

## **SECTION 12. SUBDIVISION/PLATTING PROVISIONS**

### **SUBDIVISION 1. PURPOSE**

Subdivision is the process of dividing land into separate parcels for uses including residential, industrial, and commercial sites in accordance with the standards that will protect the general health, safety and welfare of the public. The County is authorized by Minn. Stat. Chs. 394 and 505 to regulate the subdivision and platting of lands.

#### **A. LAND SUITABILITY**

1. Each lot created through subdivision, including planned unit developments (PUD's) authorized in this Ordinance, must be suitable in its natural state for the proposed use with minimal alteration.
2. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply, or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision of the community.
3. For areas within the Flood Plain Overlay District, the following Flood Plain management provisions shall be as follows:
  - a. All lots within the floodplain shall be able to contain a building site outside of the floodway district at or above the regulatory flood protection elevation;
  - b. All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the regulatory flood protection elevation;
  - c. For all subdivisions in the floodplain, the floodway and flood fringe district boundaries, the regulatory flood protection elevation, and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents; and
  - d. In the Floodplain Overlay District, applicants shall provide the information in Section 6.2, Subdivision 3.D of this Ordinance to determine the 100-year flood elevation, the floodway and flood fringe district boundaries, and the regulatory flood protection elevation for the site.

## B. CONSISTENCY WITH OTHER CONTROLS

1. Subdivisions must conform to all other official controls of the County.
2. 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.
3. 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 this Ordinance can be provided for every lot.
4. Each lot shall meet the minimum lot size and dimensional requirements of this Ordinance including buildable area
5. Lots that would require use of holding tanks shall not be approved.

## C. INFORMATION REQUIREMENTS

1. Sufficient information must be submitted by the applicant for the County Planning Commission to make a determination of land suitability. The information shall include at least the following:
  - a. Topographic contours at two (2) 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, Chapter 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 the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods.
  - d. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.
  - e. Location of 100-year floodplain 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.

## D. 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.

## E. PLATTING

All subdivisions that create two (2) or more lots or parcels that are less than five (5) acres 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 enactment of official shoreland controls unless the lot was created in compliance with official county subdivision controls.

## F. CONTROLLED ACCESS OR RECREATIONAL LOTS

Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in this Ordinance.

## **SUBDIVISION 2. PLANNED UNIT DEVELOPMENTS (PUD's)**

### A. TYPES OF PUD'S PERMISSIBLE

PUD's may be 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 this Ordinance and the official zoning map.

### B. PROCESSING OF A PUD

PUD's shall be processed as a conditional use.

### C. APPLICATION FOR A PUD

1. The applicant for a PUD must submit the following documents prior to final action being taken on the application request:
  - a. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten (10) foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

- b. A property owner's association agreement (for residential PUD's) with mandatory membership, and all in accordance with the requirements this Ordinance.
- c. Deed restrictions, covenants, permanent easements, or other instruments that:
  - 1. Properly address future vegetation and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in a residential PUD; and
  - 2. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in this Ordinance.
- d. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
- e. Those additional documents as requested by the Planning Commission that are necessary to explain how the PUD will be designed and will function.

#### D. SITE SUITABLE AREA EVALUATION

- 1. Proposed new or expansions to an existing PUD's must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in this Ordinance.
- 2. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the OHWL. Each tier shall be at least two hundred sixty seven (267) feet in depth.
- 3. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the OHWL of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial PUD density evaluation steps to arrive at an allowable number of dwelling units or sites.

#### E. RESIDENTIAL AND COMMERCIAL PUD DENSITY EVALUATION

- 1. The procedures for determining the "base" density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier further from the water body, but must not be transferred to any other tier closer.
- 2. **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, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier.

- b. Proposed locations and numbers of dwelling units or sites for the residential PUD are then compared with the tier, density, and suitability analysis herein and the design criteria in this Ordinance.

**3. 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.
- b. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
- c. Select the appropriate floor area ratio from the following table:

<b>Commercial Planned Unit Development</b>	
<b>Floor Area Ratios</b>	
<b>Public waters classes</b>	
<b>Average unit floor area (sq. ft.)</b>	<b>Recreational Development <u>Lakes</u></b>
200	.020
300	.024
400	.028
500	.032
600	.038
700	.042
800	.046
900	.050
1,000	.054
1,100	.058
1,200	.064
1,300	.068
1,400	.072
1,500	.075

- d. For average unit floor areas less than shown, use the floor area ratios listed for two hundred (200) square feet. For Areas greater than shown, use the ratios listed for fifteen hundred (1,500) square feet. For recreational camping areas, use the ratios listed at four hundred (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 one thousand (1,000) square feet.
- e. 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.

- f. Divide the total floor area by tier computed above by the average inside living area size determined above. This yields a base number of dwelling units and sites for each tier.
- g. Proposed locations and numbers of dwelling units or sites for the commercial PUD are then compared with the tier, density and suitability analyses herein and the design criteria in this Ordinance.

**4. Density Increases Multipliers**

- a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in this Ordinance are met or exceeded and the design criteria in this Ordinance are satisfied. The allowable density increases below will only be allowed if structure setbacks from the OHWL are increased to at least fifty (50) percent greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the set back is at least twenty five (25) percent greater than the minimum setback.
- b. Allowable Dwelling Unit or Dwelling Site Density Increases for a Residential or Commercial PUD:

<u>Density evaluation tiers</u>	<u>Maximum density increase within each tier (percent)</u>
First	50
Second	100
Third	200
Fourth	200
Fifth	200

**F. MAINTENANCE AND DESIGN CRITERIA**

**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 instruments must include all of the following protection:
  - 1. Commercial uses prohibited for a residential PUD.
  - 2. Vegetation and topographic alterations other than routine maintenance prohibited.

3. Construction of additional buildings or storage of vehicles and other materials prohibited.
  4. Uncontrolled beaching of watercraft prohibited.
- c. Development organization and functioning. Unless equally effective alternative community framework is established, when applicable, all residential PUD's must use an owners association with the following features:
1. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
  2. Each member must pay a pro rate 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; and
  4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

#### G. OPEN SPACE REQUIREMENTS

PUD's must contain open space meeting of all the following criteria:

1. At least fifty (50) percent of the total project area must be preserved as open space.
2. Dwelling units or sites, road right-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.
3. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
4. 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.
5. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
6. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities.

7. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by the use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
8. The shore impact zone, based on normal structure setbacks, must be included as open space.
  - a. For a residential PUD, at least fifty (50) percent of the shore impact zone area of existing developments or at least seventy (70) percent of the shore impact zone area of new developments must be preserved in its natural or existing state.
  - b. For a commercial PUD at least fifty (50) percent of the shore impact zone must be preserved in its natural state.

#### H. EROSION CONTROL AND STORMWATER MANAGEMENT

Erosion control and stormwater management plans must be developed and the PUD must:

1. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a SWCD may be required if project size and site physical characteristics warrant.
2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff.
3. Impervious surface coverage within any tier must not exceed twenty five (25) percent of the tier area, except that for commercial PUD's thirty five (35) percent impervious surface coverage may be allowed in the first tier of Recreational Development lakes with an approved stormwater management plan and consistency with this Ordinance.

#### I. CENTRALIZATION AND DESIGN OF FACILITIES

Centralization and design of facilities and structures must be done according to the following standards:

1. PUD's must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and subsurface soil treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and this Ordinance. Subsurface soil sewage treatment systems must be located on the most suitable areas of development, and sufficient lawn area free of limiting factors must be provided for a replacement subsurface soil treatment system for each sewage system.

2. Dwelling units or sites must be clustered into one (1) or more groups and located on suitable areas of development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the OHWL, elevation above the surface water features, and maximum height. Setbacks from the OHWL must be increased in accordance with this Ordinance for developments with density increases.
3. 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 of groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units of sites located in other tiers.
4. 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.
5. Accessory structures and facilities except water-oriented accessory structures, must meet the required principal structure setback and must be centralized.
6. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in this Ordinance and are centralized.

## J. CONVERSIONS

Local governments may allow existing resorts or other land uses and facilities to be converted to a residential PUD if all of the following standards are met:

1. Proposed conversions must be initially evaluated using the same procedures for a residential PUD involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

- a. Removal of extraneous building, 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 vegetation cover and screening of buildings and other facilities as viewed from the water.
  - c. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimensions or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback elevation requirements when they are rebuilt or replaced.
4. Existing dwelling unit or dwelling site densities that exceed standards in this Ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreational facilities, installing new sewage treatment systems, or other means.