

Zoning Comparison and Discussion Pine County and Windemere Township

Prepared by:

Pine County Planning & Zoning Dept.

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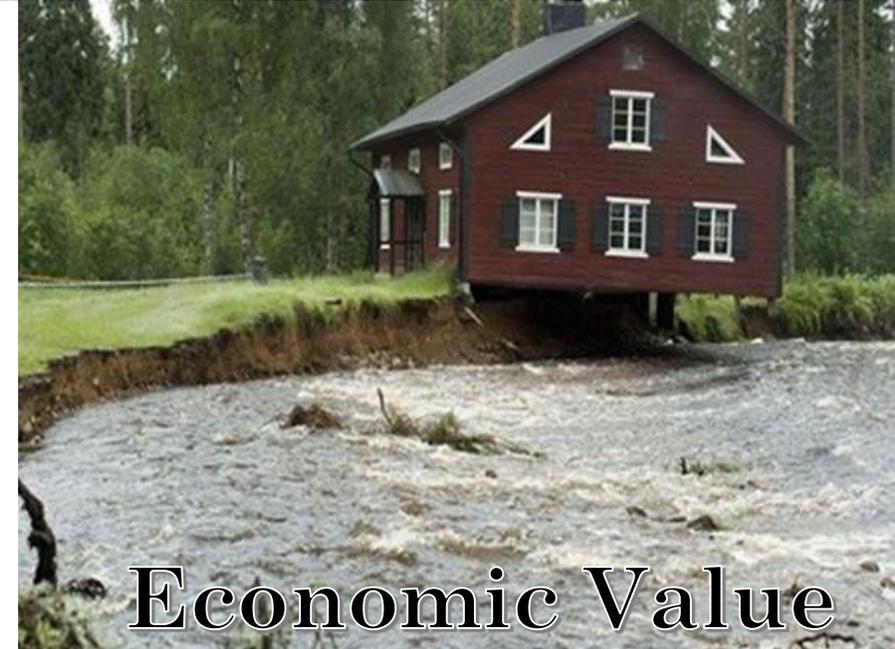
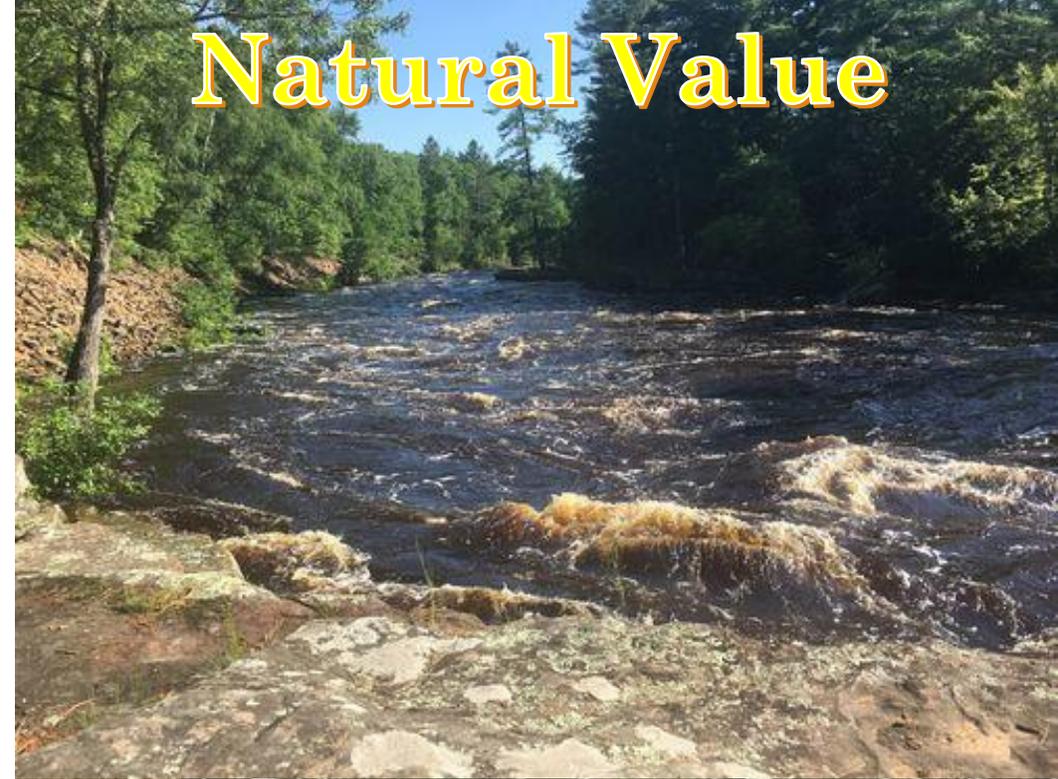
Outline

- Background
- Ordinance Comparison
 - Not exhaustive
- Functional Considerations (pros and cons)
- Process to defer zoning to county



Why shoreland zoning?

The Legislature of Minnesota has delegated responsibility to local governments to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources.



Preserving the Economic and Natural Value of Waterways:

A function of:

- Setbacks
- Impervious surface
- Vegetation
- Stormwater management
- SSTS management
- Shoreline preservation
- Density of development

All of these are addressed in shoreland regulations.



Preserving the natural and aesthetic value of waterways is not a small task.

Typical County Permit Process

- Application submitted
 - Electronic submission and credit card payment available
- Desktop review for completeness and issues of concern
- Additional info to be submitted by applicant if necessary
- Site visit by County staff
- Permit issued or denied
- Sites of concern may have mid-construction inspection
- Notices of Violation sent when needed
- Final inspection at expiration or completion of project
- Certificate of Compliance issued
- Records maintained for the public

Basic Provisions

Reference	Windemere Ordinance	Pine County Ordinance	Reference
Article 2	All buildings of a like nature at a property must be finished with uniform material of similar appearance to current structures.	Silent	
Article 2 L	All manufactured homes must be installed according to MN Building Code.	Skirting is required. Mobile homes must be anchored to the ground.	County Zoning Ordinance 5.4.1
Article 2	Cellars, basements, garages, tents, or accessory buildings shall not be used as independent residence or dwelling unit.	Silent	
Article 2	All dwelling units shall have a minimum 750 sq feet enclosed first floor living space.	Silent	
Article 2	Mobile homes may only be used as a principal dwelling or guest cottage.	Silent	
Article 2	Two residential structures may be allowed on one parcel provided lot dimensional requirements can be met.	Only in the Ag district may you have two dwellings. A guest cottage is allowed in most districts.	County Zoning Ordinance 3.4.1
Article 2 A	Structural additions smaller than 150 square feet do not need a permit.	All structure additions need permits.	Shoreland 3.4.1 Zoning Ordinance 2.4.1
Article 2 J	Structures less than 150 sq ft are exempt from permitting unless they're a water oriented accessory structure.	Non-shoreland: Structures less than 120 sq ft do not need permits but must comply with setbacks.	Zoning Ordinance 2.4.1
Article 2 I	All building permits require SSTS inspection.	All permits in shoreland require SSTS inspection.	County SSTS Ordinance

Basic Provisions

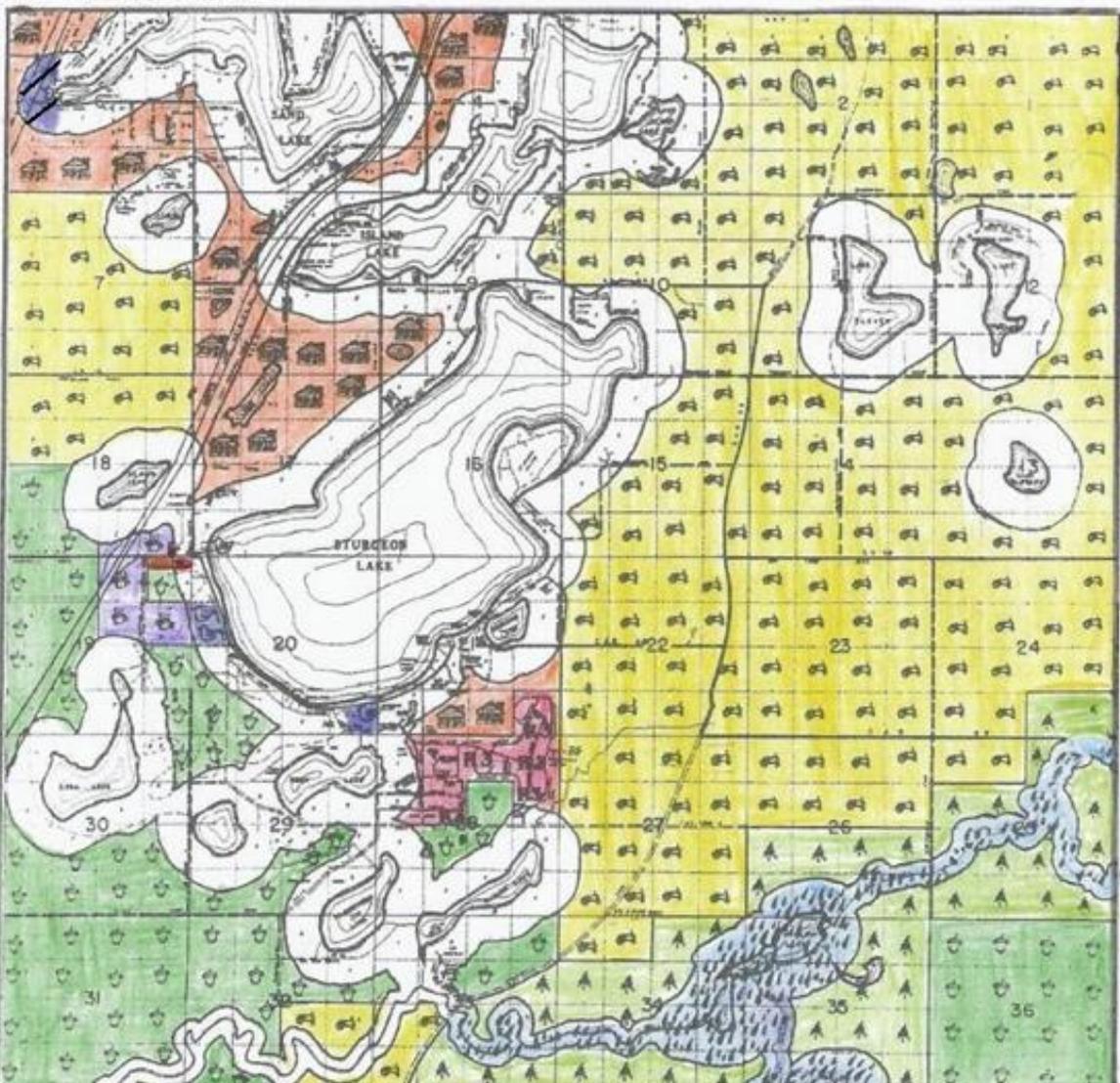
Reference	Windemere Ordinance	Pine County Ordinance	Reference
	Silent	Vacation Rentals by Owner require CUP/IUP	Shoreland. 4.4.3 and 2.7
	Silent	Variance applicants <u>may</u> volunteer variance mitigation.	Shoreland 3.6.9
	Silent	Interim Use Permits may be used at County's discretion for conditional uses.	Shoreland 3.7
	Silent	Patios treated as water oriented accessory structures. May be larger than 250 sq ft between SIZ and structure setback with stormwater plan.	Shoreland 5.2.2C
Article 3A Sec 10 H3j	Riprap standards exist. A few DNR standards missing.	Riprap standards mimic DNR requirements: must have observable erosion, specs for rock diameter, width limit	Shoreland 5.3.3D
	Silent	Retaining walls taller than 4' in shore impact zone must be engineered.	Shoreland 5.3.3D
	Silent	Construction of beach blankets within SIZ is prohibited. Contained sandboxes up to 32 sq ft allowed	Shoreland 5.3.3F
Article 3A Sec 10 H5	Standards exist for roads, driveways, and parking areas. No permit required.	Standards exist for roads, driveways, and parking areas. A permit is required.	Shoreland 5.4
Appendix Q	Planned Unit Development standards exist but do not include state shoreland standards.	Planned Unit Developments in shorelands must meet state density standards. stormwater requirements. etc.	Shoreland 8.0

Shoreland Tidbits

- Sideyard Setback: 15' and 10' in Windemere. 5' in County
- Rearyard Setback: 20' in Windemere, 10' in County
- Max lot coverage: 5% to 20% in Windemere. 25% in Pine County
- Township has more prescriptive brush and shrub clearing standards.
- Rec Development Lakes, SSTS setback: 100' in Windemere, 75' in County



Is this stormwater drain compliant?



 R2	RESIDENTIAL RURAL
R3 R3	HIGH DENSITY RESIDENTIAL
 A	AGRICULTURAL
 C	COMMERCIAL
 F1	FOREST MANAGEMENT DISTRICT
 F2	SPECIAL PROTECTION DISTRICT

SHORELANDS	
	RESIDENTIAL
	WATER ORIENTED COMMERCIAL
	WATER ORIENTED COMMERCIAL RESIDENTIAL
	SPECIAL PROTECTION DISTRICT

County has comparable districts.

County Districts:

- Residential Recreational
- High Density Res.
- Water-Oriented Comm.
- General Use
- Spec. Prot.

County Comprehensive Plan 2017-2030

- Foster a diverse, productive, and sustainable agricultural industry including: crops, livestock, forestry, ag support services, small to large farms, value added producers, and opportunities for new farmers.
- Enhance community and economic opportunities by improving access to broadband internet, higher wage jobs, and affordable housing.
- Promote property stewardship and management in order to accommodate tourism...
- Support small businesses and entrepreneurship
- Manage natural resources to optimize environmental and economic benefits in perpetuity.
- Ensure that development protects natural areas as well as water quality and habitat.



Windemere Township Comprehensive Plan, 2020

Major Recommendations

- 1. Zoning Administration:** Improve the administration and enforcement of current land use regulations, particularly regarding lakeshore locations. See page 2-1.
- 2. Zoning Variances:** Grant fewer variances to the zoning regulations, particularly in regard to house setbacks from the lakes and/or on-site wastewater treatment. Page 2-1.
- 3. Minimum Lot Sizes:** Increase the minimum size of residential lots that do not have public sewer in all zoning districts. Not affected by this change would be lots in the Shoreland Overlay District and lots that exist when the zoning ordinance is amended. See pages 2-4 through 2-8.
- 4. High-Density Residential Areas:** Do not approve any more High-Density Residential zoning locations not served by public sanitary sewer lines. See page 2-4.
- 5. Activities Incompatible with Housing:** Disallow new applications in the Rural Residential Area for these activities: mining, businesses other than home occupations or value-added agricultural businesses, garbage transfer stations, and farming that involves more than a small number of animal units, the number to be determined. See page 2-4.
- 6. Agriculture Businesses:** Continue to allow value-added agricultural businesses in the Rural Agricultural Area (the Agricultural zoning district) if they meet the requirements for on-site wastewater treatment adopted by Pine County. See pages 2-4 and 2-7.

The are 22 major recommendations.

The township should weigh whether the vision of the comp plan can be realized under county zoning.

Functional Considerations

Township Zoning	County Zoning
Zoning can be tailored to local nuances. Must be as restrictive as County and State.	Zoning can be tailored by township prescribing the zoning districts.
Township decides ordinance content, granting of variances CUPs, etc.	Town Board and town residents can submit comments on matters. Variance and CUP decisions should be more neutral, less politically influenced.
Staff in the community	Staff in the broader Pine County community
Limited staff time and office hours, but has flexibility for Saturdays	Staff available M-F 8am-4:30pm. Electronic submission of applications for absentee landowners.
Single staff person can be a challenging work setting. Staff turnover can result in large fluctuation of permitting and enforcement.	5 FTE zoning department provides more institutional knowledge and procedures. More professional consultation.
Administrative cost and legal risk to Township	No administrative cost or legal risk to Township. Administrative cost is encumbered on whole of Pine County.
Duplicative site visits by public officials: wetlands review, SSTS permitting	More efficient site visits on projects for zoning, SSTS, and/or wetlands review

Process for deferment

Below has been our process. It is advisable for the Township to consult its attorney.

- Zoning map to be developed for Windemere Township, inclusive of County districts
- Township passes resolution to opt-in to county zoning
- County Zoning Board recommends adoption of zoning map for Windemere Township
- Public Hearing takes place before County Board of Commissioners
- Ordinance adopted by Pine County Board of Commissioners, adopting zoning within Windemere Township and rescinding township zoning ordinance on township's behalf

Questions



Photo credit, Windemere Township Plan