

Chisago County

Shoreland
Management
Ordinance

ADOPTED AND EFFECTIVE

OCTOBER 5, 1992

CHISAGO COUNTY, MINNESOTA

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NOTE:/DISCLAIMER:

The ordinance following is the restated version of the original ordinance. The ordinance may incorporate several amendments and/or changes to the original document into one restated document. Ordinances that have been repealed or that expired are not listed here. If the ordinance you want is not listed, please contact the Chisago County Department of Environmental Services & Zoning at 651/213-0447.

We do our utmost to make certain that the ordinances listed here are accurate and up to date; however, we do not guarantee the accuracy of the ordinance as restated in published form or listed on the web site. If you wish to view the official version of the ordinance, you may do so at the Chisago County Department of Environmental Services & Zoning. (Please view the disclaimer statement).

Every attempt has been made to ensure that the information contained in this document and on the web site is valid at the time of publication. Chisago County reserves the right to make additions, changes, or corrections at any time and without notice. Additionally, Chisago County disclaims any and all liability for damages incurred directly or indirectly as a result of errors, omissions, or discrepancies.

CHISAGO COUNTY SHORELAND MANAGEMENT ORDINANCE

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 103, Minnesota Regulations, Parts 6120.2500 – 6120.3900, and the planning and zoning enabling legislation in Minnesota Statute, Chapter 394.

1.2 Policy

The uncontrolled use of shorelands of Chisago County, Minnesota affects the public health, safety and general welfare by contributing to pollution of public waters and by impairing the local tax base. It is, therefore, in the best interests of the public health, safety and welfare to provide for the wise development of 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 utilization of waters and related land resources. The Legislature of Minnesota has delegated this responsibility to local governments. The responsibility is hereby recognized by Chisago County.

2.0 GENERAL PROVISIONS AND DEFINITIONS

2.1 Jurisdiction

The provisions of this ordinance shall apply to the shorelands of the public waters identified and classified in Section 4.0 of this ordinance.

2.2 Compliance

Requirements of this ordinance are in addition to those of other County ordinances. 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 sewage 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. Where the conditions imposed by this ordinance are either more or less restrictive than comparable conditions of other County ordinances, the more restrictive standard, condition, or requirement shall prevail.

2.3 Enforcement

The 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 3.1 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 be liberally construed in favor of the governing body 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 existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

2.7 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted with the same meaning they have in common usage. 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.

2.711 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.

2.712 Bluff means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance of 50 feet or more, measured on the ground, shall not be considered part of the bluff):

- A. Part or all of the feature is located in a shoreland area;
 - B. The slope rises at least 10 feet above the ordinary high water level of a river or stream; or at least 25 feet above the ordinary high water level of a lake;
 - C. The grade of the slope from the toe of the bluff to a point 10 feet or more above the ordinary high water level averages 30 percent or greater; and
 - D. The slope drains toward the waterbody.
- 2.713 Bluff impact zone means a bluff and land located within 20 feet from the top of a bluff.
- 2.714 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 extend.
- 2.715 Building height means a distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the declivity of a mansard roof, to the uppermost point on other roof types.
- 2.716 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, camping parks, and other primarily service-oriented activities are commercial planned unit developments.
- 2.717 Commercial use means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- 2.718 Commissioner means the commissioner of the Department of Natural Resources.
- 2.719 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.
- 2.720 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.
- 2.721 Duplex means a dwelling structure on a single lot, having two units attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

- 2.722 Dwelling unit means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
- 2.723 Extractive use means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.
- 2.724 Forest land conversion means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
- 2.725 Hardship means the same as that term is defined in Minnesota Statute, Chapter 394.
- 2.726 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.
- 2.727 Intensive vegetation clearing means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- 2.728 Lot means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
- 2.729 Lot width means the shortest distance between lot lines measured at the midpoint of the building line.
- 2.730 Nonconformity means any legal use, structure or parcel of land already in existence, recorded, or authorized 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.
- 2.731 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 bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
- 2.732 Planned unit development means a type of development characterized by a unified site design 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 areas 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 condominiums, cooperatives, full fee ownership, commercial 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.
- 2.733 Public waters means any waters as defined in Minnesota Statutes, Section 103G.005, Subdivision 15.
- 2.734 Residential planned unit development means a use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least 5 dwelling units or sites.
- 2.735 Semipublic use means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- 2.736 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.
- 2.737 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.
- 2.738 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 6.0 of this ordinance.
- 2.739 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.
- 2.740 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 50 percent of the structure setback.

- 2.741 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. 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.
- 2.742 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 an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- 2.743 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 farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes exceeding 12 percent over distances of 50 feet or more, measured on the ground, that are not bluffs.
- 2.744 Structure means any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
- 2.745 Subdivision means land that is divided for the purpose of sale, rent, or lease, including planned unit developments.
- 2.746 Surface water-oriented commercial use means the use of land for commercial purposes, where access to and use of a 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.
- 2.747 Toe of the bluff means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

- 2.748 Top of the bluff means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.
- 2.749 Variance means the same as that term is defined or described in Minnesota Statutes, Chapter 394.
- 2.750 Wetland means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

3.0 ADMINISTRATION

3.1 Permits Required

- 3.11 A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 5.3 of this ordinance. Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.
- 3.12 A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 5.91, shall be reconstructed or replaced in accordance with the provisions of this ordinance.

3.2 Compliance Approval

The Zoning Administrator shall issue an approval for each activity requiring a permit as specified in Section 3.1. This approval 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.

3.3 Notifications to the Department of Natural Resources

- 3.31 Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under County shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

3.32 A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under County shoreland management controls must be sent to the commissioner or the commissioner’s designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification must also include the Board of Adjustment’s record of the hearing and the findings and conclusions which supported approval of the variance.

4.0 SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS

4.1 Shoreland Classification System

The public waters of Chisago County have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Chisago County, Minnesota.

4.11 The shoreland area for the waterbodies listed in Sections 4.12 and 4.13 shall be as defined in Section 2.744 and as shown on the Official Zoning Map.

4.12 Lakes Protected Waters Inventory I.D. #

A. Natural Environment

Blooms	13-1
Coleen	13-2
Trulson	13-4
Duck	13-5
Colby	13-7
---	13-8
---	13-9
Ogrens	13-11
Linn	13-14
---	13-15
Swamp	13-16
Lundquist	13-17
Pine	13-18
Fourth	13-22
Moody	13-23
Third	13-24
Second	13-25
First	13-26
Vibo	13-30
Sunrise Lake	13-31
---	13-37
Birch	13-42

Mattson	13-43
School	13-44
Sam	13-45
---	13-49
---	13-50
---	13-52
School	13-57
Swamp	13-58
Sunrise Pools	13-59
Peterson Slough	13-60
Mud	13-67
Neander	13-72
Jonason	13-76
Asp	13-78
Pine	13-85
Leech	13-86
Stauffer	13-88
---	13-89
---	13-90
---	13-91
Higgins	2-2
Tamarack	30-1
Long	30-2
Little Pine Lake	30-19
Krans	30-20
---	30-21
Lindstrom	30-23

B. Recreational Development

Kroon	13-13
Spider	13-19
Little	13-33
White Stone	13-48
Heims	13-56
Little Horseshoe	13-80
Skogman	30-22

C. General Development

Chisago Lake	13-12
South Center	13-27
South Lindstrom	13-28
Wallmark	13-29
North Center	13-32

Pioneer	13-34
North Lindstrom	13-35
Green	13-42
Comfort	13-53
Little Comfort	13-54
---	13-61
Mud	13-66
Fish	13-68
Rush	13-69
Horseshoe	13-73
Mandall	13-74
Rabour	13-79
Goose	13-83

4.13 Rivers and Streams

River	Legal Description	
	From	To

A. Forested Rivers

St. Croix	Border of Chisago & Pine Counties	S. Section line, Sec. 8, T37N, R20W
St. Croix	N. Section line, Sec. 7, T36N, R20W	E. Section line, Sec. 36, T36N, R20W
St. Croix	N. Section line, Sec. 21, T35N, R19W	E. Section line, Sec. 34, T35N, R19W

B. Transition Rivers

St. Croix	N. Section line, Sec. 17, T37N, R20W	S. Section line, Sec. 6, T36N, R20W
St. Croix	W. Section line, Sec. 31, T36N, R19W	S. Section line, Sec. 16, T35N, R19W
St. Croix	W. Section line, Sec. 35, T35N, R19W	Dam at Taylors Falls
N. Branch of Sunrise	Border of Isanti & Chisago Counties	E. Section line, Sec. 17, T35N, R21W
Sunrise	Outlet of Comfort Lake in Sec. 22, T33N, R21W	Inlet of Sunrise Pool (59P) in Sec. 16, T33N, R21W
Sunrise	NE1/4, Sec. 7, T34N, R20W	Confluence with St. Croix R. in Sec. 32, T36N, R20W

C. Agricultural Rivers

N. Branch of Sunrise	W. Section line, Sec. 16, T35N, R21W	Confluence with Sunrise R. in Sec. 17, T35N, R20W
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D. Tributary Streams

All protected watercourses in Chisago County shown on the Protected Waters Inventory Map for Chisago County, a copy of which is hereby adopted by reference, not given a classification in Items A-C above shall be considered “Tributary.”

4.2 Land Use Districts

4.21 Criteria for Designation. The land use districts in Section 4.22, and their delineation on the Official Zoning Map are consistent with the goals, policies, and objectives of the comprehensive land use plan and the following criteria, considerations, and objectives:

A. General Considerations and Criteria for All Land Uses:

- (1) preservation of natural areas;
- (2) present ownership and development of shoreland areas;
- (3) shoreland soil types and their engineering capabilities;
- (4) topographic characteristics;
- (5) vegetative cover;
- (6) in-water physical characteristics, values, and constraints;
- (7) recreational use of the surface water;
- (8) road and service center accessibility;
- (9) socioeconomic development needs and plans as they involve water and related land resources;
- (10) the land requirements of industry which, by its nature, requires location in shoreland areas; and
- (11) the necessity to preserve and restore certain areas having significant historical or ecological value.

B. Factors and Criteria for Planned Unit Developments:

- (1) existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
- (2) physical and aesthetic impacts of increased density;
- (3) suitability of lands for the planned unit development approach;
- (4) level of current development in the area; and
- (5) amounts and types of ownership of undeveloped lands.

4.22 Land Use Districts.

A. The land use districts of the Chisago County Zoning Ordinance, the provisions listed below under B. and C., and the delineation of all districts on the official Zoning Map are substantially compatible with the requirements of Minnesota Regulations, Parts 6120.3100 and 6120.3200.

B. Water Oriented Commercial District Uses*

	Lakes	Rivers & Streams			
		Forested	Transition	Agriculture	Tributary
Surface water oriented commercial	C	C	C	C	C
Commercial planned unit development	C	C	C	C	C
Public, semipublic	C	C	C	P	P
Parks & historic sites	C	C	C	C	C
Forest mgmt.	P	P	P	P	P

* C: Conditional Use; P: Permitted Use

C. Within the shorelands of Natural Environment lakes, the following use provisions apply:

- (1) Golf courses are prohibited.
- (2) Approved aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas lines which cannot be reasonably located outside the shoreland area may be allowed as a conditional use.

5.0 ZONING PROVISIONS

5.1 Lot Area and Width Standards

The lot area (in square feet) and lot width (in feet) standards for single & duplex riparian residential lots created after the date of enactment of this ordinance for the lake and river/stream classifications follow. Standards for nonriparian lots are those specified for the underlying zoning district if they are more restrictive. If not, these standards shall be used.

5.11 Unsewered Lakes

A. Natural Environment:

	Area	Width
Single	80,000	200
Duplex	120,000	300

B. Recreational Development:

	Area	Width
Single	40,000	150
Duplex	80,000	225

C. General Development:

	Area	Width
Single	30,000	125
Duplex	60,000	180

5.12 Sewered Lakes

A. Natural Environment:

	Area	Width
Single	40,000	150
Duplex	80,000	225

B. Recreational Development:

	Area	Width
Single	20,000	100
Duplex	40,000	150

C. General Development:

	Area	Width
Single	15,000	100
Duplex	30,000	150

5.13 River/Stream Lot Width Standards. Lot area requirements for rivers and streams are the area standards of the underlying zoning districts. The lot width standards for single & duplex residential developments for the six river/stream classifications are:

				Tributary	
	Forested	Transition	Agriculture	No Sewer	Sewer
Single	200	250	150	125	100
Duplex	300	375	225	180	150

5.14 Additional Special Provisions.

A. Residential subdivisions with dwelling unit densities exceeding those in the tables in Subsections 5.11, 5.12, and 5.13 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 5.12 can only be used if publicly owned sewer system service is available to the property.

B. Subdivisions of duplexes on Natural Environment Lakes must also meet the following standards:

- (1) each building must be set back at least 200 feet from the ordinary high water level;
- (2) each building must have common sewage treatment and water systems serving both dwelling units in the building;
- (3) watercraft docking facilities for each lot must be centralized in one location and serve both dwelling units in the building; and
- (4) no more than 25 percent of a lake's shoreline can be in duplex developments.

C. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following:

- (1) they must meet the width and size requirements for residential lots, and be suitable for their intended uses.
- (2) if docking, mooring, or over-water storage of more than 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 6, 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 must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
- (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 nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

5.2 Placement, Design, and Height of Structures.

- 5.21 Placement of Structures and Sewage Treatment Systems on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.

A. Structure and Sewage Treatment System Setbacks
(in feet from ordinary high water level)

Classes of Public Waters	Setbacks		
	Structures		Sewage Treatment System
	Unsewered	Sewered	
Lakes			
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	50	50
Rivers			
Forested & Transition	150	150	100
Agriculture & Tributary	100	50	75

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

Setback From:	Setback (in feet)
Top Of Bluff	30
Unplatted Cemetery	50
Right-Of-Way Line of Federal, State, or County Highway	85
Center Line Of Town Road	73
Right-Of-Way Line of Public Street in Platted Subdivision	40

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.

5.22 Design Criteria for Structures.

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

- (1) for lakes, by placing the lowest floor at a level at least 3 feet above the highest known water level, or 3 feet above the ordinary high water level, whichever is higher;

- (2) for rivers and streams, by placing the lowest floor at least 3 feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least 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 approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

B. 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 standards:

- (1) stairways and lifts must not exceed 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 32 square feet in area. Landings larger than 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, whenever practical, in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
- (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 subitems (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

C. 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.

D. 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.

5.23 Building Height. All buildings, except churches and nonresidential agricultural buildings, must not exceed 35 feet in height.

5.3 Shoreland Alterations

5.31 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 Subsections 5.62 and 5.63, 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 Chisago Soil and Water Conservation District.
- (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 rivers, 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.

C. Use of fertilizers and pesticides in all districts must minimize runoff into shore impact zones and public waters by use of earth, vegetation, or both.

5.32 Topographic Alterations/Grading and Filling

A. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

B. Public roads 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:

- (1) the movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and
- (2) the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

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 or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland: *
 - (a) sediment and pollutant trapping and retention;
 - (b) storage of surface runoff 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.

* This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.

- (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) altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Chisago Soil and Water Conservation District and the United States Soil Conservation Service;
- (6) fill or excavated material must not be placed in a manner that creates an 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 30 percent or greater;
- (8) fill or excavated material must not be placed in bluff impact zones;
- (9) any alterations below 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; and
- (11) placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed 3 feet horizontal to one foot vertical, the landward

extent of the riprap is within 10 feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed 3 feet.

- E. Permits for excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, may be issued only after the commissioner has approved the proposed connection to public waters.

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

- 5.41 Public and private 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 guide of the Chisago Soil and Water Conservation District, or other applicable technical materials.
- 5.42 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.
- 5.43 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 Subsection 5.32 of this ordinance must be met.

5.5 Stormwater Management – General and Specific Standards

- 5.51 General Standards:
 - A. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 - B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 - C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as

diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

5.52 Specific Standards:

- A. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
- B. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the Chisago Soil and Water Conservation District.
- 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 Other Provisions for Various Uses.

5.61 Standards for Commercial, Industrial, Public, and Semipublic Uses

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:

- A. 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;
- B. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
- C. 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:
 - (1) no advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs covering 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;

- (2) signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than 10 feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
- (3) 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.

5.62 Agricultural Use Standards

- A. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the Chisago Soil and Water Conservation District or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone boundary for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
- B. Animal feedlots must meet the following standards:
 - (1) new feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and
 - (2) modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or bluff impact zone.

5.63 Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management “Best Management Practices in Minnesota.”

5.64 Extractive Use Standards

- A. **Site Development and Restoration Plan.** An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
- B. **Setbacks for Processing Machinery.** Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

5.65 **Mining of Metallic Minerals and Peat.** Mining of metallic minerals and peat must meet the provisions of Minnesota Statutes, Sections 93.44 to 93.51.

5.7 Conditional Uses

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established County-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

- 5.71 **Evaluation Criteria.** A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:
 - A. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - B. The visibility of structures and other facilities as viewed from public waters is limited;
 - C. The site is adequate for water supply and on-site sewage treatment; and
 - D. The types, and 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.
- 5.72 **Conditions Attached to Conditional Use Permits.** The County Board, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach conditions to the issuance of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Conditions may include, but are not limited to, the following:

- A. Increased setbacks from the ordinary high water level;
- B. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
- C. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

5.8 Variances

- 5.81 Variances may only be granted in accordance with Minnesota Statutes, Chapter 394. A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- 5.82 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.

5.9 Nonconformities

All legally established nonconformities as of the date of this ordinance may continue, but they must be managed according to applicable state statutes and other regulations of this community 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:

- 5.91 Construction on Nonconforming Lots of Record
- A. Lots of record in the office of the County Recorder on the date of enactment of shoreland controls that do not meet the requirements of Section 5.1 of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.

- B. A variance from setback requirements, if necessary, must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- C. If, in any group of 2 or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 5.1 of this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 5.1 of this ordinance as much as possible.

5.92 Deck Additions to Nonconforming Structures

- A. A deck addition not meeting the required setback from the ordinary high water level may be allowed on a structure which does meet the setback, without a variance, if all of the following criteria and standards are met:
 - (1) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the ordinary high water level setback requirement;
 - (2) 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
 - (3) The deck is constructed primarily of wood, and is not roofed or screened.
- B. All other decks not meeting the ordinary high water level setback requirement may only be allowed through the variance procedure.

5.93 Nonconforming Sewage Treatment Systems

- A. A sewage treatment system not meeting the requirements of Section 6.0 of this ordinance must be upgraded, when a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is its improper setback from the ordinary high water level.
- B. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 103F.201, 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 insufficient separation from groundwater shall be considered nonconforming.

6.0 WATER SUPPLY AND SEWAGE TREATMENT

6.1 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.

6.2 Sewage Treatment.

Any premises used for human occupancy must be provided with an adequate method of sewage treatment, 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 Systems Standards, Chapter 7080," which have been incorporated into and adopted as the "The Individual Sewage Treatment System Ordinance" of Chisago County.

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 shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

7.2 Consistency with Other Controls.

Subdivisions must conform to all official controls of the County. A subdivision will not be approved where later variances from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic

water supply is available and a sewage treatment system consistent with Sections 5.2 and 6.0 can be provided for every lot. Each lot shall meet the minimum lot size 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 must not be approved.

7.3 Information Requirements.

Sufficient information must be submitted by the applicant to make a determination of land suitability. The information, in addition to that required in the Subdivision Ordinance, shall include at least the following:

- 7.31 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;
- 7.32 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;

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.

8.2 Processing of PUD'S

PUD'S in Shoreland must meet the following requirements in addition to those in Section 15 of the Zoning Ordinance. PUD's must be processed as conditional uses, 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. 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 A site plan 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 ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan 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 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 PUD's; 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.
- 8.34 When necessary, a master plan/drawing describing the project and the floor plan for all structures.

8.4 Site “Suitable Area” Evaluation

Proposed new or expansions to 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 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	200	200
General Development Lakes – All Other Tiers	267	200
Recreational Development Lakes – All Tiers	267	267
Natural Environment Lakes – All Tiers	400	320
All River Classes – All Tiers	300	300

- 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 high water level 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.

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.

8.51 Residential PUD “Base” Density Evaluation:

The suitable area within each tier is divided by the single residential lot size standard to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential PUD are then compared with the tier, density, and suitability analyses of Sections 8.4 and 8.5 and the design criteria in Section 8.6.

8.52 Commercial PUD “Base” Density Evaluation:

A. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

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

Commercial PUD Floor Area Ratios*			
Public Waters Classes			
Average unit floor area (sq. ft.)	Sewered general development lakes; first tier on unsewered general development lakes; agricultural, tributary river segments	Second and additional tiers on unsewered general development lakes; recreational development lakes; transition and forested river segments	Natural environmental lakes
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

- * For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.
- C. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- D. Divide the total floor area by tier computed in Item C above by the average inside living area size determined in Item A above. This yields a base number of dwelling units and sites for each tier.
- E. Proposed locations and numbers of dwelling units or sites for commercial PUD's are then compared with the tier, density and suitability analyses of Sections 8.4 and 8.5 and the design criteria in Section 8.6.

8.53 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 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means and the setback is at least 25 percent greater than the minimum setback.
- B. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial PUD's:

Maximum Density Increase by Tier (percent)	
First	50
Second	100
Third	200
Fourth	200
Fifth	200

8.6 Maintenance and Design Criteria

8.61 Maintenance and Administration Requirements

Before final approval of a PUD, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

A. Open Space Criteria

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

- (1) at least 50 percent of the total project area must be preserved as open space;
- (2) 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;
- (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 in commercial PUD's, and by the general public;
- (5) open space may include sewage treatment systems if the use of the space is restricted to avoid adverse impacts of the systems;
- (6) open space may contain water-oriented accessory structures or facilities if they meet or exceed design standards of Section 5.2 and are centralized;
- (7) the shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.

B. Open Space Preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

- (1) commercial uses prohibited (for residential PUD's);
- (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, 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 at pro-rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
- (3) assessments must be adjustable for changing conditions; and
- (4) the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

8.62 Erosion Control and Stormwater Management Plans.

- A. Plans must 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 the Chisago Soil and Water Conservation District may be required if project size and site physical characteristics warrant;
- B. PUD's must be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 5.3.

8.63 Centralization and Design of Facilities. Centralization and design of facilities and structures must meet the following:

- A. PUD's must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Sections 5.2 and 6.0 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 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 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, 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 must meet the required principal structure setback and must be centralized.

8.7 Conversions

Existing resorts or other land uses and facilities may be converted to residential PUD's if all of the following standards are met:

- 8.71 Proposed conversions must be initially evaluated using the same procedures for residential PUD's involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
- 8.72 Deficiencies involving water supply and sewage treatment, structure visibility, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
- 8.73 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; and
 - 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 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.
- 8.74 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.

9.0 DATE OF EFFECT

Subd. 1. Date of Effect

This ordinance shall be in full force and effect October 5, 1992 and after its passage and approval as provided by law.

Passed and approved this 5th day of October, 1992, by the Chisago County Board of Commissioners.

Robert R. Anderson, Chair
Chisago County Board

ATTEST: Dennis J. Freed
Chisago County Auditor

Pursuant to Minnesota Statute 358.15