

PROPOSED SHORELAND MANAGEMENT ORDINANCE

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MODEL SHORELAND MANAGEMENT ORDINANCE

1.0 STATUTORY AUTHORIZATION AND POLICY

1.1 **Statutory Authorization.** This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

1.2 **Policy.** Uncontrolled use of shorelands affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state 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. This responsibility is hereby recognized by the City of Detroit Lakes, Minnesota.

2.0 GENERAL PROVISIONS

2.1 **Jurisdiction.** The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section 4.1 of this ordinance, and to the shorelands of public water bodies greater than 10 acres in unincorporated areas in which the city may, in the future extended the application of its zoning regulations by ordinance as provided by MS 462.357 Subd 1. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.

2.2 **Compliance.** The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

2.3 **Enforcement.** The City of Detroit Lakes is responsible for the administration and enforcement of this ordinance. Enforcement may be by stop work order issued by the City, abatement or by Civil Action and the City is authorized to pursue any remedy available at law or in equity, including but not limited to temporary restraining orders, injunctions both mandatory and prohibitory as well as damages. In addition, any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be a separate offense for each day during which the violation continues, and shall be punishable as defined by law. Violations of this

ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 3.2 of this ordinance.

- 2.4 **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- 2.5 **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- 2.6 **Definitions.** Unless specifically defined in Section 2 of the Detroit Lakes Zoning Ordinance, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. For the purpose of this ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.
- 3.0 ADMINISTRATION
 - 3.1 **Purpose.** The purpose of this Section is to identify administrative provisions to ensure the ordinance is administered consistent with the purpose of the ordinance.
 - 3.2 **Permits.**
 - 3.21 A building permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 8.3 of this ordinance.
 - 3.22 A certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required whenever a permit or variance of any type is required for any improvement on or use of property where a sewage treatment system has been or will be installed. A sewage treatment system shall be considered compliant if the only deficiency is the system’s improper setback from the ordinary high water level.
 - 3.23 A mitigation permit may be issued in accordance with subsection 8.43 of this ordinance.
 - 3.3 **Application materials.** Application for permits and other zoning applications such as variances shall be made to the City on the forms provided. The application shall include the necessary information so that the City can evaluate how the application complies with the provisions of this ordinance.

3.4 **Zoning Compliance.** Any use, arrangement, activity or construction which does not conform with that authorized by building permit, mitigation permit, variance or conditional use permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 2.3 of this ordinance.

3.5 **Variances.** Variances may only be granted in accordance with Minnesota Statutes, Section 462.357 and are subject to the following:

3.51 A variance may not circumvent the general purposes and intent of this ordinance; and

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

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

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

3.62 The visibility of structures and other facilities as viewed from public waters is limited;

3.63 There is adequate water supply and on-site sewage treatment; and

3.64 The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

3.7 **Mitigation.**

3.71 In evaluating all variances, conditional uses, mitigation permits and building permit applications, the zoning authority shall require the property owner to address, when related to and proportional to the impact, the following conditions to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:

A. Storm water runoff management and treatment;

B. Reducing impervious surfaces;

C. Increasing setbacks from the ordinary high water level;

D. Restoration of wetlands;

- E. Limiting vegetation removal and/or riparian vegetation restoration;
- F. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
- G. Other conservation-designed conditions the zoning authority deems necessary.

3.72 In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

3.8 **Nonconformities.**

3.81 All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes, Sections 462.357 Subd. 1e, Section 3 of the City of Detroit Lakes Zoning Ordinance, and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.

3.82 All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, impervious surface, and other requirements of Sections 5.0 to 8.0 of this ordinance. Any deviation from these requirements must be authorized by a mitigation permit, expansion permit, or variance.

3.9 **Notifications to the Department of Natural Resources**

3.91 All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

3.92 All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

3.93 Any request to change the shoreland management classification of public waters within the jurisdiction of Detroit Lakes must be sent to the commissioner or the

commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.

3.94 Any request to reduce the boundaries of shorelands of public waters within the jurisdiction of Detroit Lakes must be sent to the commissioner or the commissioner's designated representative for approval. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

3.10 **Mandatory Environmental Assessment Worksheet.** An Environmental Assessment Worksheet (EAW) consistent with Minnesota Rules, Chapter 4410, must be prepared for projects meeting the thresholds of Minnesota rules, part 4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a.

4.0 SHORELAND CLASSIFICATION SYSTEM AND LAND USES

4.1 Shoreland Classification System

4.11 Purpose. To ensure that shoreland development on the public waters of Detroit Lakes is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.

4.12 The shoreland area for the waterbodies listed in Sections 4.13 are defined in Section 2 of the Zoning Ordinance and as shown on the Official Zoning Map.

4.13 Lakes, Rivers and Streams are classified and listed on the attached "Appendix A, List of Public Waters" as may be amended from time to time. For the purpose of this ordinance Public Ditch #13 is included in the Pelican River.

4.14 All public watercourses in Detroit Lakes shown on the Public Waters Inventory Map for Becker County, a copy of which is hereby adopted by reference, not given a classification in Appendix A shall be considered "Tributary."

4.2 Land Uses.

4.21 Purpose. To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.

4.22 Shoreland district land uses listed in Section 4.23 and 4.24 are regulated as:

A. Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed;

B. Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in Section 3.6 of this ordinance and any additional conditions listed in this ordinance; and

C. Not permitted uses (N). These uses are prohibited.

4.23 Land uses for lake classifications:

Land Uses	General Development	Recreational Development	Natural Environment
Single residential	P	P	P
Duplex, triplex, quad residential	P	P	C
Residential PUD	C	C	C
Water-dependent commercial - As accessory to a residential planned unit development	C	C	C
Commercial	P	P	C
Commercial PUD - Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 10.0 of this ordinance are satisfied.	C	C	C
Parks & historic sites	C	C	C
Public, semipublic	P	P	C
Industrial	C	C	N*
Agricultural: cropland and pasture	P	P	P
Agricultural feedlots - New	N	N	N
Agricultural feedlots - Expansion or resumption of existing	C	C	C
Forest management	P	P	P
Forest land conversion	C	C	C
Extractive use	C	C	C
Mining of metallic minerals and peat	P	P	P

*Except that in the Shoreland District of unnamed Lake 401 industrial uses will be permitted as a conditional use.

4.24 Land uses for river and stream classifications:

Land Uses	Remote	Forested	Transition	Agriculture	Urban	Tributary
Single residential	P	P	P	P	P	P
Duplex, triplex, quad residential	C	P	P	P	P	P
Residential PUD	C	C	C	C	C	C
Water-dependent commercial - As accessory to a residential planned unit development	C	C	C	C	C	C
Commercial	C	C	C	C	P	P
Commercial PUD - Limited expansion of a commercial PUDs involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 10.0 of this ordinance are satisfied.	C	C	C	C	C	C
Parks & historic sites	C	C	C	C	C	C
Public, semipublic	C	C	C	C	P	P
Industrial	N	C	N	N	C	C
Agricultural: cropland and pasture	P	P	P	P	P	P
Agricultural feedlots - New	N	N	N	N	N	N
Agricultural feedlots - Expansion or resumption of existing	C	C	C	C	C	C
Forest management	P	P	P	P	P	P
Forest land conversion	C	C	C	C	C	C
Extractive use	C	C	C	C	C	C
Mining of metallic minerals and peat	P	P	P	P	P	P

5.0 SPECIAL LAND USE PROVISIONS

5.1 Commercial, Industrial, Public, and Semipublic Use Standards.

5.11 Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:

- A. The use complies with provisions of Section 7.0;
- B. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;

- C. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
- D. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, provided that:
 - (1) No advertising signs or supporting facilities for signs may be placed in or upon public waters;
 - (2) Signs conveying directional information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the local jurisdiction;
 - (3) Signs may be placed within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information and:
 - (a) Must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size; and
 - (b) If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
 - (4) Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

5.12 Except with regard to properties that are riparian to the Pelican River, commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

5.2 **Agriculture Use Standards.**

5.21 **Buffers.**

- A. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the Natural Resource Conservation Service, as provided by a qualified individual or agency.

- B. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
- 5.22 New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:
- A. Must be designed consistent with Minnesota Rules Chapter 7020;
 - B. Feedlots must not further encroach into the existing ordinary high water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,
 - C. Old feedlots not currently in operation may resume operation consistent with Minnesota Statute Section 116.0711
- 5.3 **Forest Management Standards.**
- 5.31 The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers.
- 5.32 Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district.
- 5.4 **Extractive Use Standards.** Extractive uses are conditional uses and must meet the following standards:
- 5.41 **Site Development and Restoration Plan.** A site development and restoration plan must be developed, approved, and followed over the course of operation. The plan must:
- A. Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations;
 - B. Identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion; and
 - C. Clearly explain how the site will be rehabilitated after extractive activities end; and
- 5.42 **Setbacks for Processing Machinery.** Processing machinery must meet structure setback standards from ordinary high water levels and from bluffs.

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

6.0 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS

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

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

6.21 Only lands above the ordinary high water level can be used to meet lot area and width standards;

6.22 Lot width standards must be met at both the ordinary high water level and at the building line;

6.23 The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property;

6.24 Subdivisions with dwelling unit densities exceeding those in Sections 6.25 and 6.26 are allowed only if designed and approved as a PUD under Section 10.0 of this ordinance;

6.25 Lake Lot Area and Width Standards (lot area is measured in square feet and lot width in feet):

A. Natural Environment Lakes:

	Riparian lots				Nonriparian lots			
	Unsewered		Sewered		Unsewered		Sewered	
	Area	Width	Area	Width	Area	Width	Area	Width
Single	80,000	200	40,000	125	80,000	200	20,000	125
Duplex	120,000	300	70,000	225	160,000	400	35,000	220
Triplex	160,000	400	100,000	325	240,000	600	52,000	315
Quad	200,000	500	130,000	425	320,000	800	65,000	410

B. Recreational Development Lakes:

	Riparian lots				Nonriparian lots			
	Unsewered		Sewered		Unsewered		Sewered	
	Area	Width	Area	Width	Area	Width	Area	Width
Single	40,000	150	20,000	75	40,000	150	15,000	75
Duplex	80,000	225	35,000	135	80,000	265	26,000	135
Triplex	120,000	300	50,000	195	120,000	375	38,000	190
Quad	160,000	375	65,000	255	160,000	490	49,000	245

1) Based on an orderly annexation agreement, the following standards shall apply to sewered lots on Long Lake:

	Riparian lots		Nonriparian lots	
	Area	Width	Area	Width
Single	24,000	120	20,000	100
Duplex	39,000	180	31,000	160
Triplex	54,000	240	43,000	215
Quad	69,000	300	54,000	270

C. General Development Lakes:

	Riparian lots				Nonriparian lots			
	Unsewered		Sewered		Unsewered		Sewered	
	Area	Width	Area	Width	Area	Width	Area	Width
Single	20,000	100	15,000	75	40,000	150	10,000	75
Duplex	40,000	180	26,000	135	80,000	265	17,500	135
Triplex	60,000	260	38,000	195	120,000	375	25,000	190
Quad	80,000	340	49,000	255	160,000	490	32,500	245

6.26 River/Stream Lot Width Standards. There are no minimum lot area requirements for rivers and streams. The lot width standards are:

	Urban River		Forested River
	Unsewered	Sewered	
Single	100	75	200
Duplex	150	115	300
Triplex	200	150	400
Quad	250	190	500

6.3 Special Residential Lot Provisions.

6.31 Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:

A. Each building must be set back at least 200 feet from the ordinary high water level;

- B. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
 - C. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
 - D. No more than 25 percent of a lake's shoreline can be in duplex , triplex, or quad developments.
- 6.32. One guest cottage may be allowed with a conditional use permit on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 6.25 and 6.26, provided the following standards are met:
- A. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
 - B. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
 - C. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
 - D. A guest cottage must meet the same setback requirements as a principal structure.

6.33 Controlled access lots are prohibited.

6.4 **Placement, Height, and Design of Structures.**

6.41 Placement of Structures and Sewage Treatment Systems on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following provisions:

- A. *OHWL Setbacks.* Structures and sewage treatment systems must meet the following setbacks from the Ordinary High Water Level (OHWL):

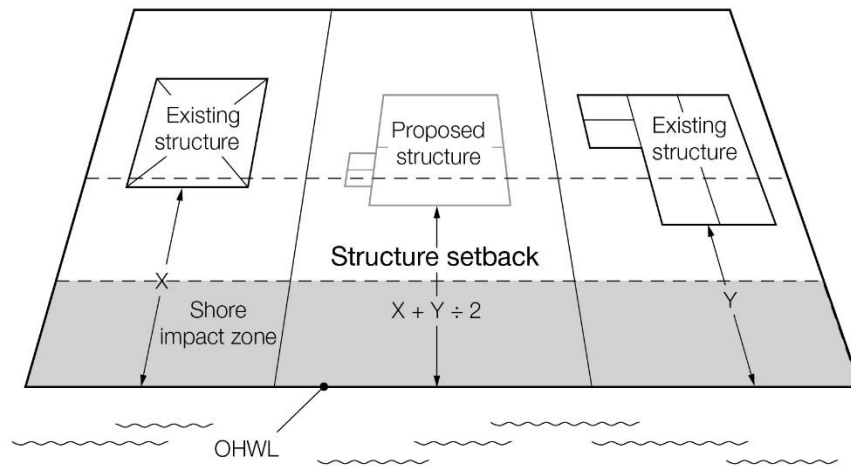
For all unsewered lots the sewage treatment system setbacks are the same as the structure setbacks.

	GD Lakes	RD Lakes	NE Lakes	Urban River	Forested River
Structure setback from OHWL (unsewered)	75	100	150	100	200
Structure setback from OHWL (sewered)	75*	75	150	50	200
Structure setback from top of bluff	30	30	30	30	30
Structure setback from side lot line	10	10	10	10	10
Structure setback from unplatted cemetery	50	50	50	50	50
Structure setback from federal, state, or county right-of-way	50	50	50	50	50
Structure setback from right-of-way of other roads	20	20	20	20	20

*Deck, patio, and pool setbacks from the OHWL on a sewered GD Lake may be 60 feet.

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

Structure Setback Averaging

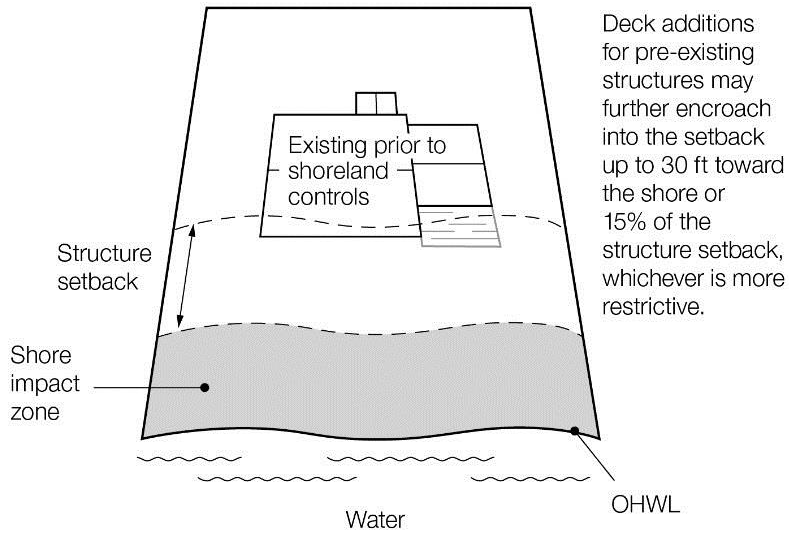


- C. *Deck additions to nonconforming structures in shoreland district.* Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met:

- (1) The structure existed on the date the structure setbacks were established;
- (2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

- (3) The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach into the shore impact zone, whichever is more restrictive; and
- (4) The deck is constructed as a pervious deck and is not roofed or screened.

Deck Encroachment



D. *Bluff Impact Zones.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

6.42 Height of Structures. Maximum structure height is listed below as the base standard based on lot type and shall apply to all structures except religious institutions.

Residential Height	Riparian	Nonriparian
“R-A”, “R-MH”, “R-1” & “R-2”	25ft	25ft
“R-M” & “R-4”	25ft	39ft

Commercial Height	Riparian*
Commercial / Industrial Districts	25ft

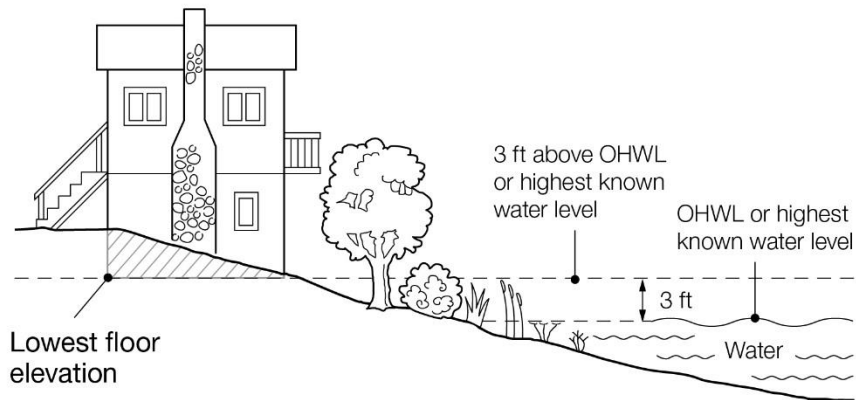
*Maximum building height on nonriparian lots in Commerical / Industrial Districts is regulated by the underlying applicable zoning district.

6.43 Lowest Floor Elevation. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the

elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

- A. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
- B. For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
- C. If the structure is floodproofed instead of elevated under items A and B above, then it must be floodproofed in accordance with Minnesota Rules, part 6120.5900 Subp. 3 (D).

Lowest Floor Elevation



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

6.5 Impervious Surface.

- A. Maximum impervious surface is listed below as the base standard based on lot type. Surface coverage between the base standard and the mitigation limit is allowed with offsetting mitigation as prescribed in Section 8.43.

Residential Impervious Surface	Riparian lots		Nonriparian lots	
	Base standard	Mitigation limit	Base standard	Mitigation limit
Residential Districts on Detroit Lake	25%	30%	25%	35%
All other areas	25%	Variance required	25%	Variance required

Commercial Impervious Surface	Riparian lots		Nonriparian lots	
	Base standard	Mitigation limit	Base standard	Mitigation limit
Commercial / Industrial Districts on Detroit Lake	35%	Variance required	25%	58%
All other areas	30%	Variance required	35%	Variance required

6.6 Water Supply and Sewage Treatment.

6.61 Water supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

6.62 Sewage treatment. Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with Minnesota Rules Chapters 7080 – 7081.

7.0 PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES

7.1 Placement and Design of Roads, Driveways, and Parking Areas. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:

7.11 Roads, driveways, and parking areas must meet structure setbacks from the OHWL and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;

7.12 Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met;

7.13 Private facilities must comply with the grading and filling provisions of Section 8.3 of this ordinance; and

7.14 For public roads and driveways, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

- 7.2 **Pools.** Pools must meet the following design requirements:
- 7.21 Pools are considered impervious.
 - 7.22 May not be constructed within the Shore Impact Zone.
 - 7.23 May not be constructed in a side yard setback and must be constructed thirty (30) feet from the road right-of-way.
- 7.3 **Stairways, Lifts, and Landings.** Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- 7.31 Not more than one stairway and one lift that does not exceed four feet in width is allowed on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
 - 7.32 Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public-space recreational uses, and planned unit developments;
 - 7.33 Canopies or roofs are not allowed on stairways, lifts, or landings;
 - 7.34 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;
 - 7.35 Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - 7.36 Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of subitems 7.21 to 7.25 and the requirements of Minnesota Rules, Chapter 1341.
- 7.4 **Water-oriented Accessory Structures.** Water-oriented accessory structures are not allowed.
- 7.5 **Fences, Landscape Walls, and Other Similar Features.** Fences, landscape walls, and other similar features, in addition to the fence provisions of Section 3 of the Zoning Ordinance, shall be restricted within the required setback between the structure and Ordinary High Water Level to no greater than 3 feet in height. Such improvements shall not be constructed in the shore impact zone.

8.0 VEGETATION, LAND ALTERATIONS, AND STORMWATER MANAGEMENT

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

8.2 **Vegetation Management.**

8.21 Removal or alteration of vegetation must comply with the provisions of this subsection except for:

- A. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;
- B. The construction of public roads and parking areas if consistent with Section 7.1 of this ordinance;
- C. Forest management uses consistent with Section 5.3 of this ordinance; and
- D. Agricultural uses consistent with Section 5.2 of this ordinance.

8.22 Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited. Intensive clearing outside of these areas is allowed if consistent with the forest management standards in Section 5.3 of this ordinance.

8.23 Limited clearing and trimming of trees, shrubs and groundcover in the shore and bluff impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, and beach and watercraft access areas, provided that:

- A. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
- B. Existing shading of water surfaces along rivers is preserved; and
- C. Cutting debris shall not be left on the ground in the shore impact or bluff impact zones.
- D. Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.
- E. Vegetation removal will not increase erosion.
- F. No more than 25 feet of shoreline or 25% of the lot width, whichever is less, may have intensive vegetation removal. For the intent of this ordinance, if more than 25

feet or 25% whichever is less, of the shoreline has already been cleared, then additional clearing will not be allowed.

G. A view corridor, defined as a line of sight on a riparian lot extending from the lakeward side of the principal residence toward the Ordinary High Water Level of a lake or river, is allowed provided that:

- (1) The area of intensive vegetation removal must be within the view corridor.
- (2) the total cumulative view corridor shall not exceed 50 feet or half the lot width, whichever is less; and
- (3) the total amount of tree/shrub removal within the view corridor shall not exceed 25% of the trees greater than 5 inches in diameter at 4 ½ feet above the ground and 25% of the trees/shrubs less than 5 inches in diameter.



8.24 Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

8.3 Land Alterations.

8.31 Land alterations must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section 7.1 of this ordinance.

8.32 Permit Requirements.

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

B. For all other work, a grading and filling permit is required for:

(1) the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and

(2) the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

8.33 Grading, filling and excavation activities must meet the following standards:

A. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minnesota Rules Chapter 8420 and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;

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

(1) Limiting the amount and time bare ground exposure;

(2) Using temporary ground covers such as mulches or similar materials;

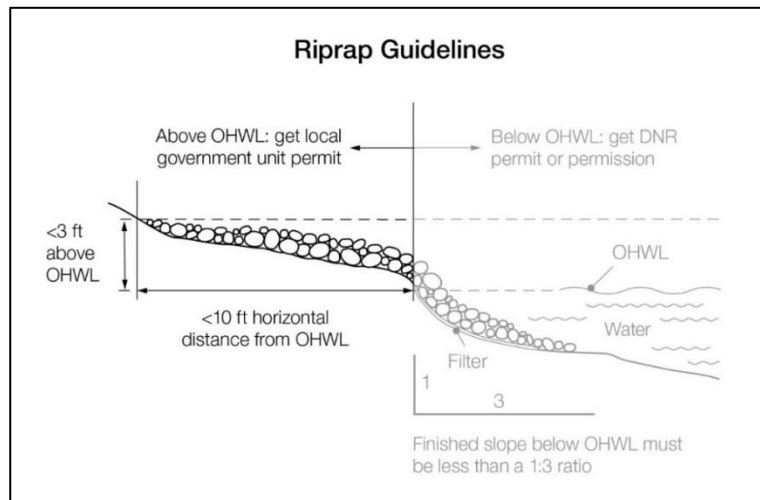
(3) Establishing permanent vegetation cover as soon as possible;

(4) Using sediment traps, vegetated buffer strips or other appropriate techniques;

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

(6) Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;

- (7) Fill or excavated material must not be placed in bluff impact zones;
- (8) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G;
- (9) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
- (10) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is allowed if:
 - (a) the finished slope does not exceed three feet horizontal to one foot vertical; and
 - (b) the landward extent of the riprap is within ten feet of the ordinary high water level; and
 - (c) the height of the riprap above the ordinary high water level does not exceed three feet; and
 - (d) the riprap material meets DNR specifications; and



- (e) the riprap is necessary to control an existing erosion problem.

- (11) Alterations of ice ridges are allowed only for the purpose of repairing shore line damage resulting from ice action within the past year except that a four foot wide walkway can be constructed upon an ice ridge.

8.34 Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with Minnesota Rules, Chapter 6115.

8.4 Stormwater Management.

8.41 General Standards:

- A. When possible, existing natural drainageways, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized as soon as possible and appropriate facilities or methods used to retain sediment on the site.
- C. When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must be given to surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

8.42 Specific Standards:

- A. Except for Planned Unit Developments specified in Section 10 in tiers 2, 3, 4, and 5 impervious surfaces of lots must comply with the standards in Section 6.5 of this ordinance.
- B. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the Minnesota Stormwater Manual.
- C. New constructed stormwater outfalls to public waters must be consistent with Minnesota Rules, part 6115.0231.

8.43 Mitigation. Mitigation may be used, as provided by this ordinance, to deviate from certain base performance standards for impervious surface coverage and building height.

- A. Mitigation for impervious surface coverage may be awarded as follows:
 - (1) Stormwater Volume Reduction for Impervious Surface Mitigation for residential and Commercial Uses, Commercial Planned Unit Developments and Residential Planned Unit Developments. Impervious surface in excess of the base standard will be mitigated by stormwater volume reduction up to the mitigation limit. Volume reduction shall be by onsite infiltration and/or other volume reduction methods (e.g. rainwater harvesting). The volume is equal to the runoff generated by the 2-year, 24-hour storm event (as prescribed by NOAA Atlas 14 Point Precipitation Frequency Estimate) over the impervious surface exceeding the base standard listed in Section 6.5. Infiltration systems

and/or other volume reduction methods shall be designed, constructed, and maintained in accordance with the Minnesota Stormwater Manual. Certification by a licensed professional engineer or a licensed landscape architect may be required. If this volume reduction standard cannot be met, impervious surface is limited to the base standard listed in Section 6.5.

(2) On-site Stormwater Management as presented in this section can be used as mitigation up to the mitigation limit in Section 6.5, for individual residential lots not included in a new subdivision or PUD greater than one acre on Detroit Lake only.

(a) For Nonconforming Riparian Lots on Detroit Lake and all nonriparian lots on Detroit Lake, the net increase in impervious surface over the base amount must be mitigated with an onsite stormwater facility (rain garden) that treats a 1.1 inch rainfall as follows:

- (1) Up to 2% net increase must be treated on a 2:1 basis
- (2) 2% to 4% must be treated on a 3:1 basis
- (3) Over 4% must be treated on a 4:1 basis

(b) For Conforming Riparian Lots on Detroit Lake, the net increase in impervious surface over the base amount must be mitigated as follows:

- (1) Up to 2% net increase must be treated with onsite stormwater facility (rain garden) that treats a 1.1 inch rainfall on a 2:1 basis
- (2) If the net increase is 2% or over, the entire increase must be mitigated with a riparian Natural Buffer that is the length of the Shoreline with a minimum depth of 15 feet. An access open area through the Natural Buffer with a maximum width of 6 feet is allowed.

B. Implementation. For all of the above noted mitigation measures the land owner must apply for and obtain a Mitigation Permit in addition to all other required permits and pay all fees associated with the application for those permits. The land owner must also sign a Mitigation Measures Maintenance Agreement that will be recorded against the property. Installed mitigation measures will be inspected at the time of installation and at the point of sale. Failure to maintain the agreed upon mitigation measures is a violation of this ordinance and will be treated accordingly.

9.0 SUBDIVISION/PLATTING PROVISIONS

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

- 9.2 **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 10.0 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- 9.3 **Consistency with other controls.** Subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose and so that it complies with the City of Detroit Lakes Subdivision Ordinance.
- 9.4 **Water and Sewer Design Standards.**
- 9.41 A potable water supply and a sewage treatment system consistent with Minnesota Rules, Chapters 7080 – 7081 must be provided for every lot.
- 9.42 Each lot must include at least two soil treatment and dispersal areas that support systems described in Minnesota Rules, parts 7080.2200 to 7080.223 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.
- 9.43 Lots that would require use of holding tanks must not be approved.
- 9.5 **Information requirements.**
- 9.51 Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
- 9.52 The surface water features required in Minnesota Statutes, Section 505.021, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
- 9.53 Adequate soils information to determine suitability for building and sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
- 9.54 Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
- 9.55 Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

- 9.56 A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- 9.6 **Dedications.** When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- 9.7 **Platting.** All subdivisions that cumulatively create one or more lots or parcels that are 5 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.
- 10.0 PLANNED UNIT DEVELOPMENTS (PUDs)
- 10.1 **Purpose.** To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.
- 10.2 **Types of PUDs Permissible.** Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum standards of Section 6 of this ordinance is allowed if the standards in this Section are met.
- 10.3 **Processing of PUDs.** Planned unit developments must be processed as a conditional use. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 10.5. Approval cannot occur until all applicable environmental reviews are complete.
- 10.4 **Application for a PUD.** The applicant for a PUD must submit the following documents prior to final action on the application request, in addition to meeting the requirements as provided in Section 20 of the Zoning Ordinance.
- 10.41 Site plan and/or plat showing:
- A. Locations of property boundaries;
 - B. Surface water features;
 - C. Existing and proposed structures and other facilities;
 - D. Land alterations;

- E. Sewage treatment and water supply systems (where public systems will not be provided);
 - F. Topographic contours at two-foot intervals or less; and
 - G. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).
- 10.42 A property owners association agreement (for residential PUD’s) with mandatory membership, and consistent with Section 10.6 of this ordinance.
- 10.43 Deed restrictions, covenants, permanent easements or other instruments that:
- A. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
 - B. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 10.6 of this ordinance.
- 10.44 A master plan/site plan describing the project and showing floor plans for all commercial structures.
- 10.45 Additional documents necessary to explain how the PUD will be designed and will function.
- 10.5 **Density Determination.** Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.
- 10.51 Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines approximately parallel to the ordinary high water level at the following intervals, proceeding landward:

Classification	Tier Depth	
	No Sewer (ft)	Sewer (ft)
General Development Lakes – 1st tier	200	200
General Development Lakes – all other tiers	267	200
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All Rivers	300	300

10.52 Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.

10.53 Step 3. Determine Base Density

A. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base entity, for each tier. For rivers, divide the tier by the minimum single residential lot width.

B. For commercial PUDs:

- (1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.
 - (a) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.
 - (b) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:
 - I. For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.
 - II. For recreational vehicles, campers or tents, use 400 sf.
- (2) Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Section 10.53 B(1):

Inside Living Floor Area or Dwelling Site Area (sf)	Floor Area/Dwelling Site Area Ratio		
	General Development Lakes w/Sewer – all tiers General Development Lakes w/no sewer – 1 st tier Agricultural, Urban and Tributary Rivers	General Development Lakes w/no sewer – all other tiers Recreational Development Lakes Forested and Transition Rivers	Natural Environment Lakes Remote Rivers
≤ 200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
≥ 1,500	.150	.075	.038

- (3) Multiply the suitable area within each tier determined in Section 10.52 by the floor/dwelling site area ratio to yield the total floor/dwelling site area for each tier to be used for dwelling units or dwelling sites.
- (4) Divide the total floor/dwelling site area for each tier calculated in Section 10.53 B(3) by the average inside living floor area for dwelling units determined in 10.53 B(1). This yields the base number of dwelling units or dwelling sites, or base density, for each tier.

- C. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.
- D. All PUDs with densities above the base density must meet the design standards in Section 10.6.

10.54 Step 4. Determine if the Site can Accommodate Increased Density

- A. The following increases to the dwelling unit or dwelling site base densities determined in Section 10.53 are allowed if the design criteria in Section 10.6 of this ordinance are satisfied, as well as the standards in Section 10.54 B.

Shoreland Tier	Maximum density increase within each tier (percent)
1 st	50
2 nd	100
3 rd	200
4 th	200
5 th	200

- B. Structure setbacks from the ordinary high water level:
- (1) Are increased to at least 50 percent greater than the minimum setback; or
 - (2) The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.
- C. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

10.6 Design Criteria.

10.61 General Design Standards.

- A. All residential planned unit developments must contain at least five dwelling units or sites.
- B. On-site water supply and sewage treatment systems must be centralized and meet the standards in Section 6.6 of this ordinance. Sewage treatment systems must meet the setback standards of Section 6.41 A of this ordinance.
- C. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.
- D. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Sections 6.3 and 6.4.
- E. Shore recreation facilities:
- (1) Must be centralized and located in areas suitable for them based on a suitability analysis.

- (2) The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).
- F. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- G. Accessory structures and facilities must meet the required structure setback and must be centralized.

10.62 Open Space Requirements.

- A. Open space must constitute at least 50 percent of the total project area (and must include:
 - (1) Areas with physical characteristics unsuitable for development in their natural state;
 - (2) Areas containing significant historic sites or unplatted cemeteries;
 - (3) Portions of the shore impact zone preserved in its natural or existing state as follows:
 - (a) For existing residential PUD's, at least 50 percent of the shore impact zone
 - (b) For new residential PUDs, at least 70 percent of the shore impact zone
 - (c) For all commercial PUD's, at least 50 percent of the shore impact zone; and
- B. Open space may include:
 - (1) Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 - (2) Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and
 - (3) Non-public water wetlands.
- C. Open space shall not include:

- (1) Dwelling units, building lots, building sites, road rights-of-way, land covered by road surfaces, parking areas or structures, and other lots or sites;
- (2) Land below the OHWL of public waters; and
- (3) Commercial facilities or uses.

10.63 Open Space Maintenance and Administration Requirements.

A. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of restrictive deed covenants, permanent easements, public dedication, or other equally effective and permanent means and prohibit:

- (1) Commercial uses (for residential PUD's);
- (2) Vegetation and topographic alterations other than routine maintenance;
- (3) Construction of additional buildings or storage of vehicles and other materials;
and
- (4) Uncontrolled beaching of watercraft.

B. Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owners association with the following features:

- (1) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;
- (2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;
- (3) Assessments must be adjustable to accommodate changing conditions; and
- (4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

10.64 Erosion Control and Stormwater Management.

A. Erosion control plans must be developed and must be consistent with the provisions of Section 8 of this ordinance and all other city regulations.

- B. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff and must comply with the volume reduction requirements in Section 8.43 A(1).
- C. Planned Unit Developments in the 1st tier on all lakes must meet the impervious surface requirements of Section 6.5.

10.7 **Conversions.** Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:

- 10.71 Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;
- 10.72 Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;
- 10.73 Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - A. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - B. Remedial measures to correct erosion, improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
 - C. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced; and
- 10.74 Existing dwelling unit or dwelling site densities that exceed standards in Section 10.5 of this ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

Appendix A
List of Public Waters

Rivers and streams	I.D. Number	Classification	OHW*
Pelican River	545	Urban River	Not listed
Sucker Creek	551	Forested River	Not listed
Lakes	I.D Number	Classification	OHW*
Detroit	381	General Development	1334.3
Floyd	387	General Development	1354.8
Sallie	359	General Development	1330.3
Curfman	363	Recreational Development	1334.3
Fox	358	Recreational Development	1334.0
Long	383	Recreational Development	1351.2
Munson	357	Recreational Development	1333.9
Muskrat	360	Recreational Development	1334.3
Abby	366	Natural Environment	1339.9
Beer	395	Natural Environment	Not listed
Brandy	400	Natural Environment	Not listed
Dart	474	Natural Environment	Not listed
East Twin	367	Natural Environment	Not listed
Glawe	364	Natural Environment	Not listed
Meadow	371	Natural Environment	Not listed
Mud	402	Natural Environment	Not listed
Nottage	372	Natural Environment	Not listed
Oar	397	Natural Environment	Not listed
Rice	394	Natural Environment	1351.6
Schultz	278	Natural Environment	Not listed
Senica	365	Natural Environment	1358.5
Slough	368	Natural Environment	1336.0
St. Clair	382	Natural Environment	1337.5
Strunk	399	Natural Environment	Not listed
West Twin	369	Natural Environment	1336.0
Wine	398	Natural Environment	Not listed
Unnamed	401	Natural Environment	Not listed
Unnamed	396	Natural Environment	Not listed

*NGVD 29

Section 2. Definitions

The following words and terms, wherever they occur in this ordinance, shall be interpreted as herein defined:

Accessory Structure or Facility. Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks. **(Ordinance No. 67, Adopted 11/5/1991)**

Agriculture Uses. Those uses commonly associated with the growing of produce on farms. These include: Field crop farming; pasture for hay; fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale of in season products grown on premises; and livestock raising and feeding, but not including fur farms, commercial animal feed lots, and kennels.

Alley. A public right-of-way less than thirty (30) feet in width which affords secondary access to abutting property.

Animal feedlot. A facility as defined by Minnesota Rules, part 7020.0300.

Apartment. A room or suite of rooms which is designed for, intended for, or occupied as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.

Apartment Building. Three (3) or more apartments grouped in one building.

Aquifer Recharge Areas. All land surface areas which by nature of their surface and/or subsurface soil characteristics are determined to contribute to the replenishment of subsurface water supplies.

Artificial Obstruction. Any obstruction which is not a natural obstruction (see obstruction).

Automobile Repair-Major. General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning

Automobile Repair-Minor. Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding nine thousand (9,000) pounds gross weight, but not including any operation specified under "automobile repair-major".

Automobile Wrecking or Junk Yard. Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any goods, articles, or merchandise.

Basement. A portion of a building located partially underground, but having less than one-half (1/2) its floor to ceiling height below the average land grade.

Bed and Breakfast Establishments. Any place of lodging for five (5) or fewer rooms for rent, is the owner's place of residence, and is occupied by the owner at the time of rental. (Ordinance No. 57, Adopted 2-5-91)

Block. A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines, waterways, or boundary lines of the corporate limits of the City, except in the Shoreland District a block shall mean a distance of 500 feet.

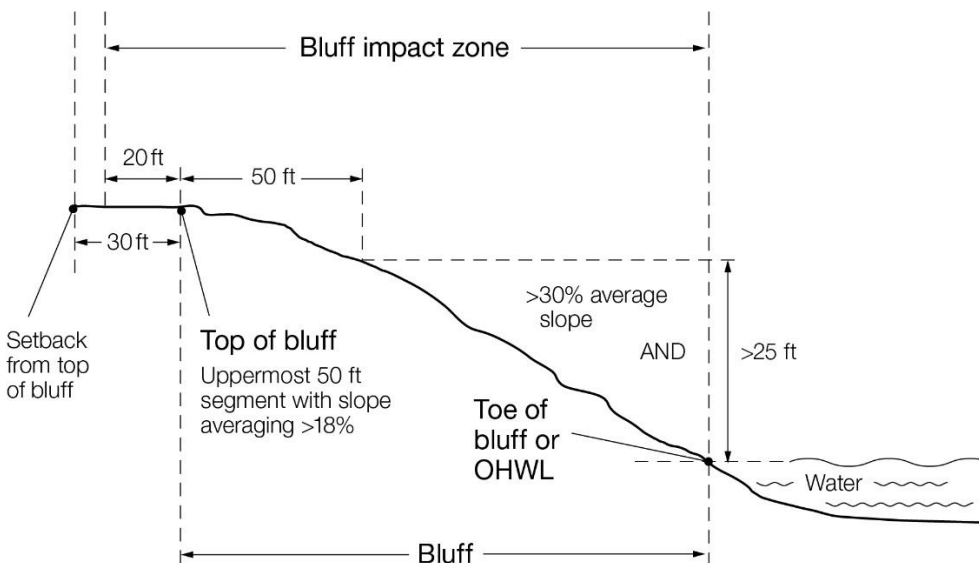
(Ordinance No. 57, Adopted 2/5/1991)

Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least 25 feet above the toe of bluff;
- C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the toe of the bluff averages 30 percent or greater, except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff; and
- D. The slope must drain toward the waterbody.

Bluff Impact Zone. A bluff and land located within 20 feet from the top of a bluff.

Bluff, Bluff Impact Zone, Top and Toe of Bluff



Bluff, Toe of. The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.

Bluff, Top of. For the purposes of measuring setbacks, The higher point of a 50-foot segment with an average slope exceeding 18 percent.

Boarding (House) Home-Foster Children. A family dwelling where children out of their own homes are cared for.

Boarding House. A building other than a hotel where, for the compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided to five (5) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) persons.

Boathouse. A facility as defined by Minnesota Statutes Section 103G.245

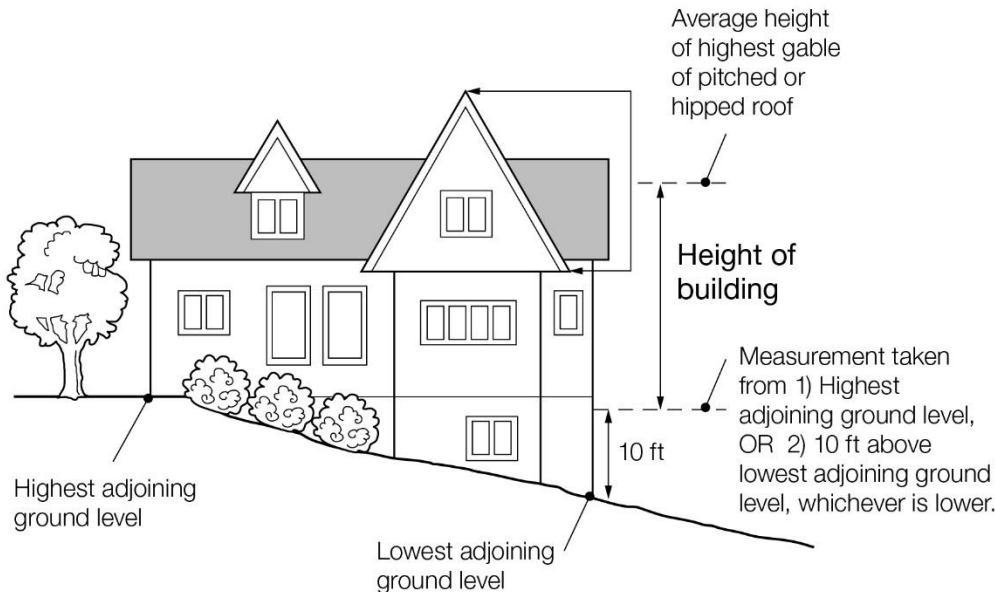
Buffer. An area as defined by Minnesota Stat. 103F.48 Subd. 1 (c). .

Buildable Area. The portion of a lot remaining after required yards have been provided.

Building. Any structure used or intended for the shelter, support, or enclosure of persons, animal, chattle, or property of any kind and when separated by dividing walls without openings, each portion of such a structure so separated shall be deemed a separate building. **(Ordinance No. 11, Adopted 8/12/1986)**

Building Height. The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lowest, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof. **(Ordinance No. 67, Adopted 11/5/1991)**

Height of Building



Building Line. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Building Width. The building width shall be the narrowest dimensions measured to the exterior of the building regardless how it is orientated on the lot. The width is the installed width and does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space. Pro-vided, however, this minimum width regulation shall not apply to seasonal use rooms, such as porches and breeze ways, accessory buildings, garages or car ports, and provided further, that the minimum width requirement shall not apply to additions to existing structures where such addition is less than 400 square feet in area. **(Ordinance No. 11, Adopted 8/12/1986)**

Business. Any establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

Carport. A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three (3) sides.

Cellar. That portion of a building having more than one-half (1/2) of the floor to ceiling height below the average land grade.

Channel. A natural or artificial depression of perceptible extent, with definite bed or banks to confine and conduct water either continuously or periodically.

Church. A building together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clear Cutting. Intensive Vegetation Clearing

Club or Lodge. A club or lodge is a nonprofit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, provided such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state, and municipal laws.

Commercial Planned Unit Developments. Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
(Ordinance No. 67, Adopted 11/5/1991)

Commercial Recreation. Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, tavern, theater, firearms range, boat rental, amusement rides, campgrounds, deer park, and similar uses.

Commercial Use. The principal use of land or buildings for the sale, lease, rental or trade of products, goods, and services. (Ordinance No. 67, Adopted 11/5/1991)

Commissioner. The Commissioner of the Department of Natural Resources. (Ordinance No. 67, Adopted 11/5/1991)

Conditional Use. A land use or development as defined by Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood. (Ordinance No. 67, Adopted 11/5/1991)

Conditional Use Permit. A permit issued by the council in accordance with procedures specified in this ordinance, as a flexibility device to enable the council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

Condominium. A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Sections 515.01 and 515.19.

Controlled Access Lot. A lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.

Convenience Food Establishment. An establishment which serves food in or on disposable or edible containers in individual servings for consumption on and off the premises.

Cooperative (Housing). A multiple family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contracted to a condominium dwelling where individual units are under separate individual occupant ownership.

Court. An unoccupied open space other than a yard which is bounded on two (2) or more sides by walls of the buildings.

Crowding Potential. The ratio of total acreage to shore miles.

Day Care Home. A family dwelling in which foster care, supervision and training for children of school or pre-school age out of their own home is provided.

Day Care-Group Nursery. A service provided to the public, in which children of school or pre-school age are cared for during established business hours, including Montessori School.

Department Store. A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed and exhibited and sold directly to the customer for whom the goods and services are furnished.

Deck. A horizontal, uncovered unenclosed structure with or without attached railings, seats, trellises, or other features, composed of boards made of synthetic or natural materials and attached or functionally related to a principal use or site. A deck is considered to be impervious for purposes of this ordinance unless it is constructed with a maximum board width of eight inches, a minimum space between the boards of one quarter inch and the entire surface area under the deck is pervious material.

Deposition. Any rock, soil, gravel, sand or other material deposited naturally or by man into a waterbody, water-course, floodplains, or wetlands.

District. A section or sections of the city for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted herein.

Diversion. A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

Dog Kennel. Any place where three (3) dogs or more over six (6) months of age are boarded, bred, and/or offered for sale, except a veterinary clinic.

Draining. The removal of surface water or ground water from land.

Dredging. To enlarge or clean out a waterbody, watercourse, or wetland.

Drive-In Establishment. An establishment which accommodates the patrons automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

Driveway. A horizontal uncovered area with a width greater than four (4) feet utilized for motor vehicle travel to provide access, ingress, egress to and from a public street or alley. For purposes of this ordinance, a Driveway is not a structure, but is considered an impervious surface.

Duplex, Triplex, and Quad. A dwelling structure on a single lot, having two, three, or four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities. **(Ordinance No. 67, Adopted 11/5/1991)**

Dwelling. A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family, and multiple family dwellings, but not including hotels, motels, and boarding houses.

Dwelling, Manufactured (Mobile) Home. A structure transportable in one or more sections which, in a travel mode, is eight body feet or more in width or forty body feet or more in length or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities; including plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all of the requirements with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under Minnesota Statutes, Chapter 327, Section 327.31. **(Ordinance No. 7, Adopted 3/4/1986)**

Dwelling, Multiple (Apartment). A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but sharing hallways and main entrances and exits.

Dwelling, Single-Family. A detached dwelling unit designed exclusively for occupancy by one (1) family.

Dwelling Site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites. **(Ordinance No. 67, Adopted 11/5/1991)**

Dwelling, Two-Family. A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

A. Double Bungalow; a two-family dwelling with (2) units side by side.

Dwelling Unit. Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations, such as motel, hotel, and resort rooms and cabins. **(Ordinance No. 67, Adopted 11/5/1991)**

Elderly (Senior Citizens) Housing. A public agency owned or controlled multiple dwelling building with open occupancy limited to persons over sixty (60) years of age.

Efficiency Apartment. A dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets, or dining alcove.

Essential Services. The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

Equal Degree of Encroachment. The method of determining the location of encroachment lines so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the floodplain along both sides of a stream for a significant reach.

Expansion Permit. A permit issued by the council in accordance with procedures specified in this ordinance to expand, enlarge, or intensify conforming aspects of a nonconforming use.

Extractive Use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals and peat not regulated under Minnesota Statutes, Section 93.44 to 93.51. **(Ordinance No. 67, Adopted 11/5/1991)**

Family. One (1) or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than five (5) persons not so related maintaining a common household and using common cooking and kitchen facilities.

Filling. The act of depositing any rock, soil, gravel, sand or other material so as to fill or partly fill a waterbody, watercourse, or wetland.

Flood. A temporary rise in stream flow or stage which results in inundation of the areas adjacent to the channel.

Flood Frequency. The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded. By strict definition, such estimates are designated "exceedance frequency", but in practice the term "frequency" is used. The frequency of a particular stage or discharge is usually expressed as having a probability of occurring once within a specific number of years.

Flood Fringe. That portion of that floodplain outside of the floodway.

Floodplain. The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Flood Profile. A graph or longitudinal plot of water surface elevations of a flood event along a reach of a stream or river.

Floodway. The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.

Floor Area. The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include; basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall include fifty (50) percent of the area of attached garages and twenty-five (25) percent of enclosed breezeways and porches, but shall not include basement area.

Forest Land Conversion. The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand. **(Ordinance No. 67, Adopted 11/5/1991)**

Garage-Private. Any accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service, or industry is carried on; provided that not more than one-half (1/2) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented.

Garage-Public. A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

Grade; Adjacent Ground Elevation. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Grading. Changing the natural or existing topography of the land.

Group Care Facility. A facility which provides resident services to seven (7) or more individuals of whom one (1) or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. Category includes uses such as homes for the physically handicapped, mentally retarded, chemically dependent, foster children, maternity shelters, and half-way houses.

Guest Cottage. A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on the lot.

Guest Room. A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.

Home Occupations. Any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling. Such activity shall be clearly incidental and secondary to the residential use of the premises. Permissible home occupations shall not include the conducting of a retail business other than by mail, manufacturing business, or a repair shop of any kind on the premises, and no stock in trade shall be kept or sold. No person other than persons residing on the premises shall be employed and no mechanical equipment shall be employed that is not customarily found in the home and no more than one (1) room may be devoted to home occupational use. Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings. The entrance to the space devoted to such occupations shall be within the dwelling. There shall be no exterior signs except as allowed in the sign regulations for the zoning district in which such home occupation is located. There shall be no exterior storage of equipment or materials used in the home occupation. No home occupation shall be permitted which results in or generates more traffic than one (1) car for off-street parking at any one given point in time. Permissible home occupations include, but are not limited to the following: Art studio, dressmaking, special offices of clergyman, lawyer, architect, engineer, accountant, or real estate agent or appraiser, when located in a dwelling unit occupied, or which is occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

Impervious Surface. A hard surface or other material that prevents, impedes or retards the infiltration of a gas, air, fluids or water into the soil. Examples include but are not limited to rooftops, streets, walkways, patios, driveways, parking lots, parking spaces, swimming pools, storage areas and other facilities where concrete, bituminous, bricks, pavers, compacted sand, lime, rock, plastic or gravel exist or have been installed.

Industrial Use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items. **(Ordinance No. 67, Adopted 11-5-91)**

Intensive Vegetation Clearing. The removal of ninety percent (90%) or more of one or more types of natural or enhanced native perennial vegetation from a lot or parcel.

Intermittent. A stream or portion of a stream that flows only in direct response to precipitation.

Junk Yard or Salvage Operation. Land or buildings where waste, discarded or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including but not limited to, scrap metal, rags, paper, hides, rubber products, glass products, lumber products,

and products resulting from the wrecking of automobiles or other vehicles. (**Ordinance No. 315, Amended 9/11/2007**)

Loading Space. That portion of a lot or plot designed to service the purpose of loading or unloading all types of vehicles.

Lodging House. A building other than a hotel, where for compensation for definite periods, lodging is provided for three (3) or more persons not of the principal family, but not including a building providing this service for more than ten (10) persons.

Lodging Room. A room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one (1) lodging room.

Lot. A contiguous quantity of land composed of one or more separate quantities of land designated by Plat, metes and bounds description, registered land survey, auditor's plat or other accepted means of description that is in the possession of, owned by or recorded as the property of the same entity or person. A Lot may or may not be the same as a Parcel designated by the Becker County Auditor as a separate unit for real estate taxation purposes.

Lot Area. The area of a horizontal plane within the lot lines.

Lot Area per Family. The lot area required by this ordinance to be provided for each family in a dwelling.

Lot, Auditors. A lot termed an auditors lot on any plat shall be defined the same as "lot" for purposes of this ordinance.

Lot, Corner. A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

Lot, Depth. The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

Lot, Double Frontage. An interior lot having frontage on two (2) streets.

Lot, Frontage. The front of a lot shall be construed to the portion of the lot nearest the street, road, or body of water if the lot abuts water. When the lot abuts a body of water, the shoreline shall be considered the front yard. (**Ordinance No. 11, Adopted 8/12/1986**)

Lot, Interior. A lot, other than a corner lot, including through lots.

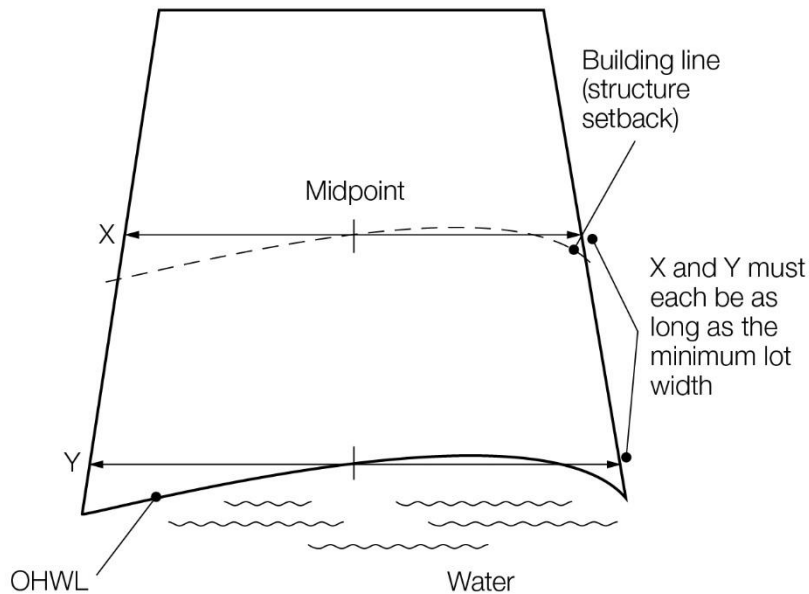
Lot, Line. A property boundary line of any lot held in a single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

Lot, Through. A lot fronting on two parallel streets.

Lot Width. Lot Width means the minimum distance between:

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

Lot Width



Medical and Dental Clinic. A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.

Metallic minerals and peat. “Metallic minerals and peat” has the meaning given under Minnesota Statutes, Sections 93.44 to 93.51.

Mobile Home Park, Independent. An approved mobile home park which has underground utility service to each site and only permits independent mobile homes.

Mobile Home Park, Dependent. An approved mobile home park which has underground utility service to each site and also restrooms and washing facilities as specified by the State of Minnesota.

Mobile Home, Independent. A mobile home which is constructed to utilize a public water and sewer system, an external course of electric service and an external source for heating shall be equipped with a stool, shower or tub, and laundry facilities.

Motel/Motor Home. A building or group of detached, semi-detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used, or intended to be used primarily for the accommodation of transient guests traveling by automobile.

Motor Fuel Station. A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

Motor Freight Terminal (Truck Terminal). A building in which freight brought by motor truck is assembled and sorted for routing in intrastate and interstate shipment.

Municipal Water and Sewer Systems. Utility systems serving a group of buildings, lots or an area of the City, with the design and construction of such utility systems as approved by the City Engineering Department and Public Utilities Commission.

Natural Buffer. An unmown, undisturbed natural or enhanced native perennial vegetation area, excluding invasive plants and noxious weeds, that is managed to stabilize and maintain the integrity of upland, shorelines and river or stream channels to reduce the impact of upland sources of water runoff pollution by trapping, filtering and converting sediments, nutrients and other chemicals, stabilizing soils, shores and banks to protect or provide riparian corridors to supply food, cover and thermal protection to fish and other wildlife.

Natural Drainage System. All land surface areas which by nature of their contour configuration, collect, store, and channel surface water run-off.

Natural Obstruction. Means any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse, or wetland by a non-human cause.

Non-Conforming Structure or Use. Any structure or use which on the effective date of this ordinance does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this ordinance.

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

(Ordinance No. 67, Adopted 11/5/1991)

Nursing Homes (Rest Homes). A building having accommodations where care is provided for two (2) or more invalids, infirmed, aged, convalescent, or physically handicapped persons that are

not of the immediate family; but not including hospitals, clinics, sanatoriums, or similar institutions.

Obstruction (Floodplain). Any storage of material, or equipment, any dam, wall, wharf, embankment, levee, road, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, wire, fence, stockpile, refuse, fill deposit, clearing of trees or vegetation, structure or matter, in, along, across, or projecting, in whole or in part, into any floodplain.

Off-Street Loading Space. A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.

Open Sales Lot. Any open land used or occupied for the purpose of buying, selling, and/or renting merchandise and for the storing of same prior to sale.

Ordinary High Water Level. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water courses, the ordinary high water mark level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
(Ordinance No. 67, Adopted 11/5/1991)

Out-Patient Care. Medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.

Parking Ramp. An accessory structure designed and used for the storage of motor vehicles at, below, and/or above grade.

Parking Space. An area within a Lot, enclosed in the Principal Structure, in an accessory building, or unenclosed, sufficient in size to store one or more motor vehicles, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile or motor vehicle. A Parking Space is considered an Impervious Surface for purposes of this ordinance, but unenclosed Parking Spaces are not structures for setback purposes.

Patio. A horizontal, uncovered, unenclosed structure attached or unattached to a Principal Structure or Guest Cottage with a width greater than four (4) feet that is not used as a Parking Space, composed of any material other than boards made of synthetic or natural materials, including but not limited to concrete, bituminous, flagstones, bricks, compacted gravel or pavers. A Patio is considered an Impervious Surface for purposes of this ordinance.

Permitted Use. A use which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations, and performance standards, if any, of such districts.

Person. An individual, firm, partnership, association, corporation, or organization of any kind.

Pervious. Soil, vegetation or other permeable natural non-manufactured material or surface that is conducive to the infiltration of gas, air, fluids or water. Manufactured hard surfaces composed in whole or in part of concrete, stone, masonry, metal, bituminous or plastic are not considered to be pervious for purposes of this ordinance even though gas, air, fluids or water may pass through such surfaces.

Planned Unit Development. A type of development characterized by a unified site designed for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses. **(Ordinance No. 67, Adopted 11/5/1991)**

Pool. Any structure, chamber, or tank capable of containing an artificial body of water for swimming, diving, relaxation, or recreational use including special purpose pools and wading pools.

Premises. A lot or plot with the required front, side, and rear yards for a dwelling or other use as allowed under this ordinance.

Principal Structure. A structure that contains a principal use as contrasted to an accessory or incidental use of the property.

Principal Use. The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

Public Waters. Any waters as defined in Minnesota Statutes, Section 103G, Subdivisions 15 and 15a.

Recreation, Field or Building. An area of land, water, or any building in which amusement, recreation, or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theatre, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreational field or building for the purpose of this ordinance.

Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonable characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval.

Regulatory Flood Protection Elevation. A point not less than one (1) foot above the elevation of the floodplain, plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this ordinance are required to be elevated or floodproofed. **(Ordinance No. 11, Adopted 8/12/1986).**

Residential Planned Unit Development. A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites. **(Ordinance No. 67, Adopted 11/05/1991)**

Resort. “Resort” has the meaning in Minnesota Statute, Section 103F.227.

Restaurant. An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

Riparian. “Riparian” means adjacent to the public waters described in Appendix A of Section 18 of this ordinance, the City of Detroit Lakes Shoreland Ordinance.

Salvage Or Salvage Materials. Salvage or Salvage Materials: any inoperable motor vehicles, including but not limited to cars, trucks, buses, motorcycles, ATVs, snowmobiles, recreational vehicles, trailer homes and boats, inoperable construction equipment, inoperable agricultural equipment, inoperable machinery, inoperable major household appliances, and accumulations of scrap metal or used building materials, which are kept together in one location or on any property for the purpose of selling or bartering same, repairing same, or recycling parts from same. **(Ordinance No. 315, Adopted 9/11/2007)**

Semi-public Use. The use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive Resource Management. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

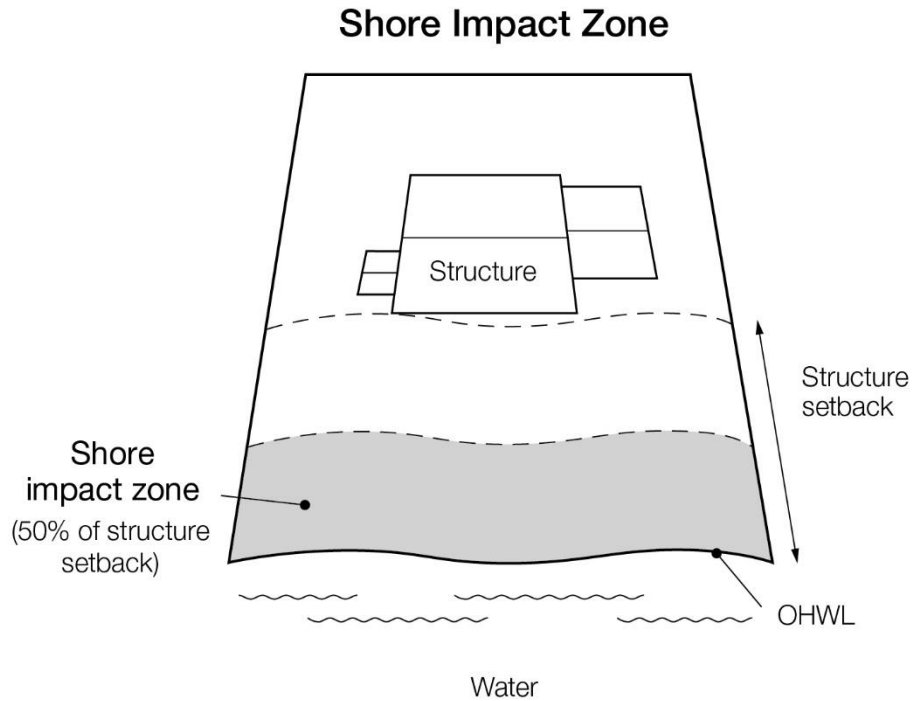
Setback. The minimum horizontal distance between the structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

Sewage Treatment system. “Sewage treatment system” has the meaning given under Minnesota Rules, part 7080.1100, Subp. 82.

Sewer System. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shopping Center. An integrated group of commercial stores under single ownership or control.

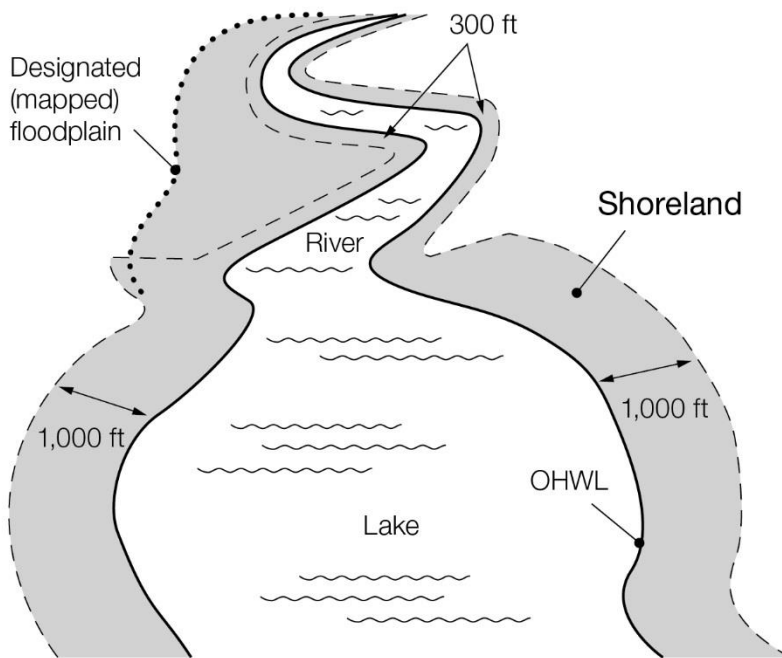
Shore Impact Zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback.



Shoreland. “Shoreland” means land located within the following distances from the public waters described in Appendix A of Section 18 of this ordinance, the City of Detroit Lakes Shoreland Ordinance:

- A. 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and
- B. 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.

Definition of Shoreland



Shore recreation facilities. Swimming areas, docks, watercraft mooring areas and other water recreation facilities.

Significant Historic Site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determine to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

(Ordinance No. 67, Adopted 11-5-91)

Slope. Means the degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

Steep Slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Story. That portion of a building included beneath the upper surface of a floor and upper surface of floor next above, except that the top most story shall be that portion of a building included between the upper surface of the top most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered as a story.

Story, Half. That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story and basements where less than one-half (1/2) of the floor to ceiling height is below the average of the highest and lowest point of that portion of the lot covered by the building.

Street. A public thoroughfare twenty-five (25) feet or more in right-of-way width.

Street Frontage. The proximity of a parcel of land to one (1) or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) frontages.

Structure. Any building or appurtenance, including decks and patios, except aerial, or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities. **(Ordinance No. 67, Adopted 11-5-91)**

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Subdivision. Land that is divided for the purpose of sale, rent, or lease, including planned unit development. **(Ordinance No. 67, Adopted 11-5-91)**

Suitability analysis. An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

Townhouses. Structure housing three (3) or more dwelling units of not more than two (2) stories each and contiguous to each other only by sharing of one (1) common wall, such structures to be of the town or row houses type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight (8) dwelling units and each dwelling unit shall have separate and individual front and rear entrances.

Twin Homes. Two family home with a zero lot line on one (1) side, sharing a party wall, governed by a party wall agreement.

Upland. Means all lands at an elevation above the ordinary high water mark.

Use. The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this ordinance.

Usable Open Space. A required ground area or terrace area on a lot which is graded, developed, and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways, and parking areas shall not constitute usable open space.

Used Auto Parts. The processing, storage, and sale of second hand or used automobiles or other vehicle parts provided such use is established entirely within enclosed buildings.

Variance. The same as that term is defined or described in Minnesota Statutes, Section 462.357 Subd. 6 (2).

Vegetation. Means the sum total of plant life in some area; or a plant community with distinguishable characteristics.

Walkway. A horizontal uncovered area with a width of four (4) feet or less utilized for access, ingress, egress to and from a Structure composed in whole or in part of concrete, bituminous, masonry, flagstones, bricks, compacted gravel or pavers. For purposes of this ordinance, a walkway is not a structure, but is considered an impervious surface.

Waterbody. Means a body of water (lake, pond) in a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

Watercourse. Means a channel or depression through which water flows, such as rivers, streams, or creeks, and may flow year- round or intermittently.

Water-Oriented Accessory Structure or Facility. *A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, patios and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statutes Sections 103G.245 are not a water-oriented accessory structure.*

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

Watershed. The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

Wetland. *“Wetland” has the meaning given under Minnesota Rule, part 8420.0111.*

Wildlife. All free living animals.

Yard. An Open space on the lot which is un-occupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Yard, Front. A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and nearest line of the building.

Yard, Rear. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

Yard, Rear, Riparian Lot. A yard extending across the full width of the lot and lying 30 feet from the lot line abutting and parallel to the public right of way (road side) and the nearest line of the principal structure. All buildings in this area must have a 10 foot side yard setback. **(Ordinance No. 295, Adopted 08/08/06)**

Yard, Rear Depth. The mean horizontal distance between the rear line of the building and centerline of an alley, where an alley exists; otherwise, a rear lot line.

Yard, Side. A yard between the sideline of the lot and the nearest line of the building and extending from the front lot line of the lot to the rear yard.

Matt Brenk, Mayor

Glori French, City Clerk

First Reading: March 12, 2019
Second Reading: March 19, 2019