

Chapter 102

S, SHORELAND OVERLAY DISTRICT

11-102-1: PURPOSE:

The purpose of the S district is to manage the effect of shoreland and water surface crowding, to prevent pollution of surface and ground waters of the city, to provide ample space on lots for sewage treatment systems, to minimize flood damages and to maintain natural characteristics of shorelands and adjacent water areas via shoreland controls which regulate lot sizes, placement of structures and alterations of shoreland areas. (Ord. 867, sec. 118, 5-17-2010)

11-102-3: DISTRICT AUTHORIZATION:

The shorelands within the city are hereby designated as shoreland districts and the requirements set forth in this chapter shall govern development and other activities within these districts, pursuant to the authorization and policies contained in Minnesota statutes chapter 103F, Minnesota rules, parts 6120.2500 - 6120.3900. The classification of the shoreland areas shall govern the use, alteration, and development of these areas according to said classification. (Ord. 867, sec. 118, 5-17-2010)

11-102-5: DISTRICT APPLICATION:

The S, shoreland overlay district shall be applied to and superimposed (overlaid) upon all zoning districts as identified in chapter 45 of this title as existing or amended by the text and map of this chapter. The regulations and requirements imposed by the S district shall be in addition to those established for districts which jointly apply. Under the joint application of districts, the more restrictive requirements shall apply. (Ord. 867, sec. 118, 5-17-2010)

11-102-7: DISTRICT BOUNDARIES:

The boundaries of the S district are established within the following distances from the ordinary high water mark of the surface water depending on the size of the surface water as indicated on the Lakeville zoning map:

Surface Water	Distance (Feet) ¹
Greater than 10 acres (see subsection <u>11-102-9B1</u> of this chapter)	1,000
Rivers and streams (draining an area greater than 2 square miles)	300 ²

Notes:

1. The practical distance may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.
2. The distance requirement shall be increased to the limit of the floodplain when greater than 300 feet.

(Ord. 867, sec. 118, 5-17-2010)

11-102-9: SHORELAND CLASSIFICATION:

A. Identified On Zoning Map: The surface waters affected by this chapter and which require controlled development of their shoreland (shoreland district) are shown on the zoning map established by section 11-45-5 of this title.

B. Identification Numbers: Surface waters generally greater than ten (10) acres are given an identification number by the state as defined in section 11-102-3 of this chapter and identified by the tables below. (Ord. 867, sec. 118, 5-17-2010)

1. Lakes:

Name	DNR ID#	Classification	OHWL
Lake Marion	19-26	Refer to subsection C of this section	983.1
Orchard Lake	19-31	Recreational development (RD)	977.6
Crystal Lake	19-27	Recreational development (RD)	934.5
Lake Kingsley	19-30	Natural environment (NE)	980.9
Lee Lake	19-29	Recreational development (RD)	948.5
Horseshoe Lake	19-32	Natural environment (NE)	990.0
Unnamed Lake	70-1101 70-1102	Natural environment (NE)	972.0 971.5

(Ord. 886, 1-3-2012)

2. Rivers:

Name	Classification	Location	
		To	From
Unnamed to Vermillion River (south branch of North Creek)	Tributary (T)	Sec8 T114 R20	Sec29 T114 R19
Unnamed to Vermillion River (north branch of North Creek)	Tributary (T)	Sec34 T115 R20	Sec12 T114 R20
Unnamed to unnamed	Tributary (T)	Sec17 T114 R20	Sec30 T114 R19
Unnamed to unnamed	Tributary (T)	Sec21 T114 R20	Sec23 T114 R20
Unnamed to Vermillion River (south branch of South Creek)	Tributary (T)	Sec36 T114 R21	Sec36 T114 R20
Unnamed to unnamed	Tributary (T)	Sec19 T114 R20	Sec33 T114 R20

C. Lake Marion:

1. As provided for by alternative shoreland management standards under Minnesota rules ALT6120, the shoreland classification of Lake Marion, DNR identification number 19-26, shall be set forth by this

subsection to reflect the distinct characteristics of specific areas of the water body to provide for appropriate management of shoreland areas:

Location Of Lands Subject To Regulation Of Applicable Classification	Classification
That portion of Lake Marion east of I-35, including:	Recreational development (RD)
Sec19 T114 R20	
Sec30 T114 R20	
Sec13 T114 R21, except as described below	
Sec24 T114 R21, except as described below	
Sec25 T114 R21	
That portion of Lake Marion west of I-35, including:	Natural environment (NE)
W-1/2 of SW-1/4 Sec13 T114 R21	
S-1/2 Sec14 T114 R21	
E-1/2 Sec23 T114 R21	
W-1/2 of NW-1/4 Sec24 T114 R21	

- 2. Existing lots of record as of May 17, 2010, shall remain subject to the minimum lot and setback requirements and other provisions of this chapter applicable to the recreational development classification.
- 3. Future rezoning of an existing lot of record or approval of any subdivision to allow a more intensive land use shall be subject to the minimum lot and setback requirements and other provisions of this chapter applicable to the classification established by subsection C1 of this section.

D. Wetland Systems: Other surface waters affected by this chapter, generally having less than ten (10) acres, are classified as wetland systems and thus regulated under the provisions of section 11-16-13 of this title. (Ord. 867, sec. 118, 5-17-2010)

11-102-11: ALLOWABLE LAND USES:

The land uses allowable for the S district shall follow the "permitted", "permitted accessory", "administrative permit", "interim" and "conditional" use designations as defined and outlined in the base zoning districts. (Ord. 867, sec. 118, 5-17-2010)

11-102-13: MINIMUM LOT AND SETBACK REQUIREMENTS:

Subject to other more restrictive limitations which may be imposed by this title, the following minimum requirements shall be observed in the following zoning districts which are overlaid by the S district:

A. Residential (RS-1, RS-2, RS-3, RS-4, RS-CBD, RST-1, RST-2, RM-1, RM-2, RH-1 And RH-2 Districts):

		NE	RD	T
1.	Lot area:			
	a. Sewered:			2
	(1) Abutting:			
	Single	40,000	20,000	
	Duplex	70,000	35,000	
	Triplex	100,000	50,000	
	Quad	130,000	65,000	
	(2) Nonabutting:			2
	Single	20,000	15,000	
	Duplex	35,000	26,000	
	Triplex	52,000	38,000	
	Quad	65,000	49,000	
	b. Unsewered ¹	10 acres	10 acres	10 acres
2.	Lot width:			
	a. Sewered:			2
	(1) Abutting:			
	Single	125	75	75
	Duplex	225	135	115
	Triplex	325	195	150
	Quad	425	255	190
	(2) Nonabutting:			2
	Single	125	75	75
	Duplex	220	135	115
	Triplex	315	190	150
	Quad	410	245	190
	b. Unsewered:			
	(1) Abutting:			
	Single	200	150	100
	Duplex	300	225	150
	Triplex	400	300	200
	Quad	500	375	250
	(2) Nonabutting:			

	Single	200	150	100
	Duplex	400	265	150
	Triplex	600	375	200
	Quad	800	490	250

Notes:

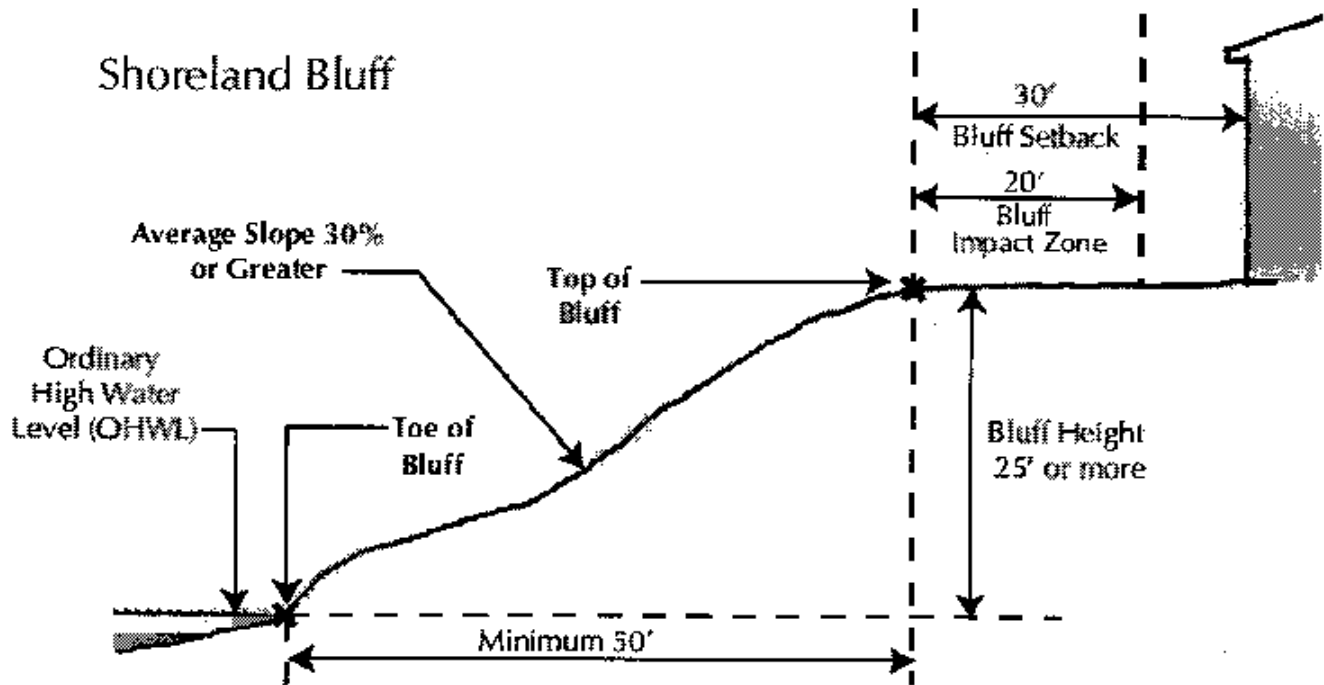
1. Lot area requirements in unsewered areas are delineated in section 11-17-19 of this title.
2. Lot area requirements for rivers in sewerred areas are delineated by the base zoning districts. Lot area requirements in unsewered areas are delineated in section 11-17-19 of this title.

B. Greater Densities: Residential subdivisions with dwelling unit densities exceeding those in subsection A of this section can only be allowed if designed and approved as planned unit developments under section 11-102-21 of this chapter. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in subsection A2a of this section can only be used if publicly owned sewer system is available to the property.

C. All Other Districts: Minimum lot size requirements for all remaining zoning districts not specified in subsection A of this section are delineated in the various zoning districts defined by chapter 45 of this title. (Ord. 867, sec. 118, 5-17-2010)

D. Setbacks:

	NE	RD	T
Ordinary high water level:			
Sewered	150 feet	75 feet	50 feet
Unsewered	150 feet	100 feet	100 feet
Top of bluff	30 feet	30 feet	30 feet
Unplatted cemetery	50 feet	50 feet	50 feet
Public right of way	30 feet or the minimum front yard setback of the base zoning district, whichever is less		
Side yard:			
Setback for property abutting a lake	20 feet	20 feet	20 feet



(Ord. 917, 2-18-2014)

1. Setback requirements from the ordinary high water level shall not apply to piers and docks. Where development exists on both sides of a proposed building site, building setbacks may be reduced from the ordinary high water level to the average setback of the abutting principal buildings to more closely conform to adjacent building setbacks, provided the proposed building site is not located in a bluff impact zone and not closer than fifty feet (50') from the ordinary high water level, whichever is greater. (Ord. 936, 3-16-2015)
2. Any new subdivisions, lot combinations or replats of existing lots of record shall be required to conform to the thirty foot (30') setback from the top of bluff based upon the definition within section 11-2-3 of this title. Structure setback on existing lots of record prior to March 1, 1993, shall be allowed up to twenty feet (20') from the top of bluff. The location of top of bluff for existing lots of record prior to March 1, 1993, shall be determined as provided for by section 11-2-3 of this title, except by conditional use permit to allow for expansion of existing principal dwellings subject to the following requirements:
 - a. Top of the bluff is the point, visually observed, at a clearly identifiable break in the slope from steeper to gentler above the slope and away from the water body. If no break in the slope is apparent based on visual observation, the top of bluff shall be determined based upon the definition of "bluff" within section 11-2-3 of this title.
 - b. Toe of the bluff is the point, visually observed, at a clearly identifiable break in the slope from gentler to steeper above the slope and away from the water body. If no break in the slope is apparent based on visual observation, the toe of bluff shall be determined based upon the definition of "bluff" within section 11-2-3 of this title.
 - c. Any development allowed under the alternative definition for top of the bluff will not increase the area or rate of stormwater drainage toward the water body.
 - d. Engineered grading and construction plans for any structures are provided demonstrating that the development will not degrade the physical integrity of the bluff.
 - e. A shoreland impact plan is prepared and submitted in accordance with section 11-102-17 of this chapter.
 - f. In addition to the information required by section 11-4-5 of this title and section 11-102-17 of this chapter, application for a CUP under this subsection shall require submission of a cross section of the parcel, drawn to scale, identifying the following:
 - (1) Ordinary high water mark.

- (2) Toe of the bluff.
 - (3) Top of the bluff.
 - (4) Bluff impact zone.
 - (5) Structure location(s). (Ord. 867, sec. 118, 5-17-2010)
3. The required side yard setback on all lots of record platted prior to January 18, 1980, is ten feet (10'). (Ord. 873, 2-7-2011)

E. Maximum Building Height: Building height shall be regulated by section 11-17-7 of this title.

F. Impervious Surface Coverage:

1. Impervious surface coverage limits shall apply only to that portion of the lot lying within the S district.
2. Impervious surface coverage for lots in all zoning districts shall not exceed twenty five percent (25%) of the lot area within the S district, except as provided below:
 - a. Where appropriate and where structures and practices for the mitigation of stormwater impacts on receiving waters are employed in compliance with the water resources management plan, or as approved by the city engineer, impervious surface coverage shall be allowed to exceed twenty five percent (25%) impervious coverage to a maximum of:
 - (1) Seventy five percent (75%) impervious surface coverage per lot within all industrial zoning districts located on tributary rivers.
 - (2) Seventy percent (70%) impervious surface coverage per lot within all business and CBD zoning districts located on recreational development (RD) lakes and tributary rivers.
 - (3) Fifty percent (50%) impervious surface coverage per lot within all business zoning districts on natural environment (NE) lakes.
 - b. The increase in impervious surface shall be allowed provided the following criteria are met:
 - (1) All structures and practices are in place for the treatment of stormwater runoff.
 - (2) A conditional use permit and shoreland impact plan are submitted and approved as provided for in sections 11-102-17 and 11-102-25 of this chapter.
 - (3) Any removal of significant trees shall require a tree preservation plan in accordance with section 11-21-11 of this title.
 - c. Impervious surface on an individual residential lot may exceed twenty five percent (25%) of the lot area where an adjacent parcel is dedicated to the public as a buffer along a tributary river. The combined total impervious surface area of the residential parcel and the buffer parcel within the shoreland overlay district may not exceed twenty five percent (25%).
 - d. Measures for the treatment of stormwater runoff and/or prevention of stormwater from directly entering a public water include such appurtenances as nutrient removal basins and other measures described in the MPCA guidance document for best management practices for stormwater quality protection in urban areas. (Ord. 867, sec. 118, 5-17-2010)

11-102-15: NONCONFORMITIES:

A. Nonconforming Lots Of Record: Any lot of record filed in the office of the Dakota County recorder prior to June 19, 1978, which does not meet the requirements of subsection 11-102-13A of this chapter may be allowed as

a building site provided the lot meets the requirements of section 11-16-5 of this title, and subject to approval of a shoreland impact plan and the following conditions:

1. All structure and septic system setback distance requirements can be met; and
2. A type 1 sewage treatment system consistent with Minnesota rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
3. The impervious surface coverage does not exceed twenty five percent (25%) of the lot.

B. Additions/Expansions To Nonconforming Structures: All additions or expansions to the outside dimensions of an existing nonconforming single-family structure shall be allowed by conditional use permit provided the addition or expansion meets the setback, height, and other requirements of section 11-102-13 of this chapter. Any deviation from these requirements shall be authorized by a variance pursuant to section 11-102-23 of this chapter and chapter 6 of this title.

C. Nonconforming Sewage Treatment Systems: All sanitary facilities on lots outside of the municipal urban service area inconsistent with requirements of this chapter shall be brought into conformity within two (2) years after the effective date hereof, or discontinued immediately when there is evidence of septic tank effluent percolating from the ground, flowing directly into a lake or stream, or other indications of system failure. (Ord. 867, sec. 118, 5-17-2010)

11-102-17: DEVELOPMENT REGULATIONS:

A. Shoreland Impact Plan:

1. Generally: Landowners or developers desiring to develop land or construct any dwelling or any other structure on land located within any shoreland district within the city shall first submit a conditional use permit application as regulated by chapter 4 of this title and a plan of development, hereinafter referred to as "shoreland impact plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to improve or maintain the quality of the environment. Such a plan shall set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the land, including loss or change of ground cover, destruction of trees, grade courses, marshes, and wetlands. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate as much as possible potential pollution, erosion and siltation.

2. Exceptions:

- a. No conditional use permit or shoreland impact plan shall be required for the development of permitted uses contained within the A-P, RA, RAO, RS-1, RS-2, RS-3, or RS-4 districts provided that such uses are constructed on conforming lots and when abutting a shoreline that all such uses are serviced with public sanitary sewer, or are located on lots which are ten (10) acres or more in size.
- b. No conditional use permit or shoreland impact plan shall be required for the development of permitted accessory uses within the A-P, RA, RAO, RS-1, RS-2, RS-3, or RS-4 districts.

B. Bluff Impact Zones: Structures and accessory facilities except stairways, landings, and public utilities shall not be placed within bluff impact zones.

C. Stairways, Lifts, And Landings: Stairways and lifts, solely for the purpose of pedestrian transportation, 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:

1. Stairways and lifts shall not exceed four feet (4') in width on residential lots. Wider stairways may be used for commercial properties, public open space recreational properties, and planned unit developments;
 2. Landings for stairways and lifts on residential lots shall not exceed thirty two (32) square feet in area;
 3. Canopies or roofs are not allowed on stairways, lifts, or landings;
 4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, no higher than thirty inches (30") above grade at any one point, or placed into the ground provided they are designed and built in a manner that ensures control of soil erosions;
 5. Stairways, lifts, and landings shall 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
 6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsections C1 through C4 of this section are complied with in addition to the requirements of Minnesota rules, chapter 3325.
- D. Steep Slopes: The city engineer shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- E. Sewage And Waste Disposal: Any premises used for human occupancy shall be provided with an adequate method of sewage disposal to be maintained in accordance with acceptable practices.
1. Public Safety Sewers: Public safety sewer collection and treatment facilities shall be used where available, and where feasible.
 2. Private Sewage Systems: All private sewage treatment systems must meet or exceed the Minnesota pollution control agency's standards for individual sewage treatment systems contained in the document "Individual Sewage Treatment Systems Standards, Chapter 7080", the rules and regulations of the Minnesota department of health, and Dakota County.
 3. Drain Fields: A septic tank-drain field system shall be the only acceptable system for installation unless it can be demonstrated that this system is not feasible on the particular lot in question and it can be demonstrated that the system being proposed as an alternate will not cause a pollution problem.
4. Individual Systems:
- a. Generally: All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subsection E4b of this section. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on site field investigations.
 - b. Evaluation Criteria:
 - (1) Depth to the highest known or calculated groundwater table or bedrock;
 - (2) Soil conditions, properties, and permeability;
 - (3) Slope;
 - (4) The existence of lowlands, local surface depressions, and rock outcrops; and
 - (5) Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with subsection 11-102-15C of this chapter.

5. Permit Required: No person may install, alter, repair or extend any individual sewage disposal system without first obtaining a permit therefor from the city for the specific installation, alteration, repair or extension.
 6. Placement: Placement of septic tank soil absorption systems shall be subject to the following setback requirements where soil conditions are adequate:
 - a. On natural environment lakes, at least one hundred fifty feet (150') from the normal high water level.
 - b. On recreational development lakes, at least seventy five feet (75') from the normal high water level.
 - c. On tributary streams, at least seventy five feet (75') from the normal high water level.
 7. Soil Absorption Systems: Soil absorption systems shall not be allowed in the following areas for disposal of domestic sewage.
 - a. Low swampy areas or areas subject to recurrent flooding.
 - b. Areas where the highest known groundwater table, bedrock or impervious soils conditions are within three feet (3') of the bottom of the system.
 - c. Areas of ground slope which create a danger of seepage of the effluent onto the surface of the ground.
 - d. Areas lying within the 50-year floodplain.
- F. Water Supply: Any private supply of water for domestic purposes shall conform to Minnesota pollution control agency, Dakota County, and Minnesota department of health standards for water quality. Private wells shall be placed in areas not subject to flooding and up slope from any source of contamination. Wells already existing in areas subject to flooding shall be floodproofed in accordance with state building code standards. No private wells shall be located closer than three feet (3') to the outside basement wall of a dwelling. The outside basement footing shall be continuous across the opening of the well alcove. No well shall be located closer than ten feet (10') to a property line.
- G. Stormwater Management: The following general and specific standards shall apply in regard to stormwater management within any shoreland district within the city:
1. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 2. Development shall 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 shall be stabilized and protected as soon as possible, and no later than thirty (30) days after completion of the project. All methods of stormwater management shall comply with the water resources management plan.
 3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
 4. When constructed facilities are used for stormwater management, documentation shall be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the Dakota County soil and water conservation district.
 5. New constructed stormwater outfalls to public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- H. Placement And Design Of Streets, Driveways, And Parking Areas: The following standards shall apply in regard to street, driveway and parking area placement and design within any shoreland district within the city.

1. Public streets and private driveways and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation shall be provided by the city engineer that all streets, driveways and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the Dakota County soil and water conservation district.
2. Private driveways and parking areas shall meet structure setbacks from the ordinary high water level and bluff line and shall 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 by conditional use permit, and must be designed to minimize adverse impacts. Natural vegetation or other natural materials shall be required in order to screen parking areas when viewed from the water.
3. Public and private watercraft access ramps, approach roads, and access related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this section are met. For private facilities, the grading and filling provisions of subsection 11-102-19B of this chapter shall be met. (Ord. 867, sec. 118, 5-17-2010)

I. Fences:

1. Within the required building setback from the ordinary high water level, fences shall not exceed forty eight inches (48") in height and shall be at least seventy five percent (75%) open space for passage of air and light.
2. Fences shall not be located within ten feet (10') of the ordinary high water level. (Ord. 917, 2-18-2014)

11-102-19: SHORELAND ALTERATIONS:

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

A. Vegetation Alterations: The removal of natural vegetation shall be restricted to prevent erosion into public waters, to conserve nutrients in the soil, and to preserve shoreland aesthetics.

1. During the site grading of new subdivision development and other planning actions, any removal of significant trees shall require a tree preservation plan in accordance with the city's tree preservation guidelines.
2. Natural vegetation shall be restored as soon as feasible after any construction project, but not later than the start of the next growing season.
3. The provisions of this section shall not apply to vegetation alterations necessary for the construction of structures, sewage treatment systems and the construction of roads and parking areas as regulated in subsection 11-102-17H of this chapter subject to the following standards:
 - a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed consistent with the field office technical guides of the Dakota County soil and water conservation district.
 - b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, access paths, beach and watercraft access areas or facilities, provided that:
 - (1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.

(2) Along rivers, existing shading of water surfaces is preserved.

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

B. Grading And Filling Associated With Any Development Project Involving Subdivisions, Commercial, Industrial, Or Multiple-Family Uses:

1. Grading and filling within shoreland districts, or any alterations of the natural topography where the slope of the land is toward a public water or watercourse leading to a public water shall be consistent with the field office technical guides of the Dakota County soil and water conservation district and approved by the city engineer. A permit shall be obtained prior to the commencement of any work thereon. The permit may be granted subject to the conditions that:
 - a. Temporary ground cover such as mulch shall be used and permanent cover such as sod shall be planted as soon as possible.
 - b. Methods to prevent erosion and trap sediment shall be employed in accordance with section 11-16-7 of this title and consistent with the field office technical guides of the Dakota County soil and water conservation district.
 - c. Fill shall not be placed in areas lower in elevation than the normal high water level.
 - d. Fill shall be stabilized according to accepted engineering standards.
 - e. Fill shall not restrict a floodway or destroy the storage capacity of a floodplain.
 - f. The maximum slope of the finished surface which slopes toward a water body or a watercourse leading to such water body shall be three (3) units horizontal to one vertical.
 - g. Fill or excavated material must not be placed in bluff impact zones.
 - h. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota statutes section 103G.245.
 - i. Alterations of topography will only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
 - j. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet (3') horizontal to one foot (1') vertical, the landward extent of the riprap is within ten feet (10') of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet (3').
2. Any work which will change or diminish the course, current, or cross section of a public water shall require a permit from the city engineer and be approved by the department of natural resources before the work is begun. This includes construction of boat slips, canals, channels and ditches, lagooning, dredging of lake bottom for the removal of muck, silt or weeds, and filling in the lake bed including low lying marsh areas. Approval will be given only if the proposed work is consistent with applicable state regulations for beds of public waters.

C. Special Provisions For Agricultural, Extractive, And Commercial Uses:

1. Agriculture Use Standards:

- 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 permanent vegetation or operated under an approved conservation plan (resource management systems) consistent with the field office technical guides of the Dakota County soil and water conservation district or the United States soil conservation service, as provided by a qualified individual or agency. The shore

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

- b. Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.
2. Extractive Use Standards: All excavations and mining within the S district shall be in compliance with the Lakeville excavations and mining ordinance, title 7, chapter 4 of this code.
3. Commercial Use Standards: Uses without water oriented commercial needs located on protected lakes must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions. (Ord. 867, sec. 118, 5-17-2010)

11-102-21: PLANNED SHORELAND DEVELOPMENT:

Flexible application of the allowable land uses, minimum lot area and setback requirements and development regulations of this chapter may be used within a shoreland district, provided that the following requirements are satisfactorily met:

- A. Conditional Use Permit: Except for the allowances of subsection D2d of this section, planned shoreland developments shall require a conditional use permit based upon procedures set forth and regulated by chapter 4 of this title.
- B. Sewer And Water: Planned shoreland developments shall be connected to municipal sewer and water.
- C. Open Space: Residential planned shoreland developments shall contain open space meeting all of the following criteria:
 1. At least fifty percent (50%) of the total project area shall be preserved as open space.
 2. Dwelling units or sites, road rights of way, or land covered by road surfaces, parking areas, or structures, except water oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
 3. Open space shall include areas with physical characteristics unsuitable for development in their natural state.
 4. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites.
 5. The appearance of open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
 6. The shore impact zone, based on normal structure setbacks, shall be included as open space. At least fifty percent (50%) of the shore impact zone area of existing developments or at least seventy percent (70%) of the shore impact zone area of new developments must be preserved in its natural or existing state.
- D. Residential Density Evaluation:
 1. Procedures And Standards: Proposed new or expansions to existing planned shoreland developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in subsection D2 of this section.

- a. The project parcel shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

SHORELAND TIER DIMENSIONS

	Unsewered (Feet)	Sewered (Feet)
Recreational development lakes	267	267
Natural environment lakes	400	320
All rivers	300	300

- b. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to the residential planned shoreland development density evaluation steps to arrive at an allowable number of dwelling units or sites.
2. Residential Base Density Evaluation: The procedures for determining the base density and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the water body, but must not be transferred to any other tier closer.
- a. Formula: The suitable area within each tier is divided by the single residential lot size standard for lakes and rivers. Proposed locations and numbers of dwelling units or sites for the residential planned shoreland developments are then compared with the tier, density, and suitability analysis herein and the design criteria in this subsection D.
 - b. Increases: Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards for the various zoning districts established by chapter 45 of this title are met or exceeded and the design criteria in this subsection D are satisfied. The allowable density increases in subsection D2c of this section will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty percent (50%) greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least twenty five percent (25%) greater than the minimum setback.
 - c. Allowable Dwelling Unit Or Dwelling Site Density Increases For Residential Planned Shoreland Developments:

Density Evaluation Tiers	Within Each Tier
First	50 percent
Second	100 percent
Third	200 percent
Fourth	200 percent
Fifth	200 percent

- d. Residential Shoreland Density Reserve:
 - (1) The change in classification of that portion of Lake Marion from recreational development to natural environment described in subsection 11-102-9C of this chapter results in a net decrease in potential development density of two hundred nine (209) dwelling units.

- (2) Subject to establishment of a PUD district as set forth by chapter 96 of this title and the criteria established by this section, the city may transfer based on policies of the comprehensive plan at its discretion and without inference that such transfer is allowed by right not more than two hundred nine (209) dwelling units from the shoreland overlay district of Lake Marion to other recreational development, natural environment or tributary shoreland overlay district areas within the city identified in section 11-102-9 of this chapter.
 - (3) Development of a lot or lots receiving density transferred from the density reserve shall comply with all regulations established by this chapter specifically and the zoning ordinance generally unless exempted by this section or other provisions of this title.
 - (4) The transfer of dwelling units from the density reserve shall be in addition to the density allowed by the evaluation provided for by this subsection D subject to compliance with the requirements for density increases in subsection D2b of this section.
 - (5) The zoning administrator shall maintain a record of approved dwelling unit transfers from the density reserve and provide notices to the DNR as required by section 11-102-27 of this chapter.
- E. Erosion Control And Stormwater Management: Erosion control and stormwater management plans shall be prepared for all planned shoreland developments and shall be consistent with subsection 11-102-17G of this chapter.
- F. Centralization And Design Of Facilities: Centralization and design of facilities and structures shall be done according to the following standards:
1. Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification. Setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level shall be increased in accordance with subsection D2 of this section for developments with density increases.
 2. Structures, parking areas, and other facilities shall be treated to reduce visibility as viewed from the 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 shall be preserved, if existing, or may be required to be provided.
 3. Accessory structures and facilities shall meet the required principal structure setback and must be centralized.
- G. Evaluation Of Factors: The following factors are carefully evaluated to ensure that the increased density of development is consistent with the resource limitations of the public water:
1. Suitability of the site for the proposed use.
 2. Physical and aesthetic impact of increased density.
 3. Level of current development.
 4. Amount of ownership of undeveloped shoreland.
 5. Levels and types of water surface use and public access.
 6. Possible effects on overall public use.
- H. Facilities: Any recreational or community facility allowed as part of the planned shoreland development conforms to all applicable federal and state regulations including, but not limited to, the following:
1. Waste disposal regulations.

2. Water supply regulations.
3. Building codes.
4. Safety regulations.
5. Regulations concerning the appropriate use of "public waters" as defined in Minnesota statutes section 103G.245.
6. Applicable regulations of the Minnesota environmental quality board.
7. Storm sewer.

I. Alteration Approval: The final planned shoreland development shall not be modified or altered in any way without written approval from the department of natural resources.

J. Central Shoreline Facilities: Planned shoreland developments incorporating shoreline recreational facilities such as beaches, docks, or boat launching facilities, etc., shall be designed such that said facilities are centralized for common utilization. (Ord. 867, sec. 118, 5-17-2010)

11-102-23: VARIANCES:

Variations may be granted by the city council upon application as required in chapter 6 of this title in extraordinary cases, but only when the proposed use is determined to be in the public interest and no variance shall be granted which the council determines will or has a tendency to:

- A. Result in the placement of an artificial obstruction which will restrict the passage of storm and flood water in such a manner as to increase the height of flooding, except obstructions approved by the watershed districts in conjunction with sound floodplain management.
- B. Result in incompatible land uses or which would be detrimental to the protection of surface and ground water supplies.
- C. Be not in keeping with land use plans and planning objectives for the city or which will increase or cause damage to life or property.
- D. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural landforms, vegetation and the marshes and wetlands within the city.
- E. No permit or variance shall be issued unless the applicant has submitted a shoreland impact plan as required and set forth in this chapter. In granting any variance, the council may attach such conditions as they deem necessary to ensure compliance with the purpose and intent of this chapter. (Ord. 867, sec. 118, 5-17-2010)
- F. The criteria established by section 11-6-5 of this title are met. (Ord. 888, 2-21-2012)

11-102-25: CONDITIONAL USES:

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures set forth in chapter 4 of this title. The following additional evaluation criteria and conditions apply within shoreland areas:

A. Evaluation Criteria: A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
2. The visibility of structures and other facilities as viewed from public waters is limited.
3. The site is adequate for water supply and on site sewage treatment. (Ord. 867, sec. 118, 5-17-2010)

11-102-27: NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES:

A. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plans must include copies of the subdivision/plat.

B. A copy of approved amendment and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of final action. (Ord. 867, sec. 118, 5-17-2010)

11-102-29: EFFECT OF PERMIT:

The granting of any permit, variance, or subdivision approval under provisions of this chapter shall in no way affect the owner's capability to obtain the approval required by any other statute, ordinance or legislation of any state agency or subdivision thereof. Approval may be expressly given in conjunction with other permits applied for, but no approval shall be implied from the grant of such permits nor from the necessity to apply for a permit as described herein. (Ord. 867, sec. 118, 5-17-2010)