



# WHITE BEAR TOWNSHIP

1858  
RAMSEY COUNTY  
MINNESOTA

1281 HAMMOND ROAD  
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750  
FAX 651-426-2258  
Email: [wbt@whitebeartownship.org](mailto:wbt@whitebeartownship.org)

Board of Supervisors  
ROBERT J. KERMES, *Chair*  
ED M. PRUDHON  
STEVEN A. RUZEK

## AGENDA PLANNING COMMISSION MEETING MAY 24, 2018

1. **6:30 p.m.** Call Meeting to Order at Township Administrative Offices, 1281 Hammond Road.
2. Approval of Agenda (Additions/Deletions).
3. Approval of Minutes of April 26, 2018.
4. **Consent Agenda:** None.
5. **Kristen Lippert Peinado & Hilario Peinado Zepeda, 2360 Hoxie Avenue** – Request for the following Variances to Allow a Home Remodel & Garage Replacement:  
Home:
  - 20.1' Right-of-Way Setback Variance from Hoxie Avenue
  - 28.1' Right-of-Way Setback Variance from O'Connor's AlleyGarage:
  - 30.1 Right-of-Way Setback Variance from O'Connor's Alley
  - 6.4' Side Yard Setback Variance
  - 27.1% Green Area Variance
6. **Frank (Joe) Levins & Anna-Lise Levins, 5433 Ridgeway** – Request for a 27.5' Right-of-Way Setback Variance From Ridgeway Avenue & a 4' Right-of-Way Setback Variance from an Undeveloped Right-of-Way.
7. **Specialty Manufacturing Company/Supreme Outdoor Advertising, 5858 Centerville Road** – Sketch Plan Review for Zoning Ordinance and Sign Ordinance Amendments to Permit Outdoor Advertising Signs.
8. **Zoning Ordinance Updates** – Shoreland Management Section.
9. Added Agenda Items.
10. Adjournment.

### White Bear Township's

#### Mission:

To provide White Bear Township residents, businesses and visitors with reliable, high quality municipal services while serving as open and responsible stewards of the public trust.



recycled paper



## **Planning Commission Meeting May 24, 2018**

**Agenda Number:** 1 – 2 - 3

**Subject:** Call to Order – 6:30 p.m.  
Heritage Hall, 4200 Otter Lake Road  
  
Approval of May 24, 2018 Agenda  
Approval of Minutes of April 26, 2018

**Documentation:** May 24, 2018 Agenda  
April 26, 2018 Meeting Minutes

### **Action / Motion for Consideration:**

Call meeting to order:	6:30 p.m.
Approval of Agenda:	May 24, 2018 (additions/deletions)
Approval of Minutes:	Meeting of April 26, 2018

**MINUTES  
PLANNING COMMISSION MEETING  
APRIL 26, 2018**

The meeting was called to order at 6:30 p.m.

Present: Artner, Denn, Kotilinek, Loes, Patrick; Town Board Liaison: Ruzek; Planner: Riedesel.

Absent: Flann and Swisher with notice.

**APPROVAL OF AGENDA (Additions/Deletions):** Artner moved approval of the agenda with the following amendment: Add Consent Agenda Item 4B) Jason LeClaire, 2064 Stillwater Street – Request for 9% Green Area Variance to Pave/Replace a Driveway. Kotilinek seconded. Ayes all.

**APPROVAL OF MINUTES OF MARCH 22, 2018:** Artner moved approval of the Minutes of March 22, 2018. Loes seconded. Ayes all.

**CONSENT AGENDA:** 4A) Adam & Nicole Moore, 5707 Birch Road – Request for 8.4% Green Area Variance to Allow a Driveway Addition. The Planner reported that the Moore's are requesting approval of an 8.4% green area variance which would allow them to add to their driveway. The Moore's are completing an addition which includes a garage with living space above it, on the Birch Road side of the home. The lot area is 9,583 square feet. It is a long narrow lot with 40' of frontage on the Birch Road right-of-way. They have found that the existing driveway will not allow them to access and exit the garage without damaging the yard. They would also like to expand their driveway. The Town requires lakeshore lots to not exceed 25% coverage. The Moore's would like to cover 33.4% of the lot requiring an 8.4% green area variance. The Town has permitted four green area variances in this neighborhood: 1) a 7% green area variance was approved at 5735 Birch Road in 2002 for the 9,148 square foot lot; 2) a 13% green area variance was approved at 5717 Birch Road in 2010 for the 10,880 square foot lot; 3) a 9.9% green area variance was approved at 5711 Birch Road in 2005 for the 9,583 square foot lot; 4) a 13% green area variance was approved at 5713 Birch Board in 2005. The Moore's request appears to be consistent with others approved in the neighborhood. The Variance Board reviewed the request at the April 17, 2019 Variance Board meeting. The Variance Board discussed options with Mr. Moore to reduce the coverage on the lot. Interlocking pavers were considered but Mr. Moore prefers a concrete driveway after consideration of the options which were discussed with the Code Enforcement Officer / Building Official prior to application for the variance. The Code Enforcement Officer noted that the soils are marginal in the area where the driveway is proposed and should be replaced if pavers are used. However it was noted that the Moore's should not be held to a higher standard than others in the neighborhood. The Variance Board provided a recommendation to approve an 8.4% green area variance as requested since the green area variance requested is less than or consistent with other variances approved in the immediate neighborhood, the driveway has been reduced in width at the right-of-way, and is a suitable width at the garage, and the variance as requested meets the standards set forth to approve a variance.

MINUTES  
PLANNING COMMISSION MEETING  
APRIL 26, 2018

Artner moved, based on Variance Board review and recommendation to approve the request for 8.4% green area variance to allow a driveway addition at 5707 Birch Road. Kotilinek seconded. Ayes all.

**4B) Jason LeClaire, 2064 Stillwater Street – Request for 9% Green Area Variance to Pave/Replace a Driveway.** The Planner reported that Mr. LeClaire is requesting approval of a 9% green area variance which would allow him to pave/replace his driveway. The driveway is paved from the house to Stillwater Street. The back half of the driveway is gravel. The garage is located in the rear portion of the property. The lot is 70' wide and 10,454 square feet in area and is considered an undersized lot of record. The Town requires 75% of the lot be maintained as green area. The property is located in the Shoreland Management Zone (within 1000' of Bald Eagle Lake). If the lot were outside of the shoreland zone, the green area requirement is reduced to 70%. The paved area of the driveway is approximately 780 square feet. An area of approximately 1,080 square feet is planned to be paved in addition to the existing paved area. The total square footage of the driveway is proposed to be 1,860 square feet, or just under 18% of the lot. The Town has reviewed and approved several green area variances for undersized lots. The approved variances are primarily located along the lakeshore of Bald Eagle Lake. The location of the garage behind the home creates the need for the long driveway.

The Variance Board reviewed the request for 9% green area variance. They discussed options with Mr. LeClaire to reduce the coverage on the lot by eliminating the pavement leading to the door of the house and reducing the width of the driveway from 12' to 11'. Mr. LeClaire will also have the driveway sloped to allow the drainage to flow as it currently does. The Variance Board recommends approval of a green area variance based on a new proposal to be reworked and submitted which will reduce the amount of the hard surface on the property which would reduce the size of the variance needed since the lot is substandard lot of record and is located in the shoreland zone and similar variances have been approved in the neighborhood and the applicant is willing to reduce the hard surface in two locations: 1) between the driveway and the house; and 2) width of the driveway. Mr. LeClaire provided a modified plan for the Planning Commission which reduces the green area variance to 6%.

Artner moved, based on Variance Board, Staff and applicant's modification to reduce the green area variance, to recommend to the Town Board to approve Jason LeClaire, 2064 Stillwater Street, request for 6% green area variance to pave/replace a driveway. Kotilinek seconded. Ayes all.

**INDEPENDENT SCHOOL DISTRICT 624, OTTER LAKE ELEMENTARY SCHOOL, 1401 COUNTY ROAD H-2 – REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A 34' X 34' ACCESSORY STRUCTURE:** The Planner reported that Joe Samuel, an Otter Lake Elementary School parent, is coordinating the construction of an outdoor learning center at the school. The learning center is proposed to consist of an open sided pavilion, 34' x 34' with a concrete base and 8' wide path to an existing pathway. The roof line would be 32' x 32'. The learning center is proposed on the north side of the school in an area which is maintained as turf. The pavilion is planned

**MINUTES  
PLANNING COMMISSION MEETING  
APRIL 26, 2018**

to be located more than 500' from the nearest home. Schools are conditional uses in the R-1 Zoning District. Modifications to the site require approval of a Conditional Use Permit which is regulated by Section 9-4 of the Zoning Ordinance and allows the Town to attach reasonable conditions to the approval permit. Joe Samuel stated that the school sees value to get kids outside for classes. The structure would be metal with a color scheme not finalized as yet. The structure would be ADA accessible. He stated that how much of the project will be done this year depends on funding. One half of the cost of the project will be provided by grant funding and from the school district. The other half would be from fund raising. The 34' x 34' concrete pad may be done this year with the rest done next year. During the next few months they will be able to see what can be done this year, either the entire project, or a first phase. In response if additional parking will be needed, Joe Samuel stated that the current parking on the south side of the building is sufficient. In response to a question if only part of the project is done this year what protection would there be for the post holes. Joe Samuel stated that they would place boxes for protection. They also propose to have decorative pedestals if there are sufficient funds, and volunteers would be utilized. There is support from the companies supplying the materials. In response to a question if there would be any lighting, Joe Samuel stated that there would be down-cast security lights. Electricity would be brought from the school building if there is enough money to pay for the connection.

Artnr moved to recommend to the Town Board to approve the request from Independent School District 624, Otter Lake Elementary School, 1401 County Road H-2, for Conditional Use Permit to allow construction of a 34' x 34' accessory structure. Patrick seconded. Ayes all.

**ZONING ORDINANCE UPDATES – SHORELAND MANAGEMENT SECTION:** The Planner reported that the MN DNR is recommending modifications to the Shoreland Management section of the Town's Zoning Ordinance (and city ordinances relating to Shoreland Management). The current ordinance requirements with proposed modifications were reviewed. There was considerable discussion regarding Section 8-10, Planned Unit Developments. It was the consensus that the entire section on PUDs needs further review. The Shoreland Management Section of the Zoning Ordinance was carried over to the next meeting for further discussion on PUDs.

**COMPREHENSIVE PLAN – UPDATE:** The memorandum from Laura Chamberlain, Planning Consultant, dated April 26, 2018 was reviewed. Although there have been some delays due to discussion about density requirements and changes from the 2030 Plan, the Comprehensive Plan is moving forward. Key dates before submittal to the Met Council are: 1) May 7, 2019 – Town Board gives direction on density of PUD site and approve resolution requesting an extension of submittal to Met Council after December 31, 2018. 2) Week of May 7<sup>th</sup> – Planning Staff meet with Met Council Sector Representative to talk through new projections based off density of PUD; 3) Week of May 14<sup>th</sup> – New projections sent to Traffic Analysis Zone modelling staff at Met Council to develop forecasted traffic volume for 2040; June – Planning Staff will work with Engineering staff to finalize all elements for Water Resources chapter; Planning Staff will also incorporate any staff, planning commission, or Town Board comments into draft document; Week of July 9<sup>th</sup> –

**MINUTES  
PLANNING COMMISSION MEETING  
APRIL 26, 2018**

Put Traffic Analysis Zone model results and any remaining elements into the plan for a final draft; July 26<sup>th</sup> – Planning Commission reviews a complete draft; August 6<sup>th</sup> – Town Board reviews complete draft and approves for adjacent jurisdictional review; August 7<sup>th</sup> - Adjacent jurisdictional review begins (six months); February 7, 2019 – Adjacent jurisdictional review ends.

**BEE KEEPING – UPDATE:** In 2016 the Planning Commission reviewed an ordinance amendment which would regulate the keeping of bees. An amendment was considered, but action was tabled for one year for staff to do additional research on the topic and find out what other communities are doing. Recently the City of Mahtomedi adopted bee keeping regulations. Their ordinance is similar to what was proposed by the Planning Commission, except Mahtomedi requires anyone who sells honey to obtain a home occupation permit. The proposed Town ordinance does not regulate the selling of honey. The Town Ordinance as proposed requires fencing of a yard which is keeping hives. The Mahtomedi ordinance does not. Since previous review on this topic, there have been no complaints relative to bee keeping in the Town.

After discussion it was the consensus that there is no action required.

Artnier moved to adjourn the meeting at 8:22 p.m. Kotilinek seconded. Ayes all.

Respectfully Submitted,

Joan J. Clemens  
Recording Secretary



**Planning Commission Meeting  
May 24, 2018**

**Agenda Number: 4 - Consent Agenda**

**Subject: None**

**Documentation:**

**Action / Motion for Consideration:**



## Planning Commission Meeting May 24, 2018

**Agenda Number:** 5

**Subject:** **Kristen Lippert Peinado & Hilario Peinado Zepeda, 2360 Hoxie Avenue** – Request for the following Variances to Allow a Home Remodel & Garage Replacement:

Home:

- 20.1' Right-of-Way Setback Variance from Hoxie Avenue
- 28.1' Right-of-Way Setback Variance from O'Connor's Alley

Garage:

- 30.1 Right-of-Way Setback Variance from O'Connor's Alley
- 6.4' Side Yard Setback Variance
- 27.1% Green Area Variance

**Documentation:** Staff Memo /  
Variance Application & Maps

### Action / Motion for Consideration:

Receive Information / Discussion

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Minutes  
Variance Board Meeting  
May 16, 2018

**Kristen Lippert Peinado & Hilario Peinado Zepeda, 2360 Hoxie Avenue – Request for a 20.1' Right-of-Way Setback Variance from Hoxie Avenue & 28.1' Right-of-Way Setback Variance to Add a Second Story on the Existing Home and a 30.1' Right-of-Way Setback Variance from O'Connors Alley, a 6.4' Side Yard Setback Variance to Reconstruct/Relocate a Garage and a 27.1% Green Area Variance:** Riedesel summarized the request to add a second story onto the existing home and reconstruct/relocate the existing garage on the property at 2360 Hoxie Avenue.

The existing home is proposed to add a second story to a portion of the existing home, utilizing the current walls and current setbacks. Because the home does not meet setback requirements and is proposed to be increased in height, variances are required. In addition, the applicants would like to relocate the garage and attach it to the home.

As part of the garage relocation, existing asphalt can be removed between the current garage and O'Connors Alley plus additional asphalt can be removed between the home and alley. Relocation of the garage and removal of the asphalt will increase the green area on the property.

The Variance Board discussed the variances as requested.  
The consensus of the Board was the second story addition fits the standards for approval of a variance.

The garage was discussed.

Ms. Lippert Peinado stated that they prefer an attached garage which would be in a different location.

Johnson noted that an attached garage would create additional green space on the lot, especially if existing asphalt is removed as part of the additions. A greater setback from O'Connors Alley would also be achieved if the garage were to be attached as shown.

Johnson noted that the existing garage could be reconstructed in the same location as a variance was approved for the garage in 1985.

It was the consensus of the Variance Board that the variances as requested can be supported with the garage being shifted and attached to the home.

Short moved to recommend to the Planning Commission to recommend to the Town Board approval of the variances as requested as the proposed second story will have the same setback as the first story and that the proposed new garage will result in more green area and a greater setback. Denn seconded. Ayes all.

It was noted that the green area must be recalculated with the attached garage option.

## MEMORANDUM

**TO:** VARIANCE BOARD  
**FROM:** TOM RIEDESEL  
**DATE:** MAY 14, 2018

**SUBJECT:** HOME REMODEL & GARAGE REPLACEMENT

**REQUESTS:**

**HOME:** 20.1' RIGHT-OF-WAY SETBACK VARIANCE FROM HOXIE AVE  
28.1' RIGHT-OF-WAY SETBACK VARIANCE FROM  
O'CONNOR'S ALLEY  
**GARAGE:** 30.1 RIGHT-OF-WAY SETBACK VARIANCE FROM O'CONNOR'S  
ALLEY  
6.4' SIDE YARD SETBACK VARIANCE  
**GREEN  
AREA:** 27.2% GREEN AREA VARIANCE

**LOCATION:** 2360 HOXIE  
**APPLICANTS:** KRISTEN LIPPERT PEINADO & HILARIO PEINADO ZEPEDA  
**ZONING:** R-1  
**PUBLIC  
HEARING:** REQUIRED

The applicants are requesting approval of several variances which would allow them to add a second story to their existing home and reconstruct their existing garage.

The property is triangular shaped and abuts Hoxie Avenue and O'Connors Alley. The lot is 7,113 square feet in area and is considered an undersized lot of record.

The home is located 14.9' from the Hoxie Avenue right-of-way at its closest point and 6.9' from the O'Connors Alley. The area between the home and alley is partially paved.

The garage is located 4.9' from the O'Connors Alley right-of-way and 3.6' from the side lot line. A variance to construct the garage in its current location was approved by the Town in 1985.

The impervious area on the lot is 3,713 square feet or 52.2% of the lot.

The applicants would like to add a second story onto the home keeping the existing footprint. The applicants would also like to add a second story onto the garage keeping the current footprint. As an alternative, the applicants could attach the garage to the house, shifting the angle of the garage so there is a 90° intersection for the driveway and

alley. Shifting the location of the garage would increase the side setback and would allow removal of a portion of their existing driveway, increasing the green area on the property. The deck between the home and garage would be removed, if this option is constructed. Livable area would be constructed between the home and garage if this construction option is preferred.

Section 9-6.1 and Section 9-6.4 of the Zoning Ordinance set the standards which must be followed when reviewing variances. It states:

**9-6.1. GENERAL.** The Town Board shall have the exclusive power to order the issuance of variances from the terms of this Ordinance including restrictions placed on non-conformities. Variances from the literal provisions of this Ordinance shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance, and when the terms of the variance are consistent with the Comprehensive Plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the provisions of this Ordinance. "Practical Difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, when in harmony with this Ordinance. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Town Board may impose conditions in granting a variance that are directly related to and in rough proportion to an impact created by the variance.

**9-6.4. STANDARDS.** In considering all requests for variance and in taking subsequent action, the Town Board shall approve the variance only if the following facts are established:

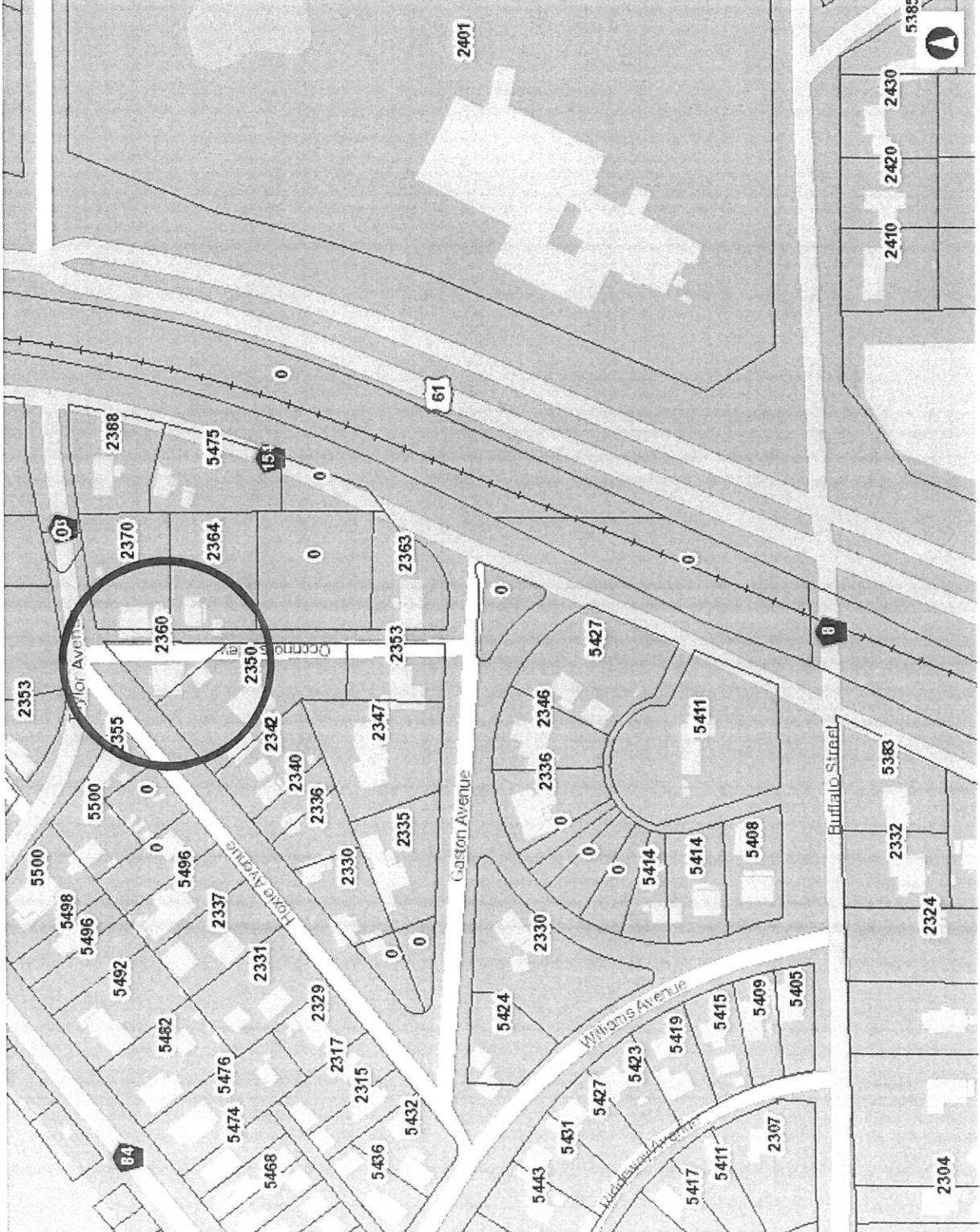
- (1). Without issuance of a variance, the provisions of this Ordinance would deprive the applicant of a reasonable use of property under the terms of this Ordinance.
- (2). That the special conditions and circumstances do not result from the actions of the applicant.
- (3). That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

- (4). That the proposed action will not unreasonably increase the congestion on public streets.
- (5). That the proposed action will not increase the danger of fire or endanger the public safety.
- (6). That the proposed action will not unreasonably diminish or impair established property values within the neighborhood or in any other way be contrary to the intent of this Ordinance.

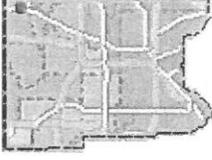
The location of the home on the lot creates the need for setback variances. Adding a second story onto the home will not increase the footprint or setback of the home.

Since the impervious area on the lot far exceeds the Town's green area requirements, relocation of the garage and attaching it to the home and shifting it so it has a 90° angle to O'Connors Alley will increase the green area. Removal of the paved area in front of the garage (if relocated), in addition to reducing the paved area between the home, and alley is recommended.

TR/psw  
cc:admin/add.file  
b:peinado



### Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries

### Notes

Enter Map Description

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

400.0 0 200.00 400.0 Feet

NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS Division

05/02/2018

To Whom It May Concern:

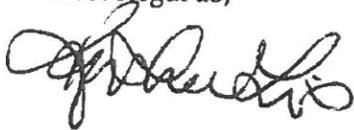
My husband and I are looking to remove the 2<sup>nd</sup> story of our home, to rebuild the 2<sup>nd</sup> story footprint to match with the 1<sup>st</sup> story footprint at: 2360 Hoxie Avenue; White Bear Lake Township, MN 55110.

The current 2<sup>nd</sup> story doesn't have enough living space for our growing family, and we frequently hit our heads on odd ceiling slopes! We have a 16 month old, and one on the way to be born July 2<sup>nd</sup>! So we really need 2 full bedrooms upstairs. Presently, the rooms are more of glorified closets.

Our garage is falling apart, we would also like to rebuild the garage, staying within the same foot print and, to build a room on top of it when that happens. The other option would be to attach the garage to the house, using the same square footage currently taken up by the garage, to not give up any green grass, and build on top of it there.

We love our home, and are super excited to live in WBL Township, and are hoping that these variations are acceptable to everyone. We will redo the siding and roof, which will add aesthetic appeal that our house can contribute to the neighborhood.

Best Regards,



Kristen Lippert Peinado

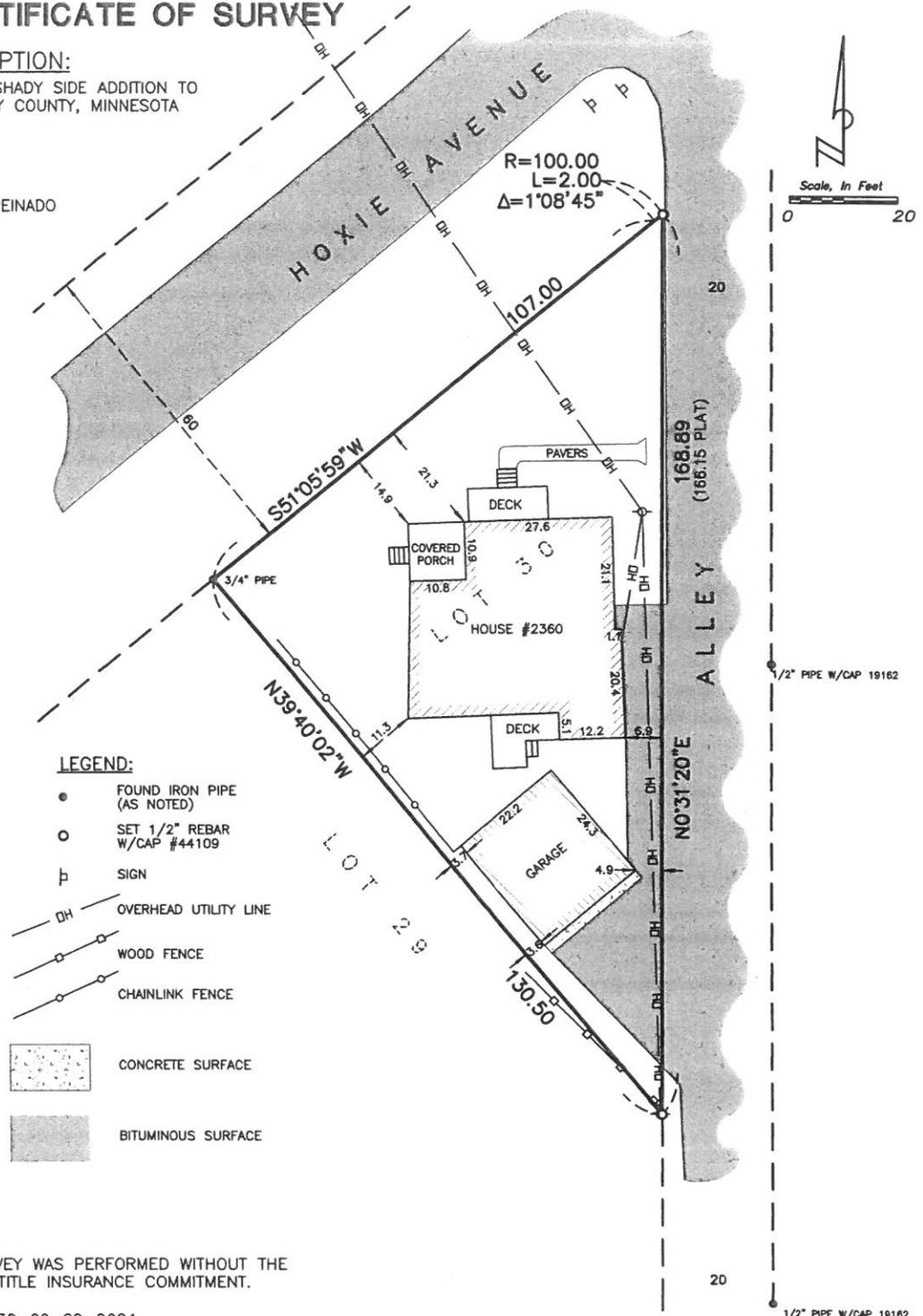
# CERTIFICATE OF SURVEY

**LEGAL DESCRIPTION:**

LOT 30, BLOCK 2, SHADY SIDE ADDITION TO  
BALD EAGLE, RAMSEY COUNTY, MINNESOTA

**PREPARED FOR:**

KRISTEN LIPPERT PEINADO



**LEGEND:**

- FOUND IRON PIPE (AS NOTED)
- SET 1/2" REBAR W/CAP #44109
- ⊞ SIGN
- DH OVERHEAD UTILITY LINE
- WOOD FENCE
- CHAINLINK FENCE
- ▨ CONCRETE SURFACE
- BITUMINOUS SURFACE

**NOTES:**

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
- 2) P.I.D.:12-30-22-22-0024
- 3) PARCEL AREA: 7,113 SQ. FT.
- 4) BEARING BASIS IS ASSUMED.
- 5) DATE OF FIELDWORK: 11-20-2017

**CERTIFICATION :**

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

SIGNED: *Travis W Van Neste*

Travis W. Van Neste, Minnesota Professional Surveyor #44109  
Michigan Professional Surveyor #46695

JOB # 2017073	ISSUED: 1-09-2018	
DRAWN BY: TAWN	REV:	
SCALE: 1" = 20 FEET		
<b>VAN NESTE SURVEYING</b> PROFESSIONAL SURVEYING SERVICES 85 WILDHURST ROAD EXCELSIOR, MN 55331 PHONE (952) 686-3055 TOLL-FREE FAX (866) 473-0120 WWW.VANNESTESURVEYING.COM		





Attn: Tom Riedesel



### VARIANCE APPLICATION FORM

White Bear Township  
1281 Hammond Road  
White Bear Township, MN 55110  
Phone 651-747-2750 Fax 651-426-2258  
[www.ci.white-bear-township.mn.us](http://www.ci.white-bear-township.mn.us)

RECEIVED

MAY 02 2018

#### INTRODUCTION

#### TOWN OF WHITE BEAR

Variations from the literal provisions of this Ordinance shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance, and when the terms of the variance are consistent with the Comprehensive Plan. Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the provisions of this Ordinance. "Practical Difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variations shall be granted for earth sheltered construction as defined in Minnesota Statutes, when in harmony with this Ordinance. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Town Board may impose conditions in granting a variance that are directly related to and in rough proportion to an impact created by the variance. Conditions may be imposed in the granting of variations to insure compliance and to protect adjacent properties.

✓ Fee \$225

APPLICANT(S) Kristen Lippert Peinado PHONE (Home) \_\_\_\_\_  
Hilario Peinado - Zepeda (Business) \_\_\_\_\_  
(Cell) 612-990-8778

ADDRESS 2360 Hoxie Ave  
White Bear Township MN 55110

PROPERTY OWNER same

ADDRESS OF SITE same ZONING R1

EXISTING USE OF SITE Home

DESCRIPTION OF VARIANCE REQUEST Re-do 2nd story footprint to match 1st story footprint, same on garage

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	_____	_____	_____
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
Other (Specify)	_____	_____	_____

Applicant understands that the Variance Application fee will not be refunded if, after being submitted, the application is denied or the applicant chooses to withdraw.

It is the policy of White Bear Township that all identifiable costs associated with a Variance Application within the Township shall be the sole responsibility of the owner of said property. The costs shall include, but are not limited to the following: Township planning review costs (reports, meetings, site review); engineering review costs; legal costs (preparation of hearing notices, legal research, certification costs); publication costs (notice of hearing); reapportionment of assessments (engineers report); mailings and Ownership Reports (ownership/encumbrance).

Prior to the final approval by the Town Board, all Township expenses to date shall be paid by the owner. Subsequent expenses not paid at the time of final approval (due to billings by consultants, etc.) shall be due upon receipt of a billing from the Township.

[Handwritten Signature]  
\*Signature of Applicant(s)

05/02/18  
Date

\*Prior to applying for a variance it is recommended that the applicant contact Town staff in order to discuss the proposal.

<u>To Be Completed By Office:</u>		CC	Author. #
Date Request Received	<u>5/2/18</u>		<u>038827</u>
By <u>Karen</u>		\$225.00 Fee Received	<input checked="" type="checkbox"/> Yes
(Staff Member)			<input type="checkbox"/> No
Date Application Complete	_____		



**Planning Commission Meeting  
May 24, 2018**

**Agenda Number:** 6

**Subject:** Frank (Joe) Levins & Anna-Lise Levins, 5433 Ridgeway – Request for a 27.5' Right-of-Way Setback Variance From Ridgeway Avenue & a 4' Right-of-Way Setback Variance from an Undeveloped Right-of-Way

**Documentation:** Staff Memo /  
Variance Application & Maps

**Action / Motion for Consideration:**

Receive Information / Discussion

-----  
Minutes  
Variance Board Meeting  
May 16, 2018

**Frank (Joe) Levins & Anna-Lise Levins - Request for a 27.5' Right-of-Way Variance from Ridgeway Avenue & a 4' Right-of-Way Setback Variance from an Undeveloped Right-of-Way to Construct a Four Season Porch onto the East Side of the Home:** Riedesel summarized the request to add a porch to the east side of the Levin's home. The porch is proposed to be 12' x 40' and would replace a deck.

The home is located in the northwest corner of the lot 7.5' from the Ridgeway right-of-way. In addition there is an undeveloped right-of-way on the west side of the home. The addition is proposed to be located on the opposite side of the home from the right-of-way, 31' away. A 4' variance is requested from the undeveloped right-of-way.

Previous variances were approved on the property to add a second story to the home and to construct the deck in its current location (to be replaced by the porch).

The Variance Board discussed the proposal.

Denn noted that he supported the variance as requested since the addition would be no closer to the right-of-way than the existing home.

Johnson noted that the front door should stay in its current location due to the home design.

The Variance Board noted that the porch is proposed to be larger than the deck but will meet the standards set forth by the Zoning Ordinance to approve a variance.

Johnson moved to recommend to the Planning Commission to recommend to the Town Board approval of the variances as requested since the home is an existing non-conforming structure, the current building line will be maintained and subject to reconfiguration of the proposed eave so it is no closer to the right-of-way than the existing eave. Short seconded. Ayes all.

## MEMORANDUM

**TO: VARIANCE BOARD**  
**FROM: TOM RIEDESEL**  
**DATE: MAY 11, 2018**

**SUBJECT: PORCH ADDITION**

**REQUEST: 27.5' RIGHT-OF-WAY SETBACK VARIANCE FROM RIDGEWAY AVENUE**  
**4' RIGHT-OF-WAY SETBACK VARIANCE FROM AN UNDEVELOPED RIGHT-OF-WAY**

**LOCATION: 5433 RIDGEWAY**  
**APPLICANTS: FRANK (JOE) LEVINS & ANNA-LISE LEVINS**  
**PUBLIC HEARING: REQUIRED**

The Levin's are requesting approval of a 27.5' right-of-way setback and a 4' right-of-way setback variance which would allow them to construct a porch onto their existing home at 5433 Ridgeway Avenue. The Levin's home is located 7'6" from the Ridgeway right-of-way. The porch addition, which is planned to replace a deck, is located on the east side of the home. The porch addition is planned to be 12' x 40' in size. The porch is designed as an extension of the north wall of the home, which is 7'6" from the right-of-way. Twenty-seven point five feet of the porch is proposed to encroach into the setback area.

In 2002, the Levin's were granted 29' and 33' right-of-way setback variances in order to add a second story onto the existing footprint of their one story home.

In 1992, the previous homeowners were granted a 15' right-of-way setback variance, which allowed construction of a deck and walkway. This deck and walkway is proposed to be replaced by the new porch. At that time the Town required that a walkway be constructed to access a new deck, setback 20' from the right-of-way.

The porch is proposed to extend along the entire length of the home. This is greater in area than the deck and walkway and would have more square footage within the setback area.

The Levin lot is ½ acre in size with 115+ feet of frontage on Ridgeway Avenue. It is not considered an undersized lot of record. The home is located in the northwest corner of the lot within 8' of the Ridgeway right-of-way. An underdeveloped right-of-way exists on the west side of the home, 3' from the home.

Based on the location of the home on the lot, any addition will require a right-of-way setback variance.

Section 9-6 of the Zoning Ordinance sets the standards which must be met in order to approve a variance. It states:

**9-6.1. GENERAL.** The Town Board shall have the exclusive power to order the issuance of variances from the terms of this Ordinance including restrictions placed on non-conformities. Variances from the literal provisions of this Ordinance shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance, and when the terms of the variance are consistent with the Comprehensive Plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the provisions of this Ordinance. "Practical Difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, when in harmony with this Ordinance. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Town Board may impose conditions in granting a variance that are directly related to and in rough proportion to an impact created by the variance.

**9-6.4. STANDARDS.** In considering all requests for variance and in taking subsequent action, the Town Board shall approve the variance only if the following facts are established:

- (1). Without issuance of a variance, the provisions of this Ordinance would deprive the applicant of a reasonable use of property under the terms of this Ordinance.
- (2). That the special conditions and circumstances do not result from the actions of the applicant.
- (3). That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- (4). That the proposed action will not unreasonably increase the congestion on public streets.

(5). That the proposed action will not increase the danger of fire or endanger the public safety.

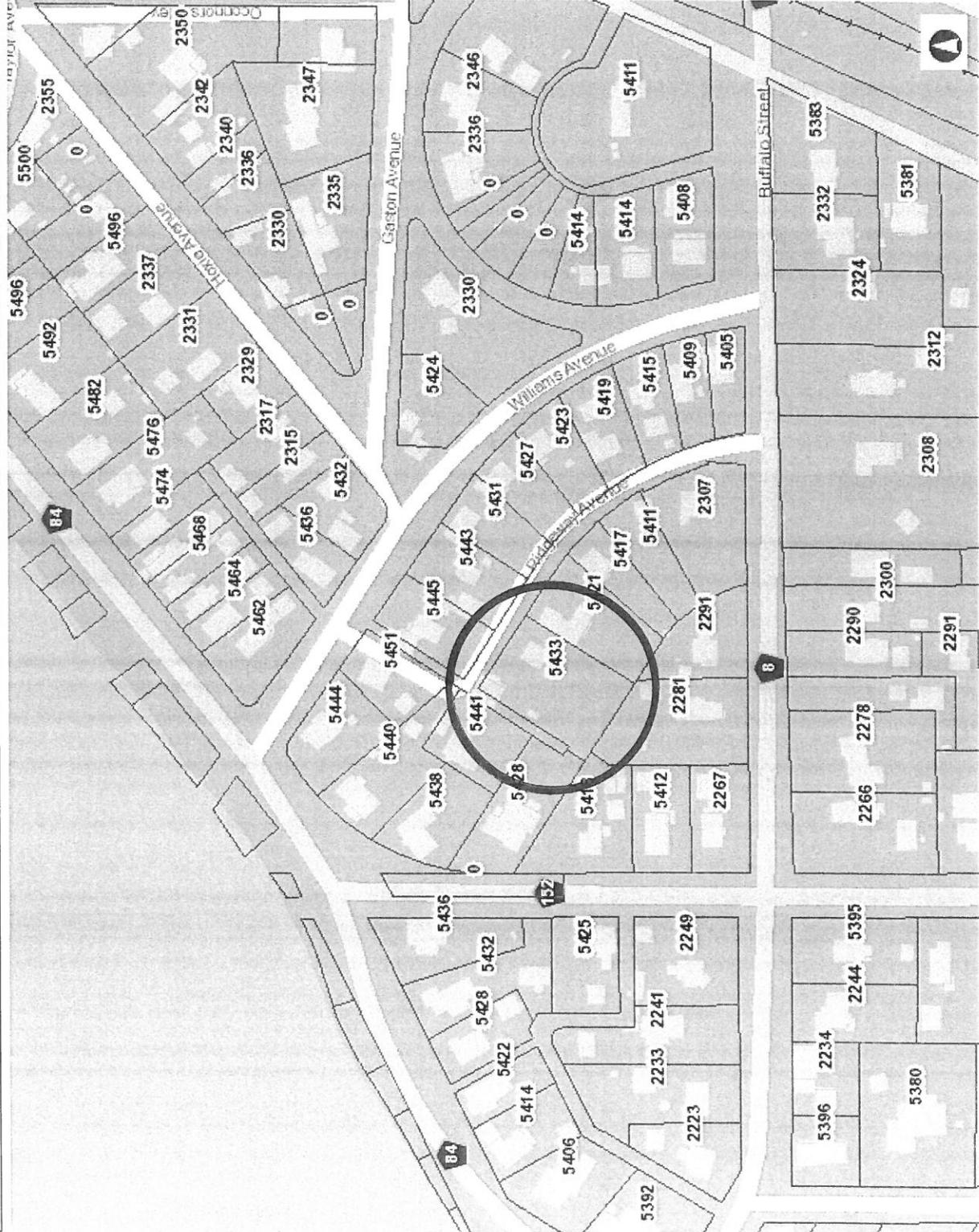
(6). That the proposed action will not unreasonably diminish or impair established property values within the neighborhood or in any other way be contrary to the intent of this Ordinance.

The following should be considered by the Variance Board.

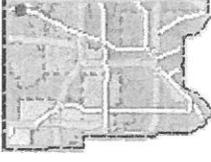
The current impervious area on the lot is just over 15%. The porch is proposed to be 480 square feet in area or an additional 2.2% of the lot. Green area requirements are exceeded.

The size and location of the porch must be discussed. Relocation or a decrease in size should be considered.

TR/psw  
cc:admin/add.file  
b:levins



**Legend**



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries

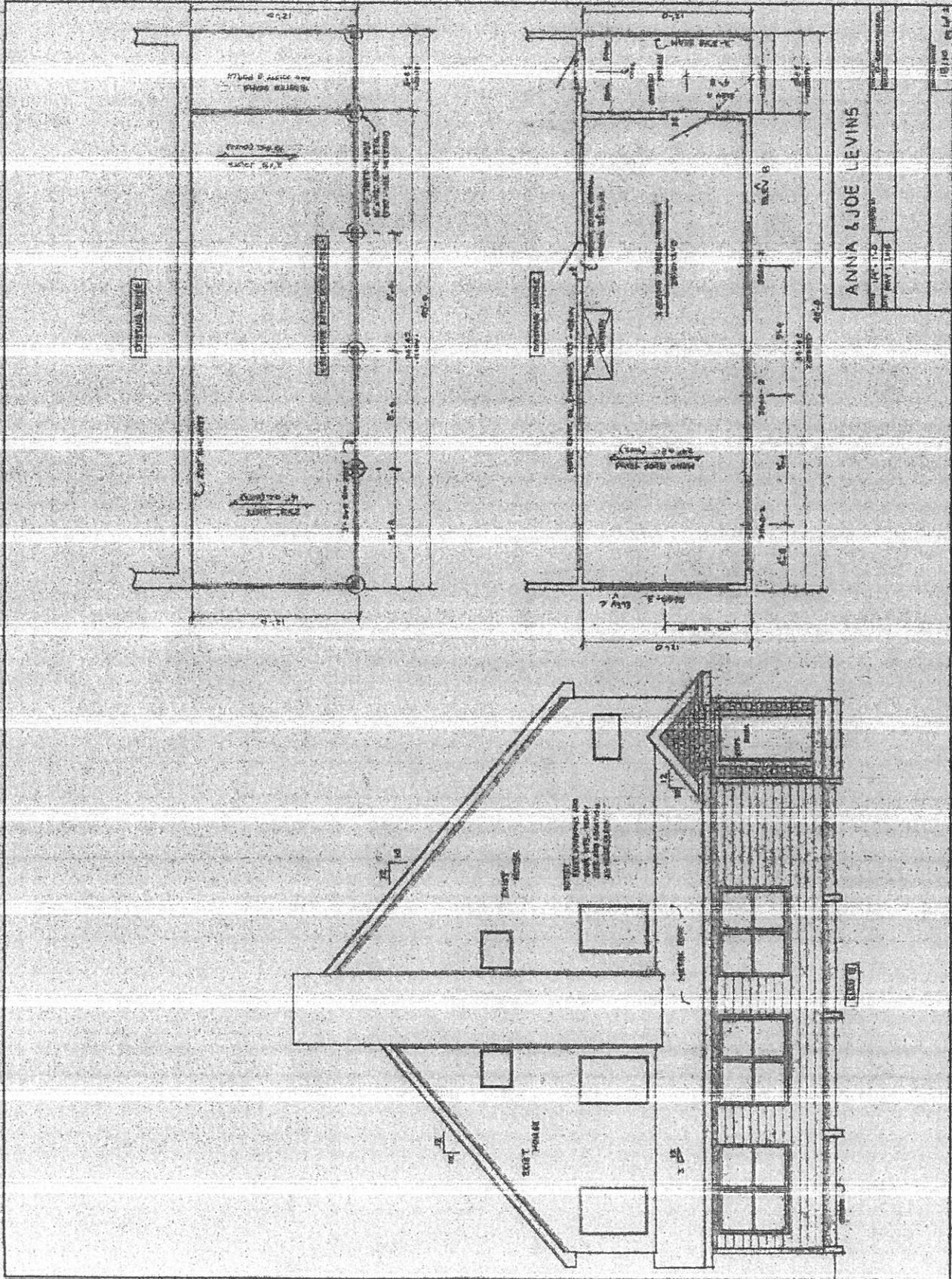
**Notes**

Enter Map Description

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

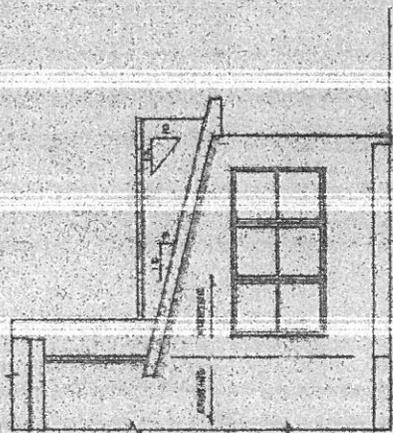




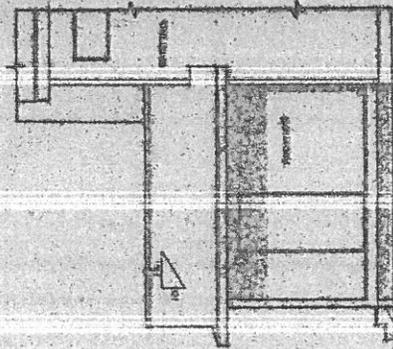
**ANNA & JOE LEVINS**

1000 N. 10th St.  
 Phoenix, Arizona  
 85001

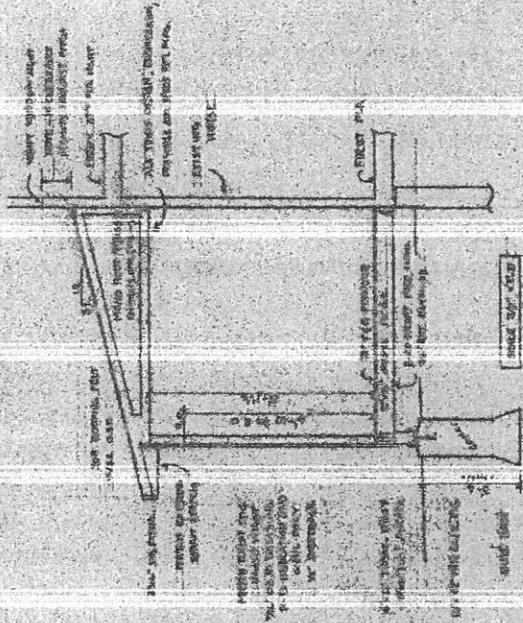
18110 01/23



Elev. C

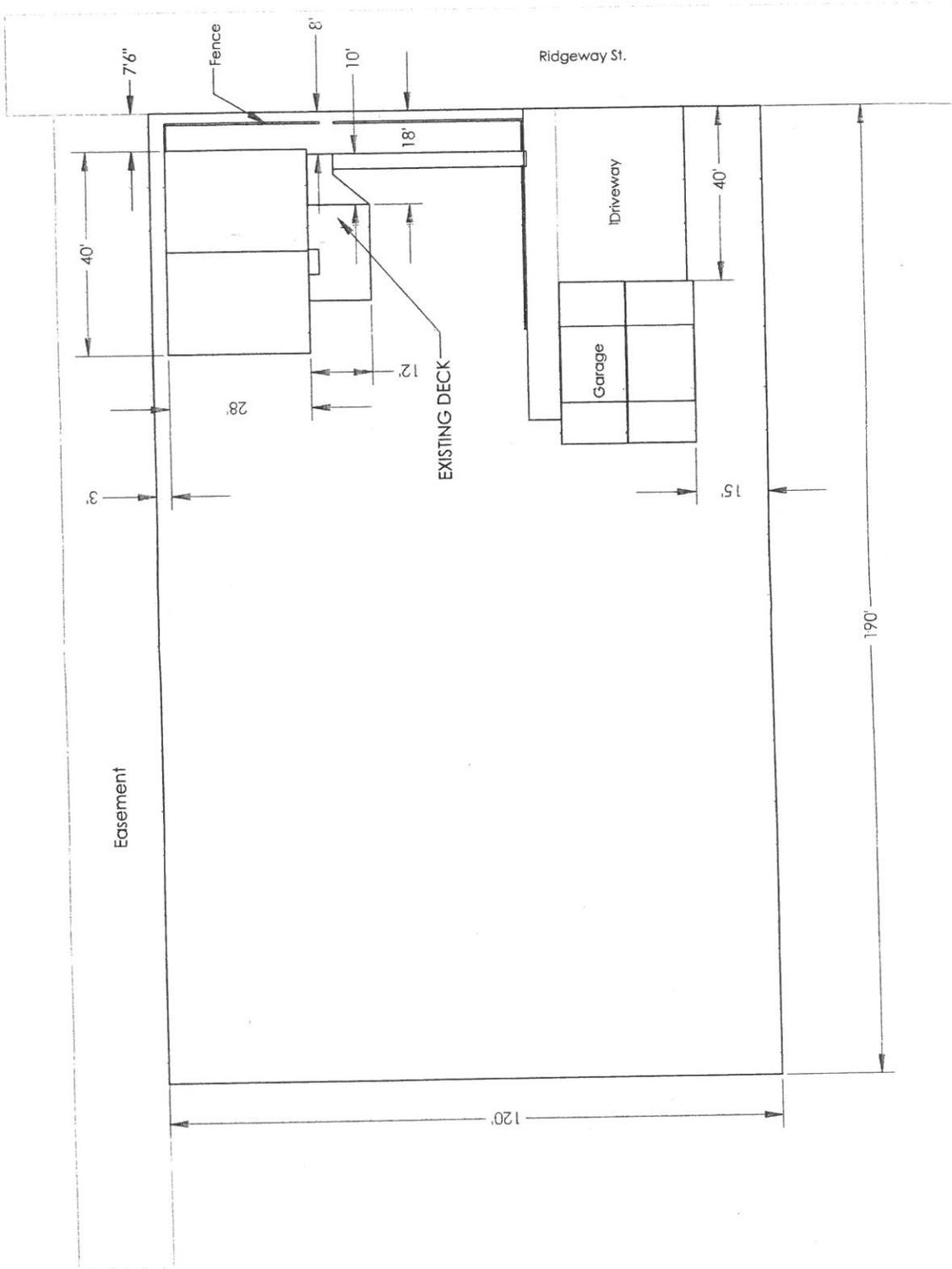


Elev. D



ANNA & JOE LEVINS

NO. 1	DATE
NO. 2	DATE
NO. 3	DATE
NO. 4	DATE
NO. 5	DATE
NO. 6	DATE
NO. 7	DATE
NO. 8	DATE
NO. 9	DATE
NO. 10	DATE





# VARIANCE APPLICATION FORM

White Bear Township  
1281 Hammond Road  
White Bear Township, MN 55110  
Phone 651-747-2750 Fax 651-426-2258  
[www.ci.white-bear-township.mn.us](http://www.ci.white-bear-township.mn.us)

RECEIVED  
MAY 03 2018

TOWN OF WHITE BEAR

## INTRODUCTION

Variations from the literal provisions of this Ordinance shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance, and when the terms of the variance are consistent with the Comprehensive Plan. Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the provisions of this Ordinance. "Practical Difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variations shall be granted for earth sheltered construction as defined in Minnesota Statutes, when in harmony with this Ordinance. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Town Board may impose conditions in granting a variance that are directly related to and in rough proportion to an impact created by the variance. Conditions may be imposed in the granting of variations to insure compliance and to protect adjacent properties.

Fee \$225

APPLICANT(S) Frank J. Levins IV (Joe) PHONE (Home) 651-653-6397  
Anna-Lise K. Levins (Business) 651-334-6370  
(Cell) 651-334-6370

ADDRESS 5433 Ridgeway  
White Bear Township

PROPERTY OWNER Frank J. Levins IV (Joe)

ADDRESS OF SITE 5433 Ridgeway Ave. ZONING \_\_\_\_\_

EXISTING USE OF SITE Residential

DESCRIPTION OF VARIANCE REQUEST 3 Season porch addition

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	_____	_____	_____
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
Other (Specify)	_____	_____	_____

CHECKLIST:

- X Site Plan (with dimensions and to scale)
  - Y Building locations (dwelling, garage, accessory building).
  - X Site improvements (fences, walks, lighting, decks, etc.).
  - \_\_\_\_\_ Yard (front, side, rear, delineating setbacks).
  - \_\_\_\_\_ Wetlands, lakes, streams, ditches including 100 year storm elevation.
- X Schedule (when does applicant intend to construct). *Summer 2018*
- \_\_\_\_\_ Additional information, if required.
- X Certificate of Survey, or full legal description. *Lots 11, 12 and 13 Block S, Shady Side Addition*
- \_\_\_\_\_ Statements from affected (abutting) property owners. (If not provided, a public hearing will be scheduled with all property owners within 350' of your property being notified.)

REVIEW PROCESS:

1. Submit 1 copy of application and supporting information to the Township. Also submit 15 copies of all plans which exceed 11" x 17" in size. Any application must be received by the 1<sup>st</sup> Thursday of the month in which the applicant would like the Variance Board to review the proposal.
2. Variance Board \_\_\_\_\_ (Approximately one week prior to the Planning Commission Meeting, as necessary. Applicant will be notified of the time of the meeting.)
3. Planning Commission \_\_\_\_\_ (4<sup>th</sup> Thursday of the month @ 7:00 p.m. at the Town Hall).
4. Town Board \_\_\_\_\_ (3<sup>rd</sup> Monday of the following month @ 7:00 p.m. at the Town Hall).

STANDARDS:

The Town Board will approve a variance only if it satisfies the description in the INTRODUCTION on Page 1 of this form, and the following facts are established:

- \_\_\_\_\_ 1. Without a variance, applicant would be deprived of rights commonly enjoyed by others in the same district.
- \_\_\_\_\_ 2. The special circumstances do not result from actions of applicant.
- \_\_\_\_\_ 3. Granting variance will not confer on applicant any special privileges.
- \_\_\_\_\_ 4. Will not increase traffic congestion on public streets.
- \_\_\_\_\_ 5. Will not endanger public safety.
- \_\_\_\_\_ 6. Will not diminish established property value.

Applicant understands that the Variance Application fee will not be refunded if, after being submitted, the application is denied or the applicant chooses to withdraw.

It is the policy of White Bear Township that all identifiable costs associated with a Variance Application within the Township shall be the sole responsibility of the owner of said property. The costs shall include, but are not limited to the following: Township planning review costs (reports, meetings, site review); engineering review costs; legal costs (preparation of hearing notices, legal research, certification costs); publication costs (notice of hearing); reapportionment of assessments (engineers report); mailings and Ownership Reports (ownership/encumbrance).

Prior to the final approval by the Town Board, all Township expenses to date shall be paid by the owner. Subsequent expenses not paid at the time of final approval (due to billings by consultants, etc.) shall be due upon receipt of a billing from the Township.

  
\_\_\_\_\_  
  
\_\_\_\_\_  
\*Signature of Applicant(s)

5/2/18  
Date

\*Prior to applying for a variance it is recommended that the applicant contact Town staff in order to discuss the proposal.

<u>To Be Completed By Office:</u>		CR #7002
Date Request Received	<u>5/3/18</u>	
By <u>Karen</u> (Staff Member)	\$225.00 Fee Received	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date Application Complete	_____	



**Planning Commission Meeting  
May 24, 2018**

**Agenda Number: 7**

**Subject: Specialty Manufacturing Company/Supreme Outdoor Advertising, 5858 Centerville Road – Sketch Plan Review for Zoning Ordinance and Sign Ordinance Amendments to Permit Outdoor Advertising Signs**

**Documentation: Staff Memo**

**Action / Motion for Consideration:**

Receive Information / Discussion

## MEMORANDUM

**TO: PLANNING COMMISSION**  
**FROM: TOM RIEDESEL**  
**DATE: MAY 16, 2018**

**SUBJECT: OUTDOOR ADVERTISING SIGN**

**REQUEST: SKETCH PLAN REVIEW FOR SIGN ORDINANCE & ZONING  
ORDINANCE AMENDMENT & CONDITIONAL USE PERMIT**

**LOCATION: 5858 CENTERVILLE ROAD**  
**APPLICANTS: SPECIALTY MFG. CORP & SUPREME OUTDOOR ADVERTISING**  
**ZONING: I-1**

Supreme Outdoor Advertising & SMC are asking the Town to consider amending the Sign and Zoning ordinances which would allow them to place 2 outdoor advertising signs (billboards) on their property at 5858 Centerville Road. Two two faced signs are being considered.

Currently outdoor advertising signs are permitted only in the Outdoor Advertising Sign Overlay District. The Sign Overlay District is located along I-35E between North Birch Lake Boulevard and Hammond Road. Currently there are 3 signs located in the district. One additional outdoor advertising sign exists at the Schwing Property which abuts the SMC site. This sign is considered legal non-conforming as it was in place prior to the adoption of the Overlay Zone. The ordinance amendment creating the Overlay Zone was adopted in 2001.

The following lists the Sign Ordinance requirements related to outdoor advertising signs:

**2-2.8. SIGN, OFF PREMISE – (Advertising Sign).** A sign which directs attention to a business, profession, commodity, service or entertainment which is conducted, offered, sold or manufactured elsewhere than on the premises upon which the sign is placed.

**3-16. Off-Premise Advertising Signs.** Off premise advertising signs are permitted upon approval of a Conditional Use Permit (CUP) in the I-1 Zoning District, subject to the conditions set forth by Ordinance No. 35, Section 9-4, and the following requirements:

**3-16.1. Location.** Off premise advertising signs are permitted only on lots defined by Section 7-18 of Ordinance No. 35, the Advertising Sign Overlay Area.

**3-16.2. Height.** Off premise advertising signs shall have a maximum height of 40' measured from the grade at the base of the sign or the elevation of the adjacent travel lane of I-35E, whichever is greater.

**3-16.3. Spacing.** Off premise advertising signs shall be located no closer than 800 feet measured along the freeway, from any other off premises advertising sign.

**3-16.4. Size.** No off premise advertising sign shall have more than two faces, and each sign face must be intended to read from an opposite direction. The area of the basic sign face shall not be more than 672 square feet, but, may, in addition to the basic sign face, contain extensions, cutouts or top lettering provided such extensions do not exceed 20% of the area of the basic sign face and are an integral part of the design of the message of the basic sign face.

**3-16.5. Design.** The design of the off premises advertising sign must provide a balance between the sign structure and the sign face, and express the message of quality, permanence and elegance.

**3-16.6. Structure Design.** The design of the off premise advertising sign structure must be innovative and custom, and capture the opportunity to install elements that provide order, rhythm, verticality, illumination and image to the roadside experience. The design features of the structure shall be readable at a freeway scale and speed, provide a balance between the sign structure and the sign face, and express the message of quality, permanence and elegance.

The ordinance amendment allowing outdoor advertising signs was adopted in part so signs would not be placed across the freeway from residential zoning districts.

The applicants would like the Town to amend the ordinance in order to permit two signs on their property.

Since adoption of the Sign Overlay District, noise walls have been added along the freeway abutting residential homes.

The request is for sketch plan review of their proposal. Planning Commission discussion and direction is requested.

TR/psw  
cc:admin/add.file  
b:smc



WHITE BEAR TOWNSHIP

# Zoning Districts

## Legend

- Township Limits
- B-1 Limited Business
- B-2 - General Business
- I-1 - Light Industrial
- OS Open Space
- R-1 Suburban Residential
- R-2 Urban Residential
- R-3 Multiple Family Residential
- Airport Safety Zone A and B
- Airport Safety Zone C
- Shoreline Management Area
- Outdoor Advertising Sign Overlay

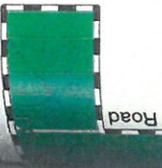
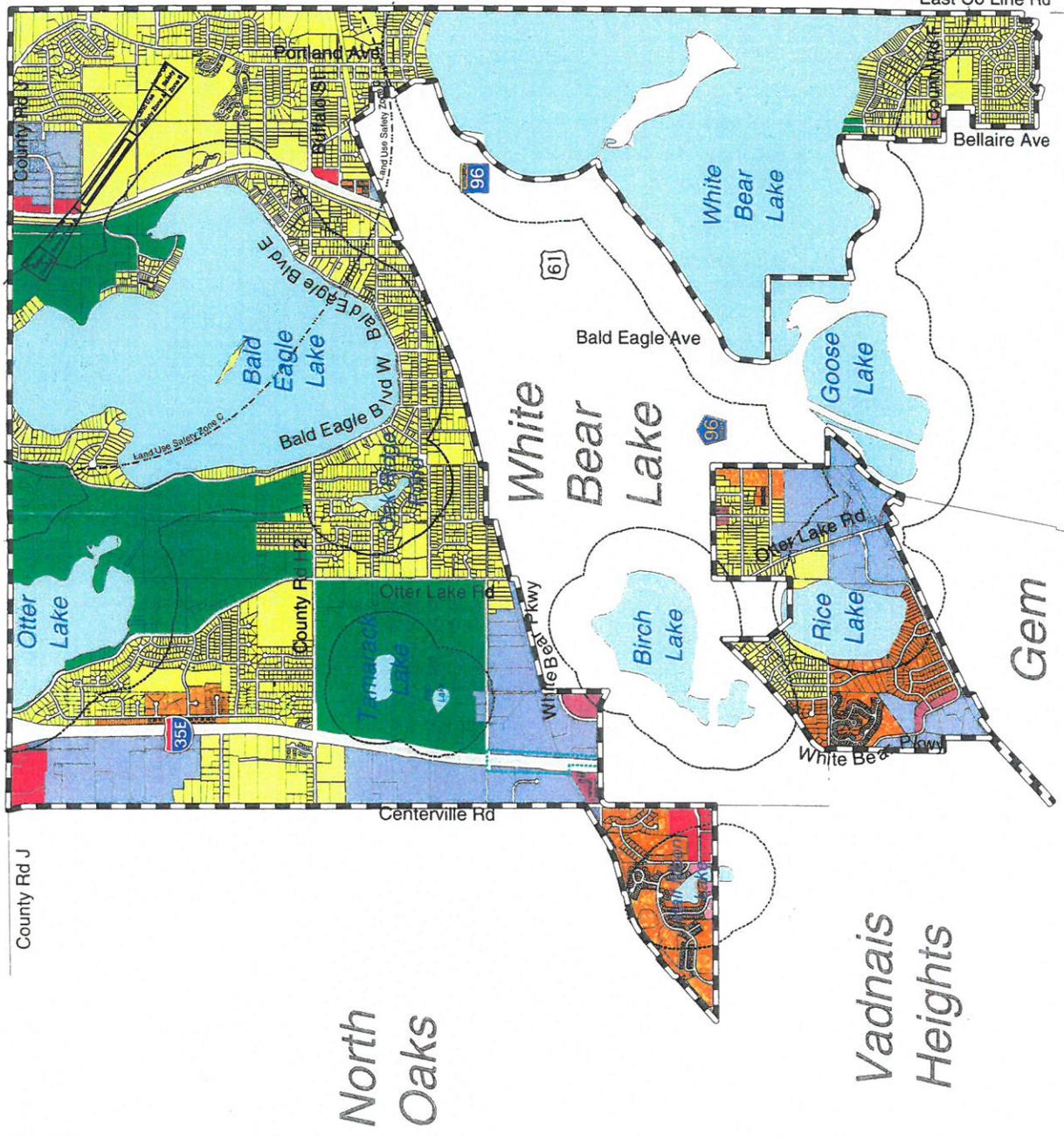


For Further Information  
Contact White Bear Township at  
(651) 429-5827

**Limitation of Liability**  
This document is not a legally recorded map or survey and is not intended to be used as one. This map is a compilation of records and information from various state, county, and township offices, and other sources.

Map Date: February 5, 2004

Created By: **TKDA**  
ENGINEERS - ARCHITECTS - PLANNERS



# Ramsey County Parcel Report

Report generated 5/15/2018 10:38:05 AM



Parcel location within Ramsey County

**Parcel ID:** 043022130012

**Owner(s):** Specialty Mfg Co



Taxlot highlighted in red

**Site Address:** 0 Centerville Rd, White Bear Township MN 55127

[Link to Ramsey County Tax and Property Quick Info](#)

---

**Tax Payer(s):** Specialty Mfg Co

**Homestead:** N

**Tax Address:** 5858 Centerville Rd, St Paul MN 55127-6804

**Use Type:** Commercial Vacant Land

**Dwelling Type:**

**Lot:** Outlo **Block:**

**Home Style:**

**Living Area:** Sq. Ft.

**Plat Name:** SPECIALTY MANUFACTURING ADD

**Year Built:**

**Area:** 19.1 **Acre(s)**

**Garage:**

**2018 Pay 2019 EMV Land:** 1985300

**Garage Area:** Sq. Ft.

**2018 Pay 2019 EMV Building:** 0

**Heating Type:**

**2018 Pay 2019 EMV Total:** 1985300

**Cooling Type:**

**Total Tax\* in 2018 :** 73300

**School District:** 624

**Special Assessment in 2018 :** 3872.53

**Watershed District:**

**Tax Exempt:** N

**Green Acre:**

**Last Sale Date:**

**Open Space:** N

**Last Sale Price:**

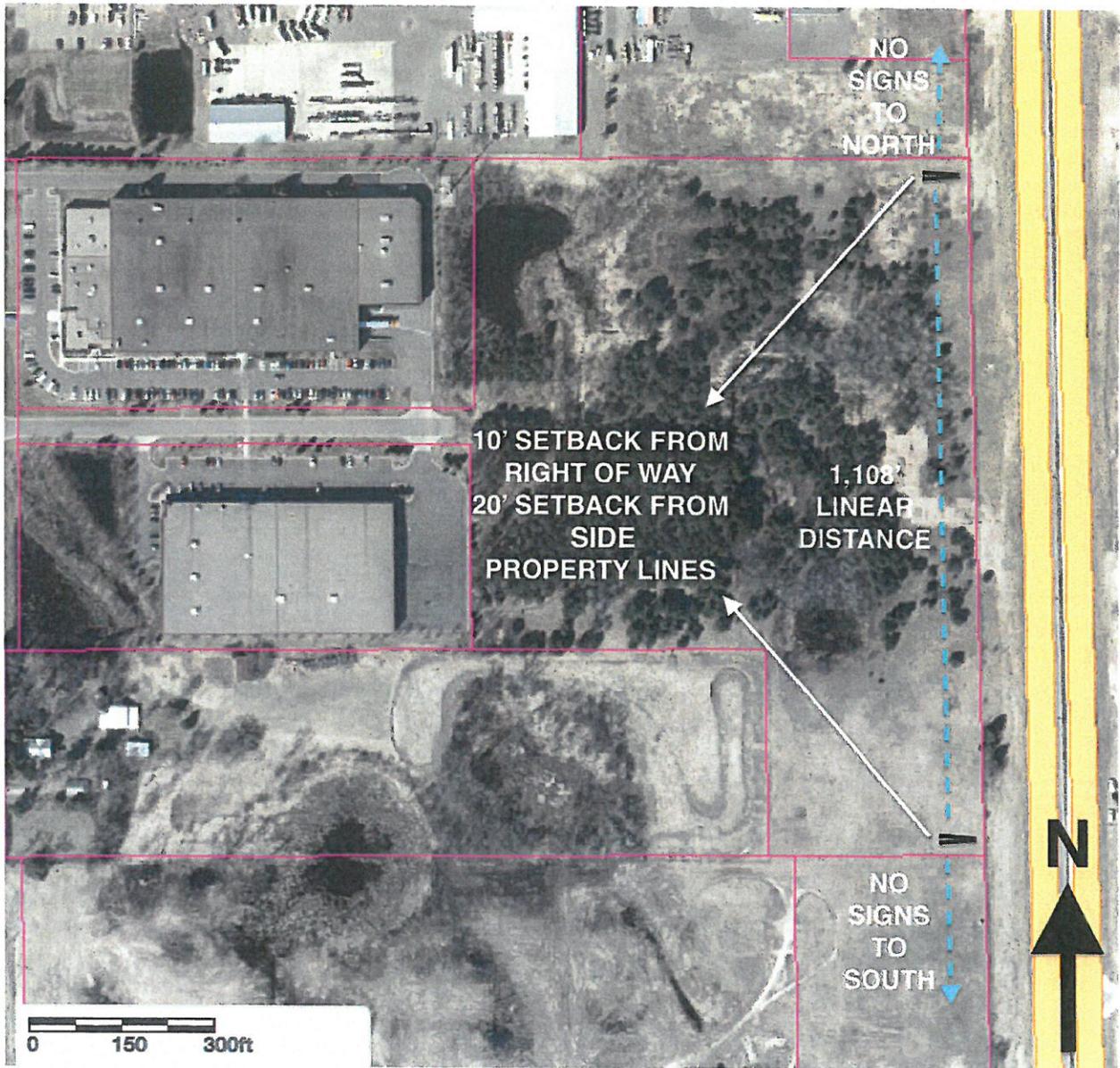
**Agriculture Preserve:** N

---

*The user of this report acknowledges that the City/County shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City/County from any and all claims brought by the User, its employees or agents, or third parties which arise out of the User's access or use of data provided. \*Total Tax includes special assessment due if any.*

# SIGN PLACEMENT

Specialty Manufacturing Company  
5858 Centerville Road





MAKE HEATING UPGRADES.  
GET UP TO \$1,500 IN REBATES.

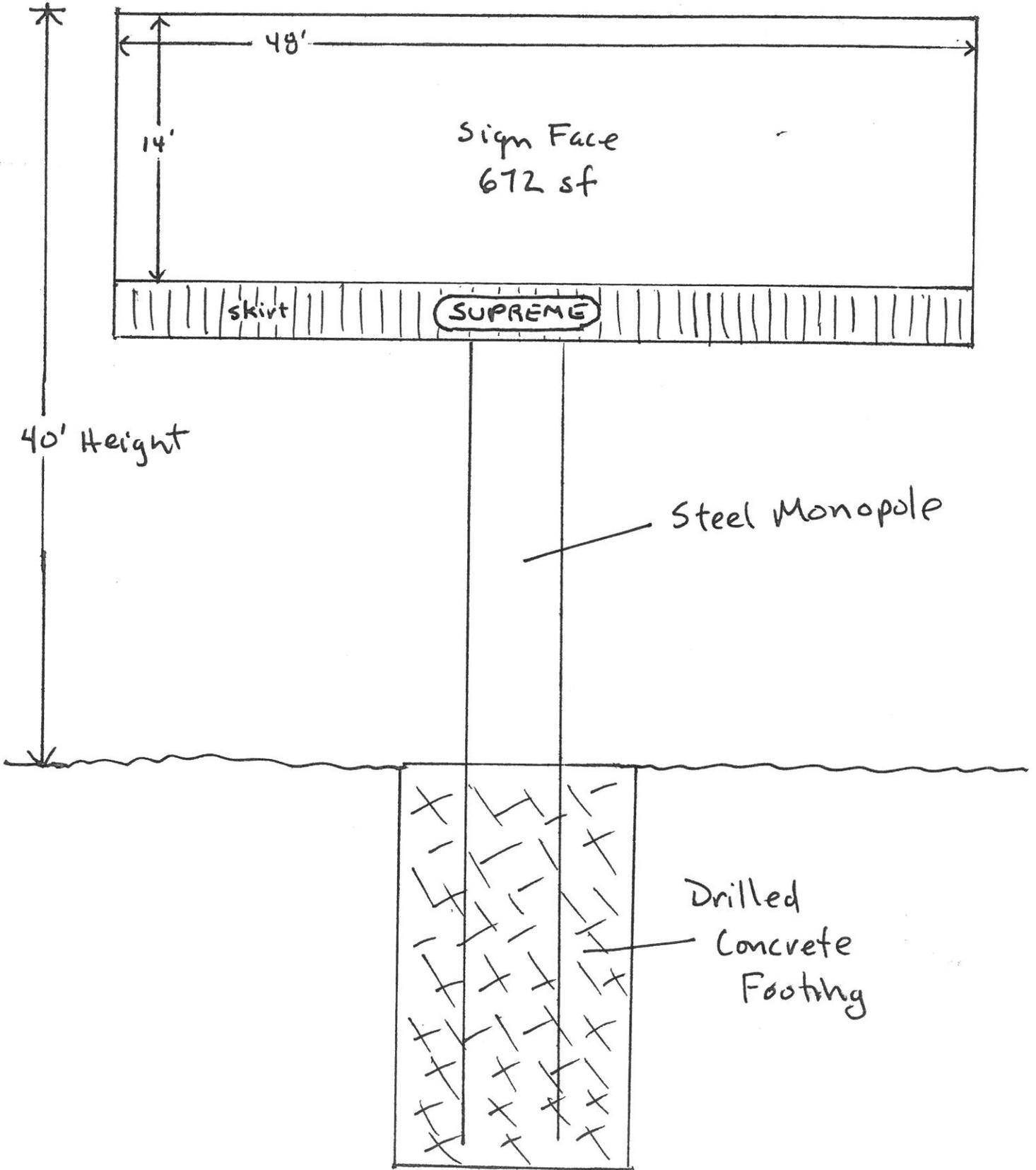
**Xcel Energy**

ALWAYS *delivering.*

© 2019 Xcel Energy Inc.



Sign Structure Plans  
SMC  
5858 Centerville Rd





SKETCH  
PLAN  
REVIEW  
NC.

### ZONING ORDINANCE AMENDMENT APPLICATION FORM

#### INTRODUCTION

An amendment to the Zoning Ordinance (Rezoning), may be granted or denied by the Town Board after recommendation by the Planning Commission, in accordance with Ordinance No. 35 (Zoning), Section 9-9, Amendments (Rezoning) Procedure.

APPLICANT(S) Specialty Mfg Co PHONE (Home) \_\_\_\_\_  
Supreme Outdoor (Business) \_\_\_\_\_  
(Cell) \_\_\_\_\_

ADDRESS 5858 Centerville Rd  
St Paul MN 55127 Kbrunner@specialtymfg.com

PROPERTY OWNER Specialty Mfg Co

ADDRESS OF SITE 5858 Centerville Rd ZONING \_\_\_\_\_

EXISTING USE OF SITE Commercial Vacant Land

PROPOSED ZONING ORDINANCE AMENDMENT To allow off-premise advertising signs to be located across the highway from a residential district which is shielded by MNDOT noise and sight barrier wall.  
REASON FOR REQUEST \_\_\_\_\_

\_\_\_\_\_ Initial Fee (\$110.00 plus \$200.00 Expense Deposit)

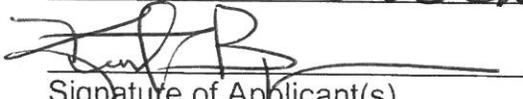
#### REVIEW PROCESS:

1. Submit 15 copies of application and all supporting information to Town Planner (minimum of 3 weeks prior to Planning Commission Meeting).
2. Planning Commission \_\_\_\_\_ (4<sup>th</sup> Thursday of the month @ 7:00 p.m. at the Town Hall).

- 3. Town Board \_\_\_\_\_ (1<sup>st</sup> Monday of the following month @ 7:00 p.m. at Town Hall)  
(Call Public Hearing)
- 4. Town Board \_\_\_\_\_ Public Hearing
- 5. Town Board \_\_\_\_\_  
(Action subject to Public Hearing Schedule)

It is the policy of White Bear Township that all identifiable costs associated with Zoning Ordinance Amendment requests within the Township shall be the sole responsibility of the owner of said property. The costs shall include, but are not limited to: Township planning review costs (reports, meetings, site review); engineering review costs; legal costs, (preparation of hearing notices, legal research, certification costs); publication costs (notice of hearing), reapportionment of assessments (engineers report); mailings and Ownership Reports (ownership/encumbrance).

Prior to the final approval by the Town Board, all Township expenses to date shall be paid by the owner. Subsequent expenses not paid at the time of final approval (due to billings by consultants, etc.), shall be due upon receipt of a billing from the Township.

Daniel Eisichens  
  
 Signature of Applicant(s)

Date 5/15/18

<u>To Be Completed By Office:</u>	
Date Request Received <u>NA.</u>	<u>NA</u>
By _____ (Staff Member)	\$110.00 Fee + \$200 Deposit Received <input type="checkbox"/> Yes <input type="checkbox"/> No
Date Application Complete _____	



## Planning Commission Meeting May 24, 2018

**Agenda Number:** 8

**Subject:** Zoning Ordinance Updates – Shoreland Management Section

**Documentation:** Staff Memos / Shoreland Section of Ordinance

### **Action / Motion for Consideration:**

Receive Information / Discussion

-----  
**Minutes**  
**Planning Commission Meeting**  
**April 26, 2018**

**ZONING ORDINANCE UPDATES – SHORELAND MANAGEMENT SECTION:** The Planner reported that the MN DNR is recommending modifications to the Shoreland Management section of the Town's Zoning Ordinance (and city ordinances relating to Shoreland Management). The current ordinance requirements with proposed modifications were reviewed. There was considerable discussion regarding Section 8-10, Planned Unit Developments. It was the consensus that the entire section on PUDs needs further review. The Shoreland Management Section of the Zoning Ordinance was carried over to the next meeting for further discussion on PUDs.

## MEMORANDUM

**TO: PLANNING COMMISSION**  
**FROM: TOM RIEDESEL**  
**DATE: APRIL 19, 2018**

**SUBJECT: ZONING ORDINANCE AMENDMENTS RELATING TO SHORELAND MANAGEMENT**

The MN DNR is recommending modifications to the Shoreland Management section of the Town's Zoning Ordinance (and city ordinances relating to Shoreland Management). Attached is the current ordinance requirements with modifications proposed. Please review the ordinance changes. We will go through them at the April meeting. The following is a key to the modifications:

Blue	=	new
Green	=	changed wording
Purple	=	changed location
Red/Strike Through	=	not included in updated version

The Planning Commission has been discussing amendments to the "clear cutting" or the "intensive vegetation clearing" section of the ordinance. In staff's opinion, it is still a poor definition which needs work to define exactly how the Town wants to regulate tree removal.

TR/psw  
cc:admin.file

# Definitions

2-3. Limiting congestion in the public right-of-ways.

2-4. Preventing over-crowding of land and undue concentration of structures by regulating the use of land and buildings in relating to the land and buildings surrounding them.

2-5. Providing for the compatibility of different land uses and the most appropriate use of land.

2-6. Conserving and developing natural resources.

2-7. Securing safety from flood.

2-8. Conserving the natural and scenic beauty and attractiveness of roadsides and lakeshores.

2-9. Providing for the administration of this Ordinance and amendments thereto.

2-10. Defining the powers and duties of the administrative officers and bodies.

2-11. Prescribing penalties for the violation of the provisions of this Ordinance or any amendment thereto.

**SECTION 3. DEFINITIONS.** Certain words used in this Ordinance are defined herein. Words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; and the word "shall" is mandatory and not permissive.

**3-0. ABANDONMENT.** The relinquishment of a project by the person issued the Zoning Certificate by not resuming substantial improvement and/or use of the site for a period of six (6) months.

**3-1. ACCESSORY APARTMENT.** Any building or improvement subordinate to a principal use.

Def.  
change

**3-2. ACCESSORY STRUCTURE.** A structure detached from a principal building or single family dwelling and garage on the same parcel(s) of land customarily incidental and subordinate to the principal building or single family dwelling and garage, not used for living quarters.

**3-2.1. ACCESSORY STRUCTURE, LIMITED.** A structure detached from a principal building or single family dwelling and garage on the same parcel(s) of land incidental and subordinate to the principal building or single family dwelling and garage and not used for living quarters which is limited in size to one-hundred and fifty (150) square feet and fifteen (15) feet maximum height.

**3-3. ACCESSORY USE.** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same parcel(s) of land with such principal use.

**3-3.A. ADULT USES.** Adult body painting studios, adult bookstores, adult cabarets, adult carwashes, adult hotels or motels, adult motion picture theaters, adult mini-motion-picture theaters, adult massage parlors, adult health/sports clubs, adult saunas/steam rooms/bathhouses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcades, adult modeling studios, and all other premises, enterprises, establishments, businesses, and places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction, or description of specified sexual activities or specified anatomical areas which the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry by state-licenses. Activities classified as "obscene" as defined by Minnesota Statutes, Section 617.241 are not lawful and are not included in this definition.

**3-3.B. ADULT USE ACCESSORY.** The offering of goods and/or services classified as "adult uses" on a limited scale that are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.

**3-3.C. ADULT USE PRINCIPAL.** The offering of goods and/or services classified as "adult uses" as a primary or sole activity of a business or establishment and include but are not limited to the following:

**3-3.C(1). ADULT BODY PAINTING STUDIO.** An establishment or business that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the body of a patron when such body is wholly or partially nude in terms of specified anatomical areas.

**3-3.C(2). ADULT BOOKSTORE.** An establishment, building or business engaging in the barter, rental, or sale of items or merchandise consisting of printed matter, pictures, slides, records, audiotapes, videotapes, computer or video disks, motion picture film, or any other similar materials, if such a shop is not open to the public generally, but only to one or more classes of the public, excluding any minor because of age, if more than 20 percent of the usable floor area of the establishment, building or business or if at least 500 square feet, whichever is smaller, has products or materials distinguished or characterized by an emphasis on matters depicting, describing or related to specified sexual activities or specified anatomical areas.

**3-3.C(3). ADULT CABARET.** An establishment, building or business that

provides dancing or other live entertainment if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, presented, display, depiction, or description of specified sexual activities or specified anatomical areas.

**3-3.C(4). ADULT CARWASH.** A wash facility for any type of motor vehicle that allows employees, agents, independent contractors, or persons to appear in a state of partial or total nudity in terms of specified anatomical areas.

**3-3.C(5). ADULT COMPANIONSHIP.** An establishment or business if such establishment excludes minors because of age or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

**3-3.C(6). ADULT ENTERTAINMENT FACILITY.** A building or space in which an admission is charged for entrance or food or nonalcoholic beverages are sold or intended for consumption and in which may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas.

**3-3.C(7). ADULT ESTABLISHMENT.** An establishment, building or business engaging in any of the following activities or which uses any of the following business procedures or practices:

(1). Any business conducted exclusively for the patronage of adults and about which minors are specifically excluded from patronage threat either by law or by the operators of such business; or

(2). Any other business that offers its patrons services, products or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas.

Specifically included in the term, but without limitation, are adult bookstores, adult motion picture theaters, adult mini-motion-picture theaters, adult massage parlors, adult health clubs, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult carwashes, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels, and adult body painting studios.

**3-3.C(8). ADULT HOTEL OR MOTEL.** A hotel or motel from which minors are specifically excluded from patronage and in which materials is presented that is distinguishes or characterized by an emphasis on matter depicting, describing or

relating to specified sexual activities or specified anatomical areas.

**3-3.C(9). ADULT MASSAGE PARLOR, HEALTH/SPORT CLUB.** A massage parlor or health/sport club that restricts minors because of age, which provides the services of massage, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

**3-3.C(10). ADULT MINI-MOTION PICTURE THEATER.** A business or building or establishment in an enclosed building with a capacity for less than 50 persons used for presenting visual media material if such business as a prevailing practice excludes minors by virtue of age or if such materials are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons.

**3-3.C(11). ADULT MODELING STUDIO.** An establishment or business whose major business is the provision to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers who engage in specified sexual activities or display specified anatomical areas while being observed, painting, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

**3-3.C(12). ADULT MOTION PICTURE ARCADE.** Any building or place to which the public is allowed or invited in which coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, computers, or other image-producing devices are operated that show images to five or fewer persons per machine at once and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

**3-3.C(13). ADULT MOTION PICTURE THEATER.** A business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if such business as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

**3-3.C(14). ADULT NOVELTY BUSINESS.** A business that has at least 20 percent of its floor area as a principal activity for the sale of materials or devices that stimulate human genitals or devices designed for sexual stimulation or which depict or relate to specified sexual activities or specified anatomical areas.

**3-3.C(15). ADULT SAUNA/STEAM ROOM/BATHHOUSE.** A sauna/steam room/bathhouse that excludes minors because of age or which provides a steam bath

or heat bathing room used for bathing, pleasure, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna/steam room/bathhouse is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

**3-3.C(16). NUDITY.**

- (1). The showing of the human male or female genitals or pubic area with less than a fully opaque covering;
- (2). The showing of the female breast with less than a fully opaque covering of any portion thereof below a point immediately above the top of the areola; or
- (3). The depiction or showing of the covered male genitals in a discernibly turgid state.

**3-3.C(17). SEXUALLY ORIENTED BUSINESS.** An adult bookstore, adult body painting studio, adult carwash, adult cabaret, adult hotel or motel, adult companionship establishment, adult motion picture theater, adult mini-motion-picture theater, adult massage parlor, adult entertainment facility, adult health or sports clubs, adult novelty business, adult modeling studio, or adult sauna as defined in this section. Activities classified as "obscene" as defined by Minnesota Statutes, Section 617.241 are not lawful and are not included in the definition of adult uses.

**3-3.C(18). SPECIFIED ANATOMICAL AREAS.** Anatomical areas consisting of:

- (1). Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, anus, or female breast below a point immediately above the top of the areola or any combination of such; and
- (2). Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**3-3.C(19). SPECIFIED SEXUAL ACTIVITIES.** Activities consisting of the following:

- (1). Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation or fondling of unclothed genitals, pubic region, buttock or female breast, flagellation or torture in a sexual relationship, or the use of excretory functions in a sexual relationship, and any of the following sexually oriented acts or conduct, analogous, buggery, coprophagy, coprophilous, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, picquerism, sophism, sodomy, zooerasty.

- (2). Human genitals in the state of sexual stimulation, arousal or tumescence.
- (3). Use or acts of human or animal ejaculation, sexual intercourse, sodomy, oral copulation, coitus, or masturbation.
- (4) Fondling or touching of human genitals, pubic region or pubic hair, buttocks, or female breast.
- (5) Situations involving persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person.
- (6) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being.
- (7). Human excretion, urination, menstruation, vaginal or anal irrigation.

**3-4. AGRICULTURE.** The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations, or hybrids thereof, including the breeding and graving of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

**3-4.A. ANIMAL FEEDLOT.** A facility as defined by Minnesota Rules, part 7020.0300. ( \*used to be 3-29 FEEDLOT, different definition. )

**3-4.B. ANIMAL UNIT.** Animal unit means a unit of measure used to compare differences in the production of animal manure's that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. The following equivalents shall apply:

- A. One mature dairy cow, 1.4 animal unit.
- B. One slaughter steer or heifer, 1.0 animal unit.
- C. One horse, 1.0 animal unit.
- D. One swine over 55 lbs., .4 animal unit.
- E. One duck, .2 animal unit.
- F. One sheep, .1 animal unit.

- G. One swine under 55 lbs., .5 animal unit.
- H. One turkey, .18 animal unit.
- I. One chicken, .1 animal unit.

For animals not listed in items A to I, the number of animal units shall be defined as the average weight of the animal divided by 1000 lbs.

**3-5. AREA.** Area of a parcel of land shall be calculated from the dimensions derived by horizontal projections of the site.

**3-5.A. AUTO REPAIR, LIMITED.** Repair of automobiles, trucks under 10,000 lb. GVW and RV's only. Excludes dispensing of automobile fuels.

**3-6. AUTOMOBILE SERVICE STATION.** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

**3-6.A. BLUFF.** "Bluff" means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff):

**3-6.A.(1).** Part or all of the feature is located in a shoreland area;

**3-6.A.(2).** The slope rises at least 25 feet above the ordinary high water level of the water body;

**3-6.A.(3).** The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and

**3-6.A.(4).** The slope must drain toward the water body.

An area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff.

**3-6.B. BLUFF IMPACT ZONE.** "Bluff impact zone" means a bluff and land located within 20 feet from the top of a bluff.

**3-6.C. BOATHOUSE.** "Boathouse" means a structure designed and used only for the storage of boats or boating equipment.

new → **3-6.D. BUFFER.** A vegetative feature as defined by Minnesota Statutes

Section 103G.245.

**3-7. BUILDING.** The definition of BUILDING as provided in Ordinance No. 8 (Building Code), Section 2-17, is hereby adopted by reference.

**3-8 BUILDING HEIGHT.** See Ordinance No. 8, Section 2-43 and 2-44 for the definition of building height.

**3-8.A. BUILDING LINE.** "Building line" means a line parallel to a lot line or the ordinary high-water water level at the required setback beyond which a structure may not extend.

**3-9. BUILDING, PRINCIPAL.** A building in which is conducted the principal use of the parcel(s) on which it is located.

**3-10. CLINIC.** Any establishment where human patients are examined and treated by doctors, dentists or where animals are examined and treated by veterinarians, but on an outpatient basis only.

**3-11. CLUB.** Any establishment operated for social, recreational or educational purposes, but open only to members and not the general public.

**3-11.A. COMMERCIAL PLANNED UNIT DEVELOPMENTS.** "Commercial planned unit developments" are typically 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.

**3-11.B. COMMERCIAL USE.** "Commercial use" means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

**3-11.C. COMMISSIONER.** "Commissioner" means the commission of the Department of Natural Resources.

**3-11.D. CONDITIONAL USE.** "Conditional use" means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the Zoning Ordinance (Ord. 35) exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

**3-11.E. CONSIGNMENT/THRIFT STORE.** "Consignment/thrift store" is a retail business where second hand merchandise is sold, and may include a place where people take new or used merchandise for resale and receive money from the retail store owner when the merchandise is sold.

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**3-11.F. CONTROLLED ACCESS LOT.** A lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.

**3-11.G. COMMERCIAL/RESIDENTIAL RECORDING STUDIO.** A commercial music, film and television production and post-production facility which houses the equipment necessary for such work and also allows for a residential living area.

**3-12. COVERAGE.** That percentage of lot covered by principal and accessory use structures, parking areas, driveways and other hard, non-landscaped surfaces.

**3-12.A. CRITICAL STORM EVENT.** That run-off event of a certain duration that creates the highest water surface elevation.

**3-12.B. DECK.** "Deck" means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

**3-13. DENSITY, MAXIMUM NET.** The maximum number of dwellings per acre of buildable land exclusive of wetlands, drainage retention areas, floodplains, lakes, streams, public parks and the right-of-way of any public or private roadway.

**3-13.A. DANCE STUDIO.** A place in which dance is taught in individual or group sessions, including tap, ballet, jazz, lyrical, modern/contemporary, pointe, character/musical, theatre, pom pom, hip hop, and creative movement, specifically excluding dancing that is distinguished or characterized by an emphasis on the performance, presentation, display, depiction, or description of specific sexual activities or specified anatomical areas.

**3-14. DAY CAMPING.** Organized, outdoor, day time camping activities related to hiking, picnicking, nature study games and crafts, scheduled to occur during daylight and early evening hours. Overnight camping is not included as a day camping activity.

**3-15. DAYCARE CENTERS.** Any facility, public or private, which regularly provides care for persons of pre-school age for less than 24 hours per day. Included are pre-schools, nurseries, and nursery schools., All commercial daycare centers shall be licensed by Ramsey County. Excluded is daycare provided to relatives, nursing homes, or persons from a single unrelated family.

**3-15.A. DESIGN STUDIO.** A business devoted to the design and sale of goods and materials related to decorating the interior of a home or business office including:

flooring, wall and window coverings, lighting fixtures, cabinets, bathroom or kitchen fixtures and related accessories.

**3-16. DEVELOPMENT.** The construction, installation or alteration of any structure, the extraction, clearing or other alteration of terrestrial or aquatic vegetation, land or the course, current or cross-section of any water body or the division of land into two or more parcels.

**3-17. DIMENSIONAL REQUIREMENTS.** The minimum and maximum setbacks, yard regulations, height and size regulations.

**3-18. DOMESTIC FARM ANIMAL.** Animals commonly kept for commercial food production and recreational purposes, including but not limited to: cattle, hogs, horses, ponies, sheep, goats, chickens, geese, ducks and bees.

**3-19. DRIVEWAY.** Private road from the street to a garage or off-street parking area.

**3-19.A. DUPLEX, TRIPLEX AND QUAD.** "Duplex, triplex, and quad" means a dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

**3-20. DWELLING.** Any structure designed or used as the living quarters for one (1) or more families, but not including hotels and motels.

**3-21. DWELLING, MULTI-FAMILY.** A structure containing more than two (2) dwelling units.

**3-22. DWELLING, SINGLE-FAMILY.** A dwelling which is designed for and occupied by not more than one (1) family and surrounded by open space or yards, and which is not attached to any other dwelling by any means.

**3-22.A. DWELLING SITE.** "Dwelling site" means a designated location for residential use by one or more persons using a temporary or movable shelter, including camping and recreational vehicle sites.

**3-23. DWELLING, TOWNHOUSE.** A one-family (1) dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

**3-24. DWELLING, TWO-FAMILY.** A structure containing two (2) dwelling units,

neither of which is an accessory apartment, each of which is totally separated from the other by an unpierced wall extending from ground to roof, or an unpierced ceiling and floor extending from exterior to both dwelling units.

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**3-25. DWELLING UNIT.** Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

**3-26. EASEMENT.** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**3-26.A. EXTRACTIVE USE.** "Extractive use" means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes.

**3-27. FAMILY.** The definition of FAMILY as provided in Ordinance No. 47 (Housing Maintenance Code), Section 4-6 is hereby adopted by reference.

**3-28. FARM CROPS.** The production of vegetables and fruits of all kinds, hay, grain, forage, pasture and nursery stock.

~~**3-29. FEEDLOT.** A relatively small, confined land area for fattening livestock or for the holding of livestock temporarily for shipment. (now 3-4.A. ANIMAL FEEDLOT)~~

New →

**3-29.A. FOREST LAND CONVERSION.** The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

**3-29.B. FITNESS CENTER.** A place with facilities and equipment for people to maintain or improve their physical fitness.

**3-30. GARAGE, PRIVATE.** A building, shed or enclosure or a part thereof designated or used for the shelter or storage of motor vehicles containing flammable liquids.

**3-30.A. GARAGE SALES.** A sale of used merchandise located in a residential property, including the terms yard sale, rummage sale, estate sale, moving sale or auction (see Ord. No. 37 (Peddling) relating to auctions).

**3-31. GREEN AREA.** Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping or park. Land which is not occupied by buildings, streets, parking or other hard surfaces.

**3-31.A. GUEST COTTAGE.** "Guest cottage" means a structure used as a

dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

**3-31.B. HARDSHIP.** "Hardship" means the same as that term defined in Minnesota Statutes.

**3-31.C. HEIGHT OF BUILDING.** Defined in Ordinance No. 8 (Building Code), Sections 2-43 and 2-44.

**3-32. HOME OCCUPATION.** Any occupation that results in a product or service which is clearly secondary to the principal residential use of the premises as a dwelling.

**3-33. HOMEOWNERS ASSOCIATION.** A community association which is organized in a development in which individual owners share common interests in open space of facilities.

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→ **3-33.A. IMPERVIOUS SURFACE.** A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, or gravel driveways; and other similar surfaces.

**3-34. INDIVIDUAL SEWAGE DISPOSAL SYSTEM.** A system for the disposal of sanitary sewage in the ground, which is so designed and constructed as to treat sewage in a manner that will retain most of the settled solids in the septic tank and discharge the liquid portion to an adequate disposal field.

**3-34.A. INITIATION OF A PERMIT.** "Initiation of a permit" means a permit application must be received, determined by the Town to be complete, and payment received to be considered initiated.

**3-35. INDUSTRIAL PARK.** A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**3-35.A. IN-HOME CRAFT SALE (BOUTIQUE).** A temporary sale of crafts which is contained completely within residential property.

**3-35.B. INDUSTRIAL USE.** "Industrial use" means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

**3-35.C. INTENSIVE VEGETATION CLEARING.** "Intensive vegetation clearing"

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means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

**3-35.D. INTERSECTION.** Intersection means (a) the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another, at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; and (b) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

**3-36. LIGHT MANUFACTURING.** The processing and fabrication of certain materials and products where no process involved will produce noise, vibrations, air pollution, fire hazard, or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gates, ceramics, apparel, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, and food products, but does not include animal slaughtering, curing, or rendering of fats.

**3-36.A. LIMITED OUTSIDE STORAGE.** Raw materials or finished product stored outside of a light industrial building not to exceed 10% of the site must be screened with 100% opaque fence constructed of material which compliments the building. Material shall not be stacked so it exceeds the height of the fence. Fencing shall be complimented with landscaping. The 10% outside storage provision of this section shall become null and void and cease and desist effective June 1, at 11:59 p.m., 2003, and shall revert back to a maximum of 3% thereafter.

**3-37. LIVESTOCK.** Includes, but not limited to: cows, goats, horses, sheep, swine, and other hoofed animals.

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**3-38. LOT.** A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

**3-39. LOT, DEPTH OF.** A mean horizontal distance between the front and rear lot lines.

**3-40. LOT, MINIMUM AREA OF.** The horizontally projected contiguous area of a lot computed exclusive of wetlands, drainage retention areas, floodplains, lakes, streams,

public parks and the right-of-way of any public or private roadway.

**3-41. LOT OF RECORD.** Any lot which individually or as a part of a subdivision, has been recorded in the Office of the Register of Deeds of the County.

**3-42. LOT, WIDTH OF.** The minimum distance between:

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- A. Side lot lines measured at the midpoint of the building line; and
- B. Side lot lines at the ordinary high water level, if applicable.

**3-43. MANUFACTURED HOME.** A manufactured home means a structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8') feet or more in width, or forty (40') feet or more in length or, when erected on site, is three hundred twenty (320) square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements, and with respect to which the manufacturer voluntarily files a certificate required by the Secretary of the United States Department of Housing and Urban Development and complies with these standards established under Minnesota Statutes 327, including the Manufactured Home Building Code adopted therein.

**3-44. MANUFACTURED HOME PARK.** The definition of MOBILE HOME PARK as provided in Ordinance No. 34 (MOBILE HOME ORDINANCE) Section 3-2, is hereby adopted by reference.

**3-45. MANUFACTURING.** The processing and fabrication of any article, substance or commodity, packaging, treatment, or assemble of products and materials.

**3-45.A. MASSAGE THERAPY – COMMERCIAL.** A building or portion of a building which is used to offer massage-like contact, including stroking, kneading, tapping or rolling of the body, for the purpose of pleasure, relaxation, physical fitness or beautification, for a fee or other valuable consideration. Institutions for the hospitalization or care of human beings by/or anyone licensed by the State of Minnesota to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry shall not be considered a massage practice per definition.

**3-45.B. MASSAGE THERAPY – ADULT.** A building or portion of a building which restricts minors by reason of age and/or which offers massage-like contract, including stroking, kneading, tapping or rolling of the body, for the purpose of pleasure, relaxation, physical fitness or beautification with an emphasis on “specified sexual activities” or “specified anatomical areas”, for a fee or other valuable consideration.

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**3-45.C. METALLIC MINERALS AND PEAT.** "Metallic minerals and peat" has the meaning given under Minnesota Statutes, Sections 93.44 to 93.51.

**3-46. MODEL HOME.** A residential structure which is similar to others in a development vehicle, is open to the public for inspection and for the purpose of selling other homes.

**3-47. MOTEL.** An establishment providing transient accommodations containing six (6) or more rooms with at least twenty-five (25%) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**3-47.A. NEW WETLAND CREDIT.** New Wetland Credit or NWC means wetland replacement credit that can be used for any portion of wetland requirements.

**3-48. NON-CONFORMING STRUCTURES.** A structure designed, converted, or adapted for use prior to the adoption of provisions prohibiting such use in such location.

**3-49. NON-CONFORMING USE.** Non-conforming use is any use or arrangement of land legally existing at the time of enactment of this Ordinance or any of its amendments, which does not conform to the provisions of this Ordinance.

**3-49.A. NONCONFORMITY.** "Nonconformity" means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

**3-50. NUISANCE.** The definition of PUBLIC NUISANCE as provided in Ordinance No. 16 (NUISANCE ORDINANCE), is hereby adopted by reference.

**3-50.A. OFF PREMISE ADVERTISING SIGN (BILLBOARD).** A sign which directs attention to a business, profession, commodity, service or entertainment which is conducted, offered, sold or manufactured elsewhere than on the premises upon which the sign is placed.

**3-51. OFFICE BUILDING.** A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand.

**3-52. OPEN SPACE, ACTIVE.** Space which is not occupied by buildings, street

or parking, or which is not part of the land required for building setback and suitable for active recreational use.

**3-52.A. ORDINARY HIGH WATER LEVEL.** “Ordinary high water level” means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominately aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

**3-53. OUTDOOR STORAGE.** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

**3-54. PARTY WALL.** A common shared wall between two (2) separate structures, buildings, or dwelling units.

**3-55. PERSON.** Any individual, firm, corporation, partnership, association or other private or governmental entity.

**3-56. PLANNED UNIT DEVELOPMENT (PUD).** *Changed ↴* 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, 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, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

**3-56A. PRACTICAL DIFFICULTIES.** “Practical difficulties means the same as that term defined in Minnesota Statutes.

**3-57. PRINCIPAL USE.** The primary or predominant use of any lot or building.

**3-58. PROFESSIONAL OFFICE.** The office of a member of a recognized profession maintained for the conduct of that profession.

**3-58.A. PUBLIC VALUE CREDIT OR PVC.** Public Value Credit or PVC means wetland replacement credit that can only be used for the portion of wetland replacement

requiring greater than a 1:1 ratio.

**3-59.A. REPAIR SHOP.** General automotive, truck and heavy equipment repair.

**3-59.B. PUBLIC WATERS.** "Public waters" means any waters as defined in Minnesota Statutes.

**3-59. RECYCLING CENTER.** A facility in which small recyclable materials, including but not limited to paper, glass, plastics, aluminum, non-aerosol cans, and batteries are temporarily deposited to await transportation to an off-site processing facility. Specifically excluded are municipal non-recyclable solid wastes, motorized vehicles, recreational vehicles and salvage operations.

**3-59.A. REPLACEMENT WETLAND.** Replacement wetland means a wetland restored or created to replace area or public values lots at an impacted wetland.

New

**3-59.B. RESIDENTIAL PLANNED UNIT DEVELOPMENT.** A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

New

**3-59.C. RESORT.** "Resort" has the meaning in Minnesota Statute, Section 103F.227.

**3-60. RESTAURANT.** An establishment where food and drink is prepared, served and consumed primarily within the principal building.

**3-61. RESTAURANT, DRIVE-IN.** A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building.

**3-62. RESTAURANT, FAST-FOOD.** An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption, either within the restaurant building or off premises.

**3-63. RESTRICTIVE COVENANT.** A restriction on the use of land usually set forth in the deed.

**3-64. RETAIL SALES.** Selling of goods or merchandise to the general public for

personal or household consumption.

**3-65. RETAIL SERVICES.** Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries. Includes incidental repair, but not fabricating or manufacturing.

**3-65.A. SALVAGE OPERATION.** A facility collecting vehicles, construction materials and scrap metal for the express purpose of dismantling and sales.

**3-65.B. RIPARIAN LOT.** A lot with lake frontage; HOWEVER, where a road extends between the buildable portion of a lot and the unbuildable lake frontage portion, such a lot shall not be considered a riparian lot.

**3-65.C. RETAINING WALL.** Structure used to keep or hold back earthen material associated with a steep slope.

**3-66. SCHOOL.** Any building or part thereof which is designed, constructed or used for educational or instruction in any branch of knowledge.

**3-66.A. SEMI-PUBLIC USE.** "Semi-public use" means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

**3-66.B. SENSITIVE RESOURCE MANAGEMENT.** "Sensitive resource management" means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.

**3-66.C. SETBACK.** "Setback" means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

**3-66.D. SEWAGE TREATMENT SYSTEM.** "Sewage treatment system" means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described in Ordinance No. 70 (Individual Sewage Treatment Systems).

**3-66.E. SEWER SYSTEM.** "Sewer system" means pipelines or conduits, pumping stations, and force main, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

**3-66.F. SHORE IMPACT ZONE.** "Shore impact zone" means land located between the ordinary high water level of public water and a line parallel to it at a setback of 50 percent of the structure setback.

**3-66.G. SHORELAND.** "Shoreland" means land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are founded by topographic divides which extend landward from the waters from lesser distances and when approved by the Commissioner.

New

**3-66.H. SHORE RECREATION FACILITIES.** Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.

**3-66.I. SIGNIFICANT HISTORIC SITE.** "Significant historic site" means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the national Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

**3-67. SITE PLAN.** The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot, including: topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices; and other information that reasonably may be required in order that an informed decision can be made by the approving authority.

**3-67.A. SIDEWALK.** Structure consisting of concrete or bituminous surface which provides access to an entryway.

**3-67.B. SPORTS PERFORMANCE TRAINING CENTER.** A place with facilities and equipment for people to train for a specific sports activity using instructors trained to coach a specific group of athletes.

**3-68. SPECIALTY SHOP.** A retail sales shop offering goods and services which caters to a specific market or shopper. The goods offered in such a shop may include high fashion apparel, accessories, flowers, arts and crafts, hobbies, gourmet foods, books, imports, consignment goods, etc.

**3-68.A. STEEP SLOPE.** ~~“Steep slope” means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site’s soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12 percent; as measured over horizontal distances of 50 feet or more, that are not bluffs.~~

**3-69. STRUCTURAL ALTERATION.** Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

*Change* **3-70. STRUCTURE.** Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

**3-70.A. SUBDIVISION.** Defined in Ordinance No. 15 (Subdivision), Section 3-1.27.

**3-71. SUPPLY YARDS.** A commercial establishment storing or offering for sale building supplies, sell supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

**3-71.A. SURFACE WATER-ORIENTED COMMERCIAL USE.** “Surface water-oriented commercial use” means the use of land for commercial purposes, where access to the use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

*New* **3-71.B. SUITABILITY ANALYSIS.** An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

**3-71.C. TOE OF THE BLUFF.** “Toe of the bluff” means the lower point of a 50-foot segment with an average slope exceeding 18 percent.

**3-71.D. TOP OF THE BLUFF.** “Top of the bluff” means the higher point of a 50-

foot segment with an average slope exceeding 18 percent.

**3-71.E. TRAFFIC CONTROL SIGNAL.** Traffic control signal means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

**3-72. TRAVEL TRAILER.** A mobile vehicle, with wheels, designed for overnight living or camping purposes, capable of being towed by a passenger automobile and having an overall length less than forty (40) feet and an overall width less than eight (8) feet.

**3-72.A. VARIANCE.** "Variance" means the same as that term as defined or described in Minnesota Statutes.

**3-73. WAREHOUSE.** A building used primarily for the storage of goods and materials.

**3-74. WAREHOUSING.** Terminal facilities for handling freight with or without maintenance facilities.

New

**3-74.A. WATER-DEPENDENT USE.** The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas.

**3-74.B. WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY.** "Water-oriented accessory structure or facility" means a small, above ground building or other improvement, except stairways, fences, docks and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, saunas, patios, and detached decks. Boat houses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245 are not water-oriented accessory structures.

Change

**3-75. WETLANDS, A WETLAND, THE WETLAND, OR WETLAND AREA.**

A. "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this subpart, wetlands must:

- (1). Have a predominance of hydric soils;



Bald Eagle Lake  
White Bear Lake

62-2  
82-167P

D. Tributary Streams

County Ditch #14 connecting Goose Lake to Rice Lake. The Tributary connecting Bald Eagle Lake with Otter Lake.

\*All protected watercourses in White Bear Township shown on the Protected Waters Inventory Map for Ramsey County, a copy of which is hereby adopted by reference shall be considered "Tributary".

**8-4.2. LAND USES.**

**Chart**

**8-5. SPECIAL LAND USE PROVISIONS.**

**8-5.1. Commercial, Industrial, Public, and Semipublic Use Standards.**  
(\*previously 8-6.87)

~~8-5.1(a). Surface water oriented commercial uses and industrial, public, or semi-public uses with similar needs to have access to and use of public waters~~ Water-dependent uses may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards: (\*previously 8-6.7(a))

(1). The use complies with provisions of Section 7.0

(2). ~~In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance,~~ the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

(3). 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

(4). 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:

(i). Signs placed in or on public waters must only convey

thresholds of Minnesota Rules, part 4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a.

**\*Other information originally included in Administration section, but not included in update: 8-11.1(a).** A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by the Ordinance No. 70 (Individual Sewage Treatment Systems), shall be reconstructed or replaced in accordance with the provisions of this ordinance.

## 8-4. SHORELAND CLASSIFICATION SYSTEM AND LAND USES

**8-4.1. Shoreland Classification System.** ~~The public waters of White Bear Township have been classified below consistent with the criteria found in Minnesota Regulations and the Protected Waters Inventory Map for Ramsey County, Minnesota.~~

**8-4.(a). Purpose.** To ensure that shoreland development on the public waters of White Bear Township is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.

**8-4.(b).** The shoreland area for the water bodies listed in this section shall be as defined in Section 3-66.G and as shown on the Official Zoning Map. (\*originally 8-4.2)

Lakes.

			Protected Waters
A. <u>Natural Environment Lakes</u>	<u>Common Name</u>	<u>Inventory I.D.#</u>	
Ox Lake	<del>Ox Lake</del> <i>1/2 Moon Lake</i>	62-25	
(Unnamed)	Oak Ridge Pond	62-23	
Rice Lake	Rice Lake	62-32	
Tamarack Lake	Tamarack Lake	62-21W	
Unnamed	Fish Lake	62-22W	
Poplar Lake	Poplar Lake	62-44	

			Protected Waters
B. <u>Recreational Development Lakes</u>		<u>Inventory I.D.#</u>	
Goose Lake		62-33	
Otter Lake		2-3	

			Protected Waters
C. <u>General Development Lakes</u>		<u>Inventory I.D.#</u>	

**8-3.9(a).** All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. The Town of White Bear will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.

**8-3.9(b).** Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notice of hearings to consider proposed plats must include copies of the plats. (\*originally 8-11.6(a))

**8-3.9(c).** A copy of approved amendments and plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. (\*originally 8-11.6(b)) When a variance is approved after the Department of Natural Resources has formally recommended denial in the variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

**8-3.9(d).** Any request to change the shoreland management classification of public waters within White Bear Township must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.

**8-3.9(e).** Any request to reduce the boundaries of shorelands of public waters within White Bear Township must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

**8-3.10. Mandatory EAW.** An Environmental Assessment Worksheet consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the

(6). Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and

(7). Other conditions the zoning authority deems necessary.

**8-3.7(b)** In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions 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 shall be attached to permits.

**8-3.8. Nonconformities.** (\*previously 8-11.5)

**8-3.8(a).** All legally established non conformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes, Section 462.357 Subd. 1e and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.

**8-3.8(b).** All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Sections 5.0 to 8.0 of this ordinance. Any deviation from these requirements must be authorized by a variance

\*Information originally included in Non-conformities section, but not included in update:

**8-11.5(a).** On-site sewage treatment systems identified as nonconforming under Minnesota Statutes in effect at the time of installation, may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by Ordinance No. 70 (Individual Sewage Treatment Systems), shall be considered nonconforming.

**8-11.5(b).** All non-conformities other than on-site sewage treatment systems must be managed according to applicable state statutes and local government official controls.

**8-3.9. Notifications to the Department of Natural Resources.** (\*previously 8-11.6 Notifications Procedures)

property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, boards of adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether the variances are being requested solely on the basis of economic considerations, and the characteristics of development on adjacent property. (\*originally part of 8-11.3)

**8-3.6. Conditional Uses.** All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation and soil conditions to ensure: (\*originally 8-11.4(a))

**8-3.6(a)** Prevention of soil erosion or other possible pollution of public waters, both before and after construction;

**8-3.6(b)** Limiting visibility of structures and other facilities as viewed from public waters; and

**8-3.63(c)** Adequacy of the site for water supply and on-site sewage treatment; and

**8-3.6(d)** An assessment of the types, uses, numbers of watercraft that the project will generate in relation to the suitability of public waters to safely accommodate these watercraft.

### **8-3.7. Mitigation.**

**8-3.7(a)** In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address, the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:

- (1). Advanced storm water runoff management treatment;
- (2). Reducing impervious surfaces;
- (3). Increasing setbacks from the ordinary high water level;
- (4). Restoration of wetlands;
- (5). Limit vegetation removal and/or riparian vegetation restoration

### 8-3.2. Permits Required.

**8-3.2(a)** A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by **Section 8-6.5** of this ordinance.

**8-3.2(b)** A certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required whenever a permit or variance of any type is required for any improvement on or use of the property. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

**8-3.3. Application materials.** Application for a permit shall be made to the building official. The application shall include the necessary information so that the building official can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided. (\* originally included in 8-11.1)

**8-3.4. Certificate of Zoning Compliance.** The building official shall issue a certificate of zoning compliance for each activity requiring a permit as specified in **Section 8-11.1** of this Ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in **Section 8-2.3** of this Ordinance. (\* originally 8-11.2)

**8-3.5. Variances.** Variances may only be granted in accordance with Minnesota Statutes, as applicable

**8-3.5(a)** A variance may not circumvent the general purposes and intent of this ordinance; and

**8-3.5(b)** For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

**\*Original Variance info not included in update:** No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject

directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and

(ii). ~~No signs shall be placed on the lakeside portion of a property.~~

(iii). Signs placed within the shore impact zone are:

b (a). No higher than ten feet above the ground, and no greater than 32 square feet in size; and

c (b). If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and

a (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 does not preclude use of navigational lights. (\*previously 8-6.7(a), 3, iii)

illuminated  
a. ~~lit~~ signs were permitted in  
Residential zone districts unless  
permitted by section 5-10 of ord.  
#33, as in ord.

8-5.1(b). 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. (\*previously located 8-6.7(b))

## 8-5.2. Agriculture Use Standards

### 8-5.2(a). Buffers.

(1). The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

(2). General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in

perennial vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district or the Natural Resource Conservation Service, and as approved by the local soil and water conservation district.

**8-5.2(b).** New animal feed lots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:

- (1). Feedlots must be designed consistent with Minnesota Rules, Chapter 7020;
- (2). Feedlots must not further encroach into the existing ordinary high water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,
- (3). Old feedlots not currently in operation may resume operation consistent with Minnesota Statutes, Section 116.0711.

### **8-5.3. Forest Management Standards**

**8-5.3(a).** The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers.

**8-5.3(b).** Intensive vegetation clearing for forest land conversion to another use is conditional use subject to an erosion control and sediment plan developed and approved by the soil and water conservation district.

**8-5.4. Extractive Use Standards.** Extractive uses are conditional uses and must meet the following standards:

**8-5.4(a).** Site Development and Restoration Plan. A site development and restoration plan must be developed, approved, and followed over the course of operation. The plan must:

- (1). Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations;
- (2). Identify actions to be taken during operation to mitigate adverse

environmental impacts, particularly erosion; and

(3). Clearly explain how the site will be rehabilitated after extractive activities end.

**8-5.4(b).** Setbacks for Processing Machinery. Processing machinery must meet structure setback standards from ordinary high water levels and from bluffs.

**8-5.5. Metallic Mining Standards.** Mining of metallic minerals and peat is permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51, are satisfied.

## **8-6. DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS.**

**8-6.1. Purpose.** To establish dimensional and performance standards that protect shoreland resources from impacts of development.

**8-6.2. Lot Area and Width Standards.** After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in ~~Sections 6.25 and 6.26~~, subject to the following standards:

TABLE  
7-1

**8-6.2(a).** Only lands above the ordinary high water level can be used to meet lot area and width standards;

**8-6.2(b).** Lot width standards must be met at both the ordinary high water level and at the building line;

**8-6.2(c).** The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property;

**8-6.2(d).** Residential subdivisions with dwelling unit densities exceeding those in Sections 6.25 and 6.26 are allowed only if designed and approved as residential PUDs under Section 10.0 of this ordinance; and

**8-6.2(e).** Lake Minimum Lot Area and Width Standards:

Natural Environment, no sewer: (Below is the original chart, see pg 17 of update for potential changes).

Lot area (square feet)	Riparian lots	Nonriparian lots
Single	80,000	80,000
Duplex	Not allowed	Not allowed
Lot width (feet)		
Single	200	200

Recreational Development, no sewer:

Lot area (square feet)	Riparian lots	Nonriparian lots
Single	40,000	40,000
Duplex	Not allowed	Not allowed
Lot width (feet)		
Single	150	150

General Development, no sewer:

Lot area (square feet)	Riparian lots	Nonriparian lots
Single	22,000	40,000
Duplex	Not allowed	Not allowed
Lot width (feet)		
Single	100	150

Natural Environment, sewer:

Lot area (square feet)

*Recreational Development + General Development*

	Riparian lots	Nonriparian lots
Single	12,000	12,000
Duplex	15,000	15,000
Duplex in R-1 District	18,000	18,000
Lot width (feet)		
Single	80	80
Duplex	100	100

Recreational Development, sewer:

Lot area (square feet)	Riparian lots	Nonriparian lots
Single	12,000	12,000
Duplex	15,000	15,000
Duplex in R-1 District	18,000	18,000
Lot width (feet)		
Single	80	80
Duplex	100	100

**8-6.2(f).** River/Stream Minimum Lot Width Standards. ~~There are no minimum lot area requirements for rivers and streams. The lot width standards in feet are:~~ *Are consistent with the requirements of Table 7-1*

.....chart?.....

**8-6.3. Special Residential Lot Provisions.**

**8-6.3(a).** Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:

- (1). Each building must be set back at least 200 feet from the ordinary high water level;
- (2). Each building must have common sewage treatment and water

systems in one location and serve all dwelling units in the building;  
(3). Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and

(4). No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.

**8-6.3(b).** One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 6.25 and 6.26, provided the following standards are met:

Table  
7-1

(1). For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit;

(2). A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and

(3). A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

**8-6.3(c).** Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:  
(\*originally 8-7.1)

(1). They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.

(2). If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then 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:

**Controlled Access Lot Frontage Requirements**

Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
---	---

Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

(3). They must be controlled or owned by the Town or 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 to the access lot; and

(4). 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 with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, 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.

#### 8-6.4. Placement, Height, and Design of Structures.

~~8-6.4(a). Structure Setbacks.~~ The following minimum setbacks presented in the following table for each class of public waters apply to all structures, except water-oriented accessory structures and facilities that are managed according to Section 8-6.5:

**8-6.4(a). Placement of Structures and Sewage Treatment Systems on Lots.** When more than one setback requirement applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions (\*originally 8-6.4)

~~Structure setback standards (in feet) from 100-year 1% Storm Elevation Level:~~

(Below is the original chart, see page 21 of update for potential changes):

Class	100-year 1% Storm Elevation level setback (feet)		Setback from top of bluff (feet)
	Unsewered	Sewered	
Natural environment	75	50	30
Recreational development	75	50	30
General development	75	50	30
Tributary Stream	75	50	30

(1). OHWL Setbacks. Structures, impervious surfaces, and sewage treatment systems must meet setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Section 7.3 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL:



(2). Setback averaging. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone;

(3). **Setbacks of Decks.** Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all the following criteria are met: (\*originally 8-6.4(d)(8))

(a). The structure existed on the date the structure setbacks were established;

(b). A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.

(c). The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing shoreline setback off the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and

(c). The deck is constructed primarily of wood, and is not roofed or screened.

**(4). Additional Structure Setbacks.** The following additional structure setbacks apply, regardless of the classification of the water body: (\*originally 8-6.4(b))

(Below is the original chart, see page 23 of update for changes):

Setback From:	Setback (In feet)
Unplatted cemetery	50
Right-of-way line of federal or state highway; and	50
Right-of-way line of county highway, town road, public street, or other roads or streets not classified.	35

**(5). Bluff Impact Zones.** Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones. (\*originally 8-6.4(d)(3))

**8-6.4(b). Height of Structures.** All structures in residential shoreland management districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height. (\*originally 8-6.4(c))

**8-6.4(c). Lowest Floor Plan Elevation. High Water Elevations.** ~~In addition to the setback requirements of Section 8-6.4(a), local shoreland controls must regulate placement of structures in relation to high water elevation.~~ Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows: (\*originally 8-6.4(d))

(1). For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the 100-year 1% storm elevation level, whichever is higher.

(2). For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If data are not

available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 612.500 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

(3). If the structure is flood proofed instead of elevated under items A and B above, then it must be flood proofed in accordance with Minnesota Rules, part 6120.5900 Subp. 3 (D).

**8-6.4(d). Significant Historic Sites.** No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository

#### **8-6.5. Water Supply and Sewage Treatment. (\*originally 8-8)**

**8-6.5(a). Water Supply.** Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency. (\*originally 8-8.1)

**8-6.5(b). Sewage Treatment.** Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with Minnesota Rules, Chapters 7080 -7081.: (\*originally8-8.2)

(\*8-8.2(a)-(e) and 8-8.3(a)-(b) not in update)

### **8-7. PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES**

**8-7.1. Placement and Design of Roads, Driveways, and Parking Areas.** Public and private roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters and comply with the following standards: (\*originally 8-6.6(a))

**8-7.1(a).** Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when

other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts; (\*originally 8-6.6(b))

**8-7.1(b).** ~~Public and private~~ Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. (\*originally 8-6.6(c))

**8-7.1(c).** Private facilities must comply with the grading and filling provisions of Section 8.3 of this ordinance; and (\*originally part of 8-6.6(c))

**8-7.1(d).** For public roads, driveways and parking areas, documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials. (\*originally 8-6.6)

**8-7.2 Stairways, Lifts, and Landings.** Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements: (\*originally 8-6.4(d)(7))

**8-7.2(a).** Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.

**8-7.2(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 used for commercial properties, public open-space recreational properties, and planned unit developments.

**8-7.2 (c).** Canopies or roofs are not allowed on stairways, lifts, or landings.

**8-7.2 (d).** Stairways, lifts and 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.

**8-7.2 (e).** Stairways, lifts and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.

8-7.2 (f). Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub items (1) to (5) are complied with in addition to the requirements of Minnesota Statutes.

**8-7.3 Water-oriented Accessory Structures or Facilities.** Each residential lot may have one water-oriented accessory structure or facility located closer to public waters than the structure setback if all of the following standards are met: (\*8-6.4(d)(6) and below is (1)-(7))

8-7.3(a). The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;

8-7.3(b). The structure or facility is not in the Bluff Impact Zone;

8-7.3(c). The setback of the structure or facility from the critical storm event level must be at least ten feet;

8-7.3(d). The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, assuming summer, leaf-on conditions;

8-7.3(e). The roof may be used as a deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;

8-7.3(f). The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;

8-7.3(g). As an alternative for general development and recreational development water bodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline; and

~~8-7.3(h). Any accessory structures or facilities not meeting the above criteria, or any additional accessory structures or facilities must meet or exceed structure setback standards.~~

**8-7.3(h).** Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Section 6.43 if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

## **8-8. VEGETATION AND LAND SHORELAND ALTERATIONS (8-6.5)**

**8-8.1. Purpose.** Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

### **8-8.2. Vegetation Management.**

**8-8.2(a).** Removal or alteration of vegetation must comply with the provisions of this subsection except for: (this section was originally included in 8-6.5)

- (1). ~~Vegetative alteration and excavations or grading and filling~~ necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;
- (2). ~~The construction of~~ public roads and parking areas, if consistent with Section 8-7.1 of this ordinance;
- (3). ~~Forest management uses consistent with Section 8-5.3 of this ordinance; and~~
- (4). ~~Agricultural uses consistent with Section 8-5.2 of this ordinance.~~

**8-8.2(b).** Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. ~~Intensive clearing outside of these areas is allowed if consistent with the forest management standards in Section 5.3 of this ordinance. (8-6.5(a)(1))~~

**8-8.2(c).** Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that: (8-6.5(a)(2))

(1). The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; (8-6.5(a)(2)(i))

~~(2). The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.~~

(2). Existing shading of water surfaces along rivers is preserved;

(3). Cutting debris or slash shall be scattered and not mounded on the ground; and

(4). Perennial ground cover is retained.

**8-8.2(d).** Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.

**8-8.2(e).** Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both. (8-6.5(a)(3))

### **8-8.3. Grading and Filling.**

**8-8.3(a).** Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section 7.1 of this ordinance.

#### **8-8.3(b). Permit Requirements.**

(1). Grading, filing and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filing permit. However, the standards in Section 8.33 of this ordinance must be incorporated into the permit.

(2). For all other work, including driveways not part of another permit, a grading and filling permit is required for:

(i). the movement of more than ten (1) cubic yards of material on steep slopes or within shore or bluff impact zones; and (8-6.5(b))

(ii). The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones. (8-6.5(b))

**8-8.3(c).** Grading, filling and excavation activities must meet the following standards:

(1). Grading or filling of any wetland must meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420 and any other permits, reviews or approvals by other local state or federal agencies such as watershed districts, the DNR or the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.

(2). Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:

(i). Limiting the amount and time of bare ground exposure; (8-6.5(b)(2))

(ii). Using temporary ground covers such as mulches or similar materials; (8-6.5(b)(3))

(iii). Establishing permanent vegetation cover as soon as possible;

(iv). Using sediment traps, vegetated buffer strips or other appropriate techniques; (8-6.5(b)(4))

(v). Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district; (8-6.5(b)(5))

(vi). **Not placing** fill or excavated material ~~must not be placed~~ in a manner that creates an unstable slope. Plans to place fill or excavate 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; (8-6.5(b)(6&7))

(vii). Fill or excavated material must not be placed in bluff

impact zones. (8-6.5(b)(8))

(viii). Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes; (8-6.5(b)(9))

(ix). 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 (8-6.5(b)(10))

(x). Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if: 6.5(b)(11))

(a). the finished slope does not exceed three feet horizontal to one foot vertical;

(b). the landward extent of the riprap is within ten feet of the ordinary high water level; and

(c). the height of the riprap above the ordinary high water level does not exceed three feet.

(information no longer included in this section):

**8-6.5(b)(1).** Before authorizing any grading or filling activity in any type 2, 3, 4, 5, 6, 7 or 8 wetland, the Town Board shall consider how extensively the proposed activity would affect the following functional qualities of the wetland:

(i). sediment and pollutant trapping and retention;

(ii). storage of surface runoff to prevent or reduce flood damage.

(iii). fish and wildlife habitat;

(iv). recreational use;

(v). shoreline or bank stabilization; or

(iv). noteworthiness, including special qualities such as

historic significance, critical habitat for endangered plants and animals, or others.

**8-6.5(c). Connections to Public Waters.** Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors shall meet the requirements set forth in Section 9-5.5(b). Permission may be given only after the commissioner has approved the proposed connection to public waters.

**8-8.4. Stormwater Management. (8-6.8)**

**8-8.4(a).** ~~The following are~~ General standards: (8-6.8(a))

(1). When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.

(2). Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

(3). When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, 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.

**8-6.8(b).** The following are specific standards: (8-6.8(b))

(1). Impervious surface coverage of lots must not exceed 25 percent of the lot area.

(2). 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.

(3). New constructed storm water outfalls to public waters ~~must provide for filtering or settling of suspended solids and skimming of surface debris before discharge~~ must be consistent with Minnesota Rules, part 6115.0231.

**8-9. SUBDIVISION/PLATTING PROVISIONS** Subdivision regulations are provided in Ordinance No. 15 (Subdivision) of the Township code.

**8-9.1. Purpose.** To ensure that new development minimizes impacts to shoreland resources and is safe and functional.

**8-9.2. Land Suitability.** Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit or government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

~~**8-9.2. Platting.** All subdivisions that create five or more lots or parcels that are 2 1/2 acres or less in size are processed as plats in accordance with Minnesota Statutes~~

**8-9.3. Consistency with other controls.** Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.

**8-9.4. Water and Sewer Design Standards.**

**8-9.4(a).** A potable water supply and a sewage treatment system consistent with Minnesota Rules, Chapters 70880 – 7081 must be provided for every lot.

**8-9.4(b).** Each lot must include at least two soil treatment and dispersal areas that support systems described in Minnesota Rules, parts 7080.2200 to 7080.223 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

**8-9.4(c).** Lots that would require use of holding tanks are prohibited.

**8-9.5. Information Requirements.** Provided in Ordinance No. 15 (Subdivision) of the Township. (originally 8-9.4)

**8-9.4(a).** Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;

**8-9.4(b).** All surface water features required by Minnesota Statutes, shall be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

**8-9.4(c).** Adequate soil information to determine suitability for building on on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods.

**8-9.4(d).** Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling storm water runoff and erosion, both during and after construction activities; and

**8-9.4(e).** Location of 100-year flood plain areas from existing maps or data.

**8-9.4(f).** A line or contour representing the critical storm event level and elevation, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

**8-9.6. Dedications.** When a land or easement dedication is a condition of subdivision approval, they must provide easements over natural drainage or ponding areas for management of storm water and significant wetlands. (Originally 8-9.5)

**8-9.7. Platting.** All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a (cities) and 505. NO permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.

**8-9.8. Controlled Access Lots.** Controlled access lots within a subdivision must meet or exceed the lot size criteria in Section 6.33 of this ordinance.

## 8-10. PLANNED UNIT DEVELOPMENTS (PUD'S)

**8-10.1. Purpose.** To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.

**8-10.2. Types of PUD's Permissible.** Planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Section 6.2 of this ordinance is allowed if the standards in this Section are met. (Originally 8-10.1)

**8-10.3. Processing of PUD's.** Planned unit developments must be processed as a conditional use. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 10.5. Approval cannot occur until the environmental review process (EAW/EIS) is complete. (Originally 8-10.2)

**8-10.4. Applicant for PUD.** The applicant for a PUD must submit the following documents prior to final action on the application request: (Originally 8-10.3)

**8-10.4(a).** Site plan and/or plat showing:

- (1). Locations of property boundaries;
- (2). Surface water features;
- (3). Existing and proposed structures and other facilities;
- (4). Land alterations;
- (5). Sewage treatment and water supply systems (where public systems will not be provided);
- (6). Topographic contours at ten-foot intervals or less; an
- (7). Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).

**8-10.4(b).** A property owners association agreement (for residential PUD's)

with mandatory membership, an consistent with Section 10.6 or this ordinance.

**8-10.4(c).** Deed restrictions, covenants, permanent easements or other instruments that: (8-10.3(a))

(1). Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's; and

(2). Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 8-10.6 of this ordinance.

**8-10.4(d).** When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied. (8-10.3(b))

**8-10.4(e).** Those additional documents as requested by the Town Board that are necessary to explain how the PUD will be designed and will function. (8-10.3(c))

**8-10.5 Density Determination.** Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures ~~and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 8-10.5.~~ (8-10.4)

**8-10.5(a).** **Step 1. Identify Density Analysis Tiers.** Divide the project parcel into tiers by drawing one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward: (8-10.4 (a))

Shoreland Tier Dimensions

	Unsewered (feet)	Sewered (feet)
General development lakes- first tier	200	200
General development lakes- second and additional tiers	267	200
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes	300	300

**8-10.5(b). Step 2. Calculate Suitable Area for Development.** The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. ~~This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites. (8-10.4 (a))~~

**8-10.5(c). Step 3. Determine Base Density.**

(1). For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density for each tier. For rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width. ~~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 design criteria in Section 8-10.6. The density of any residential PUD shall not exceed 6 units per acre.~~

(2). For commercial PUDs: (8-10.5(b))

(i). Determine the average area for each dwelling unit or dwelling site within each tier, including both existing and proposed units and sites in calculation.

(a). For dwelling units, determine the average inside living floor area size of dwelling units or sites within each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.

(b). For dwelling sites (campgrounds), determine the area of each dwelling site as follows:

*Delete* → (1). For manufactures homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.

(2). For recreational vehicles, campers or tents, use 400sf.

(ii). Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Section 10.53 B. 1.

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

*Average unit floor area (sq ft)	Sewered general development lakes; first tier on unsewered general development lakes urban tributary river segments	Second and Additional tiers on unsewered general development lakes; recreational development lakes	Natural environment lakes
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1000	.108	.054	.027
1100	.116	.058	.029
1200	.125	.064	.032
1300	.133	.068	.034
1400	.142	.072	.036
1500	.150	.075	.038

(iii). Multiply the suitable area within each tier determined in Section 10.52 by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.

(iv). Divide the total floor area by tier calculated in Item (3)

above by the average inside living area size determined in Item (1) above. This yields a base number of dwelling units and site for each tier.

(3). Allowable densities may be transferred from any tier to any other tier further from the water body, but must not be transferred to any other tier closer. (8-10.5)

(4). All PUDs with densities at or below the base density must meet the design standards in Section 10.6.

**8-10.5(d). Step 4. Determine if the Site can Accommodate Increased Density:** (8-10.5(c))

(1). Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the design criteria in Section 8-10.6 are satisfied as well as the standards in Section 10.54, item B: (8-10.5(c)(1))

Density evaluation tiers	Maximum density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

(2). Structure setbacks from the ordinary high water level: (8-10.5(c)(1))

(i). Are increased to at least 50 percent greater than the minimum setback; or

(ii). The impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.

**8-10.6. Maintenance and Design Criteria.** All PUDs must meet the following design criteria.

### 8-10.6(a). General Design Standards.

(1). All residential planned unit developments must contain at least five dwelling units or sites.

~~(2). Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and meet Section 8-6.5 of this ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement or treatment system for each sewage system.~~ must meet the setback standards of Section 6.41, item A of this ordinance; (8-10.6(d)(1))

(3). Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. ~~They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification; setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 8-10.5 of this Ordinance for developments with density increases;~~ (8-10.6(d)(2))

(4). Shore recreation facilities, ~~including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps~~ (8-10.6(d)(3))

(i). Must be centralized and located in areas suitable for them ~~based on suitability analysis. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors.~~

(ii). The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercial used harbor).

(iii). 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.

(5). Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided; (8-10.6(d)(4))

(6). Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and (8-10.6(d)(5))

(7). Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 7.3 of this ordinance and are centralized. (8-10.6(d)(6))

#### **8-10.6(b). Open Space Requirements.**

(1). Open space must constitute at least 50 percent of the total project area and must include: (8-10.6(b))

(i). Areas with physical characteristics unsuitable for development in their natural state; (8-10.6(b)(3))

(ii). Areas containing significant historic sites and unplatted cemeteries; (8-10.6(b)(3))

(iii). Portions of the shore impact zone preserved in its natural or existing state as follows: (8-10.6(b)(8))

(a). For existing residential PUD's, at least 50 percent of the shore impact zone.

(b). For new residential PUD's, at least 70 percent of the shore impact zone.

(c). For all commercial PUD's, at least 50 percent of the shore impact zone.

(2). Open space may include:

(i). 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; (8-10.6(b)(4))

(ii). Subsurface sewage treatment systems if the use of the space is restricted to void adverse impacts on the systems; (8-10.6(b)(5))

(3). Open space shall not include: (8-10.6(b)(2)&(6))

(i). Dwelling sites or lots, unless owned in common by an owners association;

(ii). Dwelling units or structures, except water-oriented accessory structures or facilities

(iii). Road rights-of-way or land covered by road surfaces and parking areas;

(iv). Land below the OHWL of public waters and

(v). Commercial facilities or use.

**8-10.6(c). Open Space Maintenance and Administration Requirements.**  
(8-10.6(a))

~~(1). Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.~~

**(1). Open Space Preservation.** The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:

(i). Commercial uses prohibited (for residential PUD's);

(ii). Vegetation and topographic alterations other than routine maintenance prohibited;

(iii). Construction of additional buildings or storage of vehicles and other materials prohibited; and

(iv). Uncontrolled beaching of watercraft prohibited.

(2). **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:

(i). Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;

(ii). Each member must pay pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;

(iii). Assessments must be adjustable to accommodate changing conditions; and

(iv). The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

**8-10.6(d). Erosion Control and Storm water Management. (8-10.6(c))**

(1). Erosion control and storm water management plans must be developed and [must be consistent with the provisions of Section 8.3 of this ordinance](#). Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

(2). Stormwater management facilities must be designed, and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area, except that 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved Stormwater management plan and consistency with Section 8.0 of this ordinance.

(no longer included):

Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features.

**8-10.7. Conversions.** Existing land uses and facilities may be converted to residential planned unit developments if all of the following standards are met:

**8-10.7(a).** Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

**8-10.7(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 or as specified in the conditional use permit.

**8-10.7(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:

(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.

**8-10.7(d).** Existing dwelling units or dwelling site densities that exceed standards in Section 8-10.5 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, improvement vegetative screening, centralizing shore recreation facilities, installing new sewage treatments systems, or other means.



**Planning Commission Meeting  
May 24, 2018**

**Agenda Number:** 9 - 10

**Subject:** Added Agenda Items  
Adjournment

**Documentation:**

**Action / Motion for Consideration:**



## Planning Commission Meeting April 26, 2018

**Subject:** Items passed by the Town Board Pertaining to the Planning Commission

**Documentation:** Minutes

Minutes  
Town Board Meeting  
April 16, 2018

**IMPROVEMENT 2018-2 – CAMBRIDGE DOWNS: 1) RECEIVE NORTH OAKS COMPANY CORRESPONDENCE REGARDING PROJECT DEPOSIT; 2) RECEIVE FEASIBILITY REPORT; 3) ORDER THE IMPROVEMENT PURSUANT TO A 100% PETITION OF THE PROPERTY OWNERS; 4) AUTHORIZE PREPARATION OF PLANS & SPECIFICATIONS; 5) AUTHORIZE APPRAISAL BY MCKENZIE METRO APPRAISERS TO DETERMINE THE PARK DEDICATION FEE FOR CAMBRIDGE DOWNS:** The Engineer reviewed the Feasibility Report for the Cambridge Downs subdivision. He noted that on April 2, 2018 the Town Board ordered the feasibility report. He reported that the subdivision will include 28 single family lots and one 11.8 acre outlot. The outlot contains a DNR protected wetland. Sanitary sewer is available from an existing main within Ramsey County right-of-way, adjacent to Centerville Road. An 8-inch PVC sanitary sewer will be extended into the subdivision. All units will have gravity sewer connection into the public system via 4-inch PVC sanitary sewer services. The sanitary sewer will be installed at a depth to allow for future service of area.

There are existing 16-inch watermain stubs within Ramsey County right-of-way along Centerville Road north and south of the subdivision sites. The proposed watermain system will connect to the existing stubs, completing the loop along Centerville Road. A new 8-inch watermain will run under the proposed streets. All units will connect to the public system via copper water services. Looping of the watermain into and out of the cul-de-sac is proposed to improve water quality, reduce maintenance, provide increased fire protection, and to increase system reliability. Five fire hydrants are proposed.

The stormwater will be collected via catch basins. The water will be routed to two proposed stormwater treatment ponds and an infiltration area. The stormwater treatment ponds and infiltration area have been designed to meet the Town's rate control and water quality requirements prior to the newly created runoff reaching an existing wetland on site. Pipe sizes will be between 12 and 24-inches in diameter.

The soils on site require a thicker road section than the Town's standard for local 7-ton road design. There will be a 1-1/2 inch bituminous wear course; 2-inch bituminous base course; 8-inch Class 5 gravel; 12-inch select granular subbase, as necessary; and D412 concrete curb and gutter. It is proposed to install the D412 concrete curb and gutter and pave only the initial 2-inch base course during the initial construction season. The final wearing surface would be paved once 80% of all new homes have been constructed or as directed by the Engineer. Ramsey County is requiring a minimum of a 150 foot north bound right turn lane with design details including striping, signing, dimensions and construction details. A 15:1 taper is recommended for a right turn lane. This design would conflict with

the existing driveway of 5440 Centerville Road. A 100 foot turn lane with a 50 foot taper is proposed, subject to Ramsey County approval. The road will be designed to meet County standards.

It has been determined that the project is feasible and should be built as proposed. The proposed improvements are a cost-effective method of providing the required improvements to the development. A number of permits will be required and obtained.

The following is a summary of the estimated Project costs for the recommended street, drainage, sanitary, and watermain improvements: Sanitary Sewer - \$458,400; Watermain - \$360,000; Storm Sewer - \$209,800; Street - \$387,300. Total Costs: \$1,415,500. It is proposed that 100% of the costs attributable to the development be paid by the Developer. Total Project Costs: \$1,415,500 minus Township Credit (watermain extension Centerville Road 16-inch to 8-inch - \$75,800); Sanitary Sewer lateral to residents to south - \$34,600); Sanitary Sewer extra 6' depth for future extension - \$77,300). The Township Credit results in a total Developer cost of \$1,227,800.

The Project schedule remaining is: May 21, 2018 – Town Board approves Plans and Specifications and orders Advertisement for Bids; May 23, 2018 – Advertisement on QuestCDN.com and Advertisement in White Bear Press; June 13, 2018 – Receive contractor bids; June 18, 2018 – Town Board accepts bids and awards contract; July 2018 – Conduct pre-construction meeting; Contractor begins work; November 2018 - Construction completion with restoration in the spring; Spring 2019 – Restoration completion.

Mark Houge, North Oaks Company, publicly thanked the Town Board, Town Staff and Town Engineer for helping them to get to this point by expediting things. He stated that they are anxious to get started. He asked the Engineer regarding the estimate which shows that soils may need some additional depth either in sub base or bituminous. He wanted to be sure that soil borings will show that the road will be designed to meet the standards of a 7-ton road and if costs can be saved in the subbase it would be considered. The Town Engineer stated that it would be considered. The Town Engineer stated that more information will be forthcoming with the project and if it can be reduced it will be done. Mark Houge stated that they plan to provide telephone and cable to the project and will pursue that with the providers. He asked if for some reason they would not be installed prior to the Township's project if there would be discussion down the road. He was assured there would be discussion. Mark Houge asked if any portion of the watermain project will be assessed to the properties on the west side of Centerville Road? The Clerk stated that future access to that watermain will not be assessed at this time, rather, they will pay a connection or access fee at a later date.

**North Oaks Company Correspondence:** The correspondence from the North Oaks Company, dated April 16, 2018, regarding the Cambridge Downs development was reviewed. The North Oaks Company will agree to fund the actual cost of the proposed improvements outlined in the feasibility report directly, versus the Township employing a special assessment process. The Company requests monthly updates on the estimated project costs vs actual project costs. Upon authorization of TKDA to design the project by the Town Board, the North Oaks Company will deposit with the Township cash in the amount of \$57,500. It is their understanding that these funds will be used by the Township to pay for the actual costs to prepare plans and specifications for the project. Based on the design and construction costs being similar to the estimate of costs outlined in the feasibility study, they intend to move the project forward following the Town Board's resolution to order the improvements outlined in the feasibility study. They request that TKDA complete the plans and specifications for the project in time to present to the Town Board at its May 21, 2018 meeting, for review and approval of the final plat Plans and Specifications and to order advertisements for project bids.

Ruzek moved, based on Town Engineer review and recommendation to receive the Feasibility Report. Kermes seconded. Ayes: Ruzek and Kermes. Abstain: Prudhon.

Ruzek moved, based on Town Engineer review and recommendation to receive North Oaks Company correspondence, dated April 16, 2018, regarding project deposit. Kermes seconded. Ayes: Ruzek and Kermes. Abstain: Prudhon.

Ruzek moved to authorize preparation of Plans and Specifications. Kermes seconded. Ayes: Ruzek and Kermes. Abstain: Prudhon.

Ruzek moved to order Improvement pursuant to a 100% petition of the property owners Kermes seconded. Ayes: Ruzek and Kermes. Abstain: Prudhon.

Ruzek moved to authorize appraisal by McKenzie Metro Appraisers to determine the value of the property for purposes of calculating a park dedication fee for Cambridge Downs. Kermes seconded. Ayes: Ruzek and Kermes. Abstain: Prudhon.