



- 2) The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, and land below the ordinary high water level of public waters. This suitable area and the proposed development 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 within each tier.

**Section 90-030 Residential and Commercial PUD density evaluation**

The procedures for determining the allowable density of residential and commercial planned unit development are as follows. Allowable densities may be transferred from a tier to any other tier farther from the public water, but shall not be transferred to any tier closer to the public water.

- 1) To determine the allowable density for Residential Planned Unit Developments:
- a. For lakes, the suitable area within each tier is divided by the single residential lot size standard for the applicable management district;
  - b. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the maintenance and design criteria prescribed in Section 90-040.
- 2) To determine the allowable density for Commercial Planned Unit Developments:
- a. The average inside living area size of dwelling units or sites is computed for each tier. Computation of inside living area need not include decks, patios, stoops, steps, garages, porches or basements unless such areas are habitable space;
  - b. The appropriate floor area ratio is then selected from the following table based upon the average unit floor area for the appropriate public water classification, as noted below:

Commercial Planned Unit Development\*

Average Unit Floor Area (sq.ft.)	Non-Shoreland Areas	Recreational Development lakes
200 or less	.040	.020
300	.048	.024
400	.056	.028
500	.065	.032
600	.072	.038
700	.082	.042
800	.091	.046
900	.099	.050
1,000	.108	.054
1,100	.116	.058
1,200	.125	.064
1,300	.133	.068
1,400	.142	.072
1,500 or more	.150	.075

\*For recreational camping areas, use the ratios listed for the average floor area of 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, shall use the ratio listed for the average floor area of 1,000 square feet.

- c. The suitable area within each tier is multiplied by the floor area ratio to yield the total floor area in each tier allowed to be used for dwelling units or sites;
- d. The total floor area for each tier is divided by the average living area size to yield the number of dwelling units or sites allowed for each tier;

- e. Proposed locations and numbers of dwelling units or sites for the commercial planned unit developments are then compared with the tier, density and suitability analyses herein and the maintenance and design criteria prescribed in Section 90-040.

#### **Section 90-040 PUD Maintenance and Design Criteria**

- 1) Before final approval of a planned unit development may be granted, adequate provisions must be developed for the preservation and maintenance of open spaces in perpetuity, and for the continued existence and functioning of the development.
- 2) Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
  - a. Commercial uses shall be prohibited in residential planned unit developments;
  - b. Vegetative and topographic alterations, except for routine maintenance, shall be prohibited;
  - c. Construction of additional buildings or the storage of vehicles and/or other materials is prohibited;
  - d. Uncontrolled beaching of watercraft shall be prohibited.
- 3) All residential planned unit development must have a property owners' association with the following features:
  - a. Membership shall be mandatory for each dwelling unit or site owner;
  - b. Each member must pay a pro-rata share of the expenses of the association; and unpaid assessments may become liens on units or sites;
  - c. Assessments must be adjustable to accommodate changing conditions, and
  - d. The association shall be responsible for insurance, taxes and maintenance of all commonly owned property and facilities.
- 4) All planned unit developments must contain open space meeting all of the following criteria:
  - a. At least 50 percent of the total project area must be preserved as open space;
  - b. Dwelling units or sites, road rights-of-way, land covered by road surfaces, parking areas and structures are developed areas and shall not be included in the computation of open space;
  - c. Open space must include those areas with physical characteristics unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries;
  - d. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
  - e. Open space may include subsurface sewage treatment systems provided the use of the space is restricted to avoid adverse impacts on such systems;
  - f. Open space must not include commercial facilities or uses;
  - g. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
  - h. The shore impact zone, based upon normal structure setbacks, must be included as open space. For residential planned unit developments, at least 50 percent of the shore impact zone of existing developments and at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial planned unit developments, at least 50 percent of the shore impact zone must be preserved in its natural state.
- 5) Erosion control and storm water management plans must be developed and the PUD must:
  - a. Be designed, and the construction managed to minimize the likelihood of serious erosion occurring

either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetative buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by the Hubbard Soil and Water Conservation District may be required if warranted by project size and/or the physical characteristics of the site;

- b. Be designed and constructed to effectively manage reasonably expected quantities of storm water runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area.

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

- a. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Section 60-090 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 applicable shoreland classification: setback from the ordinary high water level; elevations above the surface water features; and maximum height;
- 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 suitable areas. 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 (not withstanding 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, with the exception of one water-oriented accessory structure, must meet the required principal structure setback, and must be centralized.

**Section 90-050 Conversion to PUDs.**

Resorts or other land uses and/or facilities may be converted to residential planned unit developments provided all of the following standards are met.

- 1) Proposed conversions must be initially evaluated using the same procedures as for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and the PUD standards shall be identified.
- 2) Deficiencies involving water supply and sewage treatment, structure color, impervious surface 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 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 the 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 that preclude exterior expansions in any dimension or substantial alteration are attached to approvals of all conversions. 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.
- 4) Existing dwelling unit or dwelling site densities that exceed standards prescribed in Section 90-030 of this Ordinance may be allowed to continue but shall not be increased, either at the time of conversion or in the future. Efforts must be made during any such 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.