

## SHORELAND MANAGEMENT

### § 153.410 POLICY.

The uncontrolled use of shorelands of the city 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 development of shorelands of public waters. The legislature of the state has delegated responsibility to the municipalities 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, preserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources. This responsibility is hereby recognized by the city.

(Ord. passed 10-11-1963)

### § 153.411 DESIGNATION OF TYPES OF LAND USE.

#### (A) *Shoreland management classification.*

(1) In order to guide the wise development and utilization of shorelands of protected waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, certain protected waters in the city have been given a shoreland management classification.

(2) These protected waters of the city have been classified by the Commissioner of Natural Resources as follows:

Natural Environment Lakes

Thompson Lake

DNR I.D. #

19-48

(B) *Shoreland Overlay District.* The shorelands of the city are hereby designated as a Shoreland Overlay District. The purpose of the Shoreland Overlay District is to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of these protected waters of the city.

(1) *Permitted uses.* All permitted uses allowed and regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the official zoning map of the city.

(2) *Conditional uses.* All conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city and as required by § 153.413.

#### (3) *Substandard uses.*

(a) Any uses of shorelands in existence prior to the date of enactment of this section which are permitted within the applicable zoning district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this chapter are substandard uses.

(b) Substandard uses, including substandard sanitary facilities, shall be allowed to continue; however, any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

(4) *Prohibited uses.* Any uses which are not permitted or conditional uses as regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the official zoning map of the city.

(Ord. passed 10-11-1963)

### § 153.412 ZONING PROVISIONS.

#### (A) *Lot and building requirements.*

(1) The following standards shall apply to all shorelands of the protected waters listed in §153.411(A) within the city.

(2) Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth herein, then the more restrictive standards shall apply:

<b>Natural Environment Waters</b>	
Lot area:	
Waterfront lots	40,000 square feet
Other lots	20,000 square feet
Water frontage and lot width at building line	125 feet
Structure setback from ordinary high water mark	150 feet

Structure height limitation	35 feet
Maximum lot area covered by impervious surface	30%

(B) *Substandard lots.*

(1) Lots of record in the office of the County Recorder prior to August 5, 1985, which do not meet the requirements of division (A) above may be allowed as building sites provided that:

- (a) The use is permitted in the zoning district;
- (b) The lot is in separate ownership from abutting lands; and
- (c) All other sanitary and dimensional requirements of this chapter are complied with insofar as practical.

(2) The minimum length of water frontage for substandard lots of record shall be 75 feet.

(C) *Roads and parking areas.* Roads and parking areas shall be located to retard the runoff of surface waters and nutrients in accordance with the following criteria.

(1) Where feasible and practical, all roads and parking areas shall meet the setback requirements established for structures in division (A) above.

(2) In no instances shall these impervious surfaces be placed less than 50 feet from the ordinary high water mark.

(3) Natural vegetation or other natural materials shall be used to screen parking areas when viewed from the water.

(D) *Elevation of lowest floor.* The elevation of the lowest floor, including basements, shall be at a level at least three feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the ordinary high water mark shall be used.

(E) *Exceptions to structure setback requirements.*

(1) Setback requirements from the ordinary high water mark shall not apply to piers and docks. Location of piers and docks shall be controlled by applicable state and local regulations.

(2) On undeveloped shoreland lots that have two adjacent lots with existing principal structures on both such adjacent lots, any new residential structure may be set back a distance equal to the average setback of the adjacent structures from the ordinary high water mark of 50 feet, whichever is greater, provided all other provisions of the Shoreland Overlay District are complied with.

(Ord. passed 10-11-1963)

**§ 153.413 SHORELAND ALTERATIONS.**

(A) *Removal of vegetation.* The removal of natural vegetation shall be restricted to prevent erosion into protected waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Removal of natural vegetation in the Shoreland Overlay District shall be subject to the following provisions.

(1) Selective removal of natural vegetation is allowed, provided that sufficient vegetative cover remains to screen cars, dwellings and other structures when viewed from the water.

(2) Clear cutting of natural vegetation is prohibited.

(3) Natural vegetation shall be restored insofar as feasible after any construction project is completed to retard surface runoff and soil erosion.

(4) The provisions of this section shall not apply to permitted uses which normally require the removal of natural vegetation.

(B) *Grading and filling.* Grading and filling in shoreland areas or any alteration of the natural topography where the slope of the land is toward a protected water or a watercourse leading to a protected water must be authorized by a permit. The permit may be granted subject to the conditions that:

(1) The smallest amount of bare ground is exposed for as short a time as feasible.

(2) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is established.

(3) Methods to prevent erosion and trap sediment are employed.

(4) Fill is stabilized to accepted engineering standards.

(C) *Excavations.* Excavations on shorelands where the intended purpose is a connection to a protected water shall require a permit from the Zoning Administrator before construction is begun. The permit may be obtained only after the Commissioner of Natural Resources has issued a permit to work in the beds of protected waters.

(D) *Protected water alteration.* Any work which will change or diminish the course, current or cross-section of a protected water or wetland shall be approved by the Commissioner of Natural Resources, and the approval shall be construed to

mean the issuance by the Commissioner of Natural Resources of a permit under the procedures of Minn. Stat. § 103F.201, as it may be amended from time to time, and other related statutes.

(Ord. passed 10-11-1963)

#### **§ 153.414 UTILITIES.**

Any premises intended for human occupancy shall be connected to municipal sewer and water services.

(Ord. passed 10-11-1963)

#### **§ 153.415 SUBDIVISIONS.**

(A) No land shall be subdivided which is held unsuitable by the city for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities, or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community.

(B) Copies of all plats within the shoreland overlay district shall be submitted to the Commissioner of Natural Resources within ten days of final approval by the city.

(C) Planned Development (PD): altered zoning standards may be allowed as exceptions to this chapter for PDs, provided preliminary plans are approved by the Commissioner of Natural Resources prior to their approval by the city, and further provided:

- (1) The PD is connected to a municipal sanitary sewer;
- (2) Open space is preserved through the use of restrictive deed covenants, public dedications or other methods;
- (3) The following factors are carefully evaluated to ensure the increased density of development is consistent with the resource limitations of the protected water:
  - (a) Suitability of the site for the proposed use;
  - (b) Physical and aesthetic impact of increased density;
  - (c) Level of current development;
  - (d) Amount and ownership of undeveloped shoreland;
  - (e) Levels and types of water surface use and public accesses; and
  - (f) Possible effects on overall public use.
- (4) Any commercial, recreational, community or religious facility allowed as part of the planned development shall conform to all applicable federal and state regulations including, but not limited to, the following:
  - (a) Licensing provisions or procedures;
  - (b) Waste disposal regulations;
  - (c) Water supply regulations;
  - (d) Building codes;
  - (e) Safety regulations;
  - (f) Regulations concerning the appropriation and use of Public Waters as defined in Minn. Stat. § 103G.005(15), as it may be amended from time to time; and
  - (g) Applicable regulations of the State Environmental Quality Board.
- (5) The final plan for a planned development shall not be modified, amended, repealed or otherwise altered unless approved in writing by the developer, the municipality and the Commissioner of Natural Resources; and
- (6) There are centralized shoreline recreation facilities such as beaches, docks and boat launching facilities.

(Ord. passed 10-11-1963)

#### **§ 153.416 NOTIFICATION PROCEDURES.**

(A) A copy of the notice of a public hearing to consider a variance to the provisions of the Shoreland Overlay District or a conditional use or an inconsistent plat in the Shoreland Overlay District shall be sent to the Commissioner of Natural Resources such that the notice is received by the Commissioner at least ten days prior to the hearings.

(B) A copy of all amendments to this chapter and final decisions granting variances or conditional uses within the Shoreland Overlay District shall be sent to the Commissioner of Natural Resources within ten days of the amendment or final action.

(Ord. passed 10-11-1963)