

SEC. 154.280 SHORELAND OVERLAY DISTRICT

154.281 DEFINITIONS.

The definitions included in SEC. 154.020 of the City Code shall apply.

154.282 PURPOSE.

The purpose of the Shoreland Overlay District is to protect and enhance the quality of surface waters by promoting the wise utilization of public waters, watercourses and related land resources. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

154.283 DISTRICT APPLICATION.

The Shoreland Overlay District shall be an overlay district and shall be superimposed on all zoning classifications in the designated overlay area. The "Shoreland Overlay District" shall correspond to any/all shorelands of the public water bodies and water courses as classified in this ordinance. The standards contained in the Shoreland Overlay District shall be in addition to any other requirements set forth in this Ordinance. If the district standards are conflicting, the more restrictive standards shall apply. The boundaries of the Shoreland Overlay District are defined as follows:

(A) 1,000 feet from the ordinary high water level of the classified lakes as listed in SEC. 154.284.

(B) 300 feet from the ordinary high water level or the landward extent of a floodplain designated by ordinance (whichever is greater) of the classified rivers and streams as listed in SEC. 154.284.

(C) No lake, pond, or flowage less than ten acres in size in the City or (25) acres in size in unincorporated areas need be subject to shoreland overlay district standards.

(D) A body of water created by a private user where there was no previous shoreland may, at the City's discretion, be exempt from this Ordinance.

154.284 SHORELAND CLASSIFICATION SYSTEM.

The public waters and public waters wetlands of the City of Jordan, Scott County, Minnesota have been classified below consistent with the criteria found in Minnesota Rules, part 6120.3000; or successor rule, and the Protected Waters Inventory Map for Scott County, Minnesota. The shoreland area for the water bodies itemized below shall be subject to the standards of the Shoreland Overlay District.

(A) Protected public water:

(1) (# 113P) Mill Pond. Classification: Recreational Development Lake.

(B) Protected watercourses:

(1) Sand Creek. Classification: Tributary.

- (2) All protected watercourses in the City of Jordan shown on the “Protected Waters Inventory Map for Scott County”, a copy of which is hereby adopted by reference, not given a classification shall be considered "Tributary".

154.285 PERMITTED USES.

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.

The following are permitted uses within the Shoreland Overlay District:

(A) Recreational Development Lakes. All uses allowed and regulated in the applicable underlying zoning district.

(B) Tributary Streams. All uses allowed and regulated in the applicable underlying zoning district.

154.286 CONDITIONAL USES.

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.

(A) The following are conditional uses within the Shoreland Overlay District:

(1) Recreational Development Lakes.

(a) Parks and historical sites.

(b) Semipublic uses.

(c) Residential PUD (note: all residential subdivisions exceeding quad unit densities may be allowed if designed and approved as residential PUD's providing the standards of SEC. 154.292 and SEC. 154.294 are met.

(d) Commercial PUD's providing the standards of SEC. 154.291 and SEC. 154.292 are met.

(2) Tributary Streams. All conditional uses allowed and regulated in the applicable underlying zoning district.

(B) Conditional uses allowable within shoreland areas shall be subject to review and approval procedures, and criteria and conditions established in SEC. 154.047. In addition, the following standards shall apply:

(1) A thorough evaluation of the water body and the topographic, vegetation and soils conditions on the site shall be made to ensure:

(a) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

(b) The visibility of structures and other facilities as viewed from public waters is limited;

- (c) The site is adequate for water supply and on-site sewage treatment; and
 - (d) 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 the watercraft.
- (2) The City may require the visibility of structures and other facilities as viewed from public waters to be limited.
 - (3) The City may impose limitations on natural vegetation removed. The City may require additional vegetation be planted.
 - (4) The City may increase setbacks from the ordinary high water mark.
 - (5) The City may impose special provisions for the location, design and use of structures; utilities; watercraft launching and docking areas; and, vehicle parking areas.

154.287 ACCESSORY USES.

Accessory uses and structures shall be the same as those listed in the underlying zoning classification.

154.288 LOT AREA REQUIREMENTS.

The following area and width requirements shall apply to lots platted and/or homes developed after the effective date of this Ordinance. Lots platted prior to the effective date of this Ordinance shall be exempt from the following:

(A) Sewered Lakes: Recreational Development; Riparian Lots

Type	Area	Width
Single	20,000	80
Duplex	35,000	135
Triplex	50,000	195
Quad	65,000	255

(B) Sewered Lakes: Recreational Development; Non-Riparian Lots

Type	Area	Width
Single	15,000	80
Duplex	26,000	135
Triplex	38,000	190
Quad	49,000	245

(C) River/Stream: Tributary Streams

Type	Area	Width
Single	See	75
Duplex	underlying	115
Triplex	district	150
Quad	requirements	190

(D) River/Streams: Tributary commercial lot size and width requirements shall be the same as those listed in the underlying zoning classification.

(E) In all zoning classifications, only land area above the Ordinary High Water Level shall be used to meet the minimum lot area and width requirements. Lot width standards shall be met at the ordinary high water level and at the building line.

154.289 SETBACKS.

(A) In addition to setback requirements of the underlying zoning classification, uses within the Shoreland Overlay District shall be setback (in feet) from Ordinary High Water Level as follows:

<u>Classification</u>	Structure Setback*		Sewage Treatment System
	Unsewered	Sewered	
Recreational Development Lakes	100	75	75
Tributary	100	50	75

*This includes setbacks to an on-site sewage system.

(B) In addition to setbacks from the Ordinary High Water Level, all structures in all shoreland overlay districts shall be set back:

Setback from	Structure Setback
Top of bluff	30 feet
Unplatted cemetery	50 feet
Federal, State, County Highway Rights-of-way.	50 feet. This shall not apply to buildings within Jordan’s C-2 or Central Business District. The setbacks in the C-2 District shall apply.
Town road, public streets, or other roads or streets not classified right-of-way line	30 feet. This shall not apply to buildings within Jordan’s C-2 or Central Business District. The setbacks in the C-2 District shall apply.

(C) Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.

154.290 HEIGHT REQUIREMENTS.

No portion of any structure, except churches and nonresidential agricultural structures, shall exceed (35) feet in height within the Shoreland Overlay District. Berming the building does not allow a building to be constructed higher than (35) feet. Elevation for the building shall be determined by the average grade of the land.

154.291 SURFACE COVERAGE REQUIREMENTS.

No structure or combination of structures and impervious areas shall occupy more than 25% of the lot area within the Shoreland Overlay District.

154.292 SPECIAL REQUIREMENTS FOR COMMERCIAL USE.

(A) Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

- (1) In addition to meeting impervious coverage limits, setbacks and other dimensional provisions of this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
- (2) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and,
- (3) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - (a) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the City of Jordan;
 - (b) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey the location and name of the establishment and the general type of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lighting, such lights shall be shielded or directed to prevent illumination out across public waters; and
 - (c) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This Section does not preclude the use of navigational lighting.
- (4) Uses without Water-Oriented Needs. Commercial, industrial, public and 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.

154.293 OTHER REQUIREMENTS.

(A) General Considerations and Criteria for All Land Uses within the Shoreland Overlay District. Consideration shall be given to, and, the following standards shall be reviewed prior to the commencement of any land use within the shore land overlay district:

- (1) Preservation of natural areas;
- (2) Present ownership and development of shoreland areas;
- (3) Shoreland soil types and their engineering capabilities;
- (4) Topographic characteristics;
- (5) Vegetative cover;

- (6) In-water physical characteristics, values, and constraints;
- (7) Recreational use of the surface water;
- (8) Road and service center accessibility;
- (9) Socioeconomic development needs and plans as they involve water and related land resources;
- (10) The land requirements of industry which, by its nature, requires location in shoreland areas; and
- (11) The necessity to preserve and restore certain areas having significant historical or ecological value.

(B) All structures within the shoreland overlay district adjacent to Tributaries shall meet the following:

- (1) All structures, including accessory structures and additions to existing structures shall be placed so that the lowest floor (basement or first floor if there is no basement) is at least three (3) feet above the flood of record, if data is available. If data is not available, the lowest floor shall be placed at least three (3) feet above the ordinary high water level. Alternately any structure shall be constructed on fill so that the basement floor, or first floor if there is no basement, is one foot (1') above the Regulatory Flood Protection Elevation. The finished fill elevation must be no lower than one foot above the Regulatory Flood Protection Elevation and shall extend at such elevation at least (15) feet beyond the limits of the structure constructed thereon. If more than one of these approaches is used, the highest flood protection elevation that is determined shall be used for placing all structures and other facilities.
- (2) Uses that do not have vehicular access at or above an elevation not more than two feet below the Regulatory Flood Protection Elevation to lands outside of the flood plain shall not be permitted unless granted a variance by the Board of Adjustment. In granting a variance, the Board shall specify limitations on the period of use or occupancy of the use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist.
- (3) Accessory commercial land uses, such as yards and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted unless a flood warning system is in place.

(C) In addition to the requirements of the underlying zoning classification, all structures within the shoreland overlay districts adjacent to lakes shall adhere to the following:

- (1) The lowest floor at a level shall be placed no lower than one foot (1') above the regulatory flood protection elevation or at least three feet above the highest known water level, or at least three feet above the ordinary high water level, whichever is higher.

(D) The City shall evaluate soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions shall be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

(E) Upon application for a permit or subdivision approval within the shoreland overlay district and also within the floodplain or flood fringe, the City shall notify and require the applicant furnish sufficient site development plans and a hydrologic/hydraulic analysis by a qualified engineer or hydrologist, specifying the nature of the development. Procedures consistent with Minnesota Rules: Technical Standards and Requirements for Flood Plain Evaluation shall be followed during the technical evaluation and review of the development proposal. The City of Jordan shall submit one copy of the information required above to the respective Department of Natural Resources Area Hydrologist for review and comment at least 20 days prior to the granting of a permit or manufacture home park/subdivision approval is granted.

(1) The site development plans shall identify the following:

- (a) Ordinary high water mark
- (b) Toe of the bluff
- (c) Top of the bluff
- (d) Bluff impact zone
- (e) Structure locations

(F) Placement and Design of Roads, Driveways, and Parking Areas.

- (1) Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Plans and specifications shall be provided by a qualified individual, such as a registered professional engineer, architect or surveyor, showing that all roads and parking areas are designed and will be 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) Public and private roads, driveways, and parking areas shall meet structure setbacks from the Ordinary High Water mark for the applicable lake or river classification, and shall not be placed within the bluff and shore impact zones when avoidance is an option. If no alternatives exist, they may be placed within these areas, provided they are designed to minimize adverse impacts.

(G) Stormwater Management. The following general and specific standards shall apply:

(1) General Standards:

- (a) When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- (b) 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 and facilities or methods used to retain sediment on the site.
- (c) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater 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.

(2) Specific Standards:

- (a) When constructed facilities are used for stormwater 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.
- (b) New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

(H) 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 154.293(F) of this Section.
- (3) Notwithstanding items (1) and (2) above, a grading and filling permit will be required for:
 - (a) The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - (b) The movement of more than (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 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 30 percent or greater;
- (h) Fill or excavated material must not be placed in bluff impact zones;
- (i) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under; Minn. Stat. 103G.405 and 103G.405.
- (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 feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

(I) Connections to public waters. Excavations where the intended purpose is connection to public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

(J) Vegetative Alterations.

- (1) Vegetation alterations necessary for the construction of structures, placement of municipal utilities or the construction of roadways and parking areas as outlined in this Section are exempt from the vegetation alteration standards that follow.
- (2) Removal or alteration of vegetation 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.
 - (b) In shore and bluff impact zones and on steep slopes, limited clearing of trees 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 and beach and watercraft access areas provided that:

- (i) The screening of structures, vehicles or other facilities as viewed from the water assuming summer, leaf on conditions is not substantially reduced.
- (ii) Along rivers, existing shading of water surfaces is preserved.
- (iii) Removal of trees, limbs or branches that are dead, diseased or pose safety hazards are not affected by this standard.

(K) Storage of Hazardous Materials.

- (1) The storage or processing of materials that are, in time of flooding: flammable, explosive or potentially injurious to human, animal or plant life is prohibited.
- (2) Storage of other materials or equipment, where allowed by the underlying zoning district, may be allowed if readily removable from the area within the time available after a flood warning or if placed on fill to the Regulatory Flood Protection Elevation. The Regulatory Flood Protection Elevation is an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain and/or floodway.

(L) Water-Oriented Accessory Structures.

- (1) Each lot may have one water-oriented accessory structure not meeting the normal structure setback provided the water-oriented accessory structure:
 - (a) The structure or facility does not exceed ten feet in height, exclusive of safety rails, and does not occupy an area greater than 120 square feet.
 - (b) Detached decks do not exceed eight feet above grade at any point.
 - (c) The structure or facility is set back from the ordinary high water level at minimum of ten feet, and set back from the side lot line shall be at least ten feet.
 - (d) The structure or facility is treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.
 - (e) The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.
 - (f) The structure or facility shall not be designed or used for human habitation and shall not contain water or sewer facilities.

(M) Stairways, Lifts and Landings.

- (1) 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, sidewalks, lifts and landings must meet the following design requirements:
 - (a) Stairways, sidewalks and lifts must not exceed four feet in width on residential lots. Wider stairways, and sidewalks may be used for commercial properties, public open-space recreational properties, and planned unit developments if specifically authorized in a conditional use permit;

- (b) Landings for stairways and lifts on residential lots must not exceed (32) square feet in area. Landings larger than (32) square feet may be allowed for commercial properties, public open-space recreational properties, and planned unit developments if specifically authorized in a conditional use permit;
- (c) Canopies or roofs are not allowed on stairways, sidewalks, lifts, or landings;
- (d) Stairways, sidewalks, lifts or landings may be either constructed above the ground on posts or pilings, or placed into the ground provided they are designed and built in a manner that ensures control of soil erosion;
- (e) Stairways, sidewalks, lifts or landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public waters assuming summer, leaf-on conditions, whenever practical; and
- (f) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed as a permitted use for achieving access to shore areas, provided that the dimensional and performance standards of this Section, and the requirements of the State Building Code are complied with.

(N) Controlled Access or Recreational Lots.

- (1) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions and/or PUDs are permissible and must meet the following standards:
 - (a) They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
 - (b) If docking, mooring or over-water storage of more than six watercraft is to be allowed at a controlled access lot, the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

<u>Ratio of Lake Size (acres) to Shore Length (miles)</u>	<u>Required Increase in Frontage (%)</u>
Less than 100	25
100-200	20
201-300	15
301-400	10
More than 400	5

- (c) They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and,
- (d) Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring or docking. They must also include other outdoor recreational activities that do not significantly conflict general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing or picnicking. The covenants must limit the total number of vehicles allowed to be continuously moored, parked or stored over water and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and

vegetation alterations. They must also require all parking areas, storage buildings and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

154.294 NOTIFICATION PROCEDURES.

(A) Notification to Minnesota Department of Natural Resources.

- (1) Copies of all notices of public hearing for amendments, conditional uses, or variances shall be sent to the Commissioner of the Minnesota Department of Natural Resources at least ten days prior to such hearings. The notice shall include a copy of the proposed ordinance or amendment, or a description of the requested conditional use or variance. The City shall notify the Commissioner of its final decision on the proposed action within ten days of the decision.

154.295 PLANNED UNIT DEVELOPMENTS.

(A) Planned unit developments (PUD's) are allowed as conditional uses for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings provided the use is allowable in the underlying zoning classification.

(B) PUD's shall be processed in the manner defined in the underlying zoning classification and in compliance with this Section.

(C) An applicant for a PUD shall 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: the boundary of the proposed development; surface water features and other natural and man-made features; existing and proposed structures and other facilities, proposed land alterations; the location of municipal utilities; and topographic contours at a minimum of ten-foot intervals. A PUD that combines commercial and residential structures shall indicate and distinguish which buildings and portions of a project are commercial, residential or a combination of the two.
- (2) For residential planned unit developments, a property owner's association agreement with mandatory membership, all in accordance with the maintenance and administrative requirements prescribed in SEC. 154.190.
- (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 PUD's; and,
 - (b) Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in the maintenance and administrative requirements of this Section.
- (4) For commercial planned unit developments, and for commercial structures within residential planned unit developments; a master plan/drawing describing the proposed project and the floor plan for all commercial structures to be occupied.
- (5) Any additional documents as requested by the City of Jordan Planning Commission that are necessary to explain how the PUD will be designed and will function.

(D) PUD Site Suitability Evaluation.

- (1) Proposed new, or expansions to existing, planned unit developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site evaluation described in SEC. 154.190.
- (2) 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:

Recreational Development lakes	267 ft.
Rivers and Tributaries	300 ft.

- (3) The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, and land below the ordinary high water level of public waters. This suitable area and the proposed development are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites within each tier.

(E) PUD Maximum Density.

- (1) The procedures for determining the allowable density of residential and commercial planned unit developments are as follows. Allowable densities may be transferred from a tier to any other tier further from the public water, but shall not be transferred to any tier closer to the public water.
- (2) To determine the allowable density for Residential Planned Unit Developments:
 - (a) The suitable area within each tier is divided by the single residential lot size standard for the applicable management district.
 - (b) Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the maintenance and design criteria prescribed in SEC. 154.190.
- (3) To determine the allowable density for Commercial Planned Unit Developments:
 - (a) The average inside living area size of dwelling units or sites is computed. Computation of inside living area need not include decks, patios, stoops, steps, garages, porches or basements unless such areas are habitable space;
 - (b) The appropriate floor area ratio is then selected from the following table based upon the average unit floor area for the appropriate public water classification;

Average Unit Floor Area in Square Feet	Tributaries	Recreational Development Lakes and Transitional Rivers
200 or less	.040	.020
300	.048	.024
400	.056	.028
500	.065	.032
600	.072	.038
700	.082	.042
800	.091	.046

900	.099	.050
1,000	.108	.054
1,100	.116	.058
1,200	.125	.064
1,300	.133	.068
1,400	.142	.072
1,500 or more	.150	.075

* For recreational camping areas, use the ratios listed for the average floor area of 400 square feet.

- (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 item (c) above by the average inside living area size determined in item (a) above. This yields the 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 developments are then compared with the tier, density and suitability analyses herein and the maintenance and design criteria prescribed in SEC. 154.190.
- (4) PUD Maintenance and Design Criteria.
- (a) Before final approval of a planned unit development may be granted, adequate provisions must be developed for the preservation and maintenance of open spaces in perpetuity, and for the continued existence and functioning of the development.
 - (b) Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - (1) Commercial uses shall be prohibited in residential planned unit developments;
 - (2) Vegetative and topographic alterations, except for routine maintenance, shall be prohibited;
 - (3) Construction of additional buildings or the storage of vehicles and/or other materials is prohibited;
 - (4) Uncontrolled beaching of watercraft shall be prohibited.
 - (c) All residential planned unit developments must have a property owners association with the following features:
 - (i) Membership shall be mandatory for each dwelling unit or site owner;
 - (ii) Each member must pay a pro-rata share of the expenses of the association, and unpaid assessments may become liens on units or sites;
 - (iii) Assessments must be adjustable to accommodate changing conditions; and
 - (iv) The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

(d) All planned unit developments must contain open space meeting all of the following criteria:

- (i) At least 50 percent of the total project area must be preserved as open space;
- (ii) Dwelling units or sites, road rights-of-way, land covered by road surfaces, parking areas, and structures are developed areas and shall not be included in the computation of open space;
- (iii) Open space must include those areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
- (iv) 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;
- (v) Open space may include subsurface sewage treatment systems provided the use of the space is restricted to avoid adverse impacts on such systems;
- (vi) Open space must not include commercial facilities or uses;
- (vii) 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
- (viii) The shore impact zone, based upon normal structure setbacks, must be included as open space. For residential planned unit developments, at least 50 percent of the shore impact zone of existing developments and at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial planned unit developments, at least 50 percent of the shore impact zone must be preserved in its natural state.

(5) Erosion control and stormwater management plans must be developed and the PUD must:

- (a) Adhere to stormwater standards set forth within SEC. 154.330.
- (b) Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial planned unit developments 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan consistent with SEC. 154.330.

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

- (a) Planned unit developments shall be connected to municipal utilities.
- (b) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the applicable shoreland classification: setback from the ordinary high water level; elevation above the surface water features; and maximum height;

- (c) Shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas and launching ramps must be centralized and located in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (not withstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
- (d) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
- (f) Accessory structures and facilities must meet the required principal structure setback, and must be centralized.

154.296 CONVERSIONS TO PLANNED UNIT DEVELOPMENTS.

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

- (1) Proposed conversions must be initially evaluated using the same procedures as for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and the PUD standards shall be identified.
- (2) Deficiencies involving structure color, impervious surface coverage, open space and shore recreation facilities must be corrected as part of the conversion, or as specified in the Conditional use Permit.
- (3) Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - (a) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - (b) Remedial measures to correct erosion sites and improve the vegetative cover and screening of buildings and other facilities as viewed from the water; and
 - (c) If existing dwelling units are located in shore or bluff impact zones, conditions that preclude exterior expansions in any dimension or substantial alteration are attached to approvals of all conversions. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations meeting all setback and elevation requirements when they are rebuilt or replaced.
- (4) Existing dwelling unit or dwelling site densities that exceed standards prescribed in SEC. 154.033, Nonconforming Uses, may be allowed to continue but shall not be increased, either at the time of conversion or in the future. Efforts must be made during any such conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, or other means.

154.297 NONCONFORMING USES AND NONCONFORMING STRUCTURES.

All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable portions of SEC. 154.033 of this Code, Nonconforming Uses, other applicable state statutes and other regulations of the City for the subjects of alternations and additions, repairs after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

(A) Construction on nonconforming lots of record.

- (1) Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.
- (2) A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the board of adjustments shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- (3) If, in a group of two or more contiguous lots under the same ownership the City shall follow M.S. § 462.357, Subd. 1e as amended to determine whether an individual lot may be considered as a separate parcel of land.

(B) Reconstruction and additions on conforming and nonconforming lots of record.

- (1) Any structure which is non-conforming due to its use (e.g. commercial in a residential zoning district), which is damaged by any cause to the extent of more than 50 percent of its market value, as determined by current records of the County Assessor, shall not be restored except in conformance with this Section. Normal maintenance is permitted and may include necessary nonstructural repairs and incidental alterations which do not enlarge the non-conforming structure or intensity of the non-conforming use.
- (2) Any structure which has a conforming use, which is damaged to any extent and by any cause, may be reconstructed on a lot of record, in the office of the county recorder on the date of enactment of this Shoreland Ordinance, which does not meet the requirements of SEC. 154.288, SEC. 154.289, and SEC. 154.291 of this Ordinance, without variances from lot size requirements, setback requirements and surface coverage requirements provided:
 - (a) The use is permitted in the zoning district;
 - (b) The lot has been in separate ownership from abutting lands at all times since it became substandard;
 - (c) The building was compliant with official controls in effect at the time;
 - (d) The non-conformity (e.g. setbacks, surface coverage) is not increased; and
 - (e) Sewage treatment requirements of this ordinance are met.

- (3) Additions to structures with conforming uses which exist on any lot of record, in the office of the county recorder on the date of enactment of this Shoreland Ordinance, which does not meet the requirements of this Ordinance, may occur provided:
- (a) The use is permitted in the zoning district;
 - (b) The lot has been in separate ownership from abutting lands at all times since it became substandard;
 - (c) The building was compliant with official controls in effect at the time;
 - (d) The addition meets the setbacks outlined in the underlying zoning district or the existing setback, whichever is greater, and the maximum surface coverage does not exceed 35%.