

6.2 Additions/Expansions to Nonconforming Structures.

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

6.22 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 thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

C. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and

E. The deck is constructed primarily of wood, and is not roofed or screened.

6.23 Nonconforming uses on lots of record may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement, establishment or expansion is consistent with existing uses in the area.

6.3 Nonconforming Sewage Treatment Systems.

6.31 A sewage treatment system not meeting the requirements of Section 5.8 of this ordinance must be abandoned, and replaced by connection to the city sewer system, at any time a permit or variance of any type is required for any improvement on, or use of, the property. Reconstruction or replacement of an existing non-conforming sewage treatment system may be allowed only by conditional use permit. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

6.32 Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 105.485, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems

with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

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. 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, and any 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 community.

7.2 Consistency with Other Controls. Subdivisions must conform to all official controls of this community. 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 public sewer and water are made available and installed to the lot line, or adequate private sewer and water services are available or can be provided for every lot consistent with Sections 5.2 and 5.8. Use of the city sewer system shall be required, unless a conditional use permit and/or variance is granted for on-site private sewage treatment systems. Each lot shall meet the minimum lot size and dimensional requirements of Section 5.1, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks shall not be approved.

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

7.31 Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;

7.32 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;

7.33 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;

7.34 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;

7.35 Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

7.36 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 river.

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 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 conformity with the provisions of this Section 7.0.

7.6 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 Section 5.14 of this ordinance.

SECTION 8.0 **PLANNED UNIT DEVELOPMENTS (PUD'S)**

8.1 Types of PUD'S Permissible. Planned unit developments (PUD'S) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 4.2 of this ordinance and the official zoning map.

8.2 Processing of PUD'S. Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 8.5, below. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

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:

8.31 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-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.

8.32 A property owners association agreement (for residential PUD's) with mandatory membership and all in accordance with the requirements of Section 8.6 of this ordinance.

8.33 Deed, 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 PUD's; and 2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified Section 8.6 of this ordinance.

8.34 When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

8.35 Those additional documents as requested by the Zoning Administrator or City Council 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.

8.41 The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions

	Unsewered (feet)	Sewered (feet)
General development lakes first tier	267	200
General development lakes second and additional tiers	267	200
Recreational development lakes	267	267

8.42 The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

8.5 Residential and Commercial PUD Density Evaluation: The procedures for determining the "base" density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.