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The Central Minnesota
Sustainable Development Plan

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results

*Model Comprehensive Plan Policies and Model
Ordinances to Implement the Livability Principles*



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Introduction

This report is the culmination of a year-long project by students of the University of Minnesota Law School's Environmental Sustainability Clinic, Land Use Planning section. The goal of this project was to develop model comprehensive plan language and accompanying model ordinances to help communities in Minnesota implement the Partnership for Sustainable Communities' Livability Principles. This project is part of the Central Minnesota Sustainable Development Plan (CMSDP). We coordinated this project with students from the Hubert H. Humphrey School of Public Affairs and the William Mitchell College of Law who were simultaneously working on similar CMSDP projects.

The comprehensive plan language and model ordinances are intended as a sampling of best practices for local policy-makers. The ordinances herein should not be adopted as-is into planning documents. Rather, these ordinances should serve as a template for communities seeking to implement sustainable planning techniques. Individual communities may need to adapt the specific language of the ordinances to their own particular circumstances. These ordinances are written in plain language, and planners should take care to write comprehensive plans and ordinances in language readily understandable to the lay person. Most of these policies and ordinances are modeled after policies and ordinances already in use in communities in Minnesota and in Region 5. We hope all communities in the region will en-

act these policies and ordinances with the help of CMSDP.

Each section of this document covers one of the six Livability Principles. For each Principle, we propose one or more comprehensive plan policies that promote that principle. We then propose model ordinances that could be adopted to enact each policy. Due to the broad spectrum of policies addressed in this project, we do not provide model ordinances to cover every possible approach to implementing each policy. Rather, the model ordinances are meant to provide samples of approaches that have been adopted by other communities. We consider different policies for counties, small towns, and larger cities so that all communities in Region 5 might find this project useful. In some instances we recommend policies and ordinances that can be adopted by multiple sizes and types of communities. In those cases, we explain why we grouped together the types of communities we did.

For reference, a "large city" in Region 5 might be Brainerd or Little Falls; a "small city" might be Nimrod or Burtrum; and the "county"-level language would be suitable for any of the five counties in Region 5.

In the appendix of this report, we list the sources we consulted in our research. Planners and students working on this project will likely find these resources valuable in their research.

The goal of this project was to develop model comprehensive plan language and accompanying model ordinances to help communities in Minnesota implement the Partnership for Sustainable Communities' Livability Principles.

Livability Principle I: Provide More Transportation Choices

Develop safe, reliable, and economical transportation choices to decrease household transportation costs, reduce our nation's dependence on foreign oil, improve air quality, reduce greenhouse gas emissions, and promote public health.¹

Summary of Model Policies and Model Ordinances

| Community | Policy | Ordinance |
|------------|--|--|
| Large City | "Use design standards in designated districts to increase accessibility for pedestrians and bicycle use." (p1) | Pedestrian Overlay District (p3) |
| Small City | "Use design standards in designated districts to increase accessibility for pedestrians and bicycle use." (p1) | Pedestrian Overlay District (p3) |
| County | "Encourage community design that centralizes community centers to minimize the number and length of car trips." (p7) | Infill and Redevelopment District (p7) |

Overall Goal

Provide safe and reliable options for pedestrians and bicyclists where possible and encourage development that minimizes the number and length of car trips.²

Region 5 does not have significant public transportation options, but does have the capacity to encourage other positive transportation choices. We adopted the above goal to highlight the region's best options for implementing this livability principle—encouraging walking, and biking, and minimizing car trips. From this goal, we developed a policy and ordinance for small and large cities that emphasizes pedestrian and bicycle use, and a policy and ordinance for counties that seeks to minimize car trips.

¹Partnership for Sustainable Communities, Livability Principles, <http://www.epa.gov/smartgrowth/partnership/index.html#livabilityprinciples>.

²The Brainerd and Long Prairie Comprehensive Plans include the language, "Design local streets to encourage pedestrian and bicycle use." The Morrison County Comprehensive Plan includes the language "encourages community design that centralizes community centers to minimize the reliance of residents on automobiles."

Large and Small City Model Policy

Use design standards in designated districts to increase accessibility for pedestrians and bicycle use. (adapted from the Brainerd and Long Prairie Comprehensive Plans).

The region's municipalities tend to have established downtown areas and other neighborhood zones with the density needed for practical pedestrian and bicycle use. To implement this policy, communities should commit to including pedestrian and bicycle elements in their transportation infrastructure, especially within downtown, residential, commercial, and mixed use zones. These may include, but are not limited to sidewalks, bike lanes, crosswalks, and traffic calming elements. We recommend that communities consult the Minnesota Complete Streets Coalition (<http://mncompletestreets.org/>) for further transportation infrastructure guidance.

Because our project focuses primarily on land use and zoning, we chose to provide a Pedestrian Overlay District as a model ordinance to implement this policy. This ordinance is meant to serve as a land use supplement to a broader transportation plan that establishes pedestrian and bicycle infrastructure.

Large and Small City Model Ordinance

Pedestrian Overlay District (CR Planning, Design Standards for Pedestrian Overlay Districts with modifications from the City of Hopkins Downtown Overlay District).

This model ordinance establishes an overlay district for areas of the community with densities and transportation infrastructure conducive to pedestrian and bicycle use, such as downtown districts. Within the overlay district, buildings are designed to be more accessible and appealing on a human-scale, rather than being built primarily for "stop and go" traffic. These design standards not only encourage increased walking and biking, but also minimize car trips. This ordinance is based on CR Planning's Design Standards for Pedestrian Overlay Districts. The Purpose and Compliance sections are adapted from the City of Hopkins Downtown Overlay District. This model ordinance is intended to provide a number of design requirements that meet the purposes of a pedestrian overlay district. Cities may wish to incorporate any number of these requirements.

I. Purpose - The purpose of this Article is:

- To promote pedestrian orientation and safety within [the specified district]
- To encourage streetscape design that is inviting and on a human scale
- To enhance the economic viability of [the Model Community] by preserving its mainstreet character.

II. Applicability - The standards in this Article apply to all new development, redevelopment and alterations to existing buildings or sites, with the following exceptions:

- A. For alterations to existing buildings or sites, the standards shall apply to the element being developed or altered rather than the entire site (for example, the building footprint or parking area).
- B. Flexibility in the interpretation or application of any standard may be granted by [the zoning administrator] in cases where specific physical conditions of a building or site would make compliance difficult or inappropriate.

III. Compliance - At the time of application for any Conditional Use Permit, building permit, or sign permit, the applicant shall demonstrate that the proposed building, structure, improvement, renovation, or sign complies with the requirements of this article. No permits shall be issued until the requirements of this article have been met. It is the applicant's responsibility to provide the necessary information to the City staff to determine compliance with this article.

IV. Standards

- A. Compatibility with Historic Buildings** - New development shall relate to the design of identified historic buildings adjacent to the site, where present, in scale and character. This can be achieved by maintaining similar setbacks, facade divisions, roof lines, rhythm and proportions of openings, building materials and colors. Historic architectural styles need not be replicated.
- B. Building Placement** - Buildings shall be placed at or close to the sidewalk to the extent practical. At intersections, buildings shall "hold the corner," that is, have front and side facades aligned at or near the sidewalks of both streets. Exceptions may be granted if the setback is pedestrian-oriented and contributes to the quality and character of the streetscape, such as a setback for outdoor dining.
- C. Entrance Orientation** - Primary building entrances on all new buildings shall be oriented to the primary abutting public street. Additional secondary entrances may be oriented to a secondary street or parking area. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.
- D. Façade Articulation**
1. Consistent with most traditional storefront buildings, a building width of 40 feet or less is encouraged. New buildings of more than 40 feet in width shall be divided into smaller increments, between 20 and 40 feet in width, through articulation of the facade. This can be achieved through combinations of the following techniques, or others that meet the intent of this section.
 - a. Façade Modulation - Stepping back or extending forward a portion of the façade.
 - b. Vertical divisions using different textures or materials (although materials should be drawn from a common palette).
 - c. Division into storefronts, with separate display windows and entrances.
 - d. Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.
 - e. Arcades, awnings, window bays, arched windows and balconies at intervals equal to the articulation interval.
 2. No blank walls shall be permitted to face the public street, sidewalks, or other public spaces such as plazas. Elements such as windows, doors, columns, changes in material, or similar details should be used to add visual interest.
 3. Buildings shall be designed with a base, a middle, and a top, created by variations in detailing, color and materials.
 - a. Articulated tops shall be considered in the design of all new buildings. For example, the articulation might consist of pitched roofs, dormers, gable ends, or cornice detailing.
 - b. The base of the building shall include elements that relate to the human scale. These should include doors and windows, and other texture, projections, awnings and canopies, ornament, as appropriate.
- E. Door and Window Openings** - For new commercial, mixed-use and civic buildings, windows and doors or openings shall comprise at least fifty (50) percent of the length and at least thirty (30) percent of the area of the ground floor of the primary street facade. Window openings shall be located between two and 8 feet from ground level.

1. Windows shall be designed with punched and recessed openings, in order to create a strong rhythm of light and shadow.
 2. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior.
 3. Window shape, size and patterns shall emphasize the intended organization of the façade and the definition of the building.
- F. Ground-Floor Residential Uses** - Ground-floor residential uses at street level shall generally be separated from the street by landscaping, steps, porches, grade changes, and low ornamental fences or walls in order to create a private yard area between the sidewalk and the front door.
- G. Equipment and Service Area Screening** - If an outdoor storage, service or loading area is visible from adjacent residential uses or a public street or walkway, it shall be screened by a decorative fence, wall or screen of plant material at least six (6) feet in height. Fences and walls shall be architecturally compatible with the primary structure.
- H. Screening of Rooftop Equipment** - All rooftop equipment shall be screened from view from adjacent streets, public rights-of-way and adjacent properties. Rooftop equipment shall be screened by the building parapet, or shall be located out of view from the ground. If this is infeasible, the equipment shall be grouped within a single enclosure. This structure shall be set back a distance of one and one-half (1½) times its height from any primary facade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.
- I. Materials** - Nonresidential or mixed use buildings shall be constructed of high-quality materials such as brick, stone, textured cast stone, or tinted masonry units. The following materials are generally not acceptable:
1. Unadorned plain or painted concrete block;
 2. Tilt-up concrete panels;
 3. Pre-fabricated steel or sheet metal panels;
 4. Reflective glass; and
 5. Aluminum, vinyl, fiberglass, asphalt or fiberboard siding.
- All building façades visible from a public street or walkway shall employ materials and design features similar to those of the front façade.
- K. Parking Structure Design** - The ground floor of any parking structure abutting a public street or walkway shall be designed and architecturally detailed in a manner consistent with new commercial or mixed-use buildings.
1. Upper floors shall be designed so that sloped floors typical of parking structures do not dominate the appearance of the façade.
 2. Windows or openings shall be provided that echo those of surrounding buildings.
 3. Entrance drives to structured or underground parking shall be located and designed to minimize interference with pedestrian movement. Entrances should be on secondary streets where feasible.
- L. Parking Area Landscaping and Screening** - Screening is required wherever parking lots abut public streets, sidewalks or paths, or are adjacent to residential or open space uses.
1. A landscape buffer strip a minimum of 5 feet in width shall be provided between all parking areas and the public sidewalk or street. The buffer strip shall consist of drought tolerant shade trees, low shrubs or perennial plants, or a decorative fence or masonry wall. Plantings and parking lot screen walls or fences shall be between two and three feet in height to allow views into and out of parking areas.
 2. Parking bays shall have landscape islands at each end and bays in excess of 15 spaces in length

shall be divided by intermediate landscape islands. Landscape islands at ends of bays shall provide at least 360 square feet of area for trees, shrubs and/or groundcovers. Intermediate landscape islands shall provide at least 180 square feet of planting area.

County Model Policy

Encourage community design that centralizes community centers to minimize the number and length of car trips. (adapted from Morrison County Comprehensive Plan).

Given the geography and population of the region, cars are currently and will continue to be the primary source of transportation for the foreseeable future. The environmental impact of cars can be greatly reduced if community members seek to minimize both the length and number of car trips. This is possible if local governments incentivize growth and development around existing community centers. Reducing sprawling development reduces miles traveled to work and for shopping, and allows some residents to both live and work in the same neighborhood. While the most concentrated population centers tend to be in municipalities, counties must also play a role in encouraging growth in areas that already contain development. The “Support Existing Communities” section outlines several ordinances that implement this policy. One of these ordinances is also listed below.

County Model Ordinance

Infill and Redevelopment Overlay District (City of Auburn, WA)

This model ordinance establishes an overlay district of developed areas with underutilized lots and provides regulatory and financial incentives for their full development. The bulk of the language comes from the zoning code of the City of Auburn, Washington. The section regarding service fee reductions was developed from recommendations by Green Step Cities and PolicyLink. Because the ordinance involves the apportionment of costs for local improvements, communities should refer to Minn. Stat. 429.051 to ensure compliance.

This model ordinance applies only to residential development, but may be adapted for commercial uses as well.

Infill Residential Overlay District

I. Purpose and intent

- A. To create an infill residential overlay district that encourages the development of underutilized parcels in areas identified by the [Model Community] comprehensive plan goals and policies.
- B. To establish regulatory and financial incentives for growth through infill and redevelopment of lots in existing neighborhoods as an alternative to building in undeveloped areas.
- C. To preserve landscapes and natural resources that define the community.

II. Applicability

- A. Eligibility Criteria. This chapter may be applied to development or redevelopment that meets all of the following criteria:
 - 1. The lot is within one of the following residential zones: [zones designated for infill overlay].

2. Adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property (i.e., side and/or rear lot lines) are developed with single-family dwellings or higher intensity uses.
3. For properties located in [specify applicable medium or higher density zones within the overlay] zones, the lot or parcel size shall be 10,000 feet or less.

III. Procedures - Development proposals desiring to utilize the infill standards of this chapter shall be subject to one or more of the permit types found in [Project Permits provision] and shall be processed in a manner consistent with the underlying land use application pursuant to [Project Permits provision].

IV. Infill residential standards

- A.** All other provisions of this code that would apply to a non-infill project shall apply to infill development except as specifically modified by this chapter.
- B. Infill Land Division Standards** – Reduction in Dimensional Requirements for Infill Residential Development. Notwithstanding the dimensional development standard requirements found in the underlying residential zones of [zoning or land use code], property that is eligible for infill residential development pursuant to this ordinance shall be eligible for subdivision of land as follows:
 1. **Minimum Lot Area.** Minimum lot area and minimum average lot area may be permitted at 80 percent of the minimum areas required in [Residential Zones section] for the underlying zone.
 2. **Minimum Lot Width.** Minimum lot width may be reduced by 20 percent of or 10 feet less than the required minimum lot width of the underlying zone, whichever is less.
 3. **Maximum Lot Coverage.** Maximum lot coverage can be increased by 10 percent over that allowed in the underlying zone.
- C. Infill Development Standards.** Property that is eligible for infill residential development pursuant to this ordinance shall be eligible for these additional development standards to encourage infill, subject to demonstration to the satisfaction of the city engineer that all required utility infrastructure, access requirements, and street elements can be accommodated in accordance with the city design and construction standards:
 1. The maximum density provided for in [Residential Zones Section] may be increased by up to 10 percent.
 2. Increased allowable building height by no more than five feet to allow for roof features noted in subsection (D)(4) of this section while achieving permitted maximum density.
 3. Reduced front or street side setbacks to conform to the average existing building lines or setbacks of adjoining structures. In no case shall reduced street setbacks be allowed for a garage or carport.
 4. Alternative setbacks, including reduced rear setbacks. Standard setbacks of the zone shall be applied for any required setback when the subject setback abuts [residential zones allowing a maximum of 7 dwelling units per acre].
 5. A 10 percent reduction in minimum on-site parking requirements, when on-site parking is designed to be shared parking. This reduction may be combined with any other reduction provided for in [zoning or land use code].
- D. Infill Development Fee Waivers.** Notwithstanding the fee requirements found in [Model Community Ordinance], property that is eligible for infill residential development pursuant to this ordinance shall be eligible for the following fee reductions:
 1. Reduced Sewer Access Charge at 50% of the standard fee charged for the proposed

development type as listed in the [Model Community fee schedule].

2. Reduced Water Access Charge at 50% of the standard fee charged for the proposed development type as listed in the [Model Community fee schedule].
3. Reduced Plan Review Fee at 50% of the standard fee charged for the proposed development type as listed in the [Model Community fee schedule].

E. Infill Design Standards. Property that is eligible for infill residential development pursuant to this ordinance shall adhere to the following design requirements. While creativity and variation in architectural design is encouraged, the purpose of these requirements is to ensure compatibility of infill development with the character of nearby existing residential structures.

Residential infill development shall meet the following design criteria, as defined by the predominant character of the existing residential block face. The block face shall consist of all residential properties along both sides of the public or private right-of-way on which the development fronts. The block face shall be measured from intersection to intersection, to the road end, or 200 feet in either direction from the development site, whichever is nearest.

1. Building orientation on infill lots shall match the predominant orientation of other buildings along the block face.
2. Access and location of off-street parking on infill lots shall be similar to the predominant character for existing development along the block face. Primary vehicular access shall be through rear alleys where such rights-of-way exist, and on-site parking shall be located to the rear of proposed structures, insofar as this is consistent with the predominant character of the block face.
3. Proposed residences shall be required to provide an additional five-foot setback over that required in the underlying zone above the second story where property line(s) abut a property with an existing single-story structure.
4. Roofs on proposed infill residential structures shall be similar in slope, material, and style to existing development and shall incorporate any or all of the following features, insofar as such features are compatible with existing development on the block face:
 - a. Dormers;
 - b. Gabled or hipped roofs;
 - c. Pitched roofs;
 - d. Parapets or cornices.

Unless it is the predominant existing style on the block face, flat, unadorned roofs shall not be allowed.

5. Horizontal facades longer than 25 feet shall be treated to reduce building mass and visual bulk using at least one of the following techniques. The applicant shall demonstrate that the selected techniques are either currently present on the block face or are not substantially incompatible with existing development.
 - a. Bays or recesses (minimum depth of 18 inches);
 - b. Window patterns;
 - c. Contrasting materials or colors;
 - d. Upper story setbacks;
 - e. Balconies.

Livability Principle II: Promote Equitable, Affordable Housing

Expand location- and energy-efficient housing choices for people of all ages, incomes, races, and ethnicities to increase mobility and lower the combined cost of housing and transportation.¹

Summary of Model Policies and Model Ordinances

| Community | Policy | Ordinance |
|------------|--|---|
| Large City | "Encourage mixed use development to reduce commuter travel times and create a greater sense of community." (p1) | -Downtown/Village Mixed-Use District (p2) -Urban Residential District (p4) |
| Small City | "Encourage mixed use development to reduce commuter travel times and create a greater sense of community." (p1) | -Downtown/Village Mixed-Use District (p2) -Urban Residential District (p4) |
| County | "Promote and maintain adequate supply of safe, decent affordable and life-cycle housing throughout the County." (p6) | -Life-Cycle Housing Comprehensive Plan and Zoning Provisions (p6) |

Overall Goal

Affordable, equitable housing is essential to both the social and economic vitality of the region. Currently, another law student is producing an extensive set of model comprehensive plan policies and ordinances to implement affordable and fair housing goals in the region. Therefore, we were asked to focus our policies and ordinances on two specific elements of this principle: mixed-use development and life-cycle housing.

¹Partnership for Sustainable Communities, Livability Principles, <http://www.epa.gov/smartgrowth/partnership/index.html#livabilityprinciples>.

Large and Small City Model Policy

Encourage mixed use development to reduce commuter travel times and create a greater sense of community. (Todd County Comprehensive Plan)

Two often overlooked aspects of affordable housing policy are housing-related transportation costs and quality of life. Both of these elements can be addressed through use of mixed-use districts in a community's zoning code. Such districts combine residential and commercial uses, providing pedestrian or bicycle access from residents' homes to employment and retail opportunities. These districts also have denser development patterns than primarily residential zones and are therefore ideal locations for multi-family housing. Finally, the close vicinity of public services and jobs enables developers to utilize many state and federal affordable housing funding sources that consider these factors in their funding processes.

Large and Small City Model Ordinance

Downtown/Village Mixed-Use District and Urban Residential District (Based on Pequot Lakes Zoning Ordinance)

To implement the mixed-use development policy, we offer two complementary model ordinances that create adjacent zoning districts. Together these districts allow greater density for multi-family housing and a mix of commercial and residential uses. The Downtown Mixed-Use District has smaller minimum lot size, building width, and setback requirements than most residential zones in the region and substantially increases the maximum density allowed for development. The Urban Residential District creates a higher-density residential area that is adjacent to the downtown mixed-use zone. The goal is to create housing within walking or biking distance of jobs and retail in the city's downtown area.

Both of these districts are based on similar districts in the City of Pequot Lakes Zoning Ordinance. The setback, height, and density requirements in the Urban Residential district have been slightly modified to allow for greater flexibility for multi-family housing. It should be noted that while Pequot Lakes chose the label "Urban Residential," other communities may wish to use a label that does not include the word "urban." Regardless, this higher density residential neighborhood is useful for any size city to create a buffer between the downtown district and less densely developed residential zones.

Downtown/Village Mixed-Use District

I. Purpose: To provide a zoning that mixes higher density residential and commercial uses. The district is designed to enhance the economic vitality of the city or town center, provide convenient pedestrian or bike access to retail and service employment, and act as a community gathering place. Infrastructure must be in place to provide municipal off-street parking, on-street parking, sidewalks, and connection to municipal water and sanitary sewer utilities.

II. Applicability: The standards in this Article apply to all new development and redevelopment within the designated districts.

III. Compatibility: The Downtown Mixed Use district must be accessible to other zoning districts with a higher density of residential development and may also be adjacent to the Transition Residential, Commercial, and Light Industrial Zones.

IV. Lot and Use Requirements

| | |
|--|-------|
| Lot Width- feet, minimum | 25 |
| Buildable Lot Area- square feet, minimum | 2,250 |
| Maximum Density (units per acre) | 20 |
| Setback, right of way, City road- feet, minimum | 1 |
| Setback, right of way, County or State road, feet, minimum | 10 |
| Setback, side yard- feet, minimum | 0 |
| Setback, rear- feet, minimum | 10 |
| Setback, sign- feet, minimum | 1 |
| Setback, parking from building or lot line- feet, minimum | 0 |
| Setback, wetland- feet, minimum | 50 |
| Impervious Coverage with storm sewer available | 90% |
| Impervious Coverage without storm sewer available | 50% |
| Building Height- feet, maximum | 25 |
| Building above highest groundwater level- feet, minimum | 3 |

V. Performance Standards. The following performance standards apply to all development in this zone:

- a. Parking.** Commercial developments within the DMU District are exempt from the parking standards contained in other sections of the zoning code. Developments must minimize the appearance of parking areas.
 - i. Location.** Parking and vehicle drives must be located away from building entrances and street corners, and not between a building entrance and the street. Surface parking must be located behind or to the side of a building when possible.
 - ii. Landscape Buffering.** Suitable trees and shrubs must be planted between parking lots and all adjacent sidewalks and buildings.
 - iii. Maximum Parking Ratio.** Surface parking shall not exceed 125% of the minimum parking requirement for the subject land use(s).
- b. Pedestrian Amenities.** Proposed developments must provide for safe and comfortable sidewalks, paths, and resting areas for pedestrians. Sidewalks and paths must connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
- c. Lighting.** All building entrances, pathways and other pedestrian areas must include pedestrian-scale lighting such as wall mounted lights, sidewalk lamps, bollards, or landscape lighting.
- d. Fences.** Fences not exceeding 72 inches in height may be constructed. Fencing shall only be constructed closer than 10 feet from the surface of a public road with the permission of the Planning

Commission and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited.

Urban Residential District

I. Purpose: To provide residential zoning for a variety of income levels within walking distance of the Downtown Mixed Use District.

II. Applicability: The standards in this Article apply to all new development and redevelopment within the designated districts.

III. Compatibility: Urban Residential districts must be established next to the Downtown Mixed-Use zone and may be established next to shoreline residential zones.

IV. Performance Standards

a. General: Development of parcels will generally follow traditional grid-style lot block layouts. Parcels will be either served by or designed for municipal sewer and water utilities, with access to sidewalks.

b. Lot, Use, and Density Requirements

| | |
|--|--------------------------------------|
| Lot Width- feet, minimum | 40 |
| Buildable Lot Area, minimum | 5000 |
| Residential PUD Maximum Density | 1 units per 1,000 square feet |
| Setback, right-of-way, local streets- feet, minimum | 30 |
| Setback, right-of-way, collector and arterial streets- feet, minimum | 30 |
| Setback, side- feet, minimum | 10 |
| Setback, corner side- feet, minimum | 30 |
| Setback, sign- feet, minimum | 1 |
| Maximum impervious coverage | 40% |
| Maximum Bldg Height | The greater of 5 stories or 50 feet. |
| Accessory Structure Size- square feet, max, cumulative | 1,280 |

c. Performance Standards: The following performance standards apply to all development in this zone:

i. Dwelling, Guest Quarters. Guest quarters must meet the following restrictions:

1. Shall be located along with the principal structure on the smallest lot meeting the above requirements.
2. Shall be a minimum of 400 square feet and maximum of 600 square feet and shall not exceed 25 feet in height.

d. Outside Storage. Storage of a fish house and recreational vehicle is allowed if stored not less than 10 feet distance from any property line and not within the OHW [ordinary high water] setback.

- e. Fences.** Fences not exceeding 60 inches in height may be constructed except within the OHW [ordinary high water] setback area. Fences not exceeding 36 inches may be constructed within the OHW [ordinary high water] setback area so long as the fencing is transparent. Under no circumstances shall fences be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right of way. Material shall consist of usual fencing materials with posts and fences of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited.
- f. Impervious Coverage.** Impervious coverage may be increased by 20% through a conditional use permit if the following is provided:
- i.** A storm water retention plan showing containment of the 24 hour rainfall for a 5-year storm event on the parcel.
 - ii.** Direct runoff of stormwater to adjacent water bodies, including wetlands and adjacent parcels, shall be eliminated through the use of berms or other permanent means.
- g. Sidewalks.** Properties shall accommodate safe and comfortable sidewalks, paths, and resting areas for pedestrians. Sidewalks or paths must connect adjacent lots within the district and must connect the district to adjacent zoning districts.

County Model Policy

Promote and maintain adequate supply of safe, decent affordable and life-cycle housing throughout the County. (adapted from Todd County Comprehensive plan).

Life-cycle housing is the principle that communities should contain a variety of housing types to meet the needs of residents in each stage of their lives. Planning for life-cycle housing cannot be confined to specific zoning districts, but should be incorporated throughout a community's land use plan and general zoning provisions. Therefore, we have provided two sections of model language: (1) comprehensive plan provisions to implement the policy (from the City of Osakis Comprehensive Plan) and (2) a general zoning provision to support life-cycle housing (adapted from the City of Osakis R-2 Residential District). The purpose of the general zoning provision is to ensure that a variety of housing needs are classified as permitted uses in a community's residential zones. Some of these housing types are often classified as conditional uses, which subjects them to public hearing approval and the threat of NIMBY-related objections.

County Model Comprehensive Plan Provisions to Implement Life-Cycle Housing

The County shall maintain zoning and subdivision regulations that allow for the construction of a variety of housing types and price ranges that meet the needs of community members in all life stages:

- (a) affordable basic units for young people and students just beginning to enter the workforce
- (b) affordable single family units for first time home buyers and young families
- (c) "move up" housing for people with growing families and/or incomes
- (d) "empty-nest" dwellings for persons whose children have grown and left home
- (e) low-maintenance housing options for aging persons as their ability to maintain their property decreases
- (f) assisted living environments to provide health and medical care to the elderly.

Model Zoning Ordinance Language

1. In all areas zoned primarily for residential development, the permitted uses must include, but are not limited to the following:

- (a) Multiple family dwellings of two (2) to eight (8) units
- (b) Residential condominiums or cooperative housing, if processed as part of a PUD
- (c) State licensed residential facility serving up to twenty (20) persons.
- (d) Group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve up to sixteen (16) children.
- (e) Public parks and playgrounds
- (f) Essential services, including the erection, construction, alternation, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.
- (g) Congregate care housing- multi-family residential projects reserved for senior citizens or the disabled, where each dwelling has individual living, sleeping, and bathing facilities, but where common facilities are typically provided for meals and recreation

Livability Principle III: Enhance Economic Competitiveness

Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers as well as expanded business access to markets.¹

Summary of Model Policies and Model Ordinances

| Community | Policy | Ordinance |
|------------|---|---|
| Large City | "Direct commercial development to existing commercial nodes and areas with adequate transportation, sewer and water infrastructure." (p1) | - Highway Commercial District (p2) - Downtown Mixed-Use District (see Housing chapter) |
| Small City | "Direct commercial development to existing commercial nodes and areas with adequate transportation, sewer and water infrastructure." (p1) | - Highway Commercial District (p2) - Downtown Mixed-Use District (see Housing chapter) |
| County | "Direct commercial development to existing commercial nodes and areas with adequate transportation, sewer and water infrastructure." (p1) | - Highway Commercial District (p2) - Downtown Mixed-Use District (see Housing chapter) |

Overall Goal

Local planners should take a regional view toward economic development. Economic nodes tend to be regionally competitive; for example, Big Box retailers compete against nearby smaller businesses. Planners should think about uses and designs in different districts that complement nearby districts rather than compete with them. To that end, we propose a single Model Policy and Model Ordinance that can be adopted by any level of local government to enhance regional economic competitiveness.

¹Partnership for Sustainable Communities, Livability Principles, <http://www.epa.gov/smartgrowth/partnership/index.html#livabilityprinciples>.

Large City, Small City and County Model Policy

Direct commercial development to existing commercial nodes and areas with adequate transportation, sewer and water infrastructure. (Under Construction)

This Model Policy, adopted from Minnesota Planning's Under Construction, promotes the goal of "Enhanc[ing] the synergies between businesses, residential areas and public services."

Large City, Small City and County Model Ordinance

The Highway Commercial District (HCD) comes from CR Planning's model Sustainable Development Ordinances. The district would be located along major commercial thoroughfares. The ordinance limits the uses to mostly commercial, although some conditional civic and residential uses may be included. The ordinance contains design standards intended to encourage styles reminiscent of any nearby downtown districts. By distinguishing uses between the HCD and a Downtown Mixed-Use District (see Promote Equitable, Affordable Housing), while maintaining a continuity of styles between the areas, a locality can draw consumers from the highway through the HCD to the DMU. There will also exist synergies between the HCD and the Adequate Public Facilities Ordinance.

Model Ordinance: Highway Commercial District

I. Purposes - The Highway Commercial District is intended for use in locations along Model Community's primary commercial corridors where automobile-oriented businesses are already present or are planned. Allowed businesses include those that typically benefit from access and visibility from major highway corridors. Businesses that involve outdoor display, storage and/or sales, motor vehicle repair, and other intensive or outdoor uses are allowed with appropriate screening. The HC District regulations specifically implement the following goals from the Comprehensive Plan:

- A. Goal** – Create more walkable and attractive commercial corridors by scaling streets, blocks and buildings to the needs of pedestrians.
- B. Goal** – Encourage buildings with a human scale, which evoke traditional buildings without imitating them, and to create a pedestrian-friendly internal site layout and streetscape.
- C. Goal** – Encourage transit use by locating commercial uses so that they are directly visible and accessible from an existing or planned transit route.
- D. Goal** – Preserve the functionality of major thoroughfares by controlling access to such streets and incorporating shared internal circulation.
- E. Goal** – Minimize the potential for increased traffic congestion, noise, glare, and other negative impacts that may result from commercial development.
- F. Goal** – For [Corridor or Highway X], project the image and character of an attractive and distinctive gateway into Model Community.
- G. Goal** - Direct commercial development to existing commercial nodes and areas with adequate transportation, sewer and water infrastructure.

II. Use Regulations

A. Table of Uses - The following table indicates allowed land uses with the following abbreviations:
P for Permitted Use, C for Conditional Use, N for Not Permitted.

| | HCD |
|---|-----|
| Residential Uses | |
| Single-family dwelling | C |
| Two-family dwelling | C |
| Townhouse, rowhouse | C |
| Dwelling unit located at ground floor | N |
| Dwelling unit located above ground floor | C |
| Secondary dwelling | C |
| Community residential facility | C |
| Live-work space | C |
| Civic and Semi-Public Uses | |
| Libraries, museums, community centers | C |
| Colleges and universities, commercial schools and professional training facilities | C |
| Religious assemblies | C |
| Schools, public and private | C |
| Day care centers | C |
| Parks and recreation facilities | P |
| Hospitals, clinics, nursing homes | C |
| Transit stations and related parking facilities | P |
| Commercial Uses | |
| Retail sales and service establishments, multi-tenant shopping centers, and personal service establishments | P |
| Services such as beauty shops, barbershops, and dry-cleaning establishments. | P |
| Professional business and general offices such as banks, offices, clinics, medical, dental and doctor's offices, government and public utility office buildings, post offices, opticians' offices and similar uses. | P |

| | |
|---|---|
| Hotels, motels, inns, bed and breakfasts | P |
| Convention centers and halls, conference centers, exhibition halls | N |
| Theaters, indoor entertainment facilities, fitness centers, health clubs | P |
| Sports facilities, arenas, stadium | C |
| Structured parking facilities | P |
| Restaurants including open air or sidewalk cafes | P |
| Food and beverage sales | P |
| Taverns, lodges, or private clubs | P |
| Art and craft galleries and studios | P |
| Farmers' markets | P |
| Mixed-use developments or multi-use developments | P |
| Drive-through facilities in conjunction with a permitted use | P |
| Office-showrooms and office-warehouses | C |
| Agricultural implement sales and service | P |
| Lumberyards and construction material sales | P |
| Garden and landscaping sales and service | P |
| Automotive service stations, including convenience stores with fuel sales | P |
| Motor vehicle sales and service | P |
| Recreational vehicles and equipment sales and service | P |
| Outdoor sales and storage in conjunction with a permitted use | P |

III. Dimensional Standards

| | Min. Lot Area, sq. ft. | Min. Lot Width, feet | Min. Front Yard, feet | Min. Side Yard, feet | Min. Rear Yard, feet |
|--|--|-------------------------|--------------------------|-------------------------|-------------------------|
| Commercial or Mixed-Use Building | 20,000 | 66 | 20 from right-of-way | 10, corner 20 | 20 |
| Townhouse, Rowhouse, Live- Work Building | 2,000/unit | 25/unit | 20 | 8 (end unit) | 20 |
| Multifamily Building | 1,000/unit | 60 | 20 | 10 | 20 |
| Other Building Type | To be determined through Conditional Use process | | | | |

IV. Density and Height Standards

| | |
|-------------------------------|---------------------------|
| Minimum FAR | 0.3 [1] |
| Minimum Height | 1.5 stories |
| Maximum Height | 4 stories/50 feet |
| Maximum Building Footprint | 75,000 square feet [2] |

[1] Public gathering spaces, landscaped areas, public art, and outdoor seating areas may be counted toward building square footage in calculating the FAR.

[2] Larger building footprints may be allowed through the approval of a conditional use.

V. Design Standards

A. Intent of this Section - The intent of this section is to encourage buildings with a human scale, which evoke traditional buildings without imitating them, and to create a pedestrian-friendly internal site layout and streetscape.

B. Building Placement - In order to encourage pedestrian circulation and shared parking among uses:

1. Distances between principal buildings, or between the most distant entrances of a single building, should not exceed 300 feet. This standard can be achieved through the arrangement of freestanding buildings in compact groups, the design of single buildings in an "L" or "T" shape, or similar strategies.
2. Building entrances should be located as close to abutting streets as possible, and no further

than 85 feet from the street right-of-way. This standard may be achieved through the creation of one or more public or private internal streets within a large site.

C. Architectural Style - No single architectural style or styles are required. The contemporary adaptation of elements of historic commercial architectural styles found in Downtown Model Community, including [Italianate, Neoclassical and Early Twentieth Century Commercial], is encouraged. If a particular style is used, it should be used consistently. The combination of elements of a variety of styles in one building is discouraged.

D. Building Width and Façade Articulation - Buildings of more than 40 feet in width shall be divided into smaller increments through articulation of the façade. This can be achieved through combinations of the following techniques, and others that may meet the objective.

1. Façade Modulation - Stepping back or extending forward a portion of the façade
2. Vertical divisions using different textures or materials (although materials should be drawn from a common palette)
3. Division into storefronts, with separate display windows and entrances
4. Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval
5. Arcades, awnings, window bays, arched windows and balconies at intervals equal to the articulation interval
6. Providing a lighting fixture, trellis, tree, or other landscape feature with each interval

E. Scale, Proportion, and Placement - In general building elements such as windows, doors, arcades, towers, etc. should be arranged symmetrically across the façade, in a regular and logical manner. Window and door openings should be proportional to façade length and height. Large elements (i.e. clock tower) may be appropriate, but there should be an emphasis on maintaining a human scale at the ground level.

F. Building Height and Roof Design - In order to improve the appearance of uninterrupted facades:

1. Buildings over 100 feet in length shall be at least 1-1/2 stories in height for at least 30% of their length.
2. Roofs shall be designed with one or more of the following:
 - a. Sloping roofs with a minimum roof pitch of at least 1 foot of rise to 4 feet of run.
 - b. Flat roofs with a decorative parapet concealing rooftop equipment. Average parapet height shall not exceed 15 percent of the height of the supporting wall and maximum parapet height at any point shall not exceed one-third the height of the supporting wall.
 - c. Overhanging eaves, extending no less than 18 inches past the surrounding walls.

G. Ground-Floor Windows - In order to allow views into and out of buildings, to enliven the streetscape, increase a sense of security and allow opportunities for display of merchandise:

1. The primary street level façade of large retail or office establishments (over 25,000 square feet) that faces a public street or walkway shall be transparent between the height of 3 and 8 feet above sidewalk grade for at least 40 percent of the horizontal length of the building façade.
2. The primary street level façade of smaller retail or office establishments (25,000 square feet or less) shall be transparent for at least 50 percent of the horizontal length of the building façade, between the height of 3 and 8 feet above sidewalk grade, at minimum.

H. Entries - In order to ensure that entries contribute to the visual attractiveness of the building and are readily visible to the customer, entries to principal buildings shall feature at least two of the following

features:

1. Canopy, portico, overhang, arcade, or arch above the entrance
2. Recesses or projections in the building façade surrounding the entrance
3. Peaked roof or raised parapet over the door
4. Display windows surrounding the entrance
5. Architectural detailing such as tile work or ornamental moldings
6. Permanent planters or window boxes for landscaping
7. Primary building entrances shall face the primary abutting public street, not a side or rear parking area.

I. Number of Entrances - In order to reduce walking distance from parking areas, adjoining streets and adjacent buildings, and to avoid the appearance of unbroken walls:

1. A retail building accessible by more than one public street shall provide customer entrances on at least two of the street frontages. The entrance facing the secondary street shall be clearly distinguished using the methods listed above under “Entries”.
2. Each additional retail store within a principal building shall provide at least one exterior customer entrance clearly distinguished using the methods listed above.

J. Building Materials - In order to ensure that high-quality, authentic materials that evoke traditional downtown settings are used in new commercial development, buildings shall be constructed of high-quality materials such as brick, stone or textured, cast stone or tinted masonry units.

1. The following materials are prohibited:

- a. Unadorned plain or painted concrete block
- b. Tilt-up concrete panels
- c. Pre-fabricated steel or sheet metal panels
- d. Reflective glass
- e. Aluminum, vinyl, fiberglass, asphalt or fiberboard siding
- f. Wood siding

2. Accent materials may be used on up to 15% of the building’s façade. These may include metal, glass block, spandrel glass or similar materials as approved by the Planning Commission.

K. Side and Rear Treatments - In order to ensure continuity of materials and façade treatments on all visible facades, all building facades visible from a public street or walkway shall employ materials and design features similar to those of the front façade.

L. Building Colors - In order to ensure that building colors are aesthetically pleasing and compatible with surrounding buildings, building colors shall consist of subtle, neutral or muted colors, with low reflectance. Recommended colors include browns, grays, tans, beiges, and dark or muted greens, blues and reds. No more than two principal colors may be used on a façade. Bright, white, or primary colors should be used only as accents, occupying a maximum of 10 percent of building façades.

M. Parking - In order to improve the appearance and convenience of parking lot circulation for vehicles and pedestrians, parking areas shall be distributed around large buildings in order to shorten the distance to other buildings and reduce the overall scale of the paved surface.

1. No more than 50% of the off-street parking area for the entire site shall be located between the front façade of the principal building and the primary abutting street.
2. Alternatively, one or more internal accessways that are similar to streets may be used to divide the site into parking areas no greater than 55,000 square feet.

- a. Internal accessways must have at least one auto travel lane, curbs, and sidewalks on both sides at least six (6) feet wide. Accessways must be landscaped along their entire length with trees, shrubs and planting beds.
- b. On-street parking (angled or parallel) must be provided along both sides of the accessway, except within 75 feet of street intersections. Curb extensions that are at least the full depth of the parking stall shall be provided at all internal and external street intersections, as shown.

N. Parking Lot Landscaping - In order to soften and improve the appearance of parking lots when viewed from an abutting street or sidewalk, all parking and loading areas (including drive-through facilities, pump island service areas and stacking spaces) fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:

- 1. A landscaped yard at least 5 feet wide along the public street or sidewalk. If a parking area contains over 100 spaces, the minimum required yard shall be increased to 8 feet in width.
- 2. Screening consisting of either a masonry wall, fence, berm, or hedge or combination that forms a screen a minimum of 3 feet in height, a maximum of 4-1/2 feet in height, and not less than 50% opaque.
- 3. One tree shall be provided for each 25 linear feet of parking lot frontage on a public street or accessway.

O. Interior Parking Lot Landscaping - The corners of parking lots and all other areas not used for parking or vehicular circulation shall be landscaped with turf grass, native grasses or other perennial flowering plants, vines, shrubs and trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.

- 1. In parking lots containing more than 100 spaces, an additional landscaped area of at least 300 square feet shall be provided for each 12 spaces or fraction thereof, containing one deciduous shade tree. The remainder shall be covered with turf grass, native grasses, perennial flowering plants, vines or shrubs.

P. Placement and Screening of Service, Loading, and Storage Areas

- 1. Any outdoor storage, service or loading area that faces adjacent residential uses or a public street or walkway shall be screened by a decorative fence, wall, or screen of plant material at least 6 feet in height, or a planting screen shall be provided parallel to the property line, street, or walkway.
- 2. Loading docks, truck parking, HVAC equipment, trash collection, and other service functions shall be incorporated into the design of the building so that the visual and noise impacts of these functions are fully contained and not visible/audible from adjacent properties and public streets. Areas for the outdoor storage and sale of merchandise, where permitted, shall be permanently defined and screened with walls or fences, with materials compatible with and of similar quality to primary building materials.

Q. Lighting - Exterior lighting shall be the minimum necessary for safety and security. Lighting shall be designed to coordinate with building architecture and landscaping. Building-mounted fixtures shall be compatible with the building facades. Overall lighting levels should be consistent with the character and intensity of the surrounding area. All light fixtures shall be shielded or other directed to ensure that light is not directed onto adjacent properties.

R. Pedestrian and Bicycle Access - Sidewalks may be required along some or all public streets that abut the proposed development in order to provide pedestrian connections from all adjacent neighborhoods and activity centers.

- 1. A well-defined pedestrian path shall be provided from the sidewalk to each principal customer

entrance of a building. Walkways shall be located so that the distance between street and entrance is minimized. Walkways shall be at least 5 feet in width, and shall be distinguished through pavement material from the surrounding parking lot. Walkways shall be landscaped for at least 50 percent of their length with trees, shrubs, and planting beds.

2. Sidewalks of at least 8 feet in width shall be provided along all front building facades that abut public parking areas.
 3. Walkways and sidewalks should be defined by design features such as towers, arcades, porticoes, pedestrian-scale light fixtures, planters, and other architectural elements.
 4. Bicycle parking shall be provided in a convenient and visible location no farther from the principal entrance than the closest automobile parking space, at a ratio of 1 space per 25 automobile parking spaces. Bicycle parking shall consist of a bike rack designed so that the bicycle frame can be locked to the rack, subject to the review of the City Engineer.
- S. Community Amenities** - Each retail development of over 75,000 square feet in floor area shall provide a patio or outdoor seating area, which may also provide outdoor cafes or dining areas, with the stipulation that at least 50 percent of the area shall be reserved for public use. The outdoor area shall include seating and a water feature, clock tower or other central focal point.

Livability Principle IV: Support Existing Communities

Target federal funding toward existing communities—through strategies like transit-oriented, mixed-use development and land recycling—to increase community revitalization and the efficiency of public works investments and safeguard rural landscapes.¹

Summary of Model Policies and Model Ordinances

| Community | Policy | Ordinance |
|------------|--|---|
| Large City | "Promote infill development and redevelopment of existing homes and commercial lots in the built-up areas of the city." (p2) | -Adequate Public Facilities Ordinance (p3) -Infill and Redevelopment District (p12) |
| Small City | "Promote infill development and redevelopment of existing homes and commercial lots in the built-up areas of the city." (p2) | -Infill and Redevelopment District (p12) -Agriculture and Forest District (p16) |
| County | "Protect worthwhile landscapes and natural features to preserve the character of the community." (p16) | -Agriculture and Forest District (p16) -Alternative Shoreland District Standards (p23) |

Overall Goal

The "Support Existing Communities" principle encourages local governments to focus growth incentives and public funding on existing communities. The policies and ordinances below seek to encourage growth while limiting the use of public infrastructure to subsidize sprawl in largely undeveloped areas. One benefit is that revitalization of existing neighborhoods can help improve property values and retail business. Investment in developed areas near municipality centers can also foster a greater sense of community, and avoid the phenomenon of leap frog development. Another benefit is lower public infrastructure costs. Finally, the policies and ordinances under this principle protect shoreland, farmland, and forests, which have great economic, environmental, and social value for the region's communities.

¹Partnership for Sustainable Communities, Livability Principles, <http://www.epa.gov/smartgrowth/partnership/index.html#livabilityprinciples>.

Large and Small City Model Policy

Direct commercial Promote infill development and redevelopment of existing homes and commercial lots in the built-up areas of the city.

Because the municipalities govern the most populous areas of the region, they are able to foster infill development patterns that reinforce existing neighborhoods and discourage unsustainable sprawl. For this reason, we chose a policy for both large and small cities that reinforces the “community revitalization” and “efficiency of public works” aspects of the principle. One tool suggested by the principle is mixed-use development. We have provided a mixed-use ordinance under the “Promote equitable, affordable housing” principle, and encourage its use to apply this principle as well. In addition, we provide two ordinances in this section that incentivize growth in existing communities.

Large City Model Ordinance

Adequate Public Facilities (CR Planning)

The Adequate Public Facilities Model Ordinance establishes a framework for the Model Community to regulate new development based on the community’s ability to fund public facilities. By making their capital investment plans and existing public infrastructure a key component of the land use planning process, communities are able to evaluate their ability to provide public services for new developments and avoid spending their resources on inefficient services. This model ordinance applies only to new residential developments, but Adequate Public Facilities ordinances can be extended to apply to commercial and industrial development as well.

Because this ordinance involves extensive review and maintenance of data, it requires a much greater amount of administrative capacity than many of the other model ordinances we provide. For this reason, it is most appropriate for the large cities of the region.

Adequate Public Facilities Model Ordinance

I. Purpose and Intent

- A. To ensure that public facilities needed to support new development meet or exceed the adopted level of service standards established by the Model Community Comprehensive Plan and this ordinance;
- B. To ensure that no rezonings are approved that would cause a reduction in the levels of service for any public facilities below the adopted level of service established in [Model Community] Comprehensive Plan;
- C. To ensure that adequate public facilities needed to support new development are available concurrent with the impacts of such development;
- D. To establish uniform procedures for the review of rezoning applications subject to the concurrency management standards and requirements;

- E. To facilitate implementation of goals and policies set forth in the [Model Community] Comprehensive Plan relating to adequacy of public facilities, level of service standards and concurrency, including:
1. **Goal 1** - Avoid sprawling or leapfrog development as an inefficient use of [Model Community's] infrastructure and services.
 2. **Goal 2** - Give priority to development opportunities that do not require the construction of new public infrastructure.
- F. To ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

II. Applicability

- A. This Section shall not apply to any use, development, project, structure, fence, sign, or activity which does not result in a new residential dwelling unit.
- B. The provisions of this Section shall apply to all applications for development approval requesting a residential use, or those portions of applications for development approval requesting a residential use, within the unincorporated area of Model Community. No Development Order shall be granted, approved, or issued unless accompanied by a Concurrency Data Form that has received a positive concurrency determination or a positive concurrency determination subject to conditions.
- C. No application for development approval shall be approved unless it has received a positive concurrency determination as set out in Section VII.A, or a positive concurrency determination subject to conditions, as set out in Section VII.C.
- D. Vested Rights**
1. Nothing in this ordinance shall limit or modify the rights of an applicant to complete any development authorized by an approved Site Specific Development Plan for a period extending three (3) years following the approval thereof or the expiration date set forth in the Site Specific Development Plan.
 2. If a developer has, by his actions in reliance on prior regulations, obtained vested rights that by law would have prevented [Model Community] from changing those regulations in a manner adverse to his interests, nothing in this ordinance authorizes [Model Community] or any official thereof to abridge those rights.
- E. The determination of concurrency shall not affect the otherwise operable and applicable provisions of the [Model Community Zoning Code] or the [Model Community Subdivision Ordinance], all of which shall be operative and remain in full force and effect without limitation.

III. General Provisions-Monitoring

- A. Concurrency Information Database** – [Model Community] staff shall develop, maintain, and update a Concurrency Information Database that shall provide support to [Model Community] officials and departments responsible for concurrency review, monitoring, and planning for public facilities. At a minimum, the database shall contain the following information:
1. Existing dwelling units and nonresidential development;
 2. Committed development;
 3. The capacity of existing public facilities provided by [Model Community], based on adopted level of service; and
 4. The capacity created by the completion of public facilities to be provided by [Model Community], and that are included in the capital improvements program.
- B. Annual Review** – [Model Community] staff shall, not less frequently than annually, prepare and submit to the Council an annual Concurrency Management Report. The report shall include:
1. Growth trends and projections;

2. Proposed changes to the boundaries of impact areas for any public facility;
3. Proposed changes to existing or adopted level of service standards;
4. Proposed changes in concurrency analysis methodologies;
5. Recommendations on amendments to the Adequate Public Facilities Ordinance, if appropriate; and
6. Other data, analysis, or recommendations as the Director may deem appropriate, or as requested by the Council.

C. Effect of Annual Review - The Annual Review may, in whole or in part, form the basis for recommendations to the Council or Council actions to repeal, amend, or modify this Section. Other data, reports, analyses, and documents relevant to such decisions as may be available may also be used.

D. Amendments - Nothing herein precludes the Council or limits its discretion to amend this Section at such other times as may be deemed necessary or desirable.

IV. Procedures for the Processing of Concurrency Data Form

A. Submittal Requirements - All applications for development approval shall be accompanied by a Concurrency Data Form that includes sufficient information to allow [Model Community] to determine the impact of the proposed development on public facilities pursuant to the concurrency determination procedures. The Concurrency Data Form shall be a form prepared by the Department. The information required shall include, but shall not be limited to:

1. The total number, type of dwelling units, and gross density of proposed development;
2. The location of the proposed development;
3. An identification of the public facilities impacted by the proposed development; and
4. Any other appropriate information as may be required by Model Community consistent with the provisions herein.

B. Fee for Review of Concurrency Data Form - Each application for development approval shall be accompanied by the required Concurrency review fees, as may be established by the Council.

V. Procedures for Concurrency Review and Recommendation by Department

A. Department Review - The Department shall determine whether the Concurrency Data Form complies with the submittal requirements set forth in section IV.A. If the Concurrency Data Form is incomplete or the submittal requirements have not been complied with, the Department shall so notify the applicant, specifying the deficiencies. If the Concurrency Data Form is complete and the submittal requirements have been complied with, the Department shall evaluate the proposed development for compliance with the adopted levels of service and shall submit a Concurrency Recommendation pursuant to subsection V.B.

B. Department Recommendation - If the Department concludes that each public facility will be available concurrent with the impacts of the proposed development at the adopted levels of service, the Department shall make a positive Concurrency Recommendation in its staff report. If the Department determines that any public facility will not be available concurrent with the impacts of the proposed development at the adopted levels of service based upon existing public facilities, the Department shall make a negative Concurrency Recommendation in the staff report or a positive Concurrency Recommendation with appropriate conditions consistent with the criteria set forth in subsections X.B and VII.C of this Section. If the Department recommends that the application be conditionally approved, the staff report shall recommend conditions or stipulations that may address the density of the proposed development, the timing and phasing of the proposed development, the provision of public facilities by the applicant or any other reasonable conditions to ensure that all public facilities

will be adequate and available concurrent with the impacts of the proposed development. The staff report shall, at a minimum, include the following, based upon staff and referral agency concurrency management recommendations:

1. The number of residential dwelling units proposed by the applicant, by type, and the resulting number of residential dwelling units served by each public facility;
2. The timing and phasing of the proposed development, if applicable;
3. The specific public facilities impacted by the proposed development;
4. The extent of the impact of the proposed development in the applicable impact areas;
5. The capacity of existing public facilities in the impact areas which will be impacted by the proposed development, based on adopted level of service;
6. The demand on existing public facilities in the impact areas from all existing and approved development;
7. The availability of existing capacity to accommodate the proposed development; and
8. If existing capacity is not available, planned capacity and the year in which such planned capacity is projected to be available to serve the proposed development.

VI. Withdrawal of Concurrency Data Form - The applicant may withdraw the Concurrency Data Form at any time by submitting a written request to the Department. Withdrawal may result in the forfeiture of some or all fees paid by the applicant for the processing of the Concurrency Data Form.

VII. Concurrency Determination by Council-Criteria - A proposed rezoning or special review that could result in a range of potential impacts shall be reviewed as if the greatest impact would result. The concurrency review shall compare the capacity of public facilities to the maximum projected demand that may result from the proposed rezoning or special review based upon the maximum potential density of the affected area pursuant to the rezoning or special review. Nothing herein shall authorize a rezoning or an allowance by special review that would otherwise be inconsistent with the Model Community Comprehensive Plan or the Model Community Land Use Map. Upon receipt of the staff report, and subject to compliance with all other applicable standards of approval for a Development Order, the Council may determine:

A. A positive Concurrency Determination

B. A negative Concurrency Determination

C. A positive Concurrency Determination subject to one or more of the following conditions:

1. Deferral of further Development Orders until all public facilities are available and adequate if public facilities in the impact area are not adequate to meet the adopted levels of service for the development proposal, consistent with the requirements of subsection X.B herein.
2. Reduction of the density or intensity of the proposed development, including phasing of development, to a level consistent with the available capacity of public facilities.
3. Provision by the applicant of the public facilities necessary to provide capacity to accommodate the proposed development at the adopted levels of service and at the time that the impact of the proposed development will occur.

VIII. Expiration of Concurrency Determination

A. A Concurrency Determination issued pursuant to subsection VII of this Section shall be deemed to expire when the Development Order to which it is attached expires, lapses, or is waived or revoked, or if the applicant has not complied with conditions attached to its issuance.

B. If a Concurrency Determination attached to a rezoning expires, Model Community may initiate proceedings to rezone the property.

IX. Effect of Positive Concurrency Determination

A. A Positive Concurrency Determination for a Development Order shall be deemed to indicate that

public facilities are available as determined in subsection X.B herein at the time of issuance of the Concurrency Determination.

- B.** The Concurrency Determination shall expire and become null and void upon the expiration of the Development Order to which it is attached or the time frame for submitting a subsequent application for approval, unless an application for a subsequent Development Order is submitted within the time frames set forth in the Model Community Zoning Code. If no expiration date is provided in the Model Community Zoning Code in the conditions of the Concurrency Determination or in the conditions of permit approval, the Concurrency Determination shall expire within two (2) years after approval of the Development Order.
- C.** A Concurrency Determination shall not be deemed as evidence supporting a request for a Model Community Comprehensive Plan amendment changing designated land use from one category to another, nor shall it affect the need for the applicant for a rezoning to meet all other requirements as set forth in this ordinance.
- D. Advancement of Capacity** - No advancement of capacity for public facilities needed to avoid a deterioration in the adopted levels of service shall be accepted by the Council unless the proposed public facility is a planned capital improvement or appropriate conditions are included to ensure that the applicant will obtain all necessary approvals for such planned capital improvement from any governmental agency having jurisdiction over such planned capital improvement prior to or concurrent with the issuance of a final residential subdivision plat or, if subdivision approval is not required, a building permit. If such planned capital improvement requires the approval of a governmental agency, such approval shall authorize the full capacity upon which the Concurrency Determination was rendered. The commitment to construction of public facilities prior to the issuance of a building permit shall be included as a condition of the Concurrency Determination and shall contain, at a minimum, the following:
 - 1. For planned capital improvements, a finding that the planned capital improvement is included within the capital improvements program of the applicable service provider;
 - 2. An estimate of the total funding needed to construct the planned capital improvement and a description of the cost participation associated therewith;
 - 3. A schedule for commencement and completion, of construction of the planned capital improvement with specific target dates for multi phase or large-scale capital improvement projects;
 - 4. A statement, based on analysis, that the planned capital improvement is consistent with the Model Community Comprehensive Plan; and
 - 5. At the option of Model Community, and only if the planned capital improvement will provide capacity exceeding the demand generated by the proposed development, reimbursement to the applicant for the pro rata cost of the excess capacity.

X. Methodology and Criteria for Determining Availability and Adequacy of Public Facilities

- A. Level of Service Standards** - Compliance with level of service standards shall be measured in accordance with the standards set forth in Appendix A, as the same may be amended from time to time, and which are incorporated by reference as if set forth in its entirety herein.
- B. Availability of Public Facilities** - Public facilities shall be deemed to be available within the applicable impact area if they meet the following standards:
 - 1. Water Facilities, Wastewater Facilities, and Fire Protection Facilities**
 - a. The public facilities are currently in place or will be in place when the Development Order is granted; or
 - b. Provision of the public facilities are a condition of the Development Order and are

guaranteed to be provided at or before the approval of a final plat or issuance of a building permit for proposed development on the subject property; or

- c. The public facilities are under construction and will be available at the time that the impacts of the proposed development will occur; or
- d. The public facilities are guaranteed by an enforceable development agreement ensuring that the public facilities will be in place at the time that the impacts of the proposed development will occur.

2. Regional Parks and Public Schools

- a. One of the criteria set forth in subsection 10.B.1 is met, or
- b. The public facilities are the subject of a written agreement or an enforceable development agreement that provides for the commencement of construction of the required Regional Parks or Public Schools, or
- c. The public facilities are planned capital improvements.

3. Streets

- a. One of the criteria set forth in subsections 10.B or 10.B.2, above, is met, or
- b. Proposed development is located in a traffic impact area in which the streets or intersections needed to achieve the adopted level of service are included in the capital improvements program, and the Council makes the following specific findings:
 - i. The streets identified in this subsection are financially feasible; and
 - ii. The capital improvements program provides for the construction of public facilities or improvements to streets within the traffic impact area that are necessary to maintain the adopted level of service standards; and
 - iii. The capital improvements program contains a financially feasible funding system based on currently available revenue sources that are adequate to fund the streets required to serve the development authorized by the Development Order; and
 - iv. The applicable provisions of the capital improvements program show (1) the estimated date of the commencement of construction and (2) the estimated date of project completion for needed streets; and
 - v. The concurrency information database includes sufficient data to ensure that proposed developments approved subject to this subsection do not cause a reduction of the level of service below the adopted level of service.

C. Adequacy of Public Facilities - Public facilities shall be deemed to be adequate if it is demonstrated that they have available capacity to accommodate the demand generated by the proposed development in accordance with the following calculation methodology, unless otherwise indicated herein:

1. Calculate capacity for each public facility within an impact area by adding together:
 - a. The capacity of water facilities, wastewater facilities, and fire protection facilities consistent with subsection X.B.1 herein;
 - b. The capacity of public schools and regional parks consistent with subsection X.B.2 herein; and
 - c. The capacity of streets consistent with subsection X.B.3 herein.
2. Calculate available capacity by subtracting from the capacity the sum of:
 - a. The existing demand for each public facility; and

- b. The demand for each public facility created by the anticipated completion of committed development; and
- c. The demand for each public facility created by the anticipated completion of the proposed development under consideration for concurrency determination.

D. Public Facilities Affecting Areas Outside of Model Community General - Availability and adequacy of streets shall be determined only with respect to streets located within Model Community. If part of the applicable traffic impact area lies in an adjacent county or in a municipality within Model Community, absent an intergovernmental agreement with the county or municipality, availability and adequacy may be determined only with respect to that portion of the streets located within Model Community.

E. Intergovernmental Agreement - If Model Community has entered into an intergovernmental agreement with an adjacent county or with a municipality to evaluate public facilities in such areas, an applicant will be subject to the evaluation of the level of service standard for the facility as adopted by the adjacent county or municipality. Prior to the determination of concurrency, Model Community shall require that the adjacent county or municipality certify that issuance of a Development Order for the proposed development will not cause a reduction in the level of service standards in Model Community with respect to those public facilities lying within the adjacent county or the municipality.

F. Available capacity for fire protection facilities, water facilities, wastewater facilities, and public schools shall include municipally based demand and municipally based facilities.

XI. Administration

A. Rules and Regulations - The Council may adopt, by resolution, any necessary rules, regulations, administrative guidelines, forms, worksheets and processes to efficiently and fairly administer and implement this Section.

B. Fees - The Council may establish, by resolution, a fee schedule for each of the procedures, determinations, approvals and certifications required by this ordinance.

XII. Conflict - To the extent of any conflict between other Model Community codes or regulations and this Section, the more restrictive is deemed to be controlling. This Section is not intended to amend or repeal any existing Model Community code or regulation.

XIII. Severability - If any provision of this Section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Section.

Large and Small City Model Ordinance

Infill and Redevelopment Overlay District (City of Auburn, WA)

While this model ordinance is less rigorous than the Adequate Public Facilities ordinance, it enables communities to encourage development in existing neighborhoods with relatively low administrative burden. As such, it is appropriate for both large and small cities. The ordinance establishes an overlay district of developed areas with underutilized lots and provides regulatory and financial incentives for their full development. The bulk of the language comes from the zoning code of the City of Auburn, Washington. The section regarding service fee reductions was developed from recommendations by Green Step Cities and PolicyLink. Because the ordinance involves the apportionment of costs for local improvements, communities should refer to Minn. Stat. 429.051 to ensure compliance.

This model ordinance applies only to residential development, but may be adapted for commercial uses as well.

Infill Residential Overlay District

I. Purpose and intent

- A. To create an infill residential overlay district that encourages the development of underutilized parcels in areas identified by the [Model Community] comprehensive plan goals and policies.
- B. To establish regulatory and financial incentives for growth through infill and redevelopment of lots in existing neighborhoods as an alternative to building in undeveloped areas.
- C. To preserve landscapes and natural resources that define the community.

II. Applicability

- A. **Eligibility Criteria.** This chapter may be applied to development or redevelopment that meets all of the following criteria:
 - 1. The lot is within one of the following residential zones: [zones designated for infill overlay].
 - 2. Adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property (i.e., side and/or rear lot lines) are developed with single-family dwellings or higher intensity uses.
 - 3. For properties located in [specify applicable medium or higher density zones within the overlay] zones, the lot or parcel size shall be 10,000 feet or less.

III. Procedures

Development proposals desiring to utilize the infill standards of this chapter shall be subject to one or more of the permit types found in [Project Permits provision] and shall be processed in a manner consistent with the underlying land use application pursuant to [Project Permits provision].

IV. Infill residential standards.

- A. All other provisions of this code that would apply to a non-infill project shall apply to infill development except as specifically modified by this chapter.
- B. **Infill Land Division Standards** – Reduction in Dimensional Requirements for Infill Residential Development. Notwithstanding the dimensional development standard requirements found in

the underlying residential zones of [zoning or land use code], property that is eligible for infill residential development pursuant to this ordinance shall be eligible for subdivision of land as follows:

1. **Minimum Lot Area.** Minimum lot area and minimum average lot area may be permitted at 80 percent of the minimum areas required in [Residential Zones section] for the underlying zone.
2. **Minimum Lot Width.** Minimum lot width may be reduced by 20 percent of or 10 feet less than the required minimum lot width of the underlying zone, whichever is less.
3. **Maximum Lot Coverage.** Maximum lot coverage can be increased by 10 percent over that allowed in the underlying zone.

C. Infill Development Standards. Property that is eligible for infill residential development pursuant to this ordinance shall be eligible for these additional development standards to encourage infill, subject to demonstration to the satisfaction of the city engineer that all required utility infrastructure, access requirements, and street elements can be accommodated in accordance with the city design and construction standards:

1. The maximum density provided for in [Residential Zones Section] may be increased by up to 10 percent.
2. Increased allowable building height by no more than five feet to allow for roof features noted in subsection (D)(4) of this section while achieving permitted maximum density.
3. Reduced front or street side setbacks to conform to the average existing building lines or setbacks of adjoining structures. In no case shall reduced street setbacks be allowed for a garage or carport.
4. Alternative setbacks, including reduced rear setbacks. Standard setbacks of the zone shall be applied for any required setback when the subject setback abuts [residential zones allowing a maximum of 7 dwelling units per acre].
5. A 10 percent reduction in minimum on-site parking requirements, when on-site parking is designed to be shared parking. This reduction may be combined with any other reduction provided for in [zoning or land use code].

D. Infill Development Fee Waivers. Notwithstanding the fee requirements found in [Model Community Ordinance], property that is eligible for infill residential development pursuant to this ordinance shall be eligible for the following fee reductions:

1. Reduced Sewer Access Charge at 50% of the standard fee charged for the proposed development type as listed in the [Model Community fee schedule].
2. Reduced Water Access Charge at 50% of the standard fee charged for the proposed development type as listed in the [Model Community fee schedule].
3. Reduced Plan Review Fee at 50% of the standard fee charged for the proposed development type as listed in the [Model Community fee schedule].

E. Infill Design Standards. Property that is eligible for infill residential development pursuant to this ordinance shall adhere to the following design requirements. While creativity and variation in architectural design is encouraged, the purpose of these requirements is to ensure compatibility of infill development with the character of nearby existing residential structures.

Residential infill development shall meet the following design criteria, as defined by the predominant character of the existing residential block face. The block face shall consist of all residential properties along both sides of the public or private right-of-way on which the development fronts. The block face shall be measured from intersection to intersection, to the road end, or 200 feet in either direction from the development site, whichever is nearest.

1. Building orientation on infill lots shall match the predominant orientation of other buildings

along the block face.

2. Access and location of off-street parking on infill lots shall be similar to the predominant character for existing development along the block face. Primary vehicular access shall be through rear alleys where such rights-of-way exist, and on-site parking shall be located to the rear of proposed structures, insofar as this is consistent with the predominant character of the block face.
3. Proposed residences shall be required to provide an additional five-foot setback over that required in the underlying zone above the second story where property line(s) abut a property with an existing single-story structure.
4. Roofs on proposed infill residential structures shall be similar in slope, material, and style to existing development and shall incorporate any or all of the following features, insofar as such features are compatible with existing development on the block face:
 - a. Dormers;
 - b. Gabled or hipped roofs;
 - c. Pitched roofs;
 - d. Parapets or cornices.

Unless it is the predominant existing style on the block face, flat, unadorned roofs shall not be allowed.

5. Horizontal facades longer than 25 feet shall be treated to reduce building mass and visual bulk using at least one of the following techniques. The applicant shall demonstrate that the selected techniques are either currently present on the block face or are not substantially incompatible with existing development.
 - a. Bays or recesses (minimum depth of 18 inches);
 - b. Window patterns;
 - c. Contrasting materials or colors;
 - d. Upper story setbacks;
 - e. Balconies.

County Model Policy

Protect worthwhile landscapes and natural features to preserve the character of the community. (see Minnesota Planning + Long Prairie Comp. Plan)

Since the majority of natural resources and rural landscapes in the region fall under the jurisdiction of the five counties, we chose a county model policy that focuses on preserving these valuable assets for future generations. The intent of this policy and the accompanying model ordinances is to allow for sustainable use of the farmland, forests, lakes, and rivers that define the region.

Small City and County Model Ordinance

Agriculture and Forest Protection District (based on CRPlanning Ordinance and Morrison County Zoning Code)

Currently, all five counties within the region have zoning ordinances that establish Agriculture or Agriculture/Forestry districts. These current districts, however, permit a wide range of uses that diminish farmland and forests essentially to the region's economy. The goal of this ordinance is to limit Agriculture and Forest districts to their best uses and restrict uses that are better suited for more developed areas of the county. This model ordinance is primarily based on the Agriculture and Forest Protection District ordinance provided by CR Planning. Modifications made based on the Morrison County Zoning Code include the addition of Wind Energy Conversion System towers to the permitted uses listed, and the addition of historical sites, wetland restoration, habitat creation, and fish or game management non-residential structures to the conditional uses.

Agriculture and Forest Protection District

I. Intent and Purpose

- A. Intent** - The Agriculture and Forest Protection District is intended to protect areas of the community which are well suited for production of food, fiber, and wood fiber. It is also the intention of this ordinance to minimize conflicts between incompatible uses by directing non-farm/forestry residential uses to other Districts within the community.
- B. Purpose** - The purposes of the Agriculture and Forest Protection District are:
1. To protect and promote the continuation of farming in areas with the most suitable soils.
 2. To protect and promote the continuation of forestry as a long-term industry in areas suitable to forestry.
 3. To protect and promote the continuation of farming and forestry in areas of [Model Community] that have historically contained these uses and therefore have developed compatible residential patterns and transportation infrastructure.
 4. To permit primarily agriculture and forestry land uses and activities. To separate agricultural and forestry land uses and activities from incompatible residential, commercial, and industrial development, and public facilities.

5. To achieve the goals of growth management, natural resource protection, and economic diversity as stated in the [Model Community] Comprehensive Plan.
6. To prevent the conversion of agricultural and forest land to scattered non-farm/forest development which when unregulated, unnecessarily increases the cost of public services to all citizens and often results in the premature disinvestment in agriculture or forestry.
7. To preserve wetlands and natural areas associated with farms and forest land which because of their natural physical features, are useful, as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the community.

II. Definitions - For the purpose of this Ordinance, certain words and phrases are defined as follows:

Agricultural Land - Land whose use is devoted to the production of livestock, dairy animals, dairy products, poultry, poultry products, nursery plants; Christmas trees; forages and sod crops; grains and feed crops; and other similar uses and activities, including equestrian activities.

Farm or Forest Parcel - A tract or parcel of land containing at least 25 acres, devoted primarily to agricultural or forestry uses, may contain a dwelling or other accessory uses.

Non-farm/forest Lot - A lot or parcel containing less than 25 acres and containing one or more dwelling units; or a lot within the Agriculture and Forest District devoted to uses other than agriculture, forestry, or residential uses.

Parent Tract - Each tract of land located within the Agriculture and Forest Protection District on the effective date of this ordinance, and held in single and separate ownership.

III. Permitted Uses

A. The following uses of land are permitted in this district :

1. All forms of agriculture, horticulture, and animal husbandry, including necessary farm structures;
2. All forms of forestry uses, including processing, and necessary structures;
3. Single-family dwelling units directly associated with farm and forest uses;
4. Production nurseries and production greenhouses;
5. Wildlife refuges and fish hatcheries;
6. Conservation areas; and
7. Transmission and distribution lines, and pipelines of public utility companies within existing public rights of way.
8. Wind Energy Conversion Systems (WECS) towers

B. The following uses accessory to the principal agriculture or forestry uses:

1. Roadside stands, not more than 300 square feet in size, for the sale of agricultural products, at least half of which are grown on the premises;
2. Garages and sheds;
3. Manure storage facility; and
4. Noncommercial recreation, which may include hunting or fishing by persons other than the landowner for which a nominal fee is paid to the landowner.

IV. Conditional Uses

A. The following are conditional uses in the Agriculture and Forest Protection District that require a conditional use permit based upon procedures, factors and conditions set forth in other regulations of [Model Community]:

1. Single-family dwelling units on non-farm/forest lots, provided that:
 - a. The permit application for construction includes a scaled drawing indicating the location of the proposed dwelling relative to the surrounding parcels;
 - b. The dwelling is sited on that portion of the lot which separates it as much as possible from adjacent farming and forestry, including minimizing the length of property lines shared by the residential lot and the adjoining farms and forest used for production;
 - c. The dwelling and its lot are located on the least productive agriculture and forest land wherever practical; and
 - d. The dwelling is sited on the smallest practical areas to satisfy the requirements of this ordinance and any applicable on-site sewage disposal requirements.
 2. Temporary farm housing, provided that this use:
 - a. Takes place on a farm of at least twenty-five acres;
 - b. Utilizes mobile homes or manufactured housing;
 - c. Is used only to house farm laborers; and
 - d. Is removed when farm laborers no longer occupy the housing;
 3. Home occupations as defined by [Model Community] in other ordinances
 4. The conversion of a single-family dwelling to a two-or three family dwelling
 5. Bed and breakfast inns
 6. Licensed family care facilities for fewer than six (6) children or adults
 7. Historical Sites
 8. Wetland restoration, habitat creation, and similar uses.
 9. Fish or game management non-residential structures
- B.** At a minimum, the following standards shall be applied when reviewing applications for conditional use permits within the Agriculture and Forest Protection District:
1. The proposed use shall be sited upon lands which are less suitable for commercial agriculture and forestry than other agricultural or forestry lands within the district.
 2. The proposed use shall be sited on a parcel in a manner which minimizes the amount of productive agricultural and forest land which is converted to the proposed use.
 3. The proposed use shall be located in close proximity to existing buildings whenever possible and appropriate.

V. Incompatible Uses - Uses not specifically permitted by subsection XX.03 above are not permitted in the Agriculture and Forest Protection District. In general, uses and activities that are not directly related to agriculture or forestry, including, but not limited to the following, are incompatible with this District, alter the essential character of the District, and are not permitted:

- A. Uses and activities that induce non-farm/forest development
- B. Uses and activities that generate large amounts of traffic
- C. Uses and activities that require substantial parking
- D. Landfills
- E. Golf courses
- F. Airports
- G. Country clubs or resorts

VI. Minimum Area Requirements and Limitations on Subdivision of Parent Tracts

- A. In order to protect agricultural and forest uses within this District, it is the intent of this provision that the creation of non-farm/forest lots and the subdivision of parcels from parent tracts shall be limited, in order to provide for the retention of tracts of sufficient size to be used reasonably for agricultural and forestry purposes.
- B. Each parent tract of forty (40) or more acres shall be permitted limited rights of subdivision. Each parent tract of forty (40) or more acres shall be permitted to subdivide into a combination of one or more farm/forest parcels and/or non-farm/forest parcels up to, but not in excess of one parcel for each forty (40) acres of area within the parent tract. For example, a parent tract having one hundred twenty (120) acres is permitted three subdivisions into a total of three lots or parcels. The subdivisions may produce one of the following combinations:
 - 1. The remainder of the parent tract, and two farm/forest parcels; or
 - 2. The remainder of the parent tract, and one farm/forest parcel, and one non-farm/forest lot; or
 - 3. The remainder of the parent tract, and two non-farm/forest parcels.
- C. The minimum areas required for parcels and lots are:
 - 1. A non-farm/forest lot subdivided from a parent tract shall have a minimum of one (1) acre and a maximum of two (2) acres.
 - 2. A farm/forest parcel subdivided from a parent tract shall have a minimum of twenty-five (25) acres.
 - 3. All other permitted uses and uses allowed by conditional use permit shall have a minimum lot area of one (1) acre.
- D. One single-family dwelling unit may be erected on any single undeveloped parent tract (lot of record) as of the effective date of this ordinance, notwithstanding the requirements of section XX.06.B above. Such lot must be a parent tract in single ownership and not contiguous with other tracts in the same ownership. The parent tract must meet applicable design standards as stated in section XX.07 of this ordinance.
- E. The provisions of this section shall apply to all parent tracts as of the effective date of this ordinance. Regardless of size, no parcel or lot subsequently divided from its parent tract shall qualify for additional single-family dwellings or lots pursuant to this section. All subsequent owners of parcels of land subdivided from a parent tract shall be bound by the actions pertaining to the subdivision of the previous owners of the parent tract. Any subdivision or land development application hereafter filed for a parent tract shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of dwellings as determined and limited by the provisions of this section.

VII. Design Standards - In general, the use of land and structures within the Agriculture and Forest Protection District shall seek to maximize agriculture and forest productivity. The use of land and structures must also conform to the following design standards that create a minimum level of consistency in lot and parcel configuration:

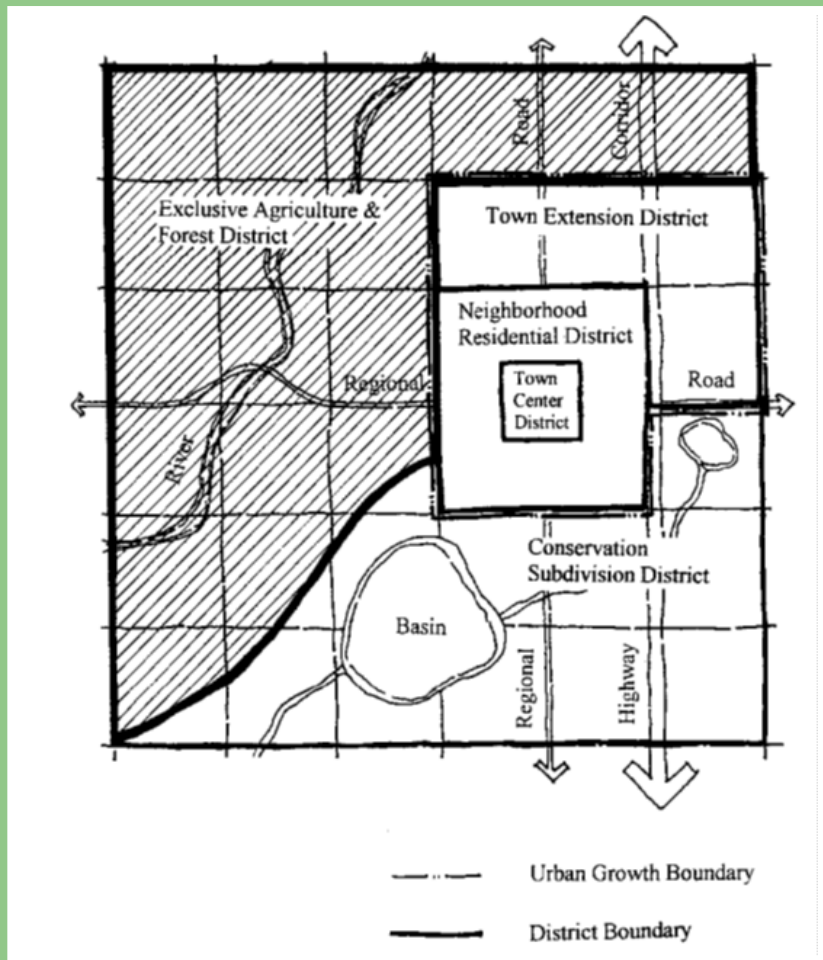
- A. All lots or parcels shall have a minimum width of one hundred (100) feet at the building setback line and sixty (60) feet at the street right-of-way line.
- B. All structures located on non-farm/forest lots shall have a minimum front and rear yard of twenty-five (25) feet, and a minimum side yard of ten (10) feet on each side.
- C. All structures located on farm or forest parcels shall have a front setback of at least fifty (50) feet from the street right-of-way line.
- D. The maximum height of a residential building is thirty-five (35) feet. The maximum height of all other permitted and accessory buildings is seventy-five (75) feet, excluding silos and WECS. WECS shall be set back a distance at least equal to their height from all property lines.

- E. The total impervious coverage, including structures and other impervious surfaces, of a non-farm/forest parcel shall not be more than ten percent (10%).
- F. On-site septic systems shall comply with all applicable septic ordinances and County Health Department requirements.
- G. A driveway shall be separated from adjacent driveways on the same side of the road by the following minimum distances:
 - 1. Local secondary road: 100 feet
 - 2. County primary/state highway: 125 feet
 - 3. Minimum distance from an intersection: 80 feet

VIII. Agriculture and Forest Management Standards

- A. All farms shall develop and keep current soil conservation and nutrient management plans in compliance with Natural Resource Conservation Service standards.
- B. All forest parcels shall be managed to sustain the forest resource in accordance with sustainable forest management standards established by [Model Community].

Sample Agricultural and Forest District



County Model Ordinance

Alternative Shoreland District Standards

One of the purposes of the “Support Existing Communities” livability principle is to preserve the valuable natural assets of our communities. Minnesota’s lakes and rivers provide immeasurable economic, environmental, and social value to both the region and the state as a whole. The rapid increase in shoreline development has led to concerns in many communities of diminishing water quality, fish populations, shoreline condition, and scenic quality (Minnesota Department of Natural Resources, An Assessment and Rational for the Alternative Shoreland Management Standards (2006), available at http://files.dnr.state.mn.us/waters/watermgmt_section/shoreland/ALT6120_Companion_Report.pdf).

The Alternative Shoreland Standards, developed by an advisory committee of the Governor’s Clean Water Initiative in 2005, provide a number of sustainable ordinances communities may adopt to protect local bodies of water. The entire document is available at: http://www.dnr.state.mn.us/waters/watermgmt_section/shoreland/shoreland_rules_update.html. Crow Wing County is one of several Minnesota counties to adopt portions of the Alternative Standards in its Land Use Ordinance, available at: <http://www.co.crow-wing.mn.us/DocumentView.aspx?DID=1212>. We recommend Crow Wing’s Shoreland District Standards to Region 5 counties as one way of implementing the Alternative Standards. Ideally, all five counties in the region would adopt all of the Alternative Standards applicable to their communities, but the Crow Wing model provides a promising step toward that goal.

In addition to the Shoreland District Standards we offer below, counties should consider adopting the model Conservation Subdivision offered by the MN Department of Natural Resources (available at http://files.dnr.state.mn.us/waters/watermgmt_section/shoreland/ConsSubdpr.pdf). This subdivision ordinance provides development standards to help communities protect some of their most valuable natural resources.

Shoreland District Standards

11.1 PURPOSE AND INTENT

The purpose of this district is to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, protect drinking water sources, and provide for the wise use of water and related land resources. The primary use allowed within this district is seasonal and year-round single-family residential. Compatible commercial or water-oriented commercial uses may be allowed as permitted or conditional uses.

11.2 PUBLIC WATERS CLASSIFICATION SYSTEM

A. Lake classification system. The Public Waters lakes of [Model County], Minnesota are hereby classified into the following categories:

1. **Natural environment lakes (NE).** Natural Environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development

such as high water tables and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.

2. **Natural environment** - special shallow lakes (NE-SS). This is a subclass of the natural environment lake class. These lakes are generally large, shallow lakes with critical wildlife habitat and a history of highly valued, traditional outdoor recreational uses. The lakes usually do not have much existing development.
3. **Recreational development lakes (RD)**. These lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. At the time of the original classification, they were characterized by moderate levels of recreational use and existing development consisting mainly of seasonal and year-round residences and recreationally oriented commercial uses.
4. **General development lakes (GD)**. These lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development at the time of the original classification. These lakes often are extensively used for recreation.

B. River classification system. The Public Waters rivers of [Model County], Minnesota are hereby classified into the following categories:

1. **Cold Water Rivers (CWR)**. This river class included trout streams designated in [Model County] under Minnesota Rules, Chapter 6264.0050.
2. **Natural Environment Rivers (NER)**. This river class includes previously classified remote, forested, transitional, and tributary river segments that flow into natural environment lakes. The types and intensities of recreational uses within this class vary widely.
3. **General Development Rivers (GDR)**. This river class includes previously classified agricultural and urban river segments and those tributary river segments that do not flow into natural environment lakes. This class has a wide variety of existing land and recreational use characteristics.

C. A complete list of [Model County] protected waters is included in Appendix [] of this ordinance.

11.3 LOT AREA, BUILDABLE AREA, AND WIDTH STANDARDS

After the effective date of this ordinance, all new lots in a Shoreland District created by plat, minor subdivision, or metes and bounds as described in Article [Residential Development Standards] of this Ordinance, shall meet the minimum lot area, buildable area, and lot width requirements in the tables below. Only land above the ordinary high water level of public waters can be used to meet lot area and buildable area standards.

TABLE 11.1 Lot Area, Buildable Area, and Lot Width Requirements for the Shoreland District

| Lake Classification | Single Family Residential | | | Duplex Residential Lot | | |
|--|---------------------------|----------------|---------------------------|------------------------|----------------|---------------------------|
| | Min. Lot Area (ft2) | Min. Lot Width | Min. Buildable Area (ft2) | Min. Lot Area (ft2) | Min. Lot Width | Min. Buildable Area (ft2) |
| General Development -Riparian | 30,000 | 100 | 12,000 | 40,000 | 200 | 27,000 |
| General Development-Non-Riparian | 40,000 | 150 | 20,000 | 60,000 | 265 | 40,000 |
| Recreational Development- Riparian | 40,000 | 150 | 16,000 | 60,000 | 225 | 30,000 |
| Recreational Development-Non-Riparian | 60,000 | 150 | 25,000 | 80,000 | 265 | 40,000 |
| Natural Environment-Riparian | 80,000 | 200 | 40,000 | 120,000 | 400 | 60,000 |
| Natural Environment-Non-Riparian | 120,000 | 200 | 60,000 | 160,000 | 400 | 80,000 |
| Natural Environment—Special Shallow | 100,000 | 250 | 50,000 | * | * | * |
| Natural Environment—Special Shallow | 140,000 | 265 | 70,000 | * | * | * |
| Sensitive Shoreland Districts-Riparian | 80,000 | 200 | 40,000 | 120,000 | 300 | 60,000 |
| Sensitive Shoreland Districts-Non-riparian--all lake classes | 80,000 | 200 | 40,000 | 160,000 | 400 | 80,000 |
| | | | | | | |

*-- Duplex lots are not allowed within natural environment - special shallow lake shorelands.

| Single Family Residential | | | | Duplex Residential Lot | | |
|----------------------------------|---------------------|----------------|---------------------------|------------------------|----------------|-----------------------------|
| River Classification | Min. Lot Area (ft2) | Min. Lot Width | Min. Buildable Area (ft2) | Min. Lot Area (ft2) | Min. Lot Width | Min. Buildable Area (ft2)** |
| Cold Water-Riparian | 90,000 | 300 | 45,000 | 135,000 | 450 | 65,000 |
| Cold Water -Non-Riparian | 120,000 | 300 | 60,000 | 175,000 | 450 | 80,000 |
| Natural Environment - Riparian | 80,000 | 200 | 40,000 | 120,000 | 400 | 60,000 |
| Natural Environment-Non-Riparian | 120,000 | 200 | 60,000 | 160,000 | 400 | 80,000 |
| General Development-Riparian | 30,000 | 100 | 12,000 | 40,000 | 200 | 20,000 |
| General Development-Non-Riparian | 40,000 | 150 | 20,000 | 60,000 | 265 | 30,000 |

11.4 SETBACKS AND PLACEMENT OF STRUCTURES

A. Structures shall meet all required setbacks.

B. Measurement. All setbacks shall be measured as the shortest horizontal distance between the structure and the feature from which the setback is required. All setbacks shall be measured to the vertical side of the structure. No part of the structure, such as eaves, can overhang or reduce such setback by more than three feet.

C. Lake and River Setbacks (see next page)

TABLE 11.2 Structure and SSTS setbacks from Public Waters in feet from the OHWL Conservation

| Class of Public Lakes: | Standard Setback | Conservation Development Structure Setback | Conservation Development Density Incentive Structure Setback | SSTS Water Setback |
|---|-------------------------|---|---|---------------------------|
| General Development (GD) | 75 | 120 | 150 | 75 |
| Recreational Development (RD) | 100 | 160 | 200 | 100 |
| Natural Environment (NE) | 150 | 200 | 250 | 150 |
| Natural Environment-Special Shallow (NE-SS) | 180 | 200 | 250 | 150 |
| Sensitive Shoreland Districts (SS)-- | | | | |
| All Lake Classes | 150 | 200 | 250 | 150 |
| Rivers: | | | | |
| Cold Water | 200 | 200 | 250 | 150 |
| Natural Environment | 150 | 200 | 250 | 150 |
| General Development | 100 | 200 | 200 | 100 |

D. Additional structure setbacks. The following additional structure setbacks apply, regardless of public water classification:

TABLE 11.3 Additional Structure Setbacks

| Setback from: | Setback (in feet) |
|--|---|
| Bluff (top, bottom, or sides) | 30 |
| Significant Cultural or Historic Site | 50 |
| Unplatted Cemetery | 50 |
| County, State, or Federal road right-of-way | 35 |
| Township road, dedicated public road, or other public roads not classified | 35 |
| Private Road or Road easement | 10 |
| Property Line | 10 |
| Publicly-owned Recreational Trail (not easements) | 10 |
| Subsurface Sewage Treatment System--Septic Tank (to dwelling unit) | 10 |
| Subsurface Sewage Treatment System--Drainfield (to dwelling unit) | 20 |
| Minnesota Department of Natural Resources permitted harbors | One-half (1/2) of the lake setback for the respective class of public water |
| Wetland | 15 |

11.5 SHORELAND DISTRICT PERFORMANCE STANDARDS

- A.** The following performance standards shall be required in conjunction with the issuance of any permit in the Shoreland Protection Zone:
1. Analysis of existing shoreland vegetation according to the [Model County] Shoreline Rapid Assessment Model and development of a shoreland vegetation restoration plan, if applicable, as set forth in Article [Shoreland Vegetation Buffer Standards].
 2. Footing placement inspection by Department staff as defined in Article [Definitions].
 3. Analysis of stormwater runoff –BMP’s plan, or engineered plan according to the standards in Article [Stormwater Management].
 4. Evidence of subsurface sewage treatment system (SSTS) compliance and assessment as provided in Article [Compliance Inspections] and Minnesota Rules Chapter 7080.2450, Subpart 2.
 5. Calculation of total impervious coverage meeting the standards set forth in Article [Stormwater Management].
- B.** The following performance standards shall be required in conjunction with the issuance of any permit in the Shoreland Buffer Zone:
1. Analysis of stormwater runoff BMPs, according to the standards in Article [Stormwater Management] of this ordinance.
 2. Evidence of subsurface sewage treatment system (SSTS) compliance and assessment as provided in Article [Compliance Inspections] and Minnesota Rules Chapter 7080.2450 Subpart 2.
 3. Calculation of total impervious coverage meeting the standards set forth in Article [Stormwater Management].

11.6 HEIGHT OF STRUCTURES

Unless otherwise specified, structures in the Shoreland District shall not exceed 35 feet in height.

11.7 DECKS

Construction on new decks or replacement of existing decks shall require permits and comply with the following standards:

- A.** Decks adjacent to dwellings shall meet structure setbacks in Tables 11.2 and 11.3 of this Article except as provided under Minnesota Rules Chapter 6120.3300 J.
- B.** A 4 foot walkway, for access purposes, may be added without a variance lakeward and located closer than the required structure setback from the ordinary high water level. A permit shall not be necessary for a 4 foot walkway.
- C.** Deck construction shall comply with all provisions of Articles [Dirt-Moving] and [Stormwater Management] of this ordinance
- D.** Decks should be constructed as to be pervious, allowing water to reach a pervious surface below the deck. Decks not meeting this requirement shall be considered impervious surfaces.

11.8 PATIOS

Patios placed within the structure setback require a shoreland alteration permit.

- A.** Patios within the structure setback shall comply with the following standards:
1. Not be located in shore impact zone 1;
 2. Be free standing;
 3. Have no railings;
 4. Be a maximum of 180 square feet in size;

5. Not be more than one foot below or above natural ground level;
6. Construction complies with all provisions of Articles [Dirt-Moving] and [Stormwater Management] of this ordinance;
7. The maximum impervious surface limits for the lot shall not be exceeded.

B. Patios are allowed behind the structure setback without a permit provided that all setbacks are met and the property does not exceed the maximum allowable impervious surface standards.

11.9 STAIRWAYS, LIFTS, AND LANDINGS

Stairways, lifts and landings for public water access shall require shoreland alteration permits and comply with the following standards:

- A. Preferred to topographic changes. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas.
- B. Maximum width. Stairways and lifts shall not exceed four feet in width on residential lots. Up to eight foot wide stairways may be permitted on water-oriented commercial lots.
- C. Construction complies with all provisions of Articles [Dirt-Moving] and [Stormwater Management] of this Ordinance
- D. The maximum impervious surface limits for the lot shall not be exceeded.
- E. Landings. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area and be integral to the function of the stairway and not constitute a deck. Landings for stairways and lifts on water-oriented commercial lots must not exceed 64 square feet in area and must be integral to the function of the stairway and not constitute a deck.
- F. Roofs. Canopies or roofs are not allowed on stairways, lifts or landings.
- G. Design. 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.
- H. Location. 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.
- I. Facilities such as ramps or mobility paths for handicapped access to shoreline areas may be allowed, provided that:
 1. The department determines that there is no other reasonable way to achieve access, and
 2. The dimensional and performance standards of this section are met, and
 3. The requirements of Minnesota Rules, Chapters 1307 and 134 are met.

11.10 GUEST COTTAGES

A guest cottage may be permitted on a residential lot in the Shoreland District provided that:

- A. It meets all required setbacks.
- B. The maximum impervious surface limits for the lot shall not be exceeded.
- C. The maximum building footprint does not exceed 700 square feet.
- D. Construction complies with all provisions of Articles [Dirt-Moving] and [Stormwater Management] of this ordinance.
- E. It does not exceed 15 feet in building height.
- F. It is located or designed to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

11.11 DUPLEX DWELLINGS

A duplex dwelling may be permitted on a residential lot in the Shoreland District provided it meets the

following standards:

- A. The lot meets the duplex lot standards in Table 11.1
- B. Each building shall have a conforming sewage treatment and water systems.
- C. Watercraft docking facilities shall be centralized in one location and serve both dwelling units in the building.
- D. The maximum impervious surface limits for the lot are not exceeded.
- E. Construction complies with all provisions of Articles [Dirt-Moving] and [Stormwater Management] of this ordinance.

11.12 ACCESSORY STRUCTURES - RESIDENTIAL

- A. The total cumulative area that all residential accessory structures may occupy on a lot and maximum building height shall be as follows:

Table 11.4 Accessory Structure Dimensions for Riparian Lots

| Lot Size (In acres) | Maximum Building Area** | Maximum Building Height |
|----------------------------|--------------------------------|--------------------------------|
| 0 - .49 | 900 Square Feet | 24 Feet |
| .5 - .99 | 1,200 Square Feet | 24 Feet |
| 1 - 1.49 | 1,500 Square Feet | 24 Feet |
| 1.5-1.99 | 1,800 Square Feet | 24 Feet |
| 2-4.99 | 2,400 Square Feet | 24 Feet |
| 5.0 or greater | Unlimited | 24 Feet |

**--The maximum building area of the accessory structure may be increased by 33% if the structure is located at twice all the required minimum setback and subject to impervious coverage limits in Article [Stormwater Management].

Table 11.5 Accessory Structure Dimensions for Non-Riparian Lots

| Lot Size (In acres) | Maximum Building Area** | Maximum Building Height |
|----------------------------|--------------------------------|--------------------------------|
| 0 - .49 | 1,200 Square Feet | 30 Feet |
| .5 - .99 | 1,500 Square Feet | 30 Feet |
| 1 - 1.49 | 1,800 Square Feet | 30 Feet |
| 1.5-1.99 | 2,400 Square Feet | 30 Feet |
| 2.0 or greater | Unlimited | 30 Feet |

**--The maximum building area of the accessory structure may be increased by 33% if the structure is located at twice all the required minimum setbacks and subject to impervious coverage limits in Article [Stormwater Management].

- B. A permit shall not be required for up to two accessory structures totaling no more than 160 square feet.
- C. No accessory structure shall be used for human habitation.
- D. All setback and building height requirements shall be met.
- E. The maximum impervious surface limits for the lot are not exceeded
- F. Construction complies with all provisions of Articles [Dirt-Moving] and [Stormwater Management] of

this Ordinance.

- G. Semi-trailers, cargo containers, railroad cars, manufactured houses, or similar structures shall not be used for storage.

11.13 WATER-ORIENTED ACCESSORY STRUCTURES

A. Water-Oriented Accessory Structures on Water-Oriented Commercial Lots. One water oriented accessory structure not meeting the structure setbacks in Table 11.2 of this ordinance may be placed with a permit on a water-oriented commercial lot provided the following standards are met:

1. The structure or facility shall not exceed 15 feet in height and cannot occupy an area greater than 250 square feet;
2. The minimum setback of the structure or facility from the OHWL level shall be 20 feet, and/or 10 feet from a DNR permitted harbor;
3. The structure or facility is treated to reduce visibility as viewed from Public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
4. The structure shall not be used for human habitation.
5. The structure shall not be located within a bluff impact zone.
6. Construction complies with all provisions of Articles [Dirt-Moving] and [Stormwater Management] of this Ordinance.
7. The maximum impervious surface limits for the lot are not exceeded.

B. Water-Oriented Accessory Structures on Riparian Residential Lots. One water oriented accessory structure not meeting the structure setbacks in Table 11.2 of this ordinance may be placed with a shoreland alteration permit on a riparian residential lot provided the following standards are met:

1. The structure or facility must not exceed 12 feet in height and cannot occupy an area greater than 120 square feet.
2. The setback of the structure or facility from the ordinary high water level must be at least 20 feet.
3. The structure 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 Department, assuming summer, leaf-on conditions
4. Construction complies with all provisions of Articles [Dirt-Moving] and [Stormwater Management] of this ordinance.
5. The maximum impervious surface limits for the lot are not exceeded.
6. The structure shall not be located within a bluff impact zone.
7. The structure shall not be used for human habitation.
8. The structure shall not include bathroom facilities.

C. Boathouses

1. New boathouses and boat storage structures that do not meet the setback requirements in Tables 11-2 and 11-3 of this ordinance are prohibited.
2. Existing boathouses and boat storage structures may be repaired or replaced pursuant to Minn. Stat. § 394.36, subd. 4.

11.14 RETAINING WALLS

A. A retaining wall may be installed with a shoreland alteration permit in shore impact zones 1 or 2 provided the following standards are met:

1. The Department determines that there is no other alternative to control erosion.
 2. No tier of the retaining wall shall exceed four feet in height without a plan signed by a Minnesota-licensed professional engineer.
 3. Construction complies with all provisions of Articles [Dirt-Moving] and [Stormwater Management] of this ordinance.
- B.** A retaining wall may be installed without a permit behind the structure setback provided that:
1. It do not significantly alter the character of the property or does not create runoff or erosion problems..
 2. Construction complies with all provisions of Articles [Dirt-Moving] and [Stormwater Management] of this Ordinance.

11.15 BOARDWALKS

- A.** A boardwalk used for lake access over wetlands within the structure setback area shall require a shoreland alteration permit and meet the following standards:
1. Shall not exceed six feet in width on residential properties or eight feet for water-oriented commercial properties;
 2. May be placed on temporary or permanent supports;
 3. May have railings attached;
 4. Shall meet property line setbacks.

11.16 WATERCRAFT ACCESS RAMPS

Watercraft access ramps, approach roads, and access related parking areas require shoreland alteration permits and shall comply with the following standards:

- A.** Are permitted for private residential lots only on lakes without Public Accesses.
- B.** May be permitted for Conservation Development lake access, if authorized, or water-oriented commercial uses on any lake classified General Development or Recreational Development.
- C.** Shall not include asphalt in the shore impact zone 1.
- D.** Shall not exceed 15 feet in width from the lake to the structure setback line.
- E.** Shall not include filling of wetlands.
- F.** Construction complies with all provisions of Articles [Dirt-Moving] and [Stormwater Management] of this Ordinance.
- G.** The maximum impervious surface limits for the lot are not exceeded.

11.17 CONTROLLED AND ALTERNATIVE ACCESS LOTS

- A.** Controlled access lots, or any lot, tract, or parcel of land, however designated or described, intended to be used to provide accesses to public waters for owners of non-riparian lots within new minor subdivisions or plats are prohibited.
- B.** Alternative access lots, or parcels of land that provide access to public waters for owners of riparian lots within subdivisions, shall be used where the Planning Commission/Board of Adjustment determines that direct riparian access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat.

11.18 USE OF FERTILIZER

The Use of fertilizer, pesticides, or animal wastes in shoreland districts must conform to Minnesota Statutes, chapters 18B, 18C, 18D, and 103H, and be consistent with the latest best management practices developed for such use by the Minnesota Department of Agriculture and Pollution Control Agency.

11.19 REQUIREMENTS FOR STRUCTURES IN FLOODPLAINS

Structures in Shoreland Districts that are also located within floodplains shall meet the standards in Article [Floodplain Overlay District Standards] of this ordinance.

Livability Principle V: Coordinate Policies and Leverage Investments

Align federal policies and funding to remove barriers to collaboration, leverage funding and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy.¹

Summary of Model Policies and Model Ordinances

| Community | Policy | Ordinance |
|------------|---|--|
| Large City | "Coordinate efforts with local, county, state, federal and tribal entities to assure wise land use, protect natural resources and leverage private and public investment in the region." (p1) | - Wind Energy Conversion System Ordinance (p2) |
| Small City | "Coordinate efforts with local, county, state, federal and tribal entities to assure wise land use, protect natural resources and leverage private and public investment in the region." (p1) | - Wind Energy Conversion System Ordinance (p2) |
| County | "Coordinate efforts with local, county, state, federal and tribal entities to assure wise land use, protect natural resources and leverage private and public investment in the region." (p1) | - Wind Energy Conversion System Ordinance (p2) |

Overall Goal

Local planning documents should encourage or at least allow individuals and businesses to take advantage of state and federal programs. A number of federal and state grants, tax incentives, and other subsidies are available for alternative energy projects. In Minnesota, for example, statute 216B.1612 incentivizes community-based energy development (C-BED). The federal tax code offers energy credits under Internal Revenue Code sections 45 et seq. The following policy and ordinance are designed for communities seeking to take advantage of these programs by building Wind Energy Conservation Systems (WECS). They are aimed at eliminating barriers to WECS that might exist in a community's planning regime.

¹Partnership for Sustainable Communities, Livability Principles, <http://www.epa.gov/smartgrowth/partnership/index.html#livabilityprinciples>.

Large City, Small City and County Model Policy

“Coordinate efforts with local, county, state, federal and tribal entities to assure wise land use, protect natural resources and leverage private and public investment in the region.”

This policy encourages planners to make planning decisions with a broad view, keeping in mind policies at the local, state, tribal, and federal levels. Because the emphasis of this Principle is on coordination, we recommend one single policy that is appropriate for any size or type of community. Adherence to this policy should encourage investment and sustainable growth in the region.

Large City, Small City and County Model Ordinance

The model ordinance comes from CR Planning’s Model Ordinances for Sustainable Development, developed for the Minnesota Pollution Control Agency. Pipestone County’s zoning ordinance includes its own adaptation of this ordinance, making it a useful example of how a model ordinance might be tailored to a particular community.

I. Wind Energy Conversion System Ordinance

A. Purpose - This ordinance is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within Model Community not otherwise subject to siting and oversight by the State of Minnesota under the Minnesota Power Plant Siting Act (Minnesota Statutes 216E.001–18), encourage local wind energy development in priority wind energy areas, and meet Model Community’s Comprehensive Plan goals, including the following:

1. **Goal** - Encourage the sustainable use of local economic resources.
2. **Goal** - Encourage development that helps meet Model Community’s and the State of Minnesota’s climate protection goals.
3. **Goal** - Minimize conflicts between desirable land uses that may need to coexist in the same area.
4. **Goal** - Coordinate efforts with local, county, state, federal and tribal entities to assure wise land use, protect natural resources and leverage private and public investment in the region.

B. Interpretation, Conflict and Separability

1. **Interpretation** - In interpreting these regulations and their application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
2. **Conflict** - These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule, regulation, statute, or other provision of law except as provided in these regulations. If any provision of these regulations imposes restrictions different from any other ordinance, rule, regulation, statute, or provision of law, the provision that is more restrictive or imposes higher standards shall control.
3. **Separability** - If any part or provision of these regulations or the application of these regulations to any developer or circumstances is judged invalid by any competent jurisdiction,

the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other developers or circumstances.

C. Enforcement, Violations, Remedies and Penalties - Enforcement of the Wind Energy Conversion System Ordinance shall be done in accordance with process and procedures established in Section ____ of the Model Community Zoning Ordinance.

D. Definitions

1. **Aggregated Project** - Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included in the aggregated project.
2. **Blade Arc** - The arc created by the edge of the rotor blade that is farthest from the nacelle.
3. **Commercial WECS** - A WECS of equal to or greater than 100 kW in total name plate generating capacity.
4. **Non-Commercial WECS** - A WECS less than 100 kW in total name plate generating capacity.
5. **Fall Zone** - The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.
6. **Feeder Line** - Any power line that carries electrical power from one or more wind turbines or individual transformers associated with an individual wind turbine to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.
7. **Meteorological Tower** - For the purposes of this Wind Energy Conversion System Ordinance, meteorological towers are those towers that are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.
8. **Micro-WECS** - Micro-WECS are WECS of two (2) kW nameplate generating capacity or less mounted on a tower of 70 feet or less.
9. **Property Line** - The boundary line of the area over which the entity applying for WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.
10. **Public Conservation Lands** - Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public resource management agencies or non-profit conservation organizations.
11. **Rotor Diameter** - The diameter of the circle described by the moving rotor blades.
12. **Substations** - Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than (35,000 KV) for interconnection with high voltage transmission lines

shall be located outside of the road right of way.

- 13. Total Height** - The highest point, above ground level, reached by a rotor tip or any other part of the WECS.
- 14. Transmission Line** - Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
- 15. Tower** - Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.
- 16. Tower Height** - The total height of the WECS exclusive of the rotor blades.
- 17. WECS** - Wind Energy Conversion System - An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, and substations that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
- 18. Wind Turbine** - A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

E. Procedures for Permits - Zoning, Land Use, and Conditional Use permits and Variances shall be applied for and reviewed under the procedures established in this Ordinance, except where noted below.

1. The application for all WECS shall include the following information:
 - a. The names of project applicant
 - b. The name of the project owner
 - c. The legal description and address of the project
 - d. A description of the project including: number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
 - e. Location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures, including distances and drawn to scale.
 - f. Location and height of all buildings, structures, above ground utilities and trees located within five hundred (500) feet of each proposed non-commercial WECS and within three rotor diameters of each commercial WECS.
 - g. For commercial WECS, identification of the primary and secondary wind axis.
 - h. An elevation drawing accurately depicting the proposed WECS and its relationship to structures on the subject site and adjacent lots.
 - i. Engineer's certification of tower structure and foundation. Manufacturer certification and specification sheets may, at the discretion of Model Community, be used in place of engineering study for non-commercial WECS.
 - j. Documentation of land ownership or legal control of the property.
 - k. Non-commercial WECS shall submit a copy of the interconnection agreement with the utility or documentation that an interconnection agreement is not necessary.
 - l. Non-commercial WECS that are not connected to the electric grid shall identify location of battery or other storage device.
2. The application for commercial WECS shall also include:

- a. The latitude and longitude of individual wind turbines.
- b. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within 10 rotor diameters of the proposed WECS.
- c. Location of lakes, wetlands, parks, federal or state habitat areas, other protected natural areas, and County Biological Survey sites within 1,320 feet of the proposed WECS.
- d. An acoustical analysis documenting the sound level within 1000 feet of the turbine
- e. FAA Permit Application
- f. Location of all known communications towers within 2 miles of the proposed WECS Decommissioning Plan
- g. Identification of nearby WECS and description of potential impacts on wind resources on adjacent properties.

F. Procedure for Aggregated Projects - Aggregated projects may jointly submit a single application and be reviewed under a single proceeding, including notices, hearings, reviews and approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project.

G. District Regulations - WECS will be permitted, conditionally permitted or not permitted based on the generating capacity and land use district as established in the table below:

| District | Non-commercial | Commercial | Meteorological Tower* |
|-----------------------------------|--|---------------|-----------------------|
| Agriculture | Permitted | Conditional | Permitted |
| Rural Residential | Conditional | Not Permitted | Not Permitted |
| Rural Town Site | Not Permitted | Not Permitted | Not Permitted |
| General Business District | Not Permitted | Not Permitted | Not Permitted |
| Highway Commercial | Conditional | Not Permitted | Permitted |
| Light Industry | Permitted | Conditional | Permitted |
| Heavy Industry | Permitted | Conditional | Permitted |
| Shoreland | [may depend upon the lake and the specific district] | Not Permitted | Not Permitted |
| Historic Overlay District | Not Permitted | Not Permitted | Not Permitted |
| Traditional Neighborhood District | Not Permitted | Not Permitted | Not Permitted |

* Non-Commercial WECS and Meteorological towers shall require a conditional use permit if over _____ feet in height in accordance with the Model Community Zoning Ordinance.

| | Wind Turbine – Non-Commercial | Wind Turbine – Commercial WECS | Meteorological Towers |
|--|--|---|--|
| Property Lines | 1.1 times the total height in Agricultural or Industrial Land Use Districts only, or the distance of the fall zone, as certified by a professional engineer + 10 feet. | 5 rotor diameters along the primary wind axis, 3 rotor diameters along the secondary wind axis (rotor diameters are between 250-400 feet) | The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height. |
| Residential Dwellings, participating* | | 750 feet | The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height. |
| Residential Dwellings, non-participating | | 1,000 feet | The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height. |
| Road Rights-of-Way** | The distance of the fall zone as certified by a professional engineer + 10 feet or 1 times the total height. | 1 times the height, may be reduced for minimum maintenance roads or a road with Average Daily Traffic count of less than 10. | The fall zone, as certified by a professional engineer, + 10 feet or 1 times the total height. |
| Other Rights-of-Way (Railroads, power lines, etc.) | The lesser of 1 times the total height or the distance of the fall zone, as certified by a professional engineer + 10 feet. | To be considered by the planning commission. | The fall zone, as certified by a professional engineer, + 10 feet or 1 times the total height. |
| Public conservation lands | NA | 600 feet | 600 feet |
| Wetlands, USFWS Types III, IV, and V | NA | 600 feet | 600 feet |
| Other Structures | | To be considered | |
| Other Existing WECS | NA | Several factors to be considered in order to minimize or eliminate impact on existing WECS includes: the relative size of the existing and proposed WECS, the alignment of the WECS relative to the predominant winds, topography, the extent of wake interference impacts on existing WECS, and other considerations. Waived for internal setbacks in multiple turbine projects including aggregated projects. | |
| _____ River Bluff | 500 | [1,000 / 1,320] | |

* The setback for dwellings shall be reciprocal in that no dwelling shall be constructed within 750 feet of a commercial wind turbine.

** The setback shall be measured from future rights-of-way if a planned changed or expanded right-of-way is known.

H. Setbacks, Wind Turbines and Meteorological Towers

- 1. Setbacks** - All towers shall adhere to the setbacks established in the above table.
- 2. Substations and Accessory Facilities** - Minimum setback standards for substations and feeder lines shall be consistent with the standards established in the Model Community General Development Standards for Essential Services.

I. Requirements and Standards

1. Safety Design Standards

- a. Engineering Certification** - For all WECS, applicant must provide engineering certification of turbine, foundation, and tower design is within accepted professional standards, given local soil and climate conditions. For non-commercial and micro-WECS, certification can be demonstrated by the manufacturer's engineer or another qualified engineer.
- b. Rotor Safety.** Each non-commercial WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 mph or greater).
- c. Warnings**
 - i.** For all commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
 - ii.** For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of 8 feet above the ground. Model Community may require that visible fencing be installed around anchor points of guy wires.
 - iii.** Consideration shall be given to painted aviation warning on metrological towers of less than 200 feet.
- d. Energy Storage** - Batteries or other energy storage devices shall be designed consistent with the Minnesota Electric Code and Minnesota Fire Code.

2. Equipment Design and Performance Standards

- a. Established Wind Resource** - All WECS shall only be installed where there is an established wind resource. An established wind resource can be documented in the following ways:
 - i.** The planned turbine site has a minimum 11 MPH average wind speed at the designed hub height, as documented on the Minnesota Department of Commerce statewide wind speed maps.
 - ii.** The planned turbine has a minimum hub height of eighty (80) feet and the blade arc is 30 feet higher, on a vertical measurement, than all structures and trees within 300 feet of the tower.
 - iii.** The applicant submits an analysis conducted by a certified wind energy installer or site assessor (North American Board of Certified Energy Professional, NABCEP, or equivalent) that includes estimates of wind speed at turbine height based on measured data, estimated annual production, and compliance with the turbine manufacturer's design wind speed.
 - iv.** The proposed turbine is within the community's designed wind energy

overlay district.

b. Total Height, Non-Commercial WECS - Non-Commercial WECS shall have a total height, including tower and rotor at its highest point, of less than 200 feet in rural and industrial zoning districts, and a maximum height of 125 feet in residential and commercial districts.

c. Turbine Certification - Non-commercial and micro WECS turbines shall be certified or in the process of being certified the Small Wind Certification Council (SWCC) Micro-generation Certification Scheme (MCS), or must be listed by the Interstate Turbine Advisory Council.

d. Meteorological Towers Exempt from Zoning District Height Standards - In those districts where meteorological towers are a permitted use, meteorological towers of less than 200 feet shall be exempt from the Conditional Use requirement for other land uses.

e. Tower Configuration

i. All wind turbines that are part of a commercial WECS shall be installed with a tubular, monopole type tower.

ii. Meteorological towers may be guyed.

f. Color and Finish

i. All wind turbines and towers that are part of a commercial WECS shall be white, grey and another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matt or non-reflective.

ii. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.

g. Lighting - Lighting including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for nighttime illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.

h. Other Signage - All signage on site shall comply with the Model Community sign ordinance. The manufacturer's or owner's company name and /or logo may be placed upon the nacelle, compartment containing the electrical generator, of the WECS.

i. Feeder Lines - All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service, as described in Model Community's General Development Standards

j. Waste Disposal - Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

3. Discontinuation and Decommissioning

a. Abandonment. A WECS shall be considered abandoned after one (1) year without energy production, unless a plan is developed and submitted to the Model Community Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to [ground level /

four feet below ground level] within 80 days of abandonment.

- b. Decommissioning Plan Required** - Each WECS, other than micro-WECS, shall have a decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon abandonment. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.

4. Orderly Development

Upon issuance of a conditional use permit, all commercial WECS shall notify the Environmental Quality Board Power Plant Siting Act program Staff (or successor State regulator) of the project location and details on the survey form specified by the Environmental Quality Board or successor agency.

J. Other Applicable Standards

- 1. Noise** - All WECS shall comply with Minnesota Rules 7030 governing noise, or shall not exceed fifty (50) dB(A) when measured from the outside of the nearest residence, business, school, hospital, religious institution, or other inhabited structure. The audible noise from wind energy facilities may periodically exceed allowable noise levels during extreme wind events (winds above 30 mph or greater).
- 2. Electrical Codes and Standards** - All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- 3. Federal Aviation Administration** - All WECS shall comply with FAA standards.

K. Interference - The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within ___ miles of the proposed WECS location upon application to Model Community for permits. No WECS shall be constructed so as to interfere with Model Community or Minnesota Department of Transportation microwave transmissions.

L. Avoidance and Mitigation of Damages to Public Infrastructure by Commercial WECS

- 1. Roads** - Applicants for commercial WECS shall:
 - a.** Identify all county, city or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and or substation and obtain applicable weight and size permits from impacted road authority(ies) prior to construction.
 - b.** At the request of the road authority, the applicant shall post bonds or other financial assurance, subject to approval of Model Community, sufficient to restore the road(s) to pre-construction conditions.
- 2. Drainage System** - The Applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.
- 3. Green Infrastructure** - The Applicant shall meet the Minnesota Department of Natural Resources Guidance for Wind Projects, June, 2009 version or most recent version, for siting wind energy facilities and mitigation of risk to natural resources, including the following standards:
 - a.** Provide the following information in the application:
 - i.** natural heritage concerns within the project

- ii. public lands within one mile of the project
 - iii. conservation easements and other officially protected natural areas within a quarter mile of the project
 - iv. shoreland areas, wildlife corridors and habitat complexes, and designated scenic views.
- b. Demonstrating how the project integrates the United State Fish and Wildlife Service (USFWS) best management practices for minimizing impacts to wildlife from wind energy projects.

M. Micro-Turbine Standards

1. **Urban Lots** - Micro-WECS shall be allowed on lots of less than one acre provided the following conditions are met:
 - a. WECS are a permitted, conditional, or allowed accessory land use in the district,
 - b. The tower shall meet all setback requirements applicable to the lot. In all cases the base of the tower shall be setback from all property lines by a minimum of the height of the tower plus 10 feet.
 - c. The tower height is less than 70 feet.
 - d. The proposed system must be certified to operate at noise levels lower than 50 db at a distance no longer than the distance from the base of the tower to the closest property line.
2. **Suburban Lots** - Micro-WECS shall be allowed on lots between two and five acres provided the following conditions are met:
 - a. WECS are a permitted or conditional land use in the district,
 - b. Provisions of Section I.2.a (Established Wind Resource) are met,
 - c. The setback requirements applicable to the lot are met. In all cases the base of the tower shall be setback from all property lines by a minimum of the height of the tower plus 10 feet. For guyed towers the setback can be reduced if the documented fall zone is less than the tower height, but in no case shall the setback be less than the distance from the base of the tower to the nearest building off the site, plus 10 feet.
 - d. The tower height is less than 101 feet.
 - e. The proposed system must be certified to operate at noise levels lower than 50 db at a distance no longer than the distance from the base of the tower to the closest property line.
3. **Building Mounted Systems** - Building mounted WECS shall be setback from property lines by a distance equal to the tower height, and shall provide engineering documentation that the structure upon which the wind energy conversion system is to be mounted shall have the structural integrity to carry the weight and wind loads of the wind energy conversion system and have minimal vibration impacts on the structure.

Livability Principle VI: Value communities and neighborhoods

Enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods—rural, urban, or suburban.¹

Summary of Model Policies and Model Ordinances

| Community | Policy | Ordinance |
|------------|---|--|
| Large City | "Ensure that high quality developments are well planned and connected to existing development through the efficient use of streets, utilities and infrastructure." (p1) | -Historic Overlay Zone (p2) -Traditional Neighborhood Zone (p3) |
| Small City | "Develop human scale connections to the town's parks and green spaces for greater accessibility." (p11) | Park Dedication Ordinance (p11) |
| County | "Expand, maintain, and improve pedestrian access to parks and trail systems." (p11) | Park Dedication Ordinance (p11) |

Overall Goal

Like Principle IV, Support Existing Communities, Principle VI urges sustainability at the local community level. Valuing communities and neighborhoods requires planners to respect their locale's history. It also demands a people-centric approach to planning, one that emphasizes the social aspect of sustainability.

¹Partnership for Sustainable Communities, Livability Principles, <http://www.epa.gov/smartgrowth/partnership/index.html#livabilityprinciples>.

Large City Model Policy

Ensure that high quality developments are well planned and connected to existing development through the efficient use of streets, utilities and infrastructure. (Brainerd Comprehensive Plan)

We chose this policy from the Brainerd Comprehensive Plan because of its emphasis on existing development. Older neighborhoods can readily adopt sustainable practices because they are likely to be based on pre-Euclidean zoning layouts amenable to mixed use development and walkability.

Large City Model Ordinance

Based on this policy, we recommend two ordinances for Large Cities: the Historic Overlay Zone (HOZ) and Traditional Neighborhood Zone (TNZ). The HOZ is based on the City of Duluth's Zoning Regulations. It establishes guidelines for the preservation of a community's inventory of historic structures. The TNZ comes from Minnesota Planning's Model Ordinances for Sustainable Development. It calls for new developments to evoke the character of a traditional neighborhood. The TNZ has the potential to compete with the downtown of a small town, so we recommend its use only in Large Cities.

I. Historic Overlay Zone (Duluth)

A. Purpose

The purpose of this Section is to preserve, protect and promote any areas, places, buildings, structures, lands, districts and other objects having a special historical, community or aesthetic interest or value. The Historic Overlay Zone (HOZ):

1. Safeguards the heritage of the city by preserving properties that reflect elements of the city's cultural, social, economic, political, engineering, visual or architectural history;
2. Protects and enhances the city's appeal and attraction to residents, visitors and tourists, while enhancing its economic viability through the protection and promotion of its unique character as related to its history and heritage;
3. Enhances the visual and aesthetic character, diversity and interest of the city;
4. Fosters civic pride in the beauty and notable accomplishments of the past;
5. Promotes the preservation and continued use of historic properties for the education and general welfare of the people of the city.

B. Designation of Historic Resources

1. Through the process for designating historic resources in Section [Historic Resource Designation], the historic preservation commission has designated:
 - a. [List existing historic preservation districts]
2. The historic preservation commission and planning commission may from time to time recommend, and the council may approve, additional historic preservation districts or landmarks pursuant to Section [Historic Resource Designation].

C. Review of Construction/Demolition Activities

Within those designated historic preservation districts shown on Exhibit _____ and those historic preservation landmarks listed on Exhibit _____:

1. Construction and demolition activities, including all street and utility activities, shall be approved pursuant to Section [Historic Construction/Demolition Permit];
2. The issuance of city permits to do any of the following shall be approved pursuant to Section [Historic Construction/Demolition Permit]:
 - a. Remodel, repair or alter in any manner that will change the exterior appearance;
 - b. New construction, including parking facilities;
 - c. Move a building;
 - d. Change the nature or appearance of a designated historic preservation landmark or district, including landscape features;
 - e. Demolition in whole or in part.

D. Emergency Repair

In emergency situations where immediate repair is needed to protect the safety of the structure and its inhabitants, the building official may approve the repair of only those items needed to ensure safety. Such repairs shall be limited to those necessary to correct the safety emergency. In the case of a permit issued pursuant to this subsection D, the building official shall require that the repairs be made in conformance with the U.S. Secretary of Interior's recommended standards for historic preservation projects and adopted historic preservation guidelines for the landmark or district to the extent possible. In addition, the building official shall immediately notify the historic preservation commission of the action and specify the facts or conditions constituting the emergency situation.

E. Building Code Enforcement

This Section is also intended to encourage the sensitive rehabilitation, restoration, stabilization and preservation of historic buildings throughout the city. These rehabilitation and preservation efforts should provide for the upgrading and maintenance of the safety features of the building or structure to provide a practical level of safety to the public and surrounding properties. While ensuring this increased level of public safety, the enforcement authorities are encouraged to be open to acceptable alternative solutions and alternative compliance concepts, where practical, that will permit the continued use of existing buildings and structures without creating overly restrictive financial burdens on owners or occupants. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure.

II. Traditional Neighborhood Zone (Minnesota Planning)

XX.010 Purpose.

The purpose of the Traditional Neighborhood Zone (TNZ) is to permit new development to occur in a manner that is consistent with the historic character and development pattern of the existing community, while providing an alternative to typical suburban-style development patterns.

XX.020 Designation of TNZ District.

The TNZ District may be applied as an overlay district on any lands designated as suitable for this option in the Comprehensive Plan or found suitable by the Council based on its location, natural amenities and availability of services.

In general, such areas shall be:

A. Supplied with public utilities, or planned for such utilities.

B. Served by a collector or arterial street or a street that can be improved to such a standard.

The Council may approve a rezoning of land to the new village district in accordance with the process for a Planned Unit Development, as outlined in Section XX of this Ordinance.

XX.030 General Requirements

A TNZ shall be characterized by a compact settlement pattern, with a center and an edge, a mix of residential housing types, distributed on a connected street system, and enhanced by deliberately defined open space areas.

A. A TNZ shall consist of the following categories of land:

1. **Residential lots** - Properties intended for the placement of dwellings, fronting on public streets arranged in a traditional neighborhood setting. Residential lots may be occupied by more than one dwelling but, other than home occupations, shall be utilized exclusively for residential purposes.
2. **Commercial lots** - Properties located in the neighborhood center intended for commercial and office development that supports, and is related to, the surrounding residential community. Commercial lots may be occupied by mixed use buildings with offices or residential apartments on upper floors.
3. **Civic Use Area** - Land that is centrally located and reserved for civic uses. Civic uses include uses that serve public or community needs, such as churches, public and private schools, municipal buildings, post offices, community facilities, libraries, fire stations, day care facilities, transportation terminals and similar uses.
4. **Open Space** - Land located on the periphery or interior of the TNZ that is dedicated to uses such as parks and recreation, pedestrian trails, environmental protection or similar purposes. Open space may be publicly owned as part of a public park system or a street right-of-way, or owned and maintained by a homeowners' association or conservancy.
5. **Streetscape** - A streetscape is the sum of the man-made and planted features within and adjacent to the street right-of-way that create the character of the public space. The streetscape often includes sidewalks, street trees and plantings, street furniture such as benches, street lights, signs, trash receptacles, railings and fences, fountains, planters, banners and flags, public art and similar publicly visible features.

B. The minimum size area for a TNZ shall be 35 acres.

XX.040 Master Development Plan

Any development proposed within the TNZ district shall be based on a Master Plan, submitted by the developer.

A. The Master Plan shall include: the block layout and block types proposed; street classification, open space and landscaping plans, and a general plan for land use.

B. Development may occur in phases, with more detailed plans required for each phase.

XX.050 Permitted Uses

The following uses are permitted in a TNZ District:

- A. Single-family detached dwellings
- B. Single-family attached dwellings, including duplexes, zero lot-line single-family dwellings, provided that a reciprocal access easement is recorded for both lots, and townhouses or other attached dwellings provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.
- C. Multifamily dwellings
- D. Secondary dwelling units on a single lot, not exceeding 800 square feet in size and limited to one unit per lot, to be located only within the rear yard.
- E. Secondary dwelling units located above ground floor retail or office uses
- F. Banks and financial institutions
- G. Bed-and-breakfast establishments
- H. Day care centers
- I. Civic uses such as municipal offices, fire stations and post offices

- J. Customary home occupations
- K. Libraries, museums and galleries
- L. Music, dance or exercise studios
- M. Offices, including professional and medical offices
- N. Parks, playgrounds and outdoor recreational facilities
- O. Passenger depots and transit shelters
- P. Places of worship, churches and related uses
- Q. Public and private schools and other educational facilities
- R. Restaurants, cafes and coffee shops (bars, taverns optional), not including drive-through or franchise architecture
- S. Retail stores and shops, with a building footprint not exceeding 5,000 square feet
- T. Service businesses such as barber, air, dry cleaning or similar business
- U. Studios and shops of artists and artisans

XX.060 Residential Use Standards

- A. A mix of at least two of the permitted residential housing types shall be provided. The different types shall be integrated with each other on the same block, opposite sides of a block (across rear lot lines or alley) or adjacent blocks, rather than in separate sectors of the TNZ.
- B. No more than 60 percent of the total number of dwelling units shall be of the same type.

XX.070 Neighborhood Center Standards

The TNZ shall be designed with a neighborhood center that contains commercial, civic and mixed-use buildings and open space. The center shall be designed to serve as the focal point for the neighborhood and for the interaction of the residents. The center shall be adjacent to and contiguous with the central open spaces of the development. Access to the center shall be directly from a collector or arterial street.

- A. The center shall be composed of two or more of the following land uses, and shall be bordered on at least two sides by public streets:
 - 1. First floor commercial uses in conjunction with second floor residential or professional office uses.
 - 2. First floor professional office uses in conjunction with second floor residential uses.
 - 3. Civic uses.
- B. Existing buildings located in the vicinity of the neighborhood center shall be retained and adaptively reused, whenever possible.
- C. Commercial or civic uses located adjacent to each other shall share driveways and/or parking facilities.
- D. Parking lots or structures shall be located to the rear and sides of all buildings. Only on-street (parallel or angled) parking shall be permitted in front of commercial uses.
- E. Pedestrian access shall be provided from the residential portions of the TNZ to the neighborhood center, minimizing at-grade street crossings.

XX.080 Public Space Standards

- A. The design of every TNZ shall be based on a survey of the existing natural, cultural and scenic features of the site. The design shall preserve important features of the site, identified through the survey, by inclusion of public space as a design element.
- B. Public space includes open space, including parks, trails, greenways and natural areas, street rights-of-way, and lots reserved for civic uses.
- C. The ratio of private space to public space shall not exceed 3 : 1.

D. Public space shall be used to define the character of the community, and shall be visually and physically linked throughout the community.

XX.090 Civic Space Standards

A. Civic space shall be included within the neighborhood center, and shall be incorporated into the street and block pattern to achieve visual prominence.

B. Civic space shall be visually and physically tied to other public space within the community.

C. Civic space within the neighborhood center must provide for at least two of the following uses:

1. Libraries
2. Fountains, statues or other public art
3. Museums / galleries
4. Theaters
5. Municipal buildings
6. Post office
7. Service organization facilities
8. Day care facilities
9. Transit center
10. Meeting hall
11. Public or private schools
12. Places of worship

D. The type of civic space provided shall be dependent on the scale of the TNZ and the location and availability of existing facilities

E. Civic space shall be located to be accessible to all community residents.

F. Development of the civic space shall be completed upon the sale of 75 percent of the lots within the TNZ.

XX.100 Open Space Standards

Open space shall be provided within every TNZ to meet residents' recreational needs and reinforce the identity, form and character of the settlement. Open space may consist of two or more of the following:

- A. Squares
- B. Community gardens
- C. Pedestrian trails
- D. Parks, playgrounds
- E. Natural areas

All open space shall be accessible to all community residents. The location of open space within the TNZ shall be coordinated with and, if appropriate, shall connect with or expand adjacent open space or recreational areas.

XX.110 Dimensional Standards

A. Residential lots shall meet the following requirements:

1. Single-family detached
 - a. Lot area: Minimum - 8,000 square feet; Maximum - 20,000 square feet
 - b. Lot width: Minimum - 60 feet
 - c. Front yard setback: Minimum - 20 feet; Maximum - 40 feet
 - d. Side yard setback: Minimum - 10 feet
 - e. Rear yard setback: Minimum - 25 feet

f. Lot coverage: Maximum - 45 percent or 60 percent with secondary dwelling

2. Duplex

a. Lot area: Minimum - 6,000 square feet per unit; Maximum - 10,000 square feet per unit

b. Lot width: Minimum - 40 feet per unit

c. Front yard setback: Minimum - 20 feet; Maximum - 40 feet

d. Side yard setback: Minimum - 10 feet

e. Rear yard setback: Minimum - 25 feet

f. Lot coverage: Maximum - 50 percent

3. Single-family attached

a. Lot area: Minimum - 3,000 square feet per unit; Maximum - 10,000 square feet per unit

b. Lot width: Minimum - 25 feet per unit

c. Front yard setback: Minimum - 20 feet; Maximum - 40 feet

d. Side yard setback: Minimum - 10 feet

e. Rear yard setback: Minimum - 25 feet

f. Lot coverage: Maximum - 60 percent

4. Multifamily buildings

a. Lot area: Minimum - 2,500 square feet per unit; Maximum - 6,000 square feet per unit

b. Lot width: Minimum - 60 feet per building

c. Front yard setback: Minimum - 20 feet; Maximum - 40 feet

d. Side yard setback: Minimum - 20 feet

e. Rear yard setback: Minimum - 25 feet

f. Lot coverage: Maximum - 60 percent

5. Non-residential, civic or mixed use

a. Lot area: no minimum or maximum requirement

b. Lot width: Minimum - 40 feet

c. Front yard setback: Minimum - none; Maximum - 20 feet

d. Side yard setback: Minimum - 10 feet

e. Rear yard setback: Minimum - 25 feet

f. Lot coverage: Maximum impervious coverage (buildings, parking) - 75 percent

6. Building Height: Maximum of 35 feet or 2 ½ stories

XX.120 Street system and parking

The traffic circulation system shall be organized to interconnect the TNZ with the existing town center and other sectors of the community.

A. The street system shall act as a functional and visual link between neighborhoods, open space, civic and commercial uses.

B. The street and parking systems shall meet the standards specified in the Street Standards Section of this Ordinance.

XX.130 Transit

A. Transit facilities shall be provided if the site is located within a transit corridor.

B. Covered stops with adequate pedestrian access shall be located along through streets or adjacent to arterial or collector streets. Turnouts shall be provided for transit vehicles so that passenger loading

and unloading may occur outside of the traffic way.

XX.140 Architectural Standards

A. Standards for New Buildings

1. The main entrances of all structures, other than secondary dwelling units, second-floor dwelling units or accessory structures, shall open to the street.
2. The front entrance to all structures shall be defined by architectural elements, which may include porches, pent roofs, hooded pediments, transom windows, or similar features. Front porches and pent roofs are encouraged on structures facing local residential streets. If covered porches are utilized, they must be at least 4 feet wide, and may not be enclosed, but may encroach into the front setback area.
3. New structures may be constructed in any architectural style. However, if such structures are built using elements of Victorian, Craftsman or Bungalow, Prairie School or colonial revival stylistic details, such elements shall be based upon an architectural inventory of the existing town center. Stylistic details characteristic of other regions of the United States are discouraged.
4. A human scale should be achieved near ground level on all buildings and along street facades and entries through the use of such scale elements as windows, doors, columns, porches, pent roofs, cornices, and similar details.
5. Buildings should be designed so that wall surfaces dominate over roof projections such as cantilevered canopies, long cantilevers that are unsupported by doorway openings, or non-traditional geometric roof planes.
6. Long, monotonous, uninterrupted walls or roof planes shall be avoided. Buildings of 40 or more feet in width should be visually divided into smaller increments using any of the following techniques:
 - a. Divisions or breaks in materials (although materials should be drawn from a common palette)
 - b. Window bays
 - c. Separate entrances and entry treatments, porticoes
 - d. Variation in roof lines
 - e. Awnings
 - f. Building setbacks
7. All dwellings other than zero lot-line dwellings separated from any other dwelling by a distance greater than 12 feet shall have at least one window opening, measuring at least 2 feet by 3 feet in size, on every wall. Dwellings on corner lots shall have window openings on each habitable level of the structure on both sides facing the streets. Windows may be part of doorway openings.
8. Fire escapes shall be located to the rear of buildings.
9. Trash collection and storage areas shall be located to the rear or side of buildings and screened from adjoining properties and public streets.

B. Guidelines for Existing Structures

1. Existing structures within the TNZ site are encouraged to be retained as part of the new development and may be adapted to appropriate uses.
2. Existing structures, if determined to be historic or architecturally significant, shall be protected from demolition or encroachment by incompatible structures or landscape development.
3. The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings shall be used as the criteria for renovating historic or architecturally significant structures.

Small City Model Policy

Develop human-scale connections to the town's parks and green spaces for greater accessibility.

County Model Policy

Expand, maintain, and improve pedestrian access to parks and trail systems.

Enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods—rural, urban, or suburban.

Scenic landscapes and natural amenities provide some of the most unique characteristics within the region's small cities and counties. While we primarily seek to protect natural resources in the "Support Existing Communities" section, here we recognize the need and desire of residents to connect with the natural environment in sustainable ways. By expanding and improving the region's parks, communities create greater access to green spaces meant for recreation, while preserving other areas primarily used as economic and environmental resources. Both of these policies also emphasize pedestrian access to parks. Small cities can provide parks within residential and commercial areas to give community members greater opportunity to bike or walk to a park. For counties, we wanted to emphasize the importance of using trails to connect parks to increase opportunities for hiking, bicycling, and other low-impact recreation.

Small City and County Model Ordinance

Park Dedication Ordinance [based on the City of Princeton Park Dedication Requirements, with revisions based on park dedication ordinances from the cities of Brainerd and Forest Lake].

Many communities have established a park dedication requirement in their ordinances to implement park and recreation goals in their comprehensive plans. Such ordinances typically require that new developments or subdivisions dedicate a specified percentage of the land area for park or recreation use, or pay a fee in lieu of land dedication. Park dedication requirements encourage developers to incorporate park space into new subdivisions, thereby providing recreation space within walking distance for residents or commercial employees and customers. If the development is not appropriate for a park area, the fee will provide an income source to the city or county for creating parks and trails elsewhere. By limiting the requirement to subdivisions, the ordinance avoids potential burden on smaller infill projects in already developed areas.

Park dedication ordinances are governed by Minnesota statute. Minnesota statute § 462.358 subd. 2b (for cities) and § 394.25, subd. 7 (for counties) regulate how the park dedication fees are charged and spent. In addition, §394.25 also places jurisdictional limits on county park dedication ordinances and restricts the placement of parks funded by park dedication fees. These

considerations are incorporated into the model ordinance, but communities should consult the statutes independently to ensure compliance.

This model ordinance is based on the city of Princeton's park dedication ordinance, with modifications based on ordinances from the cities of Brainerd and Forest Lake and the governing Minnesota statutes. The Purpose and Intent section is based on the format used in CR Planning's Sustainable Development Ordinances. This ordinance maintains the 7% land dedication requirement used by Princeton, Brainerd, and Forest Lake. Other Minnesota communities with park dedication ordinances require percentages ranging from 3% to 12% (University of Minnesota Center for Urban and Regional Affairs, Park Dedication (2010), available at <http://www.cura.umn.edu/sites/cura.advantagelabs.com/files/publications/CGO-117.pdf>). This ordinance also gives the local government discretion to decide whether a proposed dedicated park area meets the needs of the community or if the fee option is more appropriate for that development. This flexibility allows officials to ensure that the dedicated spaces are contributing to the community's comprehensive plan and capital improvement plan.

Park Dedication Ordinance

I. Purpose and Intent

- A. To create a Park Dedication Requirement for new subdivisions, as provided by Minn. Stat. § 462.358, subd. 2b [for counties, § 394.25, subd. 7].
- B. To preserve natural landscapes, green spaces, and recreation areas that bring economic, environmental and aesthetic value to [Model Community].
- C. To facilitate implementation of the goals and policies set forth in [Model Community's] Comprehensive Plan relating to availability of public green space, parks and recreation, and orderly development, including but not limited to:
 - Policy: Develop human-scale connections to the town's parks and green spaces for greater accessibility.
- D. To ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

II. Applicability

- A. The provisions of this Section shall apply to all applications for residential, commercial, and industrial subdivisions within [Model Community].
- B. This Section does not apply to applications for redevelopment of existing residential, commercial, or industrial developed property.
- C. This Section does not apply to previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots.
- D. This Section does not apply to lot combination/redivisions which do not increase the number of single family residential lots or units, conversion of apartments into condominiums, or internal leasehold improvements.
- D. [for counties only] This Section does not apply to any development within a municipality that has

adopted its own park or green space dedication requirement under Minn. Stat. § 462.358, subd. 2b, or chapter 366, unless pursuant to an intergovernmental agreement.

III. General

As a prerequisite to any subdivision approval, applicants are required to dedicate a minimum of seven percent (7%) of the developed property to the City for park purposes. The [City Council or County Commissioners], at its sole discretion and upon the recommendation of the [Park Board or other applicable department], may accept or require cash in lieu of the land. In the case of Planned Unit Developments (PUDs), the land area dedicated shall be in addition to and not in lieu of any open space requirements specific to PUDs.

Some of the criteria used by the [Model Community] in determining the park needs for a particular subdivision include:

- A. The proposed development density.
- B. The proximity of development to existing parks.
- C. The size, shape, topography, geology, hydrology, tree cover, access, and location of proposed park space within the development.
- D. The park needs as outlined in the city's Comprehensive Plan.

In all instances, the final park dedication requirement will be clearly defined in the Developer's Agreement prior to the signing of the final plat.

II. Park Board Procedures

Prior to the submittal of a subdivision's preliminary plat, the person subdividing the land shall provide a written proposal outlining their proposal to meet the park dedication requirement. Those plans may include a cash contribution, land contribution, in-kind contribution, or a combination thereof.

The proposal shall be reviewed by the [appropriate Model Community department or board]. Park proposals should include the following:

- A. The proposed layout should include 2 foot contour topographic information showing both existing and final grades. The scale must be one inch (1") to 100 feet (100').
- B. If any structures or field layouts are suggested, they must be drawn to a one inch (1") to 50 foot (50') scale.
- C. Photographs of the proposed park property must be submitted. A minimum of four photos are required for each park site. A photo taken from the four corners of the site and directed towards the center is required. The location and direction of each photo shall be described (i.e. southwest corner looking northeast).

III. Appropriate Park Dedication Areas

- A. The following examples may be used to meet the park dedication requirement:
 - 1. **Tot Lot/Mini-park** – A small park, generally less than one acre in size, that features playground equipment designed for use by the residents of the immediate neighborhood.
 - 2. **Neighborhood Park** – A larger park designed for use by a greater surrounding neighborhood, and may include playground equipment and neighborhood ball fields..
 - 3. **Community Park** – A larger park designed for use by the residents of the entire city. A Community Park will have various general use facilities including playground equipment, picnic areas and shelters, ball fields, and/or special use facilities.
 - 4. **Hike & Bike Trails** – A network of paths providing access to parks and open space areas. Trails can be used for walking, biking, running, scenic observation, and similar activities. Trail locations within the area to be subdivided depend on the street design of the plat. The developer is required to grade the trail.
 - 5. Similar park and open space uses developed in coordination with [appropriate Model

Community Department].

B. Open space land use types that do not qualify for park dedication include:

- 1. Open Space** – Open space provided to preserve and protect drainageways, wetlands, lakes, stormwater retention areas and provide development breaks.
- 2. Greenbelts** – Greenbelts used to define creeks, rivers, drainageways, wetlands, which form the edges of various neighborhoods within [Model Community].

C. Land dedicated under this section must be suitable for park and recreation uses. The following characteristics of a proposed area are generally unsuitable:

- 1.** Any area primarily located in the 100-year flood plain or beneath the ordinary high water level.
- 2.** Any areas with grades exceeding twelve (12) percent or unusual topography that renders the area unusable for organized recreational activities.
- 3.** Land with trash, junk, pollutants, or unwanted structures.

D. The proposed park area must have ready access to a public street. Any sidewalks and trails shall be continued and constructed throughout any dedicated park site.

E. Land used for park purposes does not have to be within the proposed subdivision. Proposed park land may be located in the near vicinity of the subdivision. If the subdivision is residential or commercial, the proposed park land must be connected to the subdivision by sidewalks or trails, subject to approval by [Model Community].

F. Proposed park areas must be buffered from adjacent residential lots.

IV. Fee in Lieu of Land Dedication

A. [Model Community] may elect, at its sole discretion, to require a payment of park dedication fee in lieu of a land dedication.

B. [Model Community] will establish per lot or per unit park dedication fee amounts in its permits and fees schedule.

- 1.** If any of the fees are determined by any court to be invalid for any reason, the park dedication fee shall be determined by the fair market value of the land to be subdivided. For the purposes of this section, “fair market value” means a price that a willing buyer would pay and a willing seller would accept for the property at the time of acceptance of the final plat. This value includes, but is not limited to, zoning, public and subdivider improvements, and other factors as determined by the County Assessor. The value excludes any buildings or structures on the property.

C. To determine the park dedication fee for re-subdivided land, the city shall subtract the number of old lots from the number of new lots and multiply that difference by the appropriate park dedication fee.

D. Park dedication fee contributions are to be calculated and paid at the time of final plat. Cash dedications shall be included in the development agreement and paid prior to the City’s signature of and release of the final plat. For subdivisions that do not require a development agreement, the cash dedication shall be paid before the City releases the signed approval of the subdivision for recording.

V. Combined Land and Fee Contribution

A. [Model Community] may elect at its sole discretion to receive a combination of cash, land, or in-kind contribution from the subdivision to meet the park dedication requirement.

B. To determine a combined land and cash contribution, [Model Community] staff will use the fair market land value of the proposed park area. This value will be subtracted from the total cash contribution required by the [Model Community] fee schedule to calculate the balance of cash owed by the subdivider.

VI. Special Fund Created

- A. All funds collected under this section will be deposited in [Model Community's] park development fund and used solely for the purchase or leasing of park land and development of, and improvements to, existing or future parks. The park development fund will not be used for maintenance, repair, or other operating expenses. All expenditures from this fund will be reviewed by [appropriate Model Community department or board] and approved by [Model Community council or commissioners].
- B. [Model Community] shall account for all sums paid in lieu of land dedication under this section with reference to the individual plats involved. Any funds paid for such purposes must be expended by the city within 5 years from the date received by the city for acquisition or development of a neighborhood park as defined herein. Such funds shall be considered to be spent on a first in, first out basis in a particular park area.
- C. [for counties only] At least seventy-five (75) percent of park dedication funds collected for a specific subdivision will be used in the township or city where the subdivision is located. The township board or city council may agree to allow the County to use these funds outside of the township or city in a manner consistent with the County parks, trails, and open space capital improvement plan or the County parks and open space component in its comprehensive plan. The remainder of the funds may be used by the County only for parks and trails connectivity and accessibility purposes. The County must annually report to cities and townships on where funds were collected and where funds were expended in the past year.

VII. Park Dedication Appeals

If the applicant or developer does not believe that the estimates contained in this Section fairly and accurately represent the effect of the subdivision on the park system of [Model Community], the applicant or developer may request that [Model Community] prepare an in-depth study of the effect of the subdivision on the park system and an estimate of that effect in money and/or land. All costs of such study shall be paid by the developer or applicant. If such a study is requested, no application for the development shall be deemed complete until the study has been completed and a determination is made as to the appropriate amount of land or money necessary to offset the effects of the subdivision.

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- Examples of Codes that Support Smart Growth Development: <http://www.epa.gov/smartgrowth/codeexamples.htm>

- Green Communities <http://www.epa.gov/greenkit/basicinformation.htm>
- Livability Principles: <http://www.epa.gov/smartgrowth/partnership/index.html#livabilityprinciples>
- Smart Growth Implementation Toolkit: <http://www.smartgrowthamerica.org/leadership-institute/implementation-tools>
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- **Supporting Sustainable Rural Communities**, Partnership for Sustainable Communities and USDA: http://www.sustainablecommunities.gov/pdf/Supporting_Sustainable_Rural_Communities_FINAL.PDF
- This Is Smart Growth: http://www.epa.gov/smartgrowth/pdf/2009_11_tisg.pdf

League of Minnesota Cities

- Model ordinances: <http://www.lmc.org/page/1/resource-library.jsp?keywords=ordinance&Models=on&x=15&y=10> (addressing a variety of areas; not necessarily sustainability, but useful for guidance on structure)
- Minnesota sample ordinances: <http://www.amlegal.com/library/mn/index.shtml> (existing zoning ordinances from various MN municipalities)
- Handbook for Minnesota Cities: <http://www.lmc.org/page/1/handbook-for-mn-cities.jsp> (general information about the structure of city government)

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