36
	and 42	15	6,7
Partridge Creek	42	19	3,10,15,22,27
	and 43	19	26,27,34,35
Hay Creek	42	19	13,24,25
	and 42	18	7,18,30,31
Little Ox Creek	42	17	4,9
Ox Creek	43	17	33,34,35
Strawberry Creek	42	18	3
Keene Creek	42	17	3,9,10,16
	and 43	17	1,12,13,14,23,24,26,27,34
	and 43	16	6,7

Stream Name	Township	Range	Section
Keene Creek	and 44	16	30,31
Unnamed to McDermott Creek	43	16	4
	and 44	16	20,29,32,33
McDermott Creek	42	17	1,12,13,14,22,23,27
	and 42	16	5,6,7
	and 43	16	4,5,8,9,17,19,20,30,3'
	and 44	16	22,27,28,33
Squib Creek	42	17	12
	and 42	16	5,6,7
	and 43	16	21,28,32,33
Hay Creek	42	16	3,4,9,10,16,17,20,21,29,30,31
	and 43	16	1,11,12,14,22,23,27,34
	and 44	16	24,25,36
	and 44	15	18,19
Pine River	43	21	3,4,8,9
	and 44	21	22,23,24,27,34
	and 44	20	19,29,30,32
Little Pine Creek	43	21	3,10,15,16,21,29,30,31,32
Wolf Creek	43	20	27,34
O'Mix Creek	43	20	4,5,8,9,16,17
Log Drive Creek	43	20	12,13,14
Cone Creek	43	20	1,2,11
	and 43	19	6
Wolf Creek	43	18	28,29
Johnson Creek	43	17	16,21
Unnamed	43	17	3
Little McDermott Creek	43	16	7,8,18,19
Unnamed to Hay Creek	43	16	10,11
Unnamed	43	16	2,3,11
Bremen Creek	44	21	19,20,21,22,27,28

Stream Name	Township	Range	Section
Little Bremen Creek	44	21	5,6,8,9,16,17,20
	and 45	21	31,32
Rhine Creek	44	21	29,31,32,33,34
	and 43	21	6
Willow River	44	20	1,3
	and 44	19	6
	and 45	18	20,21,22,29,30
	and 45	20	36
Unnamed to Little Willow River	44	18	7,18
	and 44	19	12
Little Willow River	44	19	1,2,3,12
	and 44	18	2,3,7,8,9,10
Nemadji River	45	17	4,5,8,9,
Birch Creek	45	21	
	and 45	20	18,19,20,21,22,23
Hay	45	18	19,20,21,30
Unnamed	45	17	5,7,8,18,19,20,30
Unnamed	45	16	30,31
Little Net River	45	16	5,6,8
Unnamed to Kettle River	42	20	3
Unnamed to Kettle River	12	20	11,12,14
Unnamed to Pine River	44	20	7,8,17
	and 44	21	5,7,8,18
Unnamed to Tributary	44	21	13,24
Unnamed to Pine River	44	20	1,12,13
	and 44	21	19,30
Unnamed to Kettle River	44	20	25,36
Unnamed to Kettle River	44	19	25,26,27
	and 44	20	6

Unnamed to Birch Creek 45 20 1,12

4.2 Land Use District

The following land use zoning districts have been established in accordance with their compatibility with the Public Waters classification.

4.2.1 The Shorelands of Pine County, Minnesota are hereby divided into the following districts:

- A. Special Protection District (SP)
- B. Residential—Recreational District (RR)
- C. High Density Residential District (HD)
- D. Water—oriented Commercial District (WC)
- E. General Use District (G)

4.2.2 The location and boundaries of the districts established by this ordinance are set forth on the Zoning Map which is hereby incorporated as part of this ordinance. A copy of the official Zoning Map shall be kept in the Zoning Administrator's office. It is the responsibility of the Zoning Administrator to continually maintain and update this map. Any amendments to the zoning map shall be recorded on such map within thirty (30) days after the official adoption of the zoning amendment by the Pine County Board.

4.2.3 Final determination of the exact location of land use district boundaries shall be made by the Zoning Administrator subject to appeal to the Board of Adjustment as provided in Section 3.2 of this ordinance.

4.2.4 Areas within the 100 year floodplain that are not shown on the official zoning map as having a land use zoning district as described in this section, shall be assigned a zoning district by the Zoning Administrator that conforms to the zoning district most directly upstream of the subject property for rivers and streams. For lakes, the Zoning Administrator shall assign a district that conforms to the neighboring properties land use district, where it can be shown conclusively what the zoning district of the locality is intended to be. Where it cannot be shown conclusively what the intended land use district is, the Zoning Administrator shall consult the County Zoning Board and/or initiate an ordinance amendment, amending the zoning map.

Commented [PD(35)]: Other than the special protection district, I don't understand the value in these districts. It's not very clear from the map where they are. In most cases the permitted and conditional uses are additive from one district to the next. The two orange colors on the map are very difficult to differentiate.

Commented [PD(36)]: It's not clear how these are reflected on the zoning map.

4.3 Special Protection District (SP)

4.3.1 Purpose

The Special Protection District (SP) is intended to be used for two basic purposes. The first purpose is to limit and properly manage development in areas that are generally unsuitable for development or uses due to flooding, erosion, limiting soil conditions, Steep Slopes, or other major physical constraints. A second purpose is to manage and preserve areas with special historical, natural or biological characteristics.

4.3.2 Permitted Uses

- A. All general agricultural pasture, minimum tillage crop land and other existing agricultural land uses; subject to the standards in Section X.x except that no Wetlands shall be drained to facilitate cultivation of Shoreland areas within specified distances of lakes or streams depending upon topography.
- B. ~~Forestry, Forest~~ management subject to the standards in Section x.x and Sensitive resources management, subject to standards in Section x.x.
- C. Mining of metallic minerals and peat as regulated in Minnesota Statutes Sections 93.44 to 93.51, subject to the standards in Section x.x
- D. Nature areas, hiking and riding trails, wildlife preserves and designated official Wetland areas.

4.3.3 Conditional Uses

- A. Agricultural FeedLots subject to the standards in Section x.x
- B. All approved aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas line
- C. Parks, and historic sites, and
eCampgrounds subject to the shoreland commercial PUD standards in Section x.x ing facilities
- D. Non-residential Structures used solely in conjunction with raising wild animals or fish

Commented [PD(37)]: I highly recommend replacing this approach for listing permitted and conditional uses and replacing with a table. The current approach contains duplication and conflicts the way it is written.

Commented [PD(38)]: Can ag use be defined? Is minimum tillage enforced?

Commented [PD(39)]: Consider moving this to the Ag standards section.

Commented [PD(40)]: Consider calling these recreational facilities which would also include parks, unless there is a good reason to keep them distinct. Are there standards for recreational facilities and parks? These types of recreational facilities are nearly always a conditional use because they are of heightened importance to residents and placement and design is really important to making them work well. Why are parks a conditional use but these types of recreational facilities not?

Commented [PD(41)]: What is a designated official wetland area? If it exists, it should be defined and mapped.

Commented [PD(42)]: What does approved mean here? If it is already approved, why does it need to go through the conditional use public hearing and approval process? Aren't these Essential Services? If so, why aren't they called such?

Commented [PD(43)]: Consider putting parks into a category called recreational facilities.

Commented [PD(44)]: Is this a "recreational vehicle and camping park" or just a tenting campground? This is the phrase/term used in the commercial PUD definition. If so, let's use this phrase/term for consistency.

- E. Extractive Uses subject to the standards in Section x.x
- F. Single Family Residential dwellings, subject to standards in Section x.x
- G. Home Occupations subject to the standards in Section x.x

Commented [PD(45)]: Are there specific standards for reviewing and approving SF in this district? If so, there should be a reference to them. If not, there probably should be. If that doesn't seem likely, I'd question whether this should be a conditional use.

4.4 Residential Recreational District (RR)

4.4.1 Purpose

The purpose of the Residential-Recreational District (RR) is primarily intended to allow low to medium density seasonal and year around residential uses on lands suitable for such uses. It is also intended to prevent establishment of various commercial, industrial, and other uses in these areas that cause conflicts or problems for residential uses. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under Conditional Use procedures.

4.4.2 Permitted Uses

- A. All Permitted Uses in the Special Protection District as specified in Section 4.3.2
- B. Forestry, forest management, and sensitive resources management
- C. Single family seasonal or year around residential uses
- D. Duplex, Triplex and Quad residential multi-family dwellings, Dwelling on NE lakes are subject to the standards in Section x.x.
- E. Agricultural uses, including buildings
- F. Essential Services
- G. ~~Mining of metallic minerals and peat as regulated in Minnesota Statutes 93.44 to 93.51~~
- H. ~~Nature areas, hiking and riding trails, wildlife preserves and designated official Wetland areas~~

Commented [PD(46)]: This includes trails. Should trails be a permitted use in a residential district? It seems that some type of public process (e.g. public hearing as a CUP) would be needed to approve trails in a residential district.

Commented [PD(47)]: This use and those in G and H are already listed as permitted uses in the SP district – repeating them here is confusing and redundant.

Commented [PD(48)]: How does one know if they are on an NE lake?

Commented [PD(49)]: How is this different than the Ag uses listed in the special protection district?

4.4.3 Conditional Uses

- A. All Conditional Uses in the Special Protection District as specified in Section 4.3.3, unless it is a permitted use in this District.
- B. ~~All approved aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas lines~~
- C. ~~Parks, historic sites, and camping facilities~~
- D. ~~Non-residential Structures used solely in conjunction with raising of wild animals and fish~~
- E. ~~Extractive Uses~~
- F. Semi-public Uses
- G. ~~Home Occupations approved as being compatible with other general allowable uses of this district~~
- H. Self Storage Garages
- I. Recreational vehicle repair and service facilities
- J. Commercial Hospitality or Event Center

Commented [PD(50)]: SF is a conditional use in SP but permitted in this district.

Commented [PD(51)]: Is this materially different than home occupations as a conditional use in the SP district. The standards for home occupations likely covers this extra text.

Commented [PD(52)]: This seems very narrowly written. What about vehicle or other equipment repair services. Seems like this use should be defined.

Commented [PD(53)]: Consider new name for this use – see definitions section. Are there special standards for this use? If so, refer to that section here. These uses have traffic and noise impacts, if there are no special standards, there probably should be.

Commented [PD(54)]: Do any of these exist? I don't see any on the shoreland zoning districts map.

4.5 High Density Residential District (HD)

4.5.1 Purpose

The purpose of the High Density Residential District (HD) is intended for use on lands with heterogeneous mixes of soils, vegetation, and topography that are not well suited to residential development using standard, Lot-block Subdivisions. This approach enables such areas to be developed, often even with higher than Lot-block densities, while also avoiding and preserving unsuitable terrain and soils. Other compatible uses such as Residential Planned Unit Development, surface water-oriented commercial, multiple unit, single-family, parks, historic sites, and semi-public are also allowed, primarily as Conditional Uses.

4.5.2 Permitted Uses

- A. All Permitted Uses in the Residential Recreational District as specified in Section 4.4.2
- B. ~~Forestry, forest management, and sensitive resources management~~

Commented [PD(55)]: These are all listed as permitted uses in the RR district.

- ~~C. Single family seasonal or year around residential dwellings~~
- ~~D. Duplex, Triplex, and Quad residential multi family dwellings~~
- ~~E. Essential Services~~
- ~~F. Nature areas, hiking and riding trails, wildlife preserves and designated official Wetland areas~~
- G. Medical, health care, elderly/nursing care and chemical dependency treatment facilities

4.5.3 Conditional Uses

- A. All Conditional Uses in the Residential Recreational District as specified in Section 4.4.3
- B. Residential Planned Unit Developments subject to the standards in Section X.X
- C. Surface water oriented Commercial Uses ~~which are necessary ancillary to a Residential Planned Unit Development~~ subject to the standards in Section X.X
- ~~D. All approved aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas lines~~
- ~~E. Parks, historic sites, and camping facilities~~
- ~~F. Non residential Structures used solely in conjunction with raising of wild animals and fish~~
- ~~G. Semi public Uses~~
- ~~H. Home Occupations approved as being compatible with other general allowable uses of this district~~
- ~~I. Self Storage Garages~~
- J. Manufactured Home Parks and **Recreational Camping Vehicle Areas**, provided:

- 1) Site plans shall be approved by the Planning Commission.

Commented [PD(56): Is this a “recreational vehicle and camping park?” This is the phrase/term used in the commercial PUD definition. If so, let’s use this phrase/term for consistency.

Mfg home parks and RV campgrounds are two different uses in SL. The MFG home park is a permanent residential dwelling subject to the residential PUD standards. Campgrounds are transient housing subject to the commercial PUD standards. These two uses should each be followed with the phrase “subject to the standards in Section x.x” while also complying with the list of special conditions here. I recommend that these special standards go into a different section in order to keep the list of permitted and conditional uses as just a list.

- 2) They shall be licensed by and in conformance with the standards prescribed by the Minnesota Department of Health, except where provisions of this ordinance are more restrictive, and then these provisions shall prevail.
- 3) Each manufactured home or recreational camping vehicle shall meet the water and road Setback provisions for the classes of Public Waters prescribed in Section 5.2.1.
- 4) There shall be at least ten (10) feet between the sides of adjacent manufactured homes, including their attachments, and at least three (3) feet between manufactured homes when parked end to end.
- 5) Each manufactured home site shall be at least 4,000 square feet in area; each recreational camping vehicle site shall be at least 2,000 square feet in area.
- 6) A centralized sewage disposal facility which meets the standards, criteria, rules or regulations of the Minnesota Department of Health and this ordinance must be installed.
- 7) No individual on-site sewage disposal systems shall be used, unless site sizes meet the provisions of Section 5.1 for Lot area and length of water frontage.

Commented [PD(57)]: These requirements overlap with the commercial and residential PUD standards – I think these might be more restrictive.

4.6 Water-oriented Commercial District (WC)

4.6.1 Purpose

The purpose of the Water-oriented Commercial District (WC) is intended to be used only to provide for existing or future Commercial Uses adjacent to water resources that are functionally dependent on such close proximity.

Commented [PD(58)]: This really isn't the purpose of this district if all the permitted and conditional uses allowed in all the other districts are allowed in this district. This is really the "everything goes" district. I don't see this district on the SL zoning map. Is this the General Development District?

4.6.2 Permitted Uses

- A. All Permitted Uses in the High Density Residential District as specified in Section 4.5.2
- B. Surface water oriented Commercial Uses on General and Recreational Development Lakes. ~~Such uses include single family dwellings associated with a resort, marinas, campgrounds, recreational vehicle parks, bait shops, and marine repair shops~~
- C. ~~Resorts and other permanent buildings which provide sleeping accommodations on a transient rental basis~~

Commented [PD(59)]: This is confusing. SF is already a permitted use in the HD district. All of the other uses are defined as surface water-oriented commercial uses, or could be added to the definition if they aren't there now. Is this instead about creating mixed uses? If so, listing all the permitted and conditional uses still works. Any development could have any use listed as permitted or conditiona.

Commented [PD(60)]: These are not permitted uses in shoreland. Resorts are a commercial PUD, a conditional use. What is an "other permanent building providing sleeping accommodations on a transient rental basis? It sounds like a resort but definitely a commercial PUD.

D. Restaurants, drive-ins, dinner clubs, taverns and private clubs

E. Home Occupations

F. ~~Manufactured Home Parks and Recreational Camping Vehicle Areas provided the requirements of Section 4.5.3, J are satisfied~~

Commented [PD(61)]: These are not permitted uses in SL. These are either a residential PUD or a commercial PUD as discussed in the HD District.

4.6.3 Conditional Uses

A. ~~All Conditional Uses in the High Density Residential District as specified in Section 4.5.3~~

Commented [PD(62)]: This is confusing. Some conditional uses in the HD district are listed as permitted uses here. I've mentioned above where that isn't correct in SL

B. ~~Residential Planned Unit Developments~~

C. ~~Public and Semi-public Uses~~

Commented [PD(63)]: Public uses are not defined. What are they?

D. Commercial Planned Unit Developments; ~~However, the limited expansion of a commercial Planned Unit Developments involving up to six (6) additional Dwelling Units or sites may be allowed as a permitted use provided the provisions of Section 8.0 are satisfied~~

Commented [PD(64)]: Already listed as a conditional use in prior districts

E. Surface Water-oriented Commercial Uses on Natural Environment lakes and all rivers and streams, ~~subject to the standards in Section x.x~~

Commented [PD(65)]: Do you want this phrase to apply to anything considered a commercial PUD allowed as a conditional use in the prior districts, or just in this district? The SL rules don't care.

F. ~~Self Storage Garages~~

4.7 **General Use District (G)**

Commented [PD(66)]: Is this the "General Development" District shown on the zoning map? If so, the title's should be made consistent.

4.7.1 Purpose

The purpose of the General Use District (G) is intended to be used only for lands already developed or suitable for development with concentrated urban, particularly commercial land uses. It should not generally be used on natural environment lakes or remote river classes. Several other intensive urban uses such as industrial and Commercial Planned Unit Developments are allowed in this district if handled as Conditional Uses.

Commented [PD(67)]: This is very problematic. Decisions need to be made on whether a use is permitted, a conditional use, an interim use or not permitted at all. This tentative language is a giant loophole that the county will have difficulty saying no to if it feels there are negative consequences.

4.7.2 Permitted Uses

A. All Permitted Uses in the Water-oriented Commercial District as specified in Section 4.6.2

B. ~~Hotels, motels, resorts, and other permanent buildings which provide sleeping accommodations on a transient rental basis~~

Commented [PD(68)]: This is the same as a commercial PUD. It must be reviewed and approved as a CUP in SL

- C. Restaurants. Drive-ins, dinner clubs, taverns, and private clubs
- D. Retail businesses, novelty shops and service facilities such as gas stations and any other establishments except those engaged in manufacturing or processing enterprises
- E. ~~Manufactured Home Parks and Recreational Camping Vehicle Areas provided the requirements of Section 4.53, J are satisfied~~
- F. Mining of metallic mineral sand peat in accordance with Minnesota Statutes 93.44 to 93.51
- G. Commercial Uses involved in the sale, lease, rental, or trade of products, goods, and services

Commented [PD(69)]: Only as a CUP in shoreland

4.7.3 Conditional Uses

- A. All Conditional Uses in the Water-oriented Commercial District as specified in Section 4.6.3
- B. ~~Extractive Uses~~
- C. ~~Parks and historic sites~~
- D. Industrial Uses involved in the production, manufacturing, warehousing, storage or transfer of goods, products, commodities, or other wholesale items. Industrial Uses shall be restricted to General and Recreational Development Lakes ~~and on~~ prohibited ~~from on~~ Natural Environment Lakes and all river and stream Shoreland areas

Section 5.0 Zoning and Water Supply/Sanitary Provisions

5.1 Lot Area and Width Standards

The Lot area (in square feet) and Lot Width standards, as measured at the Building Line and at the Ordinary High Water Level (in feet), for single, Duplex, Triplex and Quad residential Lots created after the date of enactment of this ordinance for the Lake and River/Stream Classifications are the following:

5.1.1 Unsewered Lakes

A. Natural Environment

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
	Area	Width	Area	Width
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

B. Recreational Development

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
	Area	Width	Area	Width
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
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C. General Development

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
	Area	Width	Area	Width
Single	40,000	150	40,000	150
Duplex	50,000	200	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490

5.1.2 Sewered Lakes

Commented [PD(70): Are there areas with publicly-owned sewer covered by Pine county zoning? If not, could remove these.

A. Natural Environment

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
	Area	Width	Area	Width
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

B. Recreational Development

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
	Area	Width	Area	Width
Single	20,000	100	15,000	100
Duplex	35,000	150	26,000	150
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

C. General Development

<u>Riparian Lots</u>	<u>Non-Riparian Lots</u>
----------------------	--------------------------

	Area	Width	Area	Width
Single	15,000	100	10,000	100
Duplex	26,000	150	17,500	150
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245

5.1.3 River/Stream Lot Width Standards. There is no **minimum Lot size** requirements for rivers and streams. The Lot Width standards for single, Duplex, Triplex and Quad residential development for the four (4) river/stream classifications are:

Commented [PD(71)]: Recommend developing lot area standards. It is much easier to administer, especially a residential PUD.

	Remote	Forested	Transition	Tributary- Natural Environment (Trout Streams)	Tributary Non Sewer	Tributary- Sewer
Single	350	200	250	200	150	75
Duplex	450	300	375	300	150	115
Triplex	600	400	500	400	200	150
Quad	750	500	625	500	250	190

5.1.4 Additional Special Provisions

A. Residential Subdivisions **of five or more with Dwelling Units with** densities exceeding those in the tables in Sections 5.1.2 and 5.1.3 can only be allowed if designed and approved as Residential Planned Unit Developments under Section 8.0 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 5.1.2 can only be used if public-owned Sewer System service is available to the property.

Commented [PD(72)]: This is the minimum number of lots needed to qualify for a PUD.

- B. Subdivisions of Duplexes, Triplexes, and Quads on Natural Environment Lakes must also meet the following standards:
- 1) each building must be Setback at least two hundred (200) feet from the Ordinary High Water Level;
 - 2) each building must have common sewage treatment and water system; in one (1) location and serve all Dwelling Units in the building;
 - 3) watercraft docking facilities for each Lot must be centralized in one (1) location and serve all Dwelling Units in the building; and
 - 4) no more than twenty-five percent (25%) of a lake's shoreline can be in Duplex, Triplex, or Quad developments.
- C. One (1) Guest Cottage or Guest Quarters may be allowed on Lots meeting or exceeding the Duplex Lot area and width dimensions presented in Sections 5.1.1-5.1.3, provided the following standards are met:
- 1) for a Lot 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:
 - 2) a Guest Cottage must not cover more than seven hundred (700) square feet of land surface and must not exceed fifteen (15) feet in height; and
 - 3) a Guest Cottage or building with Guest Quarters must be located or designed to reduce its visibility as viewed from Public Waters and adjacent Shorelands by vegetation, topography, increased Setbacks or color, assuming summer leaf-on conditions.
 - 4) The building footprint for an Accessory Structure containing a Guest Quarters is limited by Impervious Surface limits according to Section 5.5.2 and the Guest Quarters shall not exceed 700 square feet.
 - 5) An Accessory Structure with a Guest Quarters shall not exceed 25 feet in building height.
- D. Lots created after the effective date of this ordinance and intended as controlled accesses to Public Waters or as recreation areas for use by

owners of non-riparian Lots within Subdivisions are permissible and must meet or exceed the following standards:

- 1) They must meet the width and size requirements for residential Lots and be suitable for the intended uses of controlled access Lots.
- 2) If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access Lot, then the width of the Lot (keeping the same Lot depth) must be increased by the percent of the requirements for riparian residential Lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements

Ratio of Lake Size to Shore Length (acres/mile)	Required Increase in Frontage (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

- 3) They may be jointly owned by all purchasers of Lots in the Subdivision or by all purchasers of non-riparian Lots in the Subdivision who are provided riparian access rights on the access Lot. Or
- 4) Covenants or other equally effective legal instruments must be developed that specify which Lot owners have authority to use the access Lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must

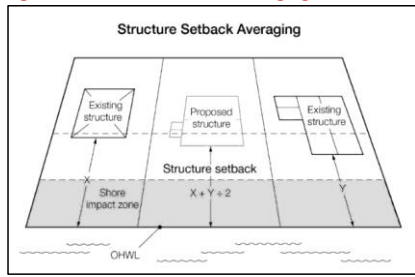
require centralization of all common facilities and activities in the most suitable locations on the Lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage building, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf—on conditions.

5.2 Placement, Design, and Height of Structures

5.2.1 Placement of Structures on Lots. When more than one (1) Setback applies to a site, Structures and facilities must be located to meet all Setbacks.

Where principal dwellings exist on the adjoining Lots on both sides of a proposed building site, principal Setbacks may be altered without a Variance to conform to the adjoining Setbacks from the Ordinary High Water Level or the road Setbacks, provided the proposed building site is not located in a Shore Impact Zone or in a Bluff Impact Zone (see Figure 7).

Figure 7 Structure Setback Averaging



Structures shall be located as follows. In determining the altered Setback, the average Setback of the two (2) adjoining Structures shall be used in determining the required Setback.

Commented [PD(73)]: Redundant with paragraph and figure above.

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

Classes of Public Waters	Setbacks*		Sewage Treatment System
	Structures- Unsewered	Structures- Sewered	
Lakes			
Natural Environment	150	150	150

Recreational Development	100	75	75
General Development	75	50	100

Rivers

Remote	200	200	150
Forested and Transition	150	150	100
Tributary	100	50	75
Tributary- Natural Environment (Trout Streams)	150	100	150

* One (1) water oriented Accessory Structure designed in accordance with Section 5.2.2; B; 2) of this ordinance. **Note:** For Wild and Scenic District requirements, refer to the Kettle River Wild and Scenic River Ordinance, Pine County.

B. Additional Structure Setbacks. The following additional Structure Setbacks apply, regardless of the classification of the waterbody:

Setback From	Setback (in feet)
1) top of Bluff	30
2) unplatted cemetery	50
3) right-of-way line federal, state, or County highway	20
4) right-of-way line of a town road, public street, road, or a private road easement	20
5) side yard (measured from the Lot line to the building side wall)	5 (3' to eaves)

C. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within Bluff Impact Zones.

D. Uses Without Water Oriented Needs. Uses without water oriented needs must be located on Lots or parcels without Public Waters frontage, or, if located on Lots or parcels with Public Waters frontage, must either be set back double the normal Ordinary High Water Level Setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

E. Temporary Vehicles/Buildings. ~~Hereafter~~ no person shall erect, alter the outside dimensions, or move any building or *part* thereof without first securing a building site permit ~~therefore~~. Licensed camping vehicles may be located in Shoreland areas without a building site permit, provided

dimensional requirements of Section 5.2.1 are met. All vehicles shall be connected to an approved sanitary sewer or grey water disposal system when running water is available on or to the site. Licensed fish houses may be temporarily located in Shoreland areas without a building site permit, provided dimensional requirements of Section 5.2.1 are met.

- F. Camping Vehicles shall also be limited to two (2) per Lot and will be considered permanent and shall be subject to all permits, Setbacks, area, and sanitary Sewer System requirements of this Ordinance in either of the following cases:
- 1) when the development of a structural addition to the camping vehicle occurs, or when an Accessory Structure or storage building is completed on the site; or
 - 2) the camping vehicle is unlicensed.

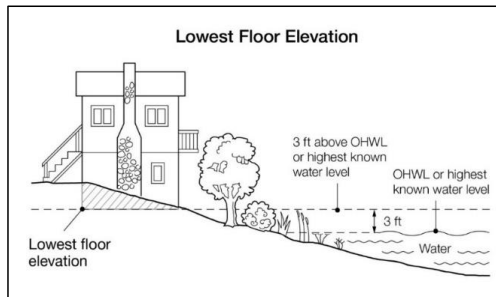
5.2.2 Design Criteria for Structures

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

Commented [PD(74)]: See new re-worked Section 6.43 in the model ordinance.

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.

- 4) Structures not intended for human habitation (including attached garages or carports) shall be placed so that the lowest floor is at an elevation not less than the highest known water level elevation.



B. Water Oriented Accessory Structures. Each Lot may have one (1) water oriented Accessory Structure not meeting the normal Structure Setback in Section 5.2.1 of this ordinance if this water oriented Accessory Structure complies with the following provisions:

- 1) The Structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached Decks must not exceed six (6) feet above grade at any point.
- 2) The Setback of the Structure or facility from the Ordinary High Water Level must be at least: ten (10) feet for Boathouses and twenty-five (25) feet for all other water oriented Structures.
- 3) 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.
- 4) The roof may be used as a Deck with safety rails not exceeding four (4) feet in height but must not be enclosed or used as a storage area.
- 5) The Structure or facility must not be designed or used for human habitation and must not contain sewage treatment facilities.

- C. Patios are allowed behind the Structure Setback without a permit provided that all Setbacks are met, and the property does not exceed the maximum allowable Impervious Surface standards. Patios within the Structure Setback require a permit and shall comply with the following standards:
- 1) Not be located in Shore Impact Zone except as Water-oriented Accessory Structure according to Article 5.2.2B;
 - 2) Be free standing;
 - 3) Have no railings;
 - 4) Be a maximum of 250 square feet in size. Up to 400 square feet in size is allowed with an approved and implemented Stormwater Management Plan according to Article 5.5 of this ordinance;
 - 5) Not be more than one foot below or above natural ground level;
 - 6) Construction complies with all provisions of Articles 5.3.2 and 5.5 of this ordinance
 - 7) The maximum Impervious Surface limits for the Lot shall not be exceeded.
- D. 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.
- 1) Stairways and lifts must not exceed four (4) feet in width on residential Lots. Wider stairways may be used for commercial properties, public open space recreational properties, and Planned Unit Developments.
 - 2) Landings for stairways and lifts on residential Lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties and Planned Unit Developments.
 - 3) Canopies or roofs are not allowed on stairways, lifts or landings.
 - 4) Stairways, lifts and landings may be either constructed above the ground on posts or pilings or placed into the ground, provided they

are designed and built in a manner that ensures control of soil erosion.

- 5) Stairways, lifts and landings must be located in the most visually inconspicuous portions of Lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
- 6) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub items (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

E. 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.

F. Steep Slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from Public Waters before issuing a permit for construction of Sewage Treatment Systems, roads, Driveways, Structures, or other improvements on Steep Slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of Structures, vehicles, and other facilities as viewed from the surface of Public Waters, assuming summer, leaf-on vegetation

5.2.3 Height of Structures. All Structures in residential districts, except churches and non-residential agricultural Structures, must not exceed twenty-five (25) feet in height.

5.2.4 The outside storage of Junk and Debris, Junk Vehicles, Major Appliances, and Waste Tires in the Shore Impact Zone is prohibited. The accumulation of Agricultural Machinery, except tire piles, on land classified for property tax purposes as agricultural is exempt from this section, provided that fluids have been drained and contained.

Commented [PD(75)]: What is ag machinery exempt?

5.3 Shoreland Alterations

Alterations of vegetation and topography will be regulated to prevent erosion into Public Waters, fix nutrients, preserve Shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

5.3.1 Vegetation Alterations

- A. Vegetation alteration necessary for the construction of Structures and Sewage Treatment Systems and the construction of roads and parking areas regulated by Section 5.4 of this ordinance are exempt from the vegetation alteration standards that follow.
- B. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Sections 5.6.2 and 5.6.3, respectively, is allowed subject to the following standards:
 - 1) Intensive Vegetation Clearing within the shore and Bluff Impact Zones and on Steep Slopes is not allowed. Intensive Vegetation Clearing for Forest Land Conversion to another use outside of these areas is allowable as a Conditional Use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - 2) 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:
 - a) The screening of Structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
 - b) Along river, existing shading of water surfaces is preserved.
 - c) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

5.3.2 Use of fertilizer and pesticides in the Shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both.

5.3.3 Topographic Alterations/Grading and Filling

- A. Grading and filling and excavations necessary for the construction of Structures and Sewage Treatment Systems 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 and Sewage Treatment Systems.

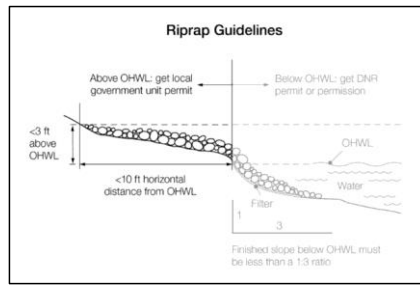
- B. Roads, Driveways, and parking areas are regulated by Section 5.4 of this ordinance.
- C. Notwithstanding Items A and B above, a grading and filling permit will be required for the movement of more than ten (10) cubic yards of material on Steep Slopes or within shore or Bluff Impact Zones or more than fifty (50) cubic yards of material on property under the jurisdiction of this ordinance. Grading and filling of material outside of Steep Slopes and shore and Bluff Impact Zones shall not require a permit; however, the property owner shall be required to obtain a grading and filling plan from the Department and follow the requirements of Section 5.3.3D.
- D. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, Conditional Use permits, Variances, and Subdivision approvals:
 - 1) Grading, filling in any type 1,2,3,4,5,6,7, or 8 Wetland must be approved the Pine County Soil and Water Conservation District, Minnesota Department of Natural Resources, or Army Corps of Engineers. Before authorizing any grading or filling activity in any type 1,2,3,4,5,6,7, or 8 Wetland the Department must consider how extensively the proposed activity would affect the following functional qualities of the Wetland:
 - a) sediment and pollutant trapping and retention;
 - b) storage of surface run-off to prevent or reduce flood damage;
 - c) fish and wildlife habitat;
 - d) recreational use;
 - e) shoreline or bank stabilization; and
 - f) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
 - 2) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.

- 3) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetation cover must be established as soon as possible.
- 4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
- 5) All grading and filling plans must be reviewed by the Soil and Water Conservation District to ensure adequate seeding, mulching and other erosion control measures are being proposed.
- 6) Fill or excavated material must not be placed in a manner that creates on unstable slope.
- 7) Plans to place fill or excavated material on Steep Slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty percent (30%) or greater.
- 8) Fill or excavated material must not be placed in Bluff Impact Zones.
- 9) Any alterations below the Ordinary High Water Level of Public Waters must first be authorized by the Commissioner under Minnesota Statutes, Section 103G.245.
- 10) 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.
- 11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:
 - a. if the project includes work at or below the OHWL, the commissioner has already approved or permitted the project;
 - a) the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical,
 - b) the landward extent of the riprap is within ten (10) feet of the Ordinary High Water Level,

Commented [PD(76): Optional but good standard

- c) the height of the riprap above the Ordinary High Water Level does not exceed three (3) feet (see Figure 10)

a. Figure 10. Riprap Guidelines



e. A vegetative buffer, consisting of deep rooted and woody vegetation, is to be established at a distance no less than ten feet from the landward extent of the riprap.

Commented [PD(77)]: Optional but good standard

- d) Installation of riprap is allowed only where there is a demonstrated need to stop existing erosion or to restore an eroded shoreline, as determined by the Department or the Pine Soil and Water Conservation District.
 - e) Only natural rock (cannot average less than 6 inches or more than 30 inches in diameter) may be used that is free of Debris that may cause pollution or siltation. Concrete is not allowed.
 - f) A filter of crushed rock, gravel, or filter fabric material must be placed underneath the rock.
 - g) Construction of retaining walls taller than 4' within the Shore Impact Zone is prohibited unless designed by a professional engineer.
 - h) The riprapped area must be no more than 200 linear feet of shoreline along lakes and Wetlands or, along shorelines of streams, must be less than five times the average width of the affected watercourse.
- E. Connections to Public Waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and

harbors, must be controlled by local Shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to Public Waters.

- F. Construction and maintenance of non-naturally occurring beach sand blankets is prohibited within the Shore Impact Zone. Contained sand boxes, not exceeding 32 square feet are allowed, without permit, in the Shore Impact Zone.

5.4 Placement and Design of Roads, Driveways, and Parking Areas

- 5.4.1 Construction of roads, Driveways, and parking areas shall require a permit from the department.
- 5.4.2 Roads, Driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from Public Waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to Public Waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- 5.4.3 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.
- 5.4.4 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 5.3.3 of this ordinance must be met.

5.5 Stormwater Management

The following general and specific standards shall apply:

- 5.5.1 General Standards
 - A. When possible, existing natural drainage ways, Wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater run-off before discharge to Public Waters.
 - B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, run-off velocities, erosion potential,

and reduce and delay run-off volumes. Disturbed areas must be stabilized and protected as soon as possible, and facilities or methods used to retain sediment on the site.

- C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater run-off using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and non-made materials and facilities.

5.5.2 Specific Standards

- A. Impervious Surface coverage of Lots must not exceed twenty-five percent (25%) 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.

5.6 **Special Provisions for commercial, Industrial, Public/Semipublic, Agricultural, Forestry, and Extractive Uses and Mining of Metallic Minerals and Peat**

5.6.1 Standards for Commercial, Industrial, Public and Semipublic Uses

- A. Surface Water-oriented Commercial Uses and industrial, public, or semipublic uses with similar needs to have access to and use of Public Waters may be located on parcels or Lots with frontage on Public Waters. Those uses with water oriented needs must meet the following standards:
 - 1) 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.

- 2) 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.
 - 3) 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 which apply only within the Shore Impact Zone:
 - 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 ten (10) feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across Public Waters.
 - c) Other outside lighting may be located within the Shore Impact Zone or over Public Waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across Public Waters. This does not preclude use of navigational lights.
- B. Uses without water oriented needs must be located on Lots or parcels without Public Waters frontage, or, if located on Lots or parcels with Public Waters frontage, must either be 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.

5.6.2 Agriculture Use Standards

- A. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if Steep Slopes and shore and Bluff Impact Zones are maintained in permanent vegetation or operated under on approved conservation plan (Resource Management Systems) consistent with the field office technical guides of

the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The Shore Impact Zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the Ordinary High Water Level.

B. Animal FeedLots must meet the following standards:

- 1) New feedLots must not be located on the Shoreland of watercourses or in Bluff Impact Zones and must meet a minimum Setback of three hundred (300) feet from the Ordinary High Water Level of all Public Waters basins.
- 2) Modifications or expansions to existing feedLots that are located within three hundred (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.

5.6.3 Forest Management Standards. The activities associated with all forest management practices on forest land must be conducted consistent with the provisions of the Water quality in Forest Management "Best Management Practices in Minnesota."

5.6.4 Extractive Use Standards

A. Site Development and Restoration Plan. An Extractive Use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

B. Setbacks for Processing Machinery. Processing machinery must be located consistent with Setback standards for Structures from Ordinary High Water Levels of Public Waters and from Bluffs.

5.6.5 Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51 are satisfied.

5.7 Water Supply and Sewage Treatment

- 5.7.1 Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- 5.7.2 Sewage Treatment. Any premises used for human occupancy must be provided with an adequate system of sewage treatment and/or grey water disposal, as follows:
- A. Publicly owned Sewer Systems must be used where available.
 - B. All private Sewage Treatment Systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual Sewage Treatment Systems contained in the document titled "Individual Sewage Treatment System Standards, Chapter 7080," a copy of which is hereby adopted by reference and declared to be a part of this ordinance. In addition to the Chapter 7080 regulations, the County will also require the following:
 - 1) After May 1, 1994, individual Sewage Treatment System evaluators, designers, inspectors, pumpers and installers shall have provisional Minnesota Pollution Control Agency certification. After May 1, 1996, full certification shall be required.
 - 2) All privies must provide a sealed tank as defined in Chapter 7080 and no open pits will be allowed. Any privy not connected to the dwelling shall not require installation or design by a certified installer, designer, or evaluator. IN remote areas not accessible by pumper trucks, the owner may request approval for land application of wastewater provided the application site is outside the Shoreland area and provided it meets township regulations.
 - C. On-site Sewage Treatment Systems must be set back from the Ordinary High Water Level in accordance with the Setbacks contained in Section 5.2.1 of this ordinance.
 - D. All proposed sites for individual Sewage Treatment Systems shall be evaluated in accordance with the criteria in subitems (1) - (4). It shall be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

- 1) Depth to the highest known groundwater table or seasonally saturated soil condition, or bedrock;
 - 2) Soil conditions, properties, and permeability;
 - 3) Slope;
 - 4) The existence of low lands, local surface depressions, and rock outcrops.
- E. Non-conforming Sewage Treatment Systems shall be regulated and upgraded in accordance with Section 6.3 of this ordinance.

Section 6.0 Non-Conformities

All legally established non-conformities as of the date of this ordinance may continue, but they will be managed according to the applicable state statutes and other regulations of the 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:

6.1 Construction on Non-conforming Lots of Record

- 6.1.1 Lots of record in the office of the County Recorder as of October 1, 1973 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 become substandard; was created in compliance with official controls in effect at the time; Impervious Surface Lot coverage does not exceed 25 percent; and sewage treatment and Setback requirements of this ordinance are met.
- 6.1.2 Lots of record within the Snake River Shoreland District, which were pLotted or created between October 1, 1973 and January 1, 1993, may be allowed as building sites without a Variance provided (1) the Lot Width at the Ordinary High Water Level and at the Setback line is a minimum of one hundred (100) feet; (2) Structures must be Setback a minimum of seventy-five (75) feet from the Ordinary High Water Level; and (3) Sewage Treatment Systems shall be

Setback a minimum of one hundred (100) feet from the Ordinary High Water Level.

- 6.1.3 Lots of record within the General Development Shorelands of First Lake (58-99), Cross Lake (58-119), and Pokegama Lake (58-142), which were plotted or created between October 1, 1973 and January 1, 1993, may be allowed as building sites without a Variance provided (1) the Lot area is at least 20,000 square feet; (2) the Lot Width is at least one hundred (100) feet; and (3) Sewage Treatment Systems shall be Setback a minimum of one hundred (100) feet from the Ordinary High Water Level.
- 6.1.4 If a Variance from Setback requirements must be obtained before any use, Sewage Treatment Systems, or building permit is issued for a Lot, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the Lot and shall deny the Variance if adequate facilities cannot be provided.
- 6.1.5 If, in a group of two or more contiguous Lots under common ownership, any individual Lot does not meet the requirements 66% of the dimensional standard Lot Width and size described in 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 (1) or more contiguous Lots, so they equal one (1) or more parcels of land, each meeting the requirements of Section 5.1 of this ordinance as much as possible.
- 6.1.6 Notwithstanding paragraph Section 6.1.5, contiguous nonconforming Lots of record in Shoreland areas under a common ownership must be able to be sold or purchased individually if each Lot contained a habitable residential dwelling at the time the Lots came under common ownership and the Lots are suitable for, or served by, a Sewage Treatment System consistent with the requirements of section Minnesota Statute 115.5 and Minnesota Rules, chapter 7080, or connected to a public sewer.
- 6.1.7 A portion of a conforming Lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the Lot size and sewage system requirements of the zoning district for a new Lot and the newly created parcel is combined with an adjacent parcel.
- 6.1.8 In evaluating all Variances, zoning and building permit applications, or Conditional Use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing Impervious Surfaces, increasing Setback, restoration of Wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

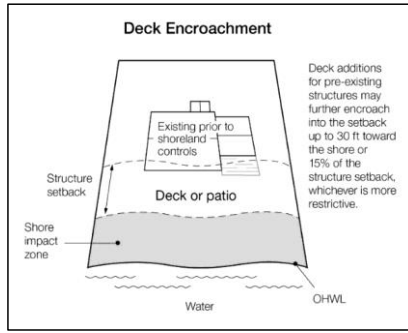
6.2 Repair, restoration, maintenance, or improvement to Certain Non-conforming Structures

6.2.1 For homestead, non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes except as otherwise provided by law, a Nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of this ordinance, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. If the Nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or Structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the County assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If such building permit is applied for, the board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming Structure in the Shoreland district with less than 50 percent of the required Setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the County assessor at the time of damage, the Structure Setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

6.2.2 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:

- A. The Structure existed on the date the Structure Setbacks were established.
- B. A department evaluation of the property and Structure reveals no alternative location for a Deck meeting or exceeding the existing Ordinary High Water Level Setback of the Structure.
- C. The Deck does not encroach into any shore impact or Bluff Impact Zones.
- D. The Deck is constructed primarily of wood and is not roofed or screened (see Figure 8).

Figure 8. Deck Encroachment



6.3 Non-conforming Sewage Treatment Systems

6.3.1 All non-conforming properties will be subject to the regulations described in the Pine County Subsurface Sewage Treatment Systems Ordinance as well as Minnesota Chapter 7080.

Section 7.0 Subdivision/Platting Provisions

7.1 Land Suitability.

Each Lot created through Subdivision, including Planned Unit Developments authorized under Section 8.0 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. The land suitability analysis 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. Additional information may be required by the County to complete the land suitability analysis in evaluating the impacts on 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.

7.2 Consistency With Other Controls.

Subdivisions must conform to all official controls of the County including the Pine County Subdivision Ordinance and any township ordinances, if applicable. 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 5.7 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 (2) standard soil treatment systems. Lots that would require use of holding tanks will not be approved.

7.3 Information Requirements.

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 ten (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 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey Quadrangle topographic maps or more accurate sources.
- C. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every Lot 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 run-off and erosion, both during and after construction activities.
- E. Location of the 100-year flood plain areas and floodway districts from existing adopted maps or data.
- 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.
- G. A road design plan as well as all other requirements of the Pine County Subdivision and Platting Ordinance.

7.4 Dedications.

When a land or easement dedication is a condition of Subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant Wetlands.

7.5 Platting.

All Subdivisions that create five (5) or more Lots or parcels that are 2 1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, 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 created in compliance with the Pine County Subdivision Ordinance.

7.6 Controlled Access or Recreational Lots.

Lots intended as controlled accesses to Public Waters or for recreational use areas for use by non-riparian Lots within a Subdivision must meet or exceed the sizing criteria in Section 5.14, D of this ordinance.

Section 8.0 Planned Unit Developments

8.1 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 Shoreland Zoning Map.

8.2 Processing of PUDs

Planned Unit Developments must be processed as a Conditional Use, except that an expansion to an existing commercial PUD involving six (6) or fewer 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 8.5. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

Commented [PD(78)]: This phrase is included in only one district, yet commercial PUDs are listed in most all district which refer to this section. Is it your intent to allow this exception in only that one district or to commercial PUDs in all. If so, you should remove this language here.

8.3 Application for a PUD

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

- 8.3.1 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 and topographic contours at two (2) foot intervals. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
- 8.3.2 A property owners association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of Section 8.6 of this ordinance.
- 8.3.3 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 8.6 of this ordinance.
- 8.3.4 When necessary, a master plan/drawing describing the project and the floor plan for all commercial Structures to be occupied.

8.3.5 Those additional documents as requested by the Pine County Board or Planning Commission that are necessary to explain how the PUD will be designed and will function.

8.4 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 8.5.

8.4.1 The project parcel must be divided into tiers by locating one (1) or more lines approximately parallel to a line that identifies the Ordinary High Water Level at the following intervals, proceeding landward:

Shoreland Tier Dimensions	Unsewered (feet)	Sewered (feet)
General development lakes - first tier	200	200
General development lakes - second & additional tiers	267	200
Recreational development lakes	267	267
Natural Environment lakes	400	320
All river classes	300	300

8.4.2 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 area 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.

8.5 Residential and Commercial PUD Density Evaluation

The procedures for determining the "base" density of a PUD and density increase multipliers are as follow. Allowable densities may be transferred from any tier to any other tier further from the waterbody but must not be transferred to any other tier closer.

8.5.1 Residential PUD "Base" Density Evaluation

A. 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. 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 8.5.

8.5.2 Commercial PUD "Base" Density Evaluation

A. Determine the average inside living area size of Dwelling Units or sites within each tier, including both existing and proposed 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:

Average Unit Floor Area (Sq. Ft.)	Commercial Planned Unit Development Floor Area Ratios* Public Waters Classes		
	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, natural environment-tributary streams and remote river
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.062	.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	.037

* 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 sq. ft.

Commented [PD(79)]: How do these limits work with those listed in the District?

- 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 the 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 analyses herein and the design criteria in Section 8.6.

8.5.3 Density increase Multipliers

- A. Increases to the Dwelling Unit or Dwelling Site base densities previously determined are allowable if the dimensional standards in Section 5.0 are met or exceeded and the design criteria in Section 8.6 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 fifty percent (50%) 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 County and the Setback is at least twenty-five percent (25%) 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	100
Third	200
Fourth	200
Fifth	200

8.6 Maintenance and Design Criteria

8.6.1 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 instrument must include all of the following protections:
 - 1) Commercial Uses prohibited (for residential PUDs);
 - 2) vegetation and topographic alterations other than routine maintenance prohibited;
 - 3) construction of additional buildings or storage of vehicles and other materials prohibited; and
 - 4) uncontrolled beaching of watercraft prohibited.
- C. Development Organization and Functioning. Unless an equally effective alternative community framework is established, when applicable, all Residential Planned Unit Developments must use an owner's association with the following features:
 - 1) Membership must be mandatory for each Dwelling Unit or site purchaser and any successive purchasers.
 - 2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
 - 3) Assessments must be adjustable to accommodate changing conditions.
 - 4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

8.6.2 Open Space Requirements. Planned Unit Developments must contain open space meeting of all of the following criteria:

- A. At least fifty percent (50%) 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 surfaces, parking areas or Structures, except water oriented Accessory Structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
- 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.
- H. The Shore Impact Zone, based on normal Structure Setbacks, must be included as open space. For residential PUDs, at least fifty percent (50%) of the Shore Impact Zone area of existing developments or at least seventy percent (70%) of the Shore Impact Zone area of new developments must be preserved in its natural or existing state. For commercial PUDs, at least fifty percent (50%) of the Shore Impact Zone must be preserved in its natural state.

8.6.3 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 impact on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

- B. be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater run-off. Impervious Surface coverage within any tier must not exceed twenty-five percent (25%) of the tier area, except that for commercial PUDs, thirty-five percent (35%) Impervious Surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 5.3

8.6.4 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 5.7 of this ordinance. On-site Sewage Treatment Systems must be located on the most suitable areas of the development and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
- 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 8.53 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 (1) for each allowable Dwelling Unit or site in the first tier (notwithstanding existing mooring sites in on 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, except water oriented Accessory Structures, must meet the required principal Structure Setback and must be 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.

8.7 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:

- 8.7.1 Proposed conversions must be initially evaluated using the same procedures for Residential Planned Unit Developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
- 8.7.2 Deficiencies involving water supply and sewage treatment, Structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the Conditional Use permit.
- 8.7.3 Shore and Bluff Impact Zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - A. removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or Bluff Impact Zones;
 - B. remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water,

C. and 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.

8.7.4 Existing Dwelling Unit or Dwelling Site densities that exceed standards in Section 8.5 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 9.0 Effective Date

Passed and approved this 1st day of February 2022, by the Pine County Board of Commissioners.

Stephen M. Hallan, Chair
Pine County Board of Commissioners

ATTEST:

David J. Minke
Pine County Administrator

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