

Chapter 517 Shoreland Planned Unit Developments

517.01 Purpose

The purpose of allowing planned unit developments as an alternative development process in selected shoreland districts is to implement the following goals from the Rice County Comprehensive Land Use Plan and the Rice County Water Resources Management Plan:

A. Goals from the Rice County Comprehensive Land Use Plan

1. **Goal 20.** Preserve, protect and improve the surface and underground waters including, but not limited to, rivers, streams, lakes, groundwater and aquifer recharge areas
2. **Goal 23.** Encourage the protection and orderly development of Rice County shoreland areas
3. **Goal 48.** Minimize the potential for air, water, and land contamination and pollution that could result from the development process
4. **Goal 18.** Promote environmentally sensitive erosion control practices
5. **Goal 25.** Encourage cooperative utility systems, including water and sewer districts, in shoreland areas

B. Overall Water Resource Management Goals from the Rice County Water Resources Management Plan

1. Protect, preserve and manage natural surface and groundwater storage systems
2. Effectively and efficiently manage public capital expenditures needed to correct flooding and water quality problems
3. Identify and plan for means to effectively protect and improve surface and groundwater quality
4. Establish more uniform local policies and official controls for surface and groundwater management
5. Prevent erosion of soil into surface water systems
6. Promote groundwater recharge
7. Protect and enhance fish and wildlife habitat and water recreational facilities
8. Secure other benefits associated with the proper management of surface and groundwater

517.02 Geographic Scope

The shoreland planned unit development alternative is allowed only in Shoreland Districts for lakes classified as GDS and RDS and NES

517.03 Types of Planned Unit Developments Allowed - Residential or Resort Commercial

This Chapter provides for planned unit developments that are exclusively owner-occupied residential or exclusively rental resort commercial uses. Density calculations for planned unit developments are set forth in Chapter 517.07.

517.04 Permitted Uses

Uses permitted in residential and resort commercial planned unit developments are listed below. All uses not listed are prohibited.

A. Residential planned unit development permitted uses

1. Single-family detached and attached dwellings
2. Accessory uses
3. Home occupations
4. Essential service structures, excluding communications towers

- B. Resort commercial planned unit development permitted uses
1. Multi-unit dwellings of up to eight units in a single structure for rental use or vacation ownership such as time-share
 2. Motel or hotel
 3. Campgrounds, including recreational vehicle parks
 4. Resort recreation buildings serving the planned unit development
 5. The following uses are permitted if they are accessory to the principal uses listed in B. 1-4. above:
 - a. Restaurant
 - b. Bait shop
 - c. Convenience goods store
 - d. Marinas
 - e. Laundromat
 - f. Essential service structures, excluding communications towers

517.05 Planned Unit Development Required

All land divisions within a shoreland zoning district that create four (4) or more lots shall meet the requirements of planned unit developments as described in this Chapter.

517.06 Planned Unit Development Standards

A shoreland planned unit development shall meet the development review standards for planned unit developments in Chapter 522 and be processed as described in Chapter 522 of this Ordinance.

Planned unit developments within a shoreland zoning district shall meet the Environmental Performance Standards as described in Chapter 506 of this Ordinance.

517.07 Development Density

The following rules shall be followed in calculating allowed gross density for planned unit developments:

- A. **Base density - Residential planned unit development.** A base density shall be calculated for each planned unit development. Proposed new or expansions to existing developments must be evaluated using the following procedures and standards:

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

<u>Shoreland Tier</u>	<u>Dimensions (feet)</u>
General development lakes - first tier	200
General development lakes - second tier	267
Recreational development lakes - first tier	267
Recreational development lakes - second tier	267
Natural environment lakes - first tier	400
Natural environment lakes – second tier	400
GD, RD, and NE lakes - third tier	all remaining lot area

2. The suitable area* within each tier is calculated. This area is then subjected to the development density evaluation steps to arrive at an allowable number of dwelling units/sites. In areas with overlapping tiers due to close proximity of public waters to each other, topographic divides shall be used to determine which shoreland standard would apply, and in those areas where the topographic divide can not be determined, the more restrictive rules for the area shall be used.

3. The development density within the first and second tiers shall be calculated using one of the following methods:

- 1) The total tier area divided by the single residential lot minimum area standard for the applicable shoreland zoning district as described in Table 516-1 of this Ordinance.
- 2) The total tier suitable area divided by single residential lot minimum suitable area as described in Table 516-1 of the this Ordinance.

The method that produces the lowest density shall be the density for the planned unit development

4. Third tier density shall be calculated as one dwelling unit/site per twenty (20) acres provided that at least 10% of the third tier consists of suitable area This is then added to the base density calculated in 3 above.

5. Allowable densities may be transferred from any tier to any other tier further from the shoreland water body or watercourse, but may not be transferred to any other tier closer. Structures that straddle tiers shall be treated as part of the tier closer to the ordinary high water level.

* "Suitable area" is the area remaining on a lot or parcel of land after bluffs, areas with slopes greater than 25 percent, all easement and rights-of-way, wetlands, land below ordinary high water level, and structure setbacks from OHWL and roads are subtracted.

B. Base density - Resort Commercial planned unit development. Resort commercial base density shall be determined by using the base residential density calculated under §517.07 A. above. For each allowed residential structure in the base residential density a resort commercial planned unit development may substitute the following:

1. Each allowed residential structure equals 2,000 square feet of commercial floor area, or
2. Each allowed residential structure equals two rental residential units or campsites.

C. Density increases. Increases above base density shall be allowed if the planned unit development has met all of the requirements of this Chapter and in addition incorporates items in the list below. Increases above base density shall never exceed fifty percent (50%) of the base density of each tier except that allowable densities may be transferred from any tier to any tier further from the shoreland.

1. A twenty-five percent (25%) density increase shall be given for providing a conservation easement, to a public entity or a recognized conservation organization, along the entire shoreline. The area covered by the easement must be maintained and/or restored in native vegetation and be a minimum of a 100 feet width from the ordinary high water line. No individual structures or docks shall be allowed within the conservation easement area. One community dock and one community water oriented structure may be allowed in the conservation area.
2. A twenty-five percent (25%) density increase shall be given for providing protected open space of at least twenty-five percent (25%) of the suitable land area. Utility areas shall not be counted as open space.
3. A twenty-five percent (25%) density increase shall be given for providing a trail, through the parcel, that is publicly owned and maintained.
4. A twenty-five percent (25%) density increase shall be given for providing a seventy-five percent (75%) reduction in stormwater runoff from existing site conditions
5. A twenty-five percent (25%) density increase shall be given for having no riparian building lots.

6. A twenty-five percent (25%) density increase shall be given for dedication of an area suitable for on-site sewage disposal to accommodate existing shoreland development. The area must be capable of meeting the wastewater needs of the existing development including sizing, accessibility and soil type.

517.08 Design Criteria for Shoreland Planned Unit Developments.

All planned unit developments, residential or resort commercial, shall meet the following design criteria:

- A. **Structure setback from shoreline.** All structures in planned unit developments, except accessory water-oriented structures, shall be set back from the shoreline according to the following:
 1. GDS lakes - 120 feet
 2. RDS lakes - 160 feet
 3. NES lakes - 240 feet

All Planned Unit Developments approved prior to June 1, 2007 shall meet the following shoreline setbacks: GDS – 200 feet, RDS – 300 feet, and NES 400 feet.

- B. **Exterior setback standards.** Except for the structure setback from shoreline in §517.08 A., all exterior lot line setbacks and public road setbacks shall be the same as required for the underlying Shoreland District in which the planned unit development is located.
- C. **Controlled access lots.** If lake access is to be provided for owner-occupied or rental dwelling units or for commercial uses other than marinas, such lake access shall be over a controlled access lot. A controlled access lot shall be an undeveloped, riparian lot that conforms to the minimum lot size requirements for a residential lot in the underlying shoreland district, specifically and permanently designated for access to public waters. Water-oriented accessory structures that meet the requirements for such structures in Chapter 516 may be allowed on controlled access lots, and shore recreation facilities that meet the requirements in §517.08 G. 3., below may be allowed.
- D. **Impervious surface.** Total impervious surface coverage shall not exceed fifteen percent (15%) of the gross area of the planned unit development. All Planned Unit Developments approved prior to June 1, 2007 shall be allowed a maximum of twenty-five percent (25%) impervious surface.
- E. **Open space requirements.** All planned unit developments must meet the following open space requirements:
 1. At least fifty percent (50%) of the gross project area must be permanently preserved as open space. The required open space shall be generally contiguous and not in multiple, discontinuous parcels.
 2. Dwelling units or sites, road right-of-ways, 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 may include outdoor recreational facilities for use by owners of the dwelling units or resort.
 4. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
 5. 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.
 6. Designated open space shall be restricted as permanent open space by the use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
 7. Open space and vegetation within the structure setback from shoreline shall be managed at a minimum to the standards in §506.11. It is preferred that the open space within the structure setback from shoreline be maintained with natural vegetation, or if degraded,

restored to a natural vegetative state.

- F. **Water supply and sewage requirements.** 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 the Minnesota Pollution Control Agency and Rice County. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
- G. **Siting of structures and facilities.** Structures and facilities in residential or resort commercial planned unit developments shall conform to the following siting requirements:
1. **Dwelling unit site design.** Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the site. Side-loaded or recessed garages are encouraged.
 2. **Visibility from public waters.** Structures, parking areas, and other facilities must be screened to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the Rice County Board, assuming summer, leaf-on conditions. Screening with native vegetation is preferred and encouraged.
 3. **Shore recreation facility siting.** 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 shall not exceed six (6) for each controlled access lot. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by additional watercraft not beached, moored or docked on the shore. Boathouses are prohibited.
 4. **Non-shore recreational facility siting.** Non-shore recreational facilities shall be placed in an environmentally sound location. The facilities should also be located in centralized locations for use by the residents of the planned unit development.
- H. **Erosion control and stormwater management.** Erosion control and stormwater management for planned unit developments must:
1. Be designed and constructed to minimize the likelihood of serious erosion occurring either during or after construction. This shall 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.
 2. Incorporate low-impact development design principles when possible for volume reduction and pollutant filtering. Examples of low-impact development design include:
 - i. Bioretention facilities such as rain gardens
 - ii. Grass swales and channels
 - iii. Vegetated filter strips
 3. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff for a 100 year, 24 hour storm event.
 4. Stormwater runoff leaving the development shall not be increased over the pre-development conditions.
 5. Erosion control plans developed by a qualified Professional Engineer.
 6. A National Pollution Discharge Elimination System (NPDES) permit may also be required.
- I. **Shore Impact Zone.** All Planned Unit Developments approved after June 1, 2007 shall maintain

seventy-five percent (75%) of the shore impact zone in a natural condition. Structures, roads, or water accesses shall not be located within this seventy-five percent (75%) of the shore impact zone. This seventy-five percent (75%) of the shore impact zone shall be maintained in native vegetation and managed to control invasion of noxious weeds and other invasive species.

517.09 Conversions and Expansion of Existing Licensed Resorts, Trailer Parks and Campgrounds

- A. **Conversion allowed.** Parcels of land containing licensed operating resorts, trailer parks or campgrounds may be converted to a residential or resort commercial planned unit development through the process for a planned unit development described in §517.09 D., below. Parcels of land not part of the existing licensed resort, trailer park or campground shall not be processed as part of a conversion.
- B. **Minimum size.** To be considered for a conversion under this section, the existing licensed resort, trailer park or campground must be at least five (5) units and at least three (3) acres in size.
- C. **Maximum gross density after conversion.** A conversion under this section shall have a gross density of no more than four units, including related commercial activities, per acre; except that a conversion to exclusive campground use shall have a gross density of no more than eight sites per acre.
- D. **Additional review process.** Conversions allowed under this section shall meet the following process requirements in addition to the process requirements for new shoreland planned unit developments specified in Chapter 522:
 - a. **Evaluation of inconsistencies with PUD requirements.** The Zoning Administrator shall evaluate the proposed conversion against the requirements for a new shoreland planned unit development and any inconsistencies from the requirements shall be presented to the Planning Commission as part of the preliminary development plan.
 - b. **Improvement plan required.** Applications for conversions shall meet the design criteria in §517.09 E., below, and shall include long-term improvement plans. Those plans shall include timetables for required improvements and shall be incorporated into the approved development plan for the conversion to a planned unit development. At a minimum improvement plans shall address:
 - i. Deficiencies involving water supply and sewage treatment
 - ii. Deficiencies related to open space requirements
 - iii. Deficiencies related to impervious coverage, shore recreational facilities, and structures in the shore and bluff impact zones
 - iv. Deficiencies related to erosion and vegetative cover
 - v. Deficiencies related to road location and design
- E. **Design criteria.** Because of existing conditions, conversions of existing resorts and campgrounds may be unable to meet all the design criteria for new shoreland planned unit developments. Conversions of existing resorts and campgrounds shall to the maximum extent possible meet the design criteria in §517.08, and shall at a minimum meet the following design criteria:
 - 1. Conversions shall meet the design criteria in §517.08 D., E., F. and H. above.
 - 2. Deck additions, and expansion of cabins at nonconforming setbacks for individual resort cabins and the lodge are permitted provided they meet the standards in Chapter 504 and that no structure, addition or expansion shall be within the shore or bluff impact zone and the limit on impervious surface is not exceeded.
 - 3. New structures including owner-occupied and rental residential dwellings, recreation facilities, and commercial uses must meet the setback requirements in §517.08 A., be clustered into one or more groups, and located on suitable areas of the development site.
 - 4. The development shall have access to an existing public road.