ORDINANCE 20180118-01

CITY OF LINDSTROM
CHISAGO COUNTY

AN ORDINANCE AMENDING CHAPTER 154 ZONING CODE PERTAINING TO PLANNED UNIT DEVELOPMENT AND SHORELAND DISTRICT

THE CITY COUNCIL OF THE CITY OF LINDSTROM, CHISAGO COUNTY, MINNESOTA, ORDAINS:

Section 1. That section 154.202 (D) of the Lindstrom City Code is amended as follows:

(D) Open space. PUDs must contain open space meeting all of the following criteria. PUDs located in the Shoreland District must meet all the following criteria plus those identified in § 154.205(F)(2).

1. At least 50% of the total project area must be preserved as open space.
2. Road rights-of-way or land covered by road surfaces, parking areas, structures or footprints reserved for future structures 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 such as unplatted cemeteries.
4. Open space may include pervious outdoor recreation facilities for use by owners of dwelling units or sites, by customers/guests in commercial PUDs and by the general public.

Section 2. That section 154.202 (F) of the Lindstrom City Code is amended as follows:

(F) Impervious surface requirements. The impervious surface requirements of PUDs shall not exceed that of the underlying zoning district or Section 154.221(F)(8) if it is in a shoreland area.

Section 3. That section 154.205 (B) of the Lindstrom City Code is amended as follows:

(B) Processing. PUDs in the shoreland district must meet the following requirements in addition to all those outlined elsewhere in city’s zoning and subdivision regulations. When there is a conflict in requirements, the more stringent of the requirements shall be applied.

1. In order for a Residential PUD in a shoreland area to be processed, the proposed project must have at least five (5) dwelling units or have a total project area of at least 50,000 square feet for a general development lake, 75,000 square feet for a recreational
Determination of allowable densities shall be determined by provisions (C) and (D) that follow, while minimum lot sizes shall be determined by Section 154.221 (B).

(2) PUDs must be processed as conditional uses. Approval cannot occur until the appropriate environmental review is complete, if applicable.

(22) A property owner’s association agreement (for residential PUDs) with mandatory membership must be submitted and approved by the city prior to final approval of the proposal. The agreement shall be in compliance with all provisions of this section.

(44) Deed restrictions, covenants, permanent easements or other instruments that:

Section 4. That section 154.205 (D) (1) of the Lindstrom City Code is amended as follows:

(D) 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 another tier further from the water body, but must not be transferred to any other tier closer to the waterbody. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project area are residential, commercial, or a combination of the two.

(1) 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 the base number of dwelling units or sites for the residential PUD are then evaluated to determine whether the tiers and suitable area can support these units while meeting the compared with the tier, density and suitability analysis of § 154.205. All lots shall be required to meet the and the required design criteria in divisions (F) and (G) below.

Section 5. That section 154.205 (D) (2) (e) of the Lindstrom City Code is amended as follows:

(e) Proposed locations and numbers of dwelling units or sites for commercial PUDs are then evaluated to determine whether the tiers and suitable area can support these units while meeting the compared with the tier, density and suitability analysis of § 154.205. All lots shall be required to meet the and the required design criteria in divisions (F) and (G) below.

Section 6. That section 154.205 (E) of the Lindstrom City Code is amended as follows:

(E) Density increase multipliers.

(1) Increases to the dwelling unit or dwelling site base densities previously determined are only allowable if the dimensional standards of the zoning ordinance are met or exceeded and the design criteria in division (G) below are satisfied. The allowable density increase in division (E)(2) below will only be allowed if structure setbacks from the OHW are increased to at least 50% 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% greater than the minimum setback.

Section 7. That section 154.205 (F) (2) of the Lindstrom City Code be amended as follows:

(F) *Maintenance and design criteria.*

(1) *Maintenance and administration requirements.* Before final approval of a PUD in a shoreland area, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

(2) *Open space criteria.* As identified in the criteria listed under § 154.202(D), PUDs in shoreland areas must contain open space meeting all of the following criteria:

(a) Open space must constitute at least 50% of the total project area and must include:

1. Areas with physical characteristics unsuitable for development in their natural state.

2. Areas containing significant historic sites or unplatted cemeteries.

3. Portions of the shore impact zone preserved in its natural state or existing states as follows:

   a. For existing residential PUDs, at least 50% of the shore impact zone.

   b. For new residential PUDs, at least 70% of the shore impact zone.

   c. For all commercial PUDs, at least 50% of the shore impact zone.

(b) Open space may include:

1. Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwellings or sites, and by the general public.

2. Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.

3. Wetlands that are not designated public waters.

(c) Open space shall not include:

1. Structures, portions of a structure, or other shelter designed as short- or long-term living quarters for one or more persons. This includes all residential dwellings and rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

2. Road rights-of-way or land covered by road surfaces and parking areas.

3. Land below the Ordinary High Water Level (OHWL) of public waters.

4. Commercial facilities or uses.

5. Locations or sites used for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

6. Footprints or designated portions of the site intended for future structure, road, or parking development if the PUD is phased.

(d) 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.

(a) At least 50% of the total project area must be preserved as open space.
(b) Road rights-of-way or land covered by road surfaces, parking areas, structures or future structure sites are developed areas and shall not be included in the computation of minimum open space.

(e) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites such as unplatted cemeteries.

(d) Open space may include pervious outdoor recreation facilities for use by owners of dwelling units or sites, by customers/guests in commercial PUDs, and by the general public.

(e) Open space may contain water-oriented accessory structures or facilities if they meet or exceed design standards of division (G) below and are centralized;

(f) The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least 50% of the shore impact zone area of existing developments or at least 70% of the area of new developments must be preserved in its natural or existing state. For commercial PUDs, at least 50% of the shore impact zone must be preserved in its natural state.

(g) Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities.

(h) 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.

Section 8. That section 154.205 (G) of the Lindstrom City Code be amended as follows:

(G) Centralization and design of facilities General Design Standards.

(1) All habitable structures within the PUD shall be serviced by one of the following:
   a. the City-owned water and sewer systems.
   b. Community, on-site water supply and sewage treatment systems.
      These must be centralized and meet the standards of 154.222. Sewage treatment systems must meet the setback requirements of Section 154.221(D)(1).

(2) 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 form the ordinary high water level, setbacks from bluffs, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with § 154.205(E) of this chapter for developments with density increases.

(3) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in § 154.221(F)(2) of this chapter and are centralized.

(4) 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 approved by the city. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, compatibility with adjacent land uses and/or other relevant factors.

(1) One launching ramp facility may be provided for use only by occupants of dwelling units in the PUD. A launching ramp is a conditional use and is dependent upon site characteristics as well as numbers of launching ramps on the body of water. Where shore recreation facilities including launching ramps and docks have been installed, the requirements of this section shall not preclude continued use of such launching ramp or docks subject to approval of a CUP (conditional use permit).

(5) Lake access outlots which meet or exceed the following standards are intended as controlled accesses to public waters or recreation areas for use only by owners of nonriparian lots within the PUD:

(a) Lake access outlots or access easements must meet the width and size requirements for residential lots, and be suitable for the intended uses of lake access outlots or access easements. Docking or mooring of watercraft is allowed at an access outlot or access easement, subject to provisions of § 154.225(a);

(b) 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 controlled access lot;

(c) Covenants or other equally effective legal instruments may be developed that specify which lot owners have authority to use the lake access outlot or access easement and what activities are allowed. The activities may include watercraft loading, beaching, mooring or docking. They may 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 non-significant conflict activities include swimming, sunbathing or picnicking. The covenants may limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be moored or docked, and may require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. The covenants may 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. In no case shall covenant provisions be less restrictive than provisions of this section or any other city ordinance;

(d) Dock lighting shall be allowed provided such lighting is not directed toward the lake in such a manner that it impairs the vision of or confuses operators of watercraft. No oscillating, rotating, flashing or moving sign or light may be used on any dock. No light shall shine
on neighboring lots in excess of 0.4 footcandles; and
(e) The Planning Commission and City Council may waive or vary any of the above requirements in 154.205 (G) (6) based on the nature of the property or a demonstrated unique need associated with the property.

(67) Structures, parking areas and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shore lands 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.

**Section 9.** That section 154.216 of the Lindstrom City Code be amended as follows:

This section is adopted pursuant to the authorization and policies contained in M.S. Chapter 105; Minn. Regulations, Parts 6120.2500-6120.3900; and the planning and zoning enabling legislation in M.S. Chapter 462.

**Section 10.** That section 154.221 (D) of the Lindstrom City Code be amended as follows:

(D) 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.

(1) Buildings, including all structures such as decks but excluding one water-oriented accessory structure or facility, as permitted by § 154.221(D)(2)(f), must have a setback of 30 feet from the top of any bluff and a setback from the ordinary high water mark as follows:

<table>
<thead>
<tr>
<th>Class of Public Waters</th>
<th>Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unsewered</td>
</tr>
<tr>
<td>Recreational Development Lake</td>
<td>100</td>
</tr>
<tr>
<td>General Development Lake</td>
<td>75</td>
</tr>
<tr>
<td>Natural Environmental Lake</td>
<td>150</td>
</tr>
</tbody>
</table>

(2) No structure or accessory facility, except stairways and landings, may be placed within bluff impact zones. No improvements may be made on steep slopes without a specific land alteration permit that includes conditions issued by the city. The conditions shall be structured to prevent erosion, preserve existing vegetation and screen the improvements and vehicles for other facilities from the surface of public waters, assuming summer, leaf-on vegetation.

**Section 11.** That section 154.221 (F) of the Lindstrom City Code be amended as follows:

(F) Design criteria for structures.

(1) High water elevations. Structures must be placed in accordance with all
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:

(a) The lowest floor shall be no lower in elevation than a level at least three feet above the ordinary high water level of any riparian lake or the highest known elevation of any other riparian water body.

(b) Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in division (F)(1)(a) above, if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind driven waves and debris.

(2) Water oriented accessory structures. Each lot may have one water-oriented accessory structure not meet normal structure setback set forth in this chapter providing the water-oriented accessory structure complies with the following provisions:

(a) The structure or facility shall not exceed ten feet in height, exclusive of safety rails and cannot occupy an area greater than 250 square feet.

(b) The structure or facility may include detached decks that must not exceed eight feet above grade at any point.

(c) The structure or facility is not in the Bluff Impact Zone.

(d) The setback of the structure or facility from the ordinary high water level must be at least ten feet.

(e) The structure is not a boathouse or a boat storage structure.

(f) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.

(g) Roofs of structures may be used as an open-air deck with safety rails, but must not be enclosed or used as a storage area.

(h) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

(i) The owner or occupant of any riparian lot may have one fish house in addition to the one water-oriented accessory structure allowed by the provisions of this division without obtaining a variance. The fish house must display a current state fish house license issued to that fish house in order to qualify for this exemption. Only one of the two structures may be located in the shoreland impact zone.

Section 12. That section 154.225 (B) of the Lindstrom City Code be amended as follows:

(B) PUDs

(1) The number of allowable dwelling sites in the first tier as determined by §154.205(C) shall be used as a basis for determining the number of mooring slips allowed as follows:
(a) If the number of dwelling sites allowed in the first tier is four or fewer, the PUD is allowed one centralized dock, lift, or mooring structure with a maximum of four mooring slips.

(b) If the number of dwelling sites allowed in the first tier is more than four, the PUD is allowed to have up to the same number of mooring slips as the maximum number of dwelling sites allowed in the first tier. These mooring slips shall be centralized into common docks.

(2) All docks, lifts, and mooring structures in a PUD are subject to the following:

(a) Docks shall be located so that moored watercraft and equipment are at least five feet from the extended property line;

(b) Must be no wider than six feet, which shall be measured at the width of the major running length of the dock;

(c) Must not impede navigation or create a hazard;

(d) Must be removed before freeze-up. For extenuating circumstances or difficult terrain, a dock may be moved as close to the lakeshore as possible. Any dock left in the water over the winter must be marked with a reflective material and orange fence for visibility on each side. The reflective material must measure a total of not less than nine square inches every six feet on each side of the dock; and

(e) Except as modified by the above requirements, all other provisions of Minn. Rules Part 6115.0210, as may be amended from time to time, shall apply.

Section 13. That sections 154.225 (C) of the Lindstrom City Code be amended as follows:

(BC) Non single-family lots and PUDs.
Adopted by the City Council this 18th day of January, 2017.

SEAL                     CITY OF LINDSTROM

By: _________________________
    Keith V. Carlson, Mayor

Attest: _______________________
    John Olinger
    City Administrator

Published in the *Chisago County Press* __________________________.