

**CHAPTER 910**

**"S", SHORELAND OVERLAY DISTRICT**

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**910.010. GENERAL PROVISIONS**

**A. 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 462.

**B. Policy:**

The uncontrolled use of shorelands of the City of Little Canada affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to the municipalities of the State to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, preserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources. This responsibility is hereby recognized by the City of Little Canada.

**910.020. DESIGNATION OF TYPES OF LAND USE**

**A. Shoreland Management Classification:**

In order to guide the wise development and utilization of shorelands of protected waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, certain protected waters in the City have been given a shoreland management classification. These protected waters of the City have been classified by the Commissioner of Natural Resources according to the DNR Protected Waters Maps for Ramsey County as follows:

<u>Recreational Development Lakes</u>		<u>DNR ID #</u>	<u>OHWL</u>
1.	Twin Lake	62-39P	*
<u>General Development Lakes</u>		<u>DNR ID #</u>	<u>OHWL</u>
1.	Gervais Lake	62-7P	859.50
2.	Savage Lake (West)	62-8P	*
3.	Savage Lake (East)	62-147W	*

4.	Round Lake	62-9P	*
5.	Blacktern Pond	62-129W	*
6.	Unnamed Wetland (Section 8, Township 29, Range 22)	62-154W	*

\* OHWL not determined by DNR.

B. Shoreland District:

The shorelands of the City of Little Canada are hereby designated as a Shoreland Overlay District. The purpose of the Shoreland Overlay District is to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of these protected waters of the City

1. Permitted Uses.

All permitted uses allowed and regulated by the applicable zoning district as indicated on the official Zoning Map of the City.

2. Conditional Uses.

All conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying this Shoreland District as indicated on the Official Zoning Map of the City.

3. Substandard Uses.

Any uses of the shorelands in existence prior to the date of enactment of this Ordinance which are permitted within the applicable zoning district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this Ordinance are substandard uses. However, structural alterations which substantially increase the substandard dimension may not be allowed.

a. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high-water level if all of the following criteria and standards are met:

- (1) The structure existed on the date the structure setbacks were established;
- (2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high-water level setback of the structure;
- (3) The deck encroachment toward the ordinary high-water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive; and
- (4) The deck is constructed primarily of wood, and is not roofed or screened.

4. Prohibited Uses.

Any uses which are not permitted or conditional uses as regulated by the applicable zoning district underlying this Shoreland District as indicated on the Official Zoning Map of the City.

**910.030. MINIMUM LOT AND SETBACK REQUIREMENTS**

A.		<u>Recreational Development</u>	<u>General Development</u>	<u>Tributary River Segments</u>
	Lot Area Above OHW			
	Sewered, Riparian			
	Single	20,000 SF	15,000 SF	N/A
	Duplex	35,000 SF	26,000 SF	
	Triplex	50,000 SF	38,000 SF	
	Quad	65,000 SF	49,000 SF	
	Sewered, Non-riparian			
	Single	15,000 SF	10,000 SF	N/A
	Duplex	26,000 SF	17,500 SF	
	Triplex	38,000 SF	25,000 SF	
	Quad	49,000 SF	32,500 SF	
B.	Lot Width at OHW			
	Sewered, Riparian			
	Single	75 feet	75 feet	75 feet
	Duplex	135 feet	135 feet	115 feet
	Triplex	195 feet	195 feet	150 feet
	Quad	255 feet	255 feet	190 feet
	Sewered, Non-riparian			
	Single	75 feet	75 feet	75 feet
	Duplex	135 feet	135 feet	115 feet
	Triplex	190 feet	190 feet	150 feet
	Quad	245 feet	245 feet	190 feet
C.	Setback from OHW <sup>1</sup>	75 feet	50 feet	30 feet
D.	Setback from public street <sup>2</sup>			
	Abutting federal, state or county trunk highway	50 feet	50 feet	50 feet
	Abutting town road or public street	30 feet	30 feet	30 feet
E.	Maximum impervious surface to lot area ratio <sup>2</sup>	30 percent	30 percent	30 percent
F.	Maximum building height	35 feet	35 feet	25/35 feet
G.	Side yard setbacks	District standard unless abutting water body - then "C" above		

H.	Setback of roads/ parking/other impervious surfaces from OHW <sup>3</sup>	50 feet	50 feet	50 feet
I.	Structure height (lowest floor) above highest known water level <sup>4</sup>	3 feet	3 feet	3 feet

<sup>1</sup> Setback requirements from the ordinary high-water mark shall not apply to piers and docks. Where development exists on both sides of a proposed building site, building setbacks may be altered to more closely conform to adjacent setbacks.

<sup>2</sup> Maximum may be exceeded up to 75 percent of lot area subject to submission of a shoreland impact plan specified in Section 910.090 and provided by Council.

<sup>3</sup> Where feasible and practical, all roads and parking areas shall meet the setback requirements established for structure in "C" above. Natural vegetation or other natural materials shall be required in order to screen parking areas when viewed from the water. Parking areas of more than four (4) spaces shall be screened in accordance with a landscaping plan submitted and approved by the City Council.

J. Does not include piers and docks.

K. 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 design requirements:

1. Stairways and lifts must not exceed four 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 thirty-two (32) square feet in area. Landings larger than thirty-two (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 post 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 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 Sections 910.020.K.1 through 910.020.K.5 of this Ordinance are complied with in addition to the requirements of Minnesota Regulations, Ch. 1340.

**910.040. SHORELAND ALTERATIONS.**

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

**A. Vegetation Alterations:**

1. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this Ordinance are exempt from the vegetation alteration standards that follow.
2. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated by this Ordinance is allowed subject to the following standards:
  - a. 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 soil and water conservation district in which the property is located.
  - b. 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, beach and watercraft access areas, and permitted water-oriented accessory structures of facilities, provided that:
    - (1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf on conditions, is not substantially reduced;
    - (2) The above provision is not applicable to the removal of trees, limbs, or branches that area dead, diseased, or pose safety hazards.

**B. Topographic Alterations/Grading and Filling:**

1. 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.
2. Public roads and parking areas are regulated by Section 903.050 of this Ordinance.
3. Notwithstanding Sections 910.040.B.1 and 910.040.B.2 of this Ordinance, a grading and filling permit will be required for:
  - a. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
  - b. The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
4. 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:
  - a. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland, as defined in the United States Fish and Wildlife Service Circulation No. 39 (1971 Edition), must

be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland\*:

- (1) Sediment and pollutant trapping and retention;
- (2) Storage of surface runoff to prevent or reduce flood damage;
- (3) Fish and wildlife habitat;
- (4) Recreational use;
- (5) Shoreline or bank stabilization; and
- (6) 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. The applicant will be so advised.

- b. 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;
- c. 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.
- d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
- f. Fill or excavated material must not be placed in a manner that creates an unstable slope;
- g. 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 thirty (30) percent or greater;
- h. Fill or excavated material must not be placed in bluff impacted zones;
- i. Any alterations below the ordinary high-water level of public waters must first be authorized by the Commissioner under Minnesota Statute, Chapter 103G.241;
- j. 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
- k. 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 three (3) feet horizontal to one foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high-water level, and the height of the riprap above the ordinary high-water level does not exceed three (3) feet.

C. Placement and Design of Roads, Driveways and Parking Areas:

1. Public and private roads 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 guides of the local soil and water conservation district, or other applicable technical materials.
2. Roads, driveways, and parking areas must meet shoreland 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.
3. 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 sub-part are met. For private facilities, the grading and filling provisions of Section 910.040.B.4 of this Ordinance must be met.

D. Storm Water Management.

(The following regulations shall be applied to all land alterations in the Shoreland District, in addition to the requirements of the Little Canada Stormwater Ordinance, Section 927):

1. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.
2. 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 in accordance with Best Management Practices. Facilities or methods shall be used to retain sediment on the site.
3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water 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.
4. When constructed facilities are used for storm water management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
5. New construction storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

**910.050. SPECIAL PROVISIONS FOR COMMERCIAL, INDUSTRIAL AND PUBLIC / SEMI-PUBLIC:**

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. Water-oriented need shall be determined by the Zoning Administrator.

**910.060. 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 in Section 921 of this Ordinance. The following additional evaluation criteria and conditions apply within shoreland areas:

**A. Evaluation Criteria.**

A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
2. The visibility of structures and other facilities as viewed from public waters is limited;
3. The site is adequate for water supply and on-site sewage treatment; and
4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.

**B. Conditions Attached to Conditional Use Permits:**

The City Council, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

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

**910.070. VARIANCES**

- A. Variances may only be granted in accordance with Minnesota Statute, Chapter 462, as applicable. 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 City Council 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.
- B. The City Council shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 910.090 shall also include the City Council's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.



**910.080. SUBDIVISION / PLATTING PROVISIONS****A. Land Suitability:**

Each lot created through subdivision, including planned unit development authorized under Section 910.080 of this Ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, 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 of Little Canada.

**B. Consistency with Other Controls:**

Subdivisions must conform to all official controls within the Little Canada Subdivision Ordinance, Sections 1001 through 1012. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose.

**C. Information Requirements:**

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

1. Topographic contours at ten (10) foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting size characteristics;
2. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
3. Adequate soils information to determine suitability for building capabilities for every lot from the most current existing sources or from field investigations such as soil borings, or other methods;
4. Information regarding 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 storm water runoff and erosion, both during and after construction activities;
5. Location of 100-year floodplain areas and floodway districts from existing adopted maps or data; and
6. A line or contour representing the ordinary high-water level, the "toe" and the "top" of the bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

**D. Dedications:**

When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of storm water and significant wetlands.

E. Platting:

All subdivisions that create five or more lots or parcels that are ten (10) acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

F. Controlled Access or Recreational Lots:

Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the sizing criteria in Section 910.030 of this Ordinance.

**910.090. NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES.**

A. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

B. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked within ten (10) days of final action.

**910.100 PLANNED-UNIT DEVELOPMENTS**

A. Types of PUDs Permissible:

Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Subd. 910.020.B.1 of this Ordinance and the official zoning map.

B. Application for a PUD:

The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

1. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at two (2) foot intervals or less. When a PUD is a combined commercial and recreational development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
2. A property owners association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of Section 910.110.F of this Ordinance.
3. Deed restrictions, covenants, permanent easements or other instruments that:
  - a. Properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
  - b. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 910.110.F of this Ordinance.

4. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
5. Those additional documents as requested by the Zoning Administrator that are necessary to explain how the PUD will be designed and will function.

C. Site "Suitable Area" Evaluations:

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 910.110.F of this Ordinance.

1. 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**

	Sewered (feet)
General Development Lakes-	
First Tier	200
Second and Addl. Tiers	200
Recreational Development Lakes	267

2. 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 subject to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

D. Residential and Commercial PUD Density Evaluation:

The procedures for determining the "base" density of a PUD and a density increase multipliers is 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.

1. Residential PUD "Base" Density Evaluation.
  - a. The suitable area within each tier is divided by the single residential lot size standard for lakes, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used 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 planned unit developments are then compared with the tier, density, and suitability analysis herein and the design criteria in Section 910.110.F of this Ordinance.
2. 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, stops, steps, garages, or porches and basements, unless they are habitable space.
  - b. Select the appropriate floor area ratio from the following table.

**Commercial Planned Unit Development**  
**Floor Area Ratios\***  
**Public Waters Classes**

*Average unit floor area (sq.ft.)	General Development Lakes	Recreational Lakes
200	.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	.150	.075

\* 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 Section 910.100.D.2.c. of this Ordinance by the average inside living area size determined in Section 910.100.D.2.a. of this Ordinance. This yields a base number of dwelling units and sites for each tier.
  - e. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analysis herein and the design criteria in Section 910.110.F of this Ordinance.
3. Density Increase Multipliers.
    - a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 910.020 of this Ordinance are met or exceeded and the design criteria in Section 910.110.F of this Ordinance are satisfied. The allowable density increases in Section 910.100.D.3.b. of this Ordinance will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty (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 acceptable to the City of Little Canada and the setback is at least twenty-five (25) percent greater than the minimum setback.
    - b. Allowable dwelling unit or dwelling site density increases for residential or commercial planned unit developments:

<b><u>Density Evaluation Tiers</u></b>	<b><u>Maximum density increase within each tier (percent)</u></b>
First	50
Second	100
Third	200
Fourth	200
Fifth	200

F. Maintenance and Design Criteria.

1. Maintenance and Administration Requirements.

- a. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- 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 PUDs);
  - (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, when applicable, all residential planned unit developments must use an owner's 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 a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
  - (3) Assessments must be adjustable to accommodate changing conditions; and
  - (4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

2. Open Space Requirements.

Planned unit developments must contain open space meeting all of the following criteria:

- a. At least fifty (50) percent of the total project area within the Shoreland District must be preserved as open space;
- b. 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;

- c. Open space must include 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 if the use of the space is restricted to avoid adverse impacts on the systems;
  - f. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
  - 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 on normal structure setbacks, must be included as open space. For residential PUDs, at least fifty (50) percent of the shore impact zone area of existing developments or at least seventy (70) percent of the shore impact zone area of new developments must be preserved in its natural existing state. For commercial PUDs, at least fifty (50) percent of the shore impact zone must be preserved in its natural state.
3. Erosion Control and Storm Water Management.
- Erosion control, storm water management plans, and Best Management Practices 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, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristic warrant; and
  - b. Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. Impervious surface coverage within any tier must not exceed twenty-five (25) percent of the tier area, except that for commercial PUDs thirty-five (35) percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved storm water management plan and consistency with Section 910.030 of this Ordinance.
  - c. Be designed to be consistent with the City of Little Canada Erosion Control Ordinance (Section 928) and Stormwater Ordinance (Section 927).
4. Centralization and Design of Facilities.
- 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.

- 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 910.030 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 acceptable to the City of Little Canada, 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, except water oriented accessory structures, must meet the required principal structure setback and must be centralized.

#### **910.110. DEVELOPMENT ON SUBSTANDARD LOTS**

**A. Purpose:**

The purpose of regulating development on substandard lots of record is to coordinate development on substandard lots to insure environmentally sensitive development, insure compatibility with surrounding existing development and to allow for combination of lots to the extent possible.

**B. Substandard Lots:**

1. A lot of record existing upon the effective date of this Ordinance in a residential district, located adjacent to a General Development Lake, which does not meet the requirements of this Ordinance as to area or width may be utilized for single family detached dwelling purposes provided that:
  - a. Requires a conditional use permit based upon procedures set forth in and regulated by Section 917 of this Ordinance.
  - b. The lot has been assessed a full sewer and water assessment.
  - c. The lot has been in separate ownership from abutting lands at all times since it became substandard.
  - d. The lot was created compliant with official controls in effect at the time.
  - e. All setback and sewage treatment requirements of the Shoreland District are met.
  - f. A substandard water frontage lot with public sewer shall be a minimum of fifty (50) feet in width measured at the front yard setback line and shall have a

- minimum lot area equal to or greater than seven thousand five hundred (7,500) square feet.
- g. A substandard non-water frontage lot of record shall be a minimum of fifty (50) feet in width measured at the front yard setback line and shall have a minimum lot area equal to or greater than ten thousand (10,000) square feet.
  - h. The development plans must be in conformance with the policies for residential development as outlined in the Comprehensive Plan.
  - i. Development must be planned and conducted in such a manner that the control of disturbed areas and erosion is demonstrated during and after construction.
  - j. A complete grading and drainage plan be submitted to the City Engineer for review. Such plans should be prepared in accordance with the National Urban Runoff Program (NURP) Guidelines and Best Management Practices.
  - k. Any cutting of existing vegetation is minimized to the extent possible.
  - l. The lot and proposed structure must meet all other performance standards of the zoning and building codes.

(Amended: Ord. 214, 378, 449, 573, 579)