

**To:** Planning Advisory Commission  
**From:** Land Use Management  
**Meeting Date:** October 21, 2024  
**Report date:** October 10, 2024

**TABLED: Request for Text Amendments to the Goodhue County Subdivision Ordinance and the Goodhue County Zoning Ordinance Article 30 (Commercial Recreational District)**

Request submitted by Every River LLC (Megan Smith, Applicant) to consider proposed text amendments to the Goodhue County Subdivision Ordinance and Goodhue County Zoning Ordinance to allow Planned Unit Developments (PUDs) as a Conditional Use in the Commercial Recreational District with specific performance standards.

**Attachments and links:**

Application and Proposed Language  
LUM Staff proposed Subdivision Ordinance Revisions  
LUM Staff proposed Zoning Ordinance Revisions  
Cook County Subdivision Ordinance Section 7 – Planned Unit Development  
Lake County Subdivision Ordinance Article 6.0 – Planned Unit Developments

**Summary:**

The Applicant, Every River LLC/Megan Smith has submitted an Ordinance Text Amendment request to modify the Goodhue County Subdivision Ordinance to add Planned Unit Developments (PUDs) as a conditional use. The proposal also includes amending Article 30 of the Goodhue County Zoning Ordinance to include PUDs as a conditional use in the Commercial Recreational District. The CR District would be the only zone where PUDs are allowed with a CUP.

Planned Unit Developments are a type of development that allows for separately owned units that can be for sale, rent, or lease. Each unit is its own property that does not need to meet minimum parcel size or setback requirements. These developments are commonly referred to as Common Interest Communities (CICs) which must comply with Minnesota Statutes 515B.

The Applicant submitted language to amend the Goodhue County Subdivision Ordinance based on Cook and Lake Counties in Minnesota for consideration. Staff used this language, Cook, and Lake Counties' Ordinances to prepare a proposed Subdivision Ordinance amendment that correlates with our existing Ordinance layout and language.

It should be noted that this is being requested by a representative for the Villa Maria property in Florence Township. If the amendment is approved the PUD language would apply to all five properties zoned Commercial Recreational District in Goodhue County including Welch Ski Village (Vasa Township), Cannon Falls Veteran's Memorial Park (Cannon Falls Township), Hay Creek Campground (Hay Creek Township), and part of Shades of Sherwood Campground (Minneola Township).

### Update:

The PAC held a public hearing on this request at their September 16, 2024 meeting. The PAC tabled the request so staff could contact affected Townships and research questions posed by the PAC regarding limiting the length of stay in residential units. Staff emailed all 5 Townships with properties zoned Commercial Recreational. The Zoning Administrator attended a Cannon Falls Township meeting on October 9<sup>th</sup>. Cannon Falls Township was concerned with staff's ability to enforce the temporary residence requirement in the draft ordinance. The Town Board did not have any additional concerns or issues with the proposed inclusion of PUDs in the County Ordinance.

The Zoning Administrator is scheduled to attend the Florence Township Planning Commission meeting on October 14<sup>th</sup>. Staff will update the PAC with comments from Florence Township at the October 21<sup>st</sup> meeting.

Hay Creek Township replied to staff's email stating they did not have any questions about the proposed Ordinance language.

Minneola Township called staff and stated they are not in favor of the PUD amendment.

As of the writing of this report, Vasa Township had not responded to staff's correspondence.

During the September meeting, a PAC member noted Cook County's PUD Ordinance included density calculations. Staff has added these calculations to the proposed PUD language for consideration.

At the September PAC meeting discussion centered around whether the County could restrict the amount of time that owners may reside in PUD units they own. Staff reached out to the Cook and Lake County Zoning Administrators regarding short-term residency in privately owned PUD units. Cook County responded and stated that their citizens and Commissioners want to add long-term housing for employees to work in local businesses and industries. Several of their PUDs have short-term units and long-term units that are privately owned. Cook County staff noted that they rely on the conditions added to the PUD approval and Homeowner's Association agreements are reviewed by staff for language related to length of stay based on these conditions.

Staff researched other Counties' Ordinances and found language in the Winona County Ordinance regarding "recreational cabins". In Winona County, recreational cabins cannot be occupied more than 180 days in a calendar year. Staff reached out to Winona County regarding enforcement of this provision and they indicated enforcement of this provision would be on a complaint basis and they rely on permit data and property notes for enforcement.

The PAC could elect to add language similar to Winona County for PUD temporary residence requirements. Alternatively, the PAC may consider allowing long-term residency in PUD units, staff's draft ordinance does not need to be adopted as written.

### Staff Recommendations:

Two motions are required for action to amend two separate ordinances.

LUM Staff recommends the Planning Advisory Commission

- adopt the staff report into the record;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

recommend that the County Board of Commissioners **APPROVE** the Applicant's text amendment request to add Planned Unit Developments to the Goodhue County Subdivision Ordinance using language prepared by staff.

AND

- adopt the staff report into the record;
  - accept the application, testimony, exhibits, and other evidence presented into the record; and
- recommend that the County Board of Commissioners **APPROVE** the Applicant's text amendment request to add Planned Unit Developments to the Goodhue County Zoning Ordinance using language prepared by staff.

If the PAC elects to recommend denial of the request, reasons for the recommendation must be stated on the record.

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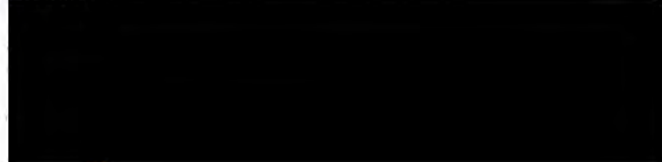
Permit #	7 24-0043
\$500 Receipt #	18516
Date	8/23/2024

APPLICATION FOR Land Use Management  
**Text Amendment**

APPLICANT OR AUTHORIZED AGENT'S NAME:

Every River LLC.  
APPLICANT'S ADDRESS:  
1364 UN. 10th Street  
Lake City MN 55041

TELEPHONE:



CONTACT FOR PROJECT INFORMATION:

Megan Smith  
ADDRESS:  
1364 UN. 10th Street  
Lake City, MN 55041

Same as Above ☐

TELEPHONE:



EMAIL:

- ☒ Amendment to Subdivision Ordinance Article: \_\_\_\_\_, Section: 5, 4: CIC Plats  
☒ Amendment to Zoning Ordinance Article: 30, Section: 3, \_\_\_\_\_  
☐ Amendment to Zoning Ordinance Article: \_\_\_\_\_, Section: \_\_\_\_\_, \_\_\_\_\_  
☐ Other: \_\_\_\_\_

1. Stated reason for amendment(s) requested:

To allow PODs and CIC Plats in the Commercial Recreation zoning district

2. Compatibility of proposed ordinance amendment(s) with the Goodhue County Comprehensive Plan:

Compatible with keeping development contained in existing areas with high recreation value.

3. Provide proposed amended text and statements outlining any perceived effects the proposed amendment(s) may have on other areas of the Ordinance:

\*Attached

4. Provide any additional information that will assist the Planning Advisory Commission and the County Board in reviewing your request:

CIC Plat language should reference Mn Statutes 5150B.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

1. The information presented is true and correct to the best of my knowledge.
2. If I am unable to be present at the meeting where my request is decided, I agree to accept the Notice of Decision by USPS mail.
3. Other information or applications may be required.

Signature:

Date:

8/23/24

Print name:

Megan Smith



# Every River LLC

## Land Development & Consulting

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Date: August 23, 2024

To: Goodhue Co. Staff, Planning Commission, and Board of Commissioners

Attached you will find a request to amend the Goodhue County Zoning and Subdivision regulations to allow for Planned Unit Developments (PUD's) in the Commercial Recreation Zoning District. The allowance of a Planned Unit Development coincides with the request to allow Community Interest Community (CIC) Plats once a PUD has been approved, so the property can be subdivided in accordance with the CIC Plat requirements.

The reason for the application is to allow PUDs in the Commercial Recreation (CR) Zoning District of Goodhue County. By allowing these uses in the CR Zoning District, such zoned properties would be eligible to create parcels, and sell those parcels, thereby making the financing of large, expensive, and complex projects feasible. Perhaps more importantly, a PUD and CIC Plat allows buyers to own property within the PUD, creating a culture of pride and ownership, instead of solely transient use of the property.

An example of where this would benefit Goodhue County would be for resorts and hotels that operate in the CR District. With a PUD and CIC Plat, the owner of these properties could sell units within the resort or hotel, and those units could become vacation homes or second homes for those who wish to own property in the scenic and recreationally rich areas of the County where the CR Districts exist. This allows individuals to own their own units and invest in Goodhue County in a meaningful way that creates equity and a sense of community for the owners. This is contrasted with buildings that are used exclusively as a hotel, where guests are merely transitional in nature. Essentially, this allows Goodhue County to compete with other resort areas in Minnesota, such as the North Shore and the Brainerd Lakes area, as well as the lakes region of western Wisconsin.

Research was done throughout Minnesota on counties where natural and scenic value is high, and tourism and vacationing are large parts of the lifestyle and economy. Excluding the metro area, counties along Minnesota's North Shore were used as examples of how to successfully allow PUD's.

Since a PUD would only be allowed in the CR Zoning District, and only allowed with a conditional use permit, approval will always require review by the Planning Commission, a public hearing,

## Every River LLC

### Land Development & Consulting

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and then final action and approval or denial by the County Board. This ensures a high level of public transparency and input from appointed and elected officials.

PUD's can be very effective ways to handle site re-use and re-development, where existing site constraints exist, such as shoreland areas, floodplains, and natural features such as lakes and rivers, and bluffs. The other major advantage of a PUD is it can allow the county to allow for different property owners on one site, to allow investment and redevelopment of underused or blighted properties, with the advantage of the site being managed with a master plan, or PUD plan. A PUD plan will typically allow mixed uses on one site, so in the CR District for example, a resort could exist next with a golf course, hotel, spa, restaurant, and retail.

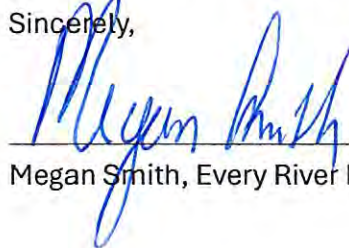
Typical concerns that a county might have such as traffic control, density, well location and water use, and septic management can all be addressed in the PUD plan. Typically, and depending on the use being proposed, the county can request specific information or mitigation strategies for anticipated issues, and then adopt those plans into the requirements of the PUD.

The purpose of this application is to allow the County to allow a wider range of uses in its CR Zoning Districts, but to also give property owners more freedom in how they finance and develop larger projects that are often phased over longer periods of time. These projects are ones that serve the residents of the County with employment and industry through goods and services, but also increase the tax base substantially.

Lastly, based on early feedback I have received, it is imperative to point out the proposed ordinance does not impact vacation rentals in the County, or any City, Township, or County regulation limiting vacation rentals. Vacation rentals are units that are rented out for periods less than 30 days in residential zoning districts, and often in areas that are traditional residential neighborhoods. Commercial Recreation Zoning Districts are not residential neighborhoods; they are resorts, hotels, motels, campgrounds, and other commercial based uses where full-time occupancy is not permitted unless by a groundskeeper or property manager.

Thank you for your time in reviewing the application and are willing to work with the County to move this request forward.

Sincerely,



Megan Smith, Every River LLC.



## PROPOSED LANGUAGE TO AMENDMENT TO THE GOODHUE CO ZONING ORDINANCE

### *Definitions to be added:*

Planned Unit Development is a type of development having a unified site design for a number of separately owned units or dwelling units on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites, to structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Planned Unit Development - Commercial are uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Planned Unit Development – Residential is a use where the nature of residency is non-transient, and the major or primary focus of the development is not service-oriented. For example, residential apartments, condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments when not used for transient short-term lodging. These units can be used for full time residency, or as cabins or second homes where the owner maintains full time residency elsewhere.

## **PLANNED UNIT DEVELOPMENT**

### **1. Purpose of a Planned Unit Development**

- a. Planned Unit Developments allow the subdivision of land into smaller lots than would typically be allowed. Planned Unit Developments allow the County to relax any other performance standards contained herein, or in any other official controls that may apply.
- b. They provide a public benefit by allowing construction to be clustered in one part of the property. Utility services can be delivered more efficiently, and natural resources are protected.
- c. The lot owners can enjoy the use of vacant land for recreation, screening, or any other purpose consistent with the development restrictions in place.

- d. The layout can be designed to allow public and private services to be delivered more efficiently than other plats.
- e. A Planned Unit Development shall be classified as either a residential or commercial planned unit development according to the definitions of this chapter.

## **2. Restrictions for Planned Unit Developments**

- a. A conditional use permit is required for the entire project before a Preliminary Plat for the whole or any part can be brought forward. Shared ownership of septic systems with a professional maintenance and management system is required.
- b. The County may limit density for Planned Unit Developments when it is determined by the County that conditions such as protection of wilderness characteristics, topography, environmental conditions, or other similar site-specific conditions exist that warrant a lower base density.

## **3. Conditional Use Permit Application Required for Planned Unit Developments**

- a. Submission Information: The application for a conditional use permit will include the following documents:
  - 1. Map of the property under consideration, including property boundaries, topography contours, on-site features, roads, lakes, rivers and other relevant features;
  - 2. Map drawings including building locations on site and elevations
  - 3. Narrative description of proposed uses, number of owner units,
  - 4. A floor plan for all structures;
  - 5. A concept statement describing how development will be managed & owned, any planned rental of units, and phases, if proposal is to be staged;
  - 6. Parking areas and driveways for both commercial and residential activities, vehicle loading/unloading areas, proposed public road entrances, and projected traffic generation of development;
  - 7. Proposed fire protection plan;
  - 8. A description of current land use and structures on land and all encumbrances, such as easements or covenants;
  - 9. Open space location, acreage, proposed use, and method of protecting space;
  - 10. Landscape plan showing existing vegetation, proposed alterations, areas proposed for stormwater management;
  - 11. Soil types, and characteristics, such as depth to water table or ledge rock as needed for septic treatment design and hydrologic features including surface water bodies, wetlands and drainage ways;



12. Sewage treatment system location and alternate site location, along with plans;
13. Erosion control plan;
14. Information about availability of public utilities;
15. Proposed homeowners association agreement including any deed restrictions, covenants, easements, etc;
16. Water sources and water supply system plans;
17. Evidence of application for appropriate permits, state and federal; and
18. Additional documents as required by the county.

#### **4. Preliminary Plat Requirements for Planned Unit Developments**

- a. Submission Information. All information required to be submitted for Standard Plats is required to be submitted with Planned Unit Developments. In addition, the following is required:
  1. A calculation of lot density proposed for subdivision, including number of units, number of bedrooms, number of possible rental units;
  2. A narrative from the applicant as to the rationale behind the proposed layout and open space; and
  3. An itemized list of all documents, agreements and action necessary to be completed prior to recordation of the final plat, including the requirements regarding open space management and shared sewer system management.
- b. Procedure. Procedure to be followed is that listed under Standard Plats.

#### **5. Final Plat Requirements for Planned Unit Developments**

- a. Submission Information. All information required to be submitted in for Standard Plats is required to be submitted with a Planned Unit Development.
- b. Procedure. The procedure to be followed for final plat is that listed for Standard Plats or CIC Plats.
- c. Developer's Agreement. The Developer and County shall enter into a developer's agreement acceptable to the County for all subdivisions prior to the granting of final approval of the development, with the exception of Administrative Subdivisions.

- 6. Design Standards.** As part of the plat review process, Planned Unit Developments shall be evaluated for compliance with the following design standards in order to help meet the goals of Goodhue County:

- a. Housing lots shall be located to minimize their impact on the natural, scenic, economic and cultural/historical resources of the site, and shall adhere to the following provisions:
  - I. Lots shall minimize inclusion of wetlands and woodlands;
  - II. As many lots as possible shall avoid locating near high traffic roads;
  - III. Lots shall take access from interior streets rather than perimeter roads;
  - IV. Lots shall be located adjacent to open space areas and near trail accesses.
- b. Open space areas shall be designed to the greatest extent possible to:
  - I. Protect the sites significant resources;
  - II. Connect with exiting or potential open space areas on adjacent tracts;
  - III. Connect with existing and future planned public trail and recreation systems;
  - IV. Provide a buffer to minimize incompatible land uses.
- c. Water and Sewer Systems
  - I. Water may be provided by individual on-site wells, or by one or more community wells in open space areas, meeting all Minnesota Department of Health requirements.
  - II. All Planned Unit Developments shall be designed with adequate sewage treatment facilities that meet Minnesota Pollution Control Agency Chapter 7080 standards as well as the following:
    - 1. For Planned Unit Developments of five lots or less, individual sewage treatment systems or a combination of individual and jointly used systems may be used if collectively owned and managed; and
    - 2. Applications requesting more than five individual sewage treatment systems shall only be considered if the applicant can clearly demonstrate an engineering or geographical hardship.
    - 3. Planned Unit Developments shall submit a sewage management plan to Goodhue County Environmental Health that must be reviewed and approved prior to being recorded with the final plat. The plan shall clearly identify the following:
      - 1. The owner(s) of the shared sewage system;
      - 2. An annual schedule for maintenance, inspection and monitoring of the shared sewage system;

3. A contingency plan in the event of failure of the shared sewage system;
4. A provision describing how the sewage treatment portion of the system will be protected from vehicles, humans and other sources of risk;
5. Assignment of responsibility for the management and payment of the shared system;
6. The name and license number of the system's designer; and
7. Clearly describe the sewer design, and or contingency plan and what collection and treatment technologies will be used to insure system longevity and groundwater protection.

**7. Conversions to Planned Unit Developments** Local governments may allow existing resorts or other land uses and facilities to be converted to Planned Unit Developments if all of the following standards are met:

- a. Proposed conversions must be initially evaluated using the same procedures for Planned Unit Developments involving new construction. Inconsistencies between existing features of the development and these standards must be identified;
- b. Deficiencies involving water supply and sewage treatment, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;
- c. 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:
  - I. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
  - II. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
  - III. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

## **8. Homeowner's Association**

Unless an equally effective alternative community framework is established, as determined by the County, all multiple ownership planned unit developments must use an owners association with the following features:

- a. Membership must be mandatory for all individual owners and any successive purchasers;
- b. Each member must pay a proportionate share of the association's expenses, and unpaid assessments can become liens on units or sites;
- c. Assessments must be adjustable to accommodate changing conditions; and
- d. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.



OUTLOT: A lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no development is intended and for which no building permit shall be issued.

OWNER: Any individual, firm, association, syndicate, co-partnership, corporation, estate, trust, or any other legal entity having legal title in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.

PARCEL: Land which is described by a recorded legal description and referenced by an individual and unique parcel identification number assigned by the County.

PLANNED UNIT DEVELOPMENT: A type of development having a unified site design for a number of separately owned units or dwelling units on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites, to structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, or any combination of these, or cluster subdivisions of campsites, cabin sites, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses. Planned Unit Developments provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented.

PLAT MONUMENT: A durable magnetic marker placed at all angle and curve points on the outside boundary lines of the plat and also at all block and lot corners and at all intermediate points on the block and lot lines indicating changes of direction in the lines and any witness corners (MS 505.021 subd. 10). All plat monuments placed shall have the license number of the Minnesota licensed Land Surveyor responsible for the preparation of the Final Plat inscribed thereon.

PRELIMINARY PLAT: A map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration.

RIGHT-OF-WAY: Land that is prescriptively used by the public or dedicated to the public for roadway or thoroughfare purposes.

ROAD, HALF: A road with half the required right-of-way width on the bounding edge of a subdivision.

ROAD, LOCAL: A public road designed for access to abutting property and not intended to facilitate through traffic.

ROAD, MARGINAL ACCESS: A minor road which is parallel and adjacent to an arterial street or highway and which provides access to abutting properties and protection from through traffic.

ROAD, PRIVATE: A road not maintained by any public road authority intended for use by two or more parcels that do not have physical access to a public road. An access easement must be approved by the County prior to recording.

SKETCH PLAN: A concept drawing indicating a proposed subdivision which at a minimum includes the following: Significant topographical and physical features of the site; tract boundaries; north arrow; general location and number of buildings; general location of roads

- O. If applicable, source of water. Connection to municipal water is required, if available. Wells with less than 15 service connections and serving fewer than 25 people must be installed according to the Goodhue County Water Quality Ordinance.
- P. Connection to municipal sewage treatment is required, if available.
1. Community sewage treatment systems must be designed and installed according to Minnesota Pollution Control Agency Standards.
  2. All lots served by an individual sewage treatment system must be evaluated and be able to support two standard systems.
- Q. If applicable, a plan for soil erosion and sediment control both during construction and after development has been completed.
- R. If the Minnesota Environmental Quality Board regulations require an EAW or EIS, such documentation shall be submitted as part of the Preliminary Plat information.
- S. If applicable, a landscape plan shall accompany the application. The plan shall indicate the location of existing trees, proposed new trees and vegetative plantings, and existing trees proposed to be removed.

Subd. 2 Data for Final Plat (Planning Advisory Commission)

A. Special conditions and or restrictions pertaining to the approval of the Final Plat by the County Board shall be recorded as covenants. Recording of the special conditions or restrictions shall be the obligation of the developer.

Subd. 3 Data for Final Plat and Administrative Plat (Recording)

- A. The proposed plat shall follow the requirements of Minnesota Statute 505.
- B. All plat monuments shall be placed in the ground prior to recording of the plat with the County Recorder.

**Section 8. Planned Unit Developments**

Subd. 4 Planned Unit Developments

~~Small lot sizes (lot sizes smaller than outlined in the Goodhue County Zoning Ordinance), may be allowed for planned cluster developments provided:~~

- ~~A. Community sewage treatment systems must be designed and installed according to the Minnesota Pollution Control Agency Standards.~~
- ~~B. Open space is preserved.~~
- ~~C. A Development Agreement may be required.~~

Subd. 1 Purpose

Planned Unit Developments allow the subdivision of land into smaller lots than would typically be allowed. Planned Unit Developments allow the County to relax any other performance standards contained herein, or in any other official controls that may apply. Planned Unit Developments must be designed to be compatible and harmonize with their surroundings. Layouts may be designed to allow public and private services to be delivered more efficiently than other plats.

#### Subd. 2 Restrictions for Planned Unit Developments:

- A. A Conditional Use Permit is required for the entire project. A Preliminary Plat can be brought forward for action for the whole or any part of the plat at the same time as the Conditional Use Permit or within six months after approval of the Conditional Use Permit.
- B. Shared ownership of septic systems with a professional maintenance and management system is required.
- C. At least 50% of the total land area shall be dedicated as open space.
- D. Density must not exceed a total of must not exceed a total of 3,000 square feet of inside living space per acre of the entire parcel. The density may be increased up to 4,500 square feet of inside living space provided that the following conditions are met:
  - 1. At least 60% of the overall acreage of the property is dedicated as open space;
  - 2. In Shoreland, a minimum of 40% of the lot width at twice the structure setback line is dedicated as open space.The County may require a lower are density for Planned Unit Developments when it is determined by the County that conditions such as protection of wilderness characteristics, topography, environmental conditions, or other similar site-specific conditions exist that warrant a lower base density.
- E. Units shall not be occupied year-round as a permanent residence nor shall they be homesteaded.

#### Subd. 3 Design Standards for Planned Unit Developments

Planned Unit Developments shall be evaluated for compliance with the following design standards in order to help meet the goals of Goodhue County:

- A. Structures, parking areas, and other facilities must be designed and placed to reduce visibility as viewed from lakes, roads, and adjacent shoreland by vegetation, topography, increased setbacks, or other means, assuming summer leaf-on conditions. The development shall be visually unobtrusive to the natural environment or surrounding properties.
- B. Areas with physical characteristics unsuitable for development in their natural state, such as wetlands, blufflands, and areas containing significant historic sites or unplatted cemeteries shall be considered open space.

#### Subd. 4 Open Space Requirements:

- A. Open space areas shall be designed to protect the site's significant resources, connect with existing or potential open space areas on adjacent tracts, connect with existing and future planned public trail and recreation systems, and provide a buffer to minimize incompatible land uses.
- B. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective means as approved by the County must be provided to ensure long-

term preservation and maintenance of at least 50% of the total project area. The instruments utilized to preserve open space must include all of the following protections for open space areas (the Zoning Administrator may waive some provisions depending on the location of the PUD and open space):

1. Vegetation and topographic alterations other than those vegetation and topographical alterations consistent with the landscape plan and runoff and erosion control plan shall be prohibited;
2. Construction of buildings, storage of watercraft, vehicles, and other materials is prohibited;
3. Beaching of watercraft is prohibited;
4. Roads including right-of-ways and parking areas are prohibited;
5. Open space may include outdoor recreation facilities such as trails or picnic areas;

C. Water and sewer systems may be located within dedicated open space with County approval.

#### Subd. 4 Water and Sewer Systems

A. Water may be provided by individual on-site wells, or by one or more community wells, meeting all Minnesota Department of Health requirements.

B. All Planned Unit Developments shall be designed with adequate sewage treatment facilities that meet Minnesota Pollution Control Agency Chapter 7080 standards as well as the following:

1. If a development's sewage design flow is such that an MPCA state disposal permit is required, a copy of the application and any approval shall be submitted to the County.

C. If the sewage treatment system is to be shared and less than 10,000 gallons of sewage per day will be produced, the applicant must obtain and maintain a sewage system operating permit from Goodhue County.

D. A sewage management plan shall be submitted to Goodhue County Environmental Health and must be reviewed and approved prior to being recorded with the final plat. The plan shall clearly identify the following:

1. The owner(s) of the shared sewage system;
2. An annual schedule for maintenance, inspection, and monitoring of the shared sewage system;
3. A contingency plan in the event of failure of the shared sewage system;



4. A provision describing how the sewage treatment portion of the system will be protected from vehicles, humans, and other sources of risk;
5. Assignment of responsibility for the management and payment of the shared system;
6. The name and license number of the system's designer; and
7. Clearly describe the sewer design and or contingency plan and what collection and treatment technologies will be used to ensure the system's longevity and groundwater protection.

Subd. 5 Owner's Association: Unless an equally effective alternative community framework is established, as determined by the County, all multiple ownership Planned Unit Developments must use an owner's association with the following features:

- A. Membership must be mandatory for all individual owners and any successive purchasers;
- B. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities;
- C. Each member must pay a proportionate share of the association's expenses, and unpaid assessments can become liens on units or sites;
- D. Assessments must be adjustable to accommodate changing conditions; and
- E. Owner's Association agreement shall state that dwelling units shall not be homesteaded or occupied as full-time, year-round residences.

Subd. 6 Conditional Use Permit Application: If the applicant is requesting a review of the Planned Unit Development plat as part of the Conditional Use Permit application, plat documents in compliance with Section 6 and Section 9 of this Ordinance shall be submitted for consideration. The application for a Conditional Use Permit shall include the following documents:

- A. A map of the property under consideration including property boundaries, two-foot contours, on-site features, roads, lakes, rivers, and other relevant features;
- B. Map drawings including building locations on site and elevations, proposed uses, number of units, and a floor plan for all structures;
- C. A concept statement describing how development will be managed, owned, and operated, planned rental of units and phases if the proposal is to be staged;
- D. Parking areas and driveways, vehicle loading/unloading areas, proposed public road entrances, and projected traffic generation of development;
- E. Proposed fire protection;

F. Description of current land uses and structures and all encumbrances such as easements or covenants;

G. Open space location, acreage, proposed use, and method of protecting space;

H. Landscape plan showing existing vegetation, proposed alterations, and areas proposed for stormwater management;

I. Soil types and characteristics, such as depth to the water table or ledge rock as needed for septic treatment design and hydrologic features including surface water bodies, wetlands, and drainage ways;

J. Sewage treatment system location and alternate site location along with plans;

K. Erosion control plan;

L. Proposed homeowners association agreement including any deed restrictions, covenants, easements, etc.;

M. Water sources and water supply system plans;

N. Evidence of application for appropriate state and federal permits;

O. Evidence of Township acknowledgment or approval of proposal; and

P. Any other information deemed to be necessary by the County.

#### Subd. 7 Preliminary Plat Requirements

All information required to be submitted for standard plats is to be submitted with Planned Unit Developments. In addition, the following information is required:

A. A calculation of lot density proposed for the subdivision including the number of units, number of bedrooms, and number of possible rental units;

B. A narrative from the applicant as to the rationale behind the proposed layout and open space; and

C. An itemized list of all documents, agreements, and actions necessary to be completed prior to recording the final plat, including the requirements regarding open space management and shared sewer system management.

#### Subd. 8 Final Plat Requirements

All information required to be submitted for standard plats is to be submitted with Planned Unit Developments. The procedure to be followed for the final plat is that listed for standard plats.

#### Subd. 9 Conversions to Planned Unit Developments

Existing resorts or other land uses and facilities may be converted to Planned Unit Developments if all of the following standards are met:

- A. Proposed conversions must be initially evaluated using the same procedures for Planned Unit Developments involving new construction. Inconsistencies between existing features of the new development and these standards must be identified;
- B. Deficiencies involving water supply and sewage treatment, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;

**Subd. 5-10 Planned Unit Developments within Shoreland areas:**

- A. Preliminary plans ~~are~~ shall first be approved by the Commissioner of the Department of Natural Resources.
- B. There shall ~~is-not~~ be more than one centralized boat launching facility for each cluster.
- C. ~~Any attached~~ All conditions in the PUD CUP ~~are~~ shall be met, ~~such as limits on overall density, minimum size of the cluster development, restriction to residential uses, or minimum length of water frontage.~~

**SECTION 8.9. SUBDIVISION DESIGN STANDARDS**

Subd. 1 General

Design standards assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and shall be in conformity with the development objectives of the County.

Subd. 2 Roads

- A. The design of all roads shall give consideration to:
  - 1. Existing and planned roads
  - 2. Reasonable circulation of traffic within the plat
  - 3. Topographic conditions
  - 4. Stormwater runoff
  - 5. Proposed uses of the area to be served
- B. Where new roads extend to existing adjoining roads, their projections shall be at the same or greater width, but in no case less than the minimum required width. Where adjoining areas are not subdivided, the arrangement of roads in new subdivisions shall make provisions for the proper projection of roads. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new roads shall be carried to the boundaries of such unsubdivided land. Until the adjoining property is developed, a temporary cul-de-sac shall be constructed.
- C. Road Design Standards:

	Local Road	Private Road
Rights of way	66'	33'
Surface width	24'	18'
Minimum horizontal curve radii	50'	50'
Minimum grade	0.5%	0.5%

# ARTICLE 30 CR, COMMERCIAL RECREATIONAL DISTRICT

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## SECTION 1. PURPOSE

The intent of the CR Commercial Recreational District is to provide suitable locations for, and to encourage the development of, commercial recreation facilities in those areas of the county which benefit the recreational needs of both residents and tourists and restrict incompatible commercial and industrial uses. The Commercial Recreational District shall not be an overlay district, but shall be an exclusive district when used.

## SECTION 2. PERMITTED USES

Subd. 1. None.

## SECTION 3. CONDITIONAL USES AND INTERIM USES

All conditional and interim uses are subject to zoning and building permits.

- Subd. 1. Resort facilities to include lodges, guesthouses, cabins and retreat facilities.
- Subd. 2. On-site taverns where the main function is servicing a resort or recreational development.
- Subd. 3. On-site restaurants where the main function is servicing a resort or recreational development.
- Subd. 4. Golf courses and clubhouses.
- Subd. 5. Dinner theaters.
- Subd. 6. Ski areas, ski jumps, related lifts, lodges, and maintenance facilities.
- Subd. 7. Yacht slips, service and storage marinas, harbor and docking facilities subject also to all approved regulations and ordinances of governmental agencies for the same.
- Subd. 8. Campgrounds and Recreational Vehicle sites.
- Subd. 9. Nature trails, snowmobile trails, ski trails, and similar facilities.
- Subd. 10. Museums and commercialized historical attractions.
- Subd. 11. Accessory uses to be determined through the CUP process.
- Subd. 12. Outdoor recreational uses including, but not limited to: zip lines, rope or disc golf courses and mountain bike trails.
- Subd. 13. Outdoor concert facilities.
- Subd. 14. **Planned Unit Developments in compliance with the Goodhue County Subdivision Ordinance**



## **SECTION 4. GENERAL DISTRICT REGULATIONS**

- Subd. 1. Maximum height limitations for structures and related facilities shall be determined through the CUP process.
- Subd. 2. Each lot or parcel shall have an area of not less than two (2) acres.
- Subd. 3. Structures shall meet the following setbacks:
- A. Front yard
    - 1. A front yard of not less than forty five (45) feet shall be provided as measured from the right-of-way line of any public road or highway.
    - 2. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such a lot shall have a front yard abutting each such road or highway.
  - B. Side and Rear Yard
    - 1. Side and Rear yards shall be a minimum of thirty (30) feet. However, livestock buildings shall be subject to a side and rear yard setback of one hundred (100) feet.
- Subd. 4. Lot Width. Each lot shall have a minimum width of one hundred (100) feet.

# Cook County

## Subdivision Ordinance

Ordinance #50

Adopted 7/11/2006

Amended 11/23/2010, 11/22/2011, 5/22/2012, 7/23/2019 and 5/23/2023

- 2.10 Open Space Subdivision - A type of subdivision that creates lots that provide flexibility in location of structures by allowing the clustering of smaller lots and preservation of open space.
- 2.11 Parcel – A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity. Control by a single entity includes control by members of a family, corporation or trust.
- 2.12 Preliminary Plat – A tentative plan meeting the requirements herein enumerated for the subdivision of a certain parcel of land.
- 2.13 Planned Unit Development - A type of development having a unified site design for a number of separately owned dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Planned Unit Development - Commercial. **“Commercial planned unit developments” are uses that provide transient, short-term** lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Planned Unit Development - Residential. **“Residential planned unit development”** means a use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments when not used for transient short-term lodging.

- 2.14 Road – Any vehicular way serving more than four primary dwellings, or buildable lots.
- 2.15 Road, Cul-de-sac – A road with a single common ingress and egress and with a turnaround at the end.
- 2.16 Shared Driveway - A private vehicular way serving up to four adjoining lots, which provides access to a road or highway.

10%

J. Application Requirements:

The applications shall follow the same procedure as a standard plat, including the Concept Plan Meeting, and the information requested for the preliminary and final plats, except for Administrative Subdivisions that utilize the standards and requirements for Open Space Subdivisions, which will be processed in the manner described in Section 4 of this Ordinance. In addition the following information will be required:

1. Open space location and use;
2. Percentage of open space; and
3. Proposed method of open space preservation.

## Section 7 – Planned Unit Development

### 7.1 Purpose

Planned Unit Developments allow the subdivision of land into smaller lots than would typically be allowed. Planned Unit Developments allow the County to relax any other performance standards contained herein, or in any other official controls that may apply. They provide a public benefit by allowing construction to be clustered in one part of the property. Utility services can be delivered more efficiently and natural resources are protected. The lot owners can enjoy the use of vacant land for recreation, screening, or any other purpose consistent with the development restrictions in place. The layout can be designed to allow public and private services to be delivered more efficiently than other plats. A Planned Unit Development shall be classified as either a residential or commercial planned unit development according to the definitions in Section 2.

### 7.2 Restrictions

- A. A conditional use permit is required for the entire project before a Preliminary Plat for the whole or any part can be brought forward. Shared ownership of septic systems with a professional maintenance and management system is required, as well as the dedication of at least 50% of the land as dedicated open space.

Density must not exceed a total of 3,000 square feet of inside living space per acre of entire parcel. The density may be increased up to 4,500 square feet of inside living space provided that the following conditions are met:

1. At least 60% of the overall acreage of the property is dedicated as open space; and
2. In shoreland, a minimum of 40% of the lot width at twice the structure setback line is dedicated as open space.

The County may require a lower base density for Planned Unit Developments when it is determined by the County that conditions such as protection of wilderness characteristics, topography, environmental conditions, or other similar site-specific conditions exist that warrant a lower base density.

- B. For Commercial Planned Unit Developments, additional inside space may be allowed up to 450 square feet per acre for commercial, retail or recreational purposes.
- C. Residential Planned Unit Developments may be placed in the following zone districts:
  - 1. Lake Shore Residential;
  - 2. Resort Commercial/Residential; and
  - 3. Single Family Residential Districts.
- D. Commercial Planned Unit Developments may be placed in the following zone districts:
  - 1. General Commercial; and
  - 2. Resort Commercial/Residential.

### 7.3 Open Space Preservation

Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective means as approved by the County must be provided to ensure long-term preservation and maintenance of at least 50% of the total project area. The instruments utilized to preserve open space must include all of the following protections for open space areas:

- 1. Commercial uses prohibited;
- 2. Vegetation and topographic alterations other than those vegetation and topographical alterations consistent with the landscape plan and runoff and erosion control plan shall be prohibited;
- 3. Construction of buildings, storage of watercraft, vehicles and other materials prohibited;
- 4. Beaching of watercraft is prohibited;
- 5. Building lots, roads including right-of-ways, septic treatment systems, land covered by impervious surfaces or parking areas which are determined by the County to be impervious are prohibited;
- 6. Open space may include outdoor recreation facilities such as trails or picnic areas;
- 7. In shoreland, at least 25% of the lot width at the structure line must be open space;
- 8. In shoreland, 75% of the shore impact zone must be included as open space. The remaining 25% of the shore impact zone can be used for unrestricted



- open space uses such as boat storage, beach or boat launch areas. This area will not be included in the 50% dedicated open space calculation; and
9. Significant vegetation, natural habitats, wetlands, historic values, or areas unsuitable for development in their natural state shall be evaluated for preservation.

#### 7.4 Homeowner's Association

Unless an equally effective alternative community framework is established, as determined by the County, all multiple ownership planned unit developments must use an owners association with the following features:

1. Membership must be mandatory for all individual owners and any successive purchasers;
2. **Each member must pay a proportionate 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.

#### 7.5 Conditional Use Permit Application

The application for a conditional use permit will include the following documents:

1. Map of the property under consideration, including property boundaries, 10-foot topography contours, on-site features, roads, lakes, rivers and other relevant features;
2. Map drawings including building locations on site and elevations, proposed uses, number of owner units, and a floor plan for all structures;
3. A concept statement describing how development will be managed & owned, any planned rental of units, and phases, if proposal is to be staged;
4. Parking areas and driveways for both commercial and residential activities, vehicle loading/unloading areas, proposed public road entrances, and projected traffic generation of development;
5. Proposed fire protection;
6. A description of current land use and structures on land and all encumbrances, such as easements or covenants;
7. Open space location, acreage, proposed use, and method of protecting space;
8. Landscape plan showing existing vegetation, proposed alterations, areas proposed for stormwater management;
9. Soil types, and characteristics, such as depth to water table or ledge rock as needed for septic treatment design and hydrologic features including surface water bodies, wetlands and drainage ways;
10. Sewage treatment system location and alternate site location, along with plans;
11. Erosion control plan;
12. Information about availability of public utilities;

13. Proposed homeowners association agreement including any deed restrictions, covenants, easements, etc;
14. Water sources and water supply system plans;
15. Evidence of application for appropriate permits, state and federal; and
16. Those additional documents as required by the county.

The conditional use application is not part of the plat application.

## 7.6 Preliminary Plat

### A. Submission Information

All information required to be submitted for Standard Plats is required to be submitted with Planned Unit Developments. In addition the following is required:

1. A calculation of lot density proposed for subdivision, including number of units, number of bedrooms, number of possible rental units;
2. A narrative from the applicant as to the rationale behind the proposed layout and open space; and
3. An itemized list of all documents, agreements and action necessary to be completed prior to recordation of the final plat, including the requirements regarding open space management and shared sewer system management.

### B. Procedure

The procedure to be followed is that listed under Standard Plats.

## 7.7 Final Plat

### A. Submission Information

All information required to be submitted in for Standard Plats is required to be submitted with a Planned Unit Development.

### B. Procedure

The procedure to be followed for final plat is that listed for Standard Plats.

### C. **Developer's Agreement**

**The Developer and County shall enter into a developer's agreement acceptable to the County for all subdivisions prior to the granting of final approval of the development, with the exception of Administrative Subdivisions.**

## 7.8 Design Standards

As part of the plat review process, Planned Unit Developments shall be evaluated for compliance with the following design standards in order to help meet the goals of Cook County:

- A. Housing lots shall be located to minimize their impact on the natural, scenic, economic and cultural/historical resources of the site, and shall adhere to the following provisions:
  - 1. Lots shall minimize inclusion of wetlands and woodlands;
  - 2. As many lots as possible shall avoid locating near high traffic roads;
  - 3. Lots shall take access from interior streets rather than perimeter roads; and
  - 4. Lots shall be located adjacent to open space areas and near trail accesses.
- B. Open space areas shall be designed to the greatest extent possible to:
  - 1. Protect the sites significant resources;
  - 2. Connect with exiting or potential open space areas on adjacent tracts;
  - 3. Connect with existing and future planned public trail and recreation systems; and
  - 4. Provide a buffer to minimize incompatible land uses.

#### 7.9 Water and Sewer Systems

- A. Water may be provided by individual on-site wells, or by one or more community wells in open space areas, meeting all Minnesota Department of Health requirements.
- B. All Planned Unit Developments shall be designed with adequate sewage treatment facilities that meet Minnesota Pollution Control Agency Chapter 7080 standards as well as the following:
  - 1. For Planned Unit Developments of five lots or less, individual sewage treatment systems or a combination of individual and jointly used systems may be used if collectively owned and managed; and
  - 2. Applications requesting more than five individual sewage treatment systems shall only be considered if the applicant can clearly demonstrate an engineering or geographical hardship.
- C. Planned Unit Developments shall submit a sewage management plan to Cook County Environmental Health that must be reviewed and approved prior to being recorded with the final plat. The plan shall clearly identify the following:
  - 1. The owner(s) of the shared sewage system;
  - 2. An annual schedule for maintenance, inspection and monitoring of the shared sewage system;
  - 3. A contingency plan in the event of failure of the shared sewage system;

4. A provision describing how the sewage treatment portion of the system will be protected from vehicles, animals, human and other sources of risk;
5. Assignment of responsibility for the management and payment of the shared system;
6. **The name and license number of the system's designer; and**
7. Clearly describe the sewer design, and or contingency plan and what collection and treatment technologies will be used to insure system longevity and groundwater protection.

#### 7.10 Conversions

- A. Local governments may allow existing resorts or other land uses and facilities to be converted to Planned Unit Developments if all of the following standards are met:
  1. Proposed conversions must be initially evaluated using the same procedures for Planned Unit Developments involving new construction. Inconsistencies between existing features of the development and these standards must be identified;
  2. Deficiencies involving water supply and sewage treatment, impervious 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:
    - (1) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
    - (2) Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
    - (3) If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
  4. Existing site densities that exceed standards in Section 7.2 (A) and (B) may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

**ORDINANCE NUMBER 9  
LAKE COUNTY SUBDIVISION ORDINANCE**

**Revised and Effective May 26<sup>th</sup>, 2006**

- Sec. 2.15      Engineer: The County Engineer of Lake County, Minnesota or his authorized representative.
- Sec. 2.16      Final Plat: The final map, drawing or chart on which the sub divider's plan of subdivision is presented to the County Board for approval and which, if approved, will be submitted to the County Recorder for recording.
- Sec. 2.17      Land Use Ordinance: Lake County Ordinance Number Twelve (12).
- Sec. 2.18      Lot: The component of a subdivision individually numbered or designated on the subdivision plat for purposes of description, recording, conveyance, development and taxation. In a CIC Subdivision, the term "lot" is replaced by the term "unit". .
- Sec. 2.19      Lot Width: The distance shortest distance between lot lines measured at the building line.
- Sec. 2.20      Owner or Person: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient recorded legal interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.
- Sec. 2.21      Planned Unit Development, Commercial: Multiple dwelling units for short-term, less than one (1) month lodging, including, but not limited to townhomes, condominiums, motels, and hotels, and containing four (4) or more dwelling units.
- Sec. 2.22      Planned Unit Development, Residential: Multiple residential dwelling units including but not limited to, townhomes and condominiums.
- Sec. 2.23      Planned Unit Development Subdivision (P.U.D.): A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, potential density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these; or Cluster Subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, resorts, hotels, motels, and conversions of structures and land uses to the before mentioned uses. (Hotels, motels, resorts and campgrounds meeting section 25.07(l) of Lake County Land Use Ordinance #12 are exempt from this ordinance)
- Sec. 2.24      Preliminary Plat: A drawing of a proposed subdivision prepared in the manner and containing the data, documents, and information required by Article 5.0 of this Ordinance.
- Sec. 2.25      Private Road or Reserve Strip: A road, way, or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated road.
- Sec. 2.26      Road: A way having permanent location on the ground and serving more than four (4) dwellings or buildable lots including railroads, highways, trails, portages and roadways.
- Sec. 2.27      Road – Arterial: A road or highway of considerable continuity, which is used primarily for heavy through traffic between major traffic generation areas.



## **ARTICLE 6.0 PLANNED UNIT DEVELOPMENTS**

### **Section 6.01**

#### Purpose and Applicability:

- A) The purpose of these regulations is to establish procedures and criteria to evaluate Planned Unit Developments. It is intended to provide a relationship between buildings, and between buildings and sites, that cannot be accomplished by the one building-one standard sized lot application of the land use provisions of this ordinance.
- B) These provisions apply to new Planned Unit Developments, both commercial and residential, on undeveloped land, redevelopment of previously built sites or conversions of existing buildings and lands.
- C) This type of development is for optimization of development opportunities, maximum environmental protection, and creation of greenspace within the Planned Unit Development site. Nonconformities do not qualify for Planned Unit Development review unless they change to a conforming use.
- D) Planned Unit Developments must be designed and operated to be compatible and harmonize with their surroundings. It is the intent of these guidelines to provide the flexibility to review, modify, and approve Planned Unit Developments that follow the rules of common sense and practicality. The end result should be a development which optimizes the use of building sites, and protects and enhances the natural amenities of those sites.

### **Section 6.02**

Approval Process: A Conditional Use Permit is required for the entire project. A preliminary plat can be brought forward for action for the whole or any part of the plat at the same time as the Conditional Use Permit or within six (6) months after approval of the Conditional Use Permit. The Conditional Use Permit must be processed within the timeframe specified under MN Statute 15.99 as amended.

- A) Preliminary Plat: The procedure to be followed is that listed under Standard Plats. All information required to be submitted for Standard Plats is required to be submitted with Planned Unit Developments. In addition the following is required.
  - 1) A calculation of lot density proposed for subdivision, including number of lots/units, number of bedrooms, number of possible rental units;
  - 2) An itemized list of all documents, agreements and action necessary to be completed prior to recordation of the final plat, including requirements regarding open space management, water supply systems and shared sewer system management.
- B) Final Plat: The procedure to be followed is that listed under Standard Plats. All information required to be submitted for Standard Plats is required to be submitted with the Planned Unit Developments.

### **Section 6.03**

Planned Unit Development Design Criteria: The purpose of the following criteria is to provide guidance to citizens, County officials, and developers in evaluating, reviewing and designing Planned Unit Developments.

#### A) General Requirements:

- 1) Each Planned Unit Development shall have no less than four (4) units and a lot area of at least four (4) acres. Property in the North Shore Management Zone

must have a minimum of five (5) units and a lot area of ten (10) acres if served by a private sewage treatment system and this could be reduced to one (1) acre if served by a public sewer.

- 2) Structures, parking areas, and other facilities must be designed and placed to reduce visibility as viewed from lakes, roads and adjacent shoreland by vegetation, topography, increased setbacks, color, or other means, assuming summer, leaf-on conditions. Outdoor lighting must be designed and placed in accordance with the provisions of this Ordinance. The end result should be a development that is visually unobtrusive to the natural environment or surrounding properties.
  - 3) Units, recreation facilities, and commercial uses must be clustered into one or more groups and located on suitable areas of the development site.
  - 4) Areas with physical characteristics unsuitable for development in their natural state, such as wetlands and areas containing significant historic sites or unplatted cemeteries shall be considered open space.
  - 5) The development shall provide at least one and one-half (1½) parking spaces per unit, and one (1) parking space for each non-resident employee, and two (2) parking spaces for each five (5) seats of seating capacity for restaurants and bars. Space for loading and unloading vehicles shall be provided for buildings used for commercial purposes. (See also; Off-Street Loading section of the Land Use Ordinance.)
  - 6) The development must contain interior roads which meet Subdivision Ordinance road standards and provide safe access to developed public roads.
  - 7) Water-oriented accessory structures (see Land Use Ordinance definition) and facilities may be allowed if they meet design standards contained in the Shoreland section of this Ordinance.
  - 8) Accessory structures and facilities may be allowed if they meet zone district standards.
  - 9) Where onsite sewage treatment is used, sufficient area free of limiting factors must be provided for a replacement system.
- B) Lot Configuration: Individual lot boundaries must not be located within the shore impact zone unless the lot has the minimum amount of water frontage required by the zoning district.
- C) Building Setbacks Within the Boundaries of the Planned Unit Development: Exterior setbacks and public road setbacks shall be the same as required for the particular zone district in which the Planned Unit Development is located. All interior setbacks, including those from interior roads, will be set by the Planning Commission.
- D) Open Space Requirements:
- 1) At least fifty percent (50%) of the total project area must be preserved as open space. This fifty percent (50%) open space dedication must be filed as a restriction against the property as outlined below.

- 2) At least twenty-five percent (25%) of the lot width at the structure setback line shall be left as open space.
  - 3) Dwelling units or sites, road rights-of-way, land covered by road surfaces, parking areas, units, and structures are considered developed areas and should not be included in the computation of minimum open space.
  - 4) Open space may include improved outdoor recreational facilities for use by owners, guests of the dwelling units or sites, or the public.
  - 5) In shoreland, seventy-five percent (75%) of the Shore Impact Zone must be included as open space. At least fifty percent (50%) of the Shore Impact Zone area for existing developments or at least seventy-five percent (75%) of the Shore Impact Zone for new developments must be preserved in its natural state. The remaining twenty-five percent (25%) of the Shore Impact Zone can be used for unrestricted open space uses such as boat storage, beach or boat launch areas. This area shall not be included in the open space calculation.
- E) Open Space Preservation: The appearance of open space areas, contiguous and detached, including topography, vegetation, and allowable uses must be preserved by the use of deed restrictions, covenants, permanent easements, public dedication and acceptance, or other effective and permanent means. The instruments must include all of the following:
- 1) Commercial uses prohibited (within residential PUDs);
  - 2) Vegetation and topographic alterations other than routine maintenance prohibited;
  - 3) Construction of additional buildings, parking or storage of vehicles and other material prohibited; and
  - 4) Uncontrolled beaching prohibited on riparian properties.
- F) Water Supply and Sewage Disposal Standards:
- 1) On-site water supply and sewage treatment systems must be centralized, designed, installed and operated to meet the regulations of the Minnesota Pollution Control Agency (MPCA), Minnesota Department of Health (MDH), and the Lake County Ordinances.
    - a) If a development's sewage design flow is such that a MPCA state disposal permit is required, a copy of the application and any approval shall be submitted to the County.
  - 2) On-site sewage treatment systems must be located on the most suitable areas of the development.
  - 3) Public water and sewage service must be used where available, as determined by the County.
  - 4) All new units must utilize water conserving plumbing fixtures and have water meters installed and accessible which serve all sewage generating appliances.
  - 5) No occupancy of any unit or use of any commercial structure of any Planned Unit Development shall be allowed until the approved sewage disposal system is in place and fully operational.

G) Shoreland Design Requirements:

- 1) Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- 2) Dwelling units or sites must be designed and located to meet or exceed the following dimensional standards for a relevant shoreland classification: setback from the vegetation line, elevation above the surface water features, and maximum height. 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 watercraft allowed to be continuously beached, moored, or docked must not exceed one for each allowable dwelling unit or site in the first tier, notwithstanding existing mooring sites in an existing 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.
- 3) Tier Definition:
  - a) The project parcel must be divided into two tiers by locating one or more lines approximately parallel to a line that identifies the vegetation line at the following intervals, proceeding landward:

<b>SHORELAND TIER DIMENSIONS</b>	
<b>Public Water Classification</b>	<b>1st Tier Boundary (from Vegetation Line)</b>
General Development Lake (includes Lake Superior)	200
Recreational Development Lake	300
Natural Environment Lake	400
All River Classes	300

- b) The area within the each of the two tiers is calculated, excluding all wetlands, bluffs or land below the vegetation line of public waters. These areas are then subjected to the appropriate Planned Unit Development density evaluation procedure in section 6.04 to arrive at an allowable number of dwelling units or sites.

## Section 6.04

**Development Density:** The density standards in the Planned Unit Development Section are the maximum allowed densities. The Planning Commission by considering land use and environmental impacts may decrease the allowed permitted densities.

A) **Shoreland Areas:** Within shoreland areas the proposed project must be divided into tiers according to section 6.03(G)(4).

- 1) First, calculate the suitable/buildable area within each tier excluding all wetlands, bluffs and land below the ordinary high water level of public waters.
- 2) The suitable/buildable area in each tier is divided by the single residential lot size standard for lakes or, for rivers the single residential lot width standard times the tier depth which shall then be used to yield a base density of dwelling units or sites for each tier. Density increases are only allowed in the North Shore Management Zone in section 6.05(A) and alternative standards to the tier approach are allowed in the North Shore Management Zone in section 6.05(B).

B) **Non-Shoreland Areas:**

- 1) First, calculate the suitable/buildable area of the project area.
- 2) The suitable/buildable area is then divided by the minimal lot area for the zoning district to yield a base density of dwelling units or sites.

- C) Public Sewer: Planned Unit Developments with public sewer are allowed a density increase to four (4) units per one (1) acre even if the zoning district lot size is smaller. The public sewer must be in place before a Planned Unit Development can receive this density increase. The Planning Commission by considering land use and environmental impacts may decrease this allowed permitted density.

## Section 6.05

### North Shore Management Zone:

- A) Density Increase: Density may be increased in exchange for an increased setback and increased open space at building line as long as all other criteria are met (this does not apply to publicly sewerred areas eligible for four (4) units per acre). The increased setback must be based on the most restrictive setback per the Land Use Ordinance #12:
- 1) First Tier: No increases allowed.
  - 2) Second Tier: A fifty percent (50%) shoreland setback increase for all structures and thirty-five percent (35%) open space at the building line will allow a fifty percent (50%) increase in density. A one hundred percent (100%) shoreland setback increase for all structures and forty-five percent (45%) open space at the building line will allow a one hundred percent (100%) density increase.
  - 3) Projects that are not located in the first tier may receive a one hundred percent (100%) increase in density with a detailed plan showing how they will reduce visibility from the lake. This may be accomplished through vegetation management, height restrictions and/or structure appearance.
- B) Alternate Plan For Riparian Areas: Under this alternate plan a Planned Unit Development can be processed with no tiers as long as the following requirements are met:
- 1) No density increase allowed.
  - 2) At least forty percent (40%) lot width at the building setback shall remain as open space. Individual lot area cannot be considered open space.

## Section 6.06

Conditional Use Permit Application: The application for a Conditional Use Permit shall include the following documents. The following information shall be on a map(s) drawn to standard engineer's scale of not less than 1:100. Special circumstances may be best depicted by drawings of a scale of 1:200, which may be allowed with the Administrator approval. If platting part or all of the project area, additional information as stated in section 6.02 is required.

### A) Information Required:

- 1) A map of the property under consideration at a scale of not less than 1:100 unless approved by the Administrator, including property boundaries, Topographic data showing contours, at intervals to be determined by the Administrator based on the specific topographical features of a site, with intervals not to exceed ten (10) feet, on-site features, roads, lakes, rivers, wetlands, rock outcroppings, wooded areas, and other relevant features. Property boundaries must be identified on-site by monuments, stakes or flags as described on the submitted plans.
- 2) Building elevations, location on site, proposed use(s), number of units, and commercial operations.
- 3) A concept statement describing how the development will be managed, owned, operated, any planned rental of units and phases, if proposal is to be staged.
- 4) Parking areas and driveways for both residences and commercial activities, vehicle loading/unloading areas, proposed public road entrances, and projected traffic generation of the proposed development.

- 5) Proposed fire protection.
  - 6) Proposed homeowner and/or road association agreements, where applicable.
  - 7) Detailed landscape plan which shows existing vegetation, proposed alterations, new plantings and landscaping which is consistent with shoreland alteration guidelines.
  - 8) Recreational space location and use.
  - 9) Adequate water sources and water supply system plans.
  - 10) Proposed sewage treatment system plans.
  - 11) Solid waste management plans including provision for solid waste contract servicing and canister site location.
  - 12) Erosion control and stormwater plan.
  - 13) Evidence of application for appropriate permits, state and federal.
  - 14) Evidence of availability of necessary public utilities.
  - 15) Proposed financial plans and necessary performance bonds or escrow agreements to protect the County's financial liability for site restoration, landscaping, erosion control measures, and sewage treatment systems.
- B) Any other information deemed to be necessary by the County will be provided by the applicant. The County may require plan modifications or require special conditions or performance standards, including environmental review, as part of its approval of the project.
- C) The proposed development plan will demonstrate that the development will conform to adjacent development and be screened from lakes, adjacent roads and adjacent properties.

#### Section 6.07

Administration and Maintenance Requirements. Before final approval of all Planned Unit Developments, the Planning Commission must ensure adequate provisions have been developed for preservation and maintenance in perpetuity of open spaces, septic systems, and for the continued existence and functioning of the development as a community.

- A) Development Organization and Functioning: Unless an equally effective alternative community framework is established when applicable, all residential Planned Unit Developments must use an owners association with the following features:
- 1) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
  - 2) Each member must pay a proportionate 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.
  - 4) The association must be responsible for insurance, taxes, and maintenance of all commonly-owned property, roads and facilities.

#### Section 6.08

Conversion: Existing commercial lodging facilities may be converted to Planned Unit Developments if all of the following standards are met:

- A) Proposed conversion of Licensed Establishments shall be initially evaluated using the same procedures as Planned Unit Development. Inconsistencies between existing features of the development and these standards must be identified and rectified. Paramount to approval is the return to zone district density standards.
- B) Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion.

- C) Shore Impact Zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
- 1) Removal of buildings, docks, or other facilities located in Shore Impact Zones;
  - 2) Remedial measures to correct erosion sites and replacement of vegetative cover and screening of buildings and other facilities as viewed from the water; and
  - 3) If existing dwelling units are located in Shore and Bluff Impact Zones, conditions shall be attached that preclude exterior expansions in any dimension. 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) Lot boundaries can be located in the Shore Impact Zone when existing structures are already located in the same at the discretion of the Planning Commission. Allowing any water frontage less than the minimum requirement of the zoning district shall not be allowed.
- D) Existing dwelling unit or dwelling site densities that exceed standards shall be rectified and shall not be increased, either at the time of conversion or in the future. Efforts must be made during the conversions to improve vegetative screening centralize shore recreation facilities, and other means. Conversions shall not be approved until provision for total sewage system upgrade is made and secured by appropriate financial assurance.