

## CHAPTER 96

### S, SHORELAND OVERLAY DISTRICT

#### SECTION:

- 01-96-1: Purpose
- 01-96-2: District Authorization
- 01-96-3: District Application
- 01-96-4: District Boundaries
- 01-96-5: Shoreland Classification
- 01-96-6: Allowable Land Uses
- 01-96-7: Minimum Lot and Setback Requirements
- 01-96-8: Non-Conformities
- 01-96-9: Development Regulations
- 01-96-10: Shoreland Alterations
- 01-96-11: Planned Unit Development
- 01-96-12: Variances
- 01-96-13: Conditional Uses
- 01-96-14: Notifications to the Department of Natural Resources
- 01-96-15: Effect of Permit

**01-96-1: PURPOSE:** The purpose of the S, Shoreland Overlay 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, to maintain property values, 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.

**01-96-2: 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 Regulations, 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.

**01-96-3: DISTRICT APPLICATION:** The S, Shoreland Overlay District shall be applied to and superimposed (overlaid) upon all zoning districts as identified in Chapter 50 of this Article as existing or amended by the text and map of this Chapter. The regulations and requirements imposed by the S, Shoreland Overlay 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.

**01-96-4: DISTRICT BOUNDARIES:** The boundaries of the S, Shoreland 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 Howard Lake Shoreland District Maps:

Surface Water	Distance (Feet) <sup>1</sup>
Greater than 10 acres (Table 1)	1,000
Rivers and streams (draining an area greater than 2 square miles)	3,001

- A. 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.
- B. The distance requirement shall be increased to the limit of the flood plain when greater than three hundred feet (300').

**01-96-5: SHORELAND CLASSIFICATION:** The surface waters affected by this Chapter and which require controlled development of their shoreland (shoreland district) are shown on the map designated as the "Official Shoreland Map of the City of Howard Lake" which is incorporated herein by this reference and filed with the City Clerk. Surface waters generally greater than ten (10) acres are given an identification number by the State as defined in Section 01-2-2 of this Chapter and listed in Table 1 of this Section. 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 01-16-5 of this Article.

TABLE  
SURFACE WATER IDENTIFICATION  
LAKES

Name	DNR Classification	ID. OHWL	No.
Howard Lake			
Mallard Pass Lake			
Dutch Lake			

Name	Location	Classification	From	To
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**01-96-6: ALLOWABLE LAND USES:** The land uses allowable for the S, Shoreland Overlay District shall follow the "permitted", "accessory", and "conditional" use designations as defined and outlined in the base zoning districts.

**01-96-7: MINIMUM LOT AND SETBACK REQUIREMENTS:** Subject to other more restrictive limitations which may be imposed by this Article, the following minimum requirements shall be observed in the following zoning districts defined in Chapter 50 of this Article which are overlaid by the S, Shoreland Overlay District:

**A. Residential:**

1. Unsewered Lakes:

a. Natural Environment:

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	10 acres	200	10 acres	200
Duplex	10 acres	300	10 acres	400
Triplex	10 acres	400	10 acres	600
Quad	10 acres	500	10 acres	800

b. Recreational Development:

	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	10 acres	15-	10 acres	150
Duplex	10 acres	225	10 acres	265
Triplex	10 acres	300	10 acres	375
Quad	10 acres	375	10 acres	490

c. General Development:

	<b>Riparian Lots</b>		<b>Non-Riparian Lots</b>	
	Area	Width	Area	Width
Single	10 acres	100	10 acres	150
Duplex	10 acres	180	10 acres	265
Triplex	10 acres	260	10 acres	375
Quad	10 acres	340	10 acres	490

d. Lot sizes where public sanitary sewer is not available shall be subject to the requirements of Section 01-17-9 of this Article.

2. Sewered Lakes:

a. Natural Environment:

	<b>Riparian Lots</b>		<b>Non-Riparian Lots</b>	
	Area	Width	Area	Width
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

b. Recreational Development:

	<b>Riparian Lots</b>		<b>Non-Riparian Lots</b>	
	Area	Width	Area	Width
Single	20,000	75	15,000	75
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

c. General Development:

	<b>Riparian Lots</b>		<b>Non-Riparian Lots</b>	
	Area	Width	Area	Width
Single	15,000	75	10,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245

3. Rivers/Streams:

- a. Lot area requirements for rivers in sewered areas are delineated by the base zoning districts. Lot area requirements in unsewered areas are delineated in Section 01-17-9 of this Article.
- b. River/Stream Lot Width Standards. There is no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex, and quad residential developments for the six river/stream classifications are:

	Agricultural	Urban and Territory	
		Unsewered	Sewered
Single	150	100	75
Duplex	225	150	115
Triplex	300	200	150
Quad	375	250	190

4. Residential subdivisions with dwelling unit densities exceeding those in this subsection A can only be allowed if designed and approved as planned unit developments under Section 01-96-11 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.

B. **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 50 of this Article.

C. **Setbacks:**

1. Ordinary High Water Mark:

a. Unsewered – Structures

- (1) NE: 150 feet
- (2) RD: 100 feet
- (3) GD: 75 feet
- (4) R/S: 100 feet

b. Sewered – Structures:

- (1) NE: 150 feet

- (2) RD: 75 feet
- (3) GD: 50 feet
- (4) R/S: 50 feet

c. Sewage Treatment System:

- (1) NE: 150 feet
- (2) RD: 75 feet
- (3) GD: 50 feet
- (4) R/S: 75 feet

2. Top of Bluff: 30 feet

3. Unplatted Cemetery: 50 feet

4. Right-of-Way:

a. Federal, State, County Road, or Local Collector or Arterial Street:  
50 feet.

b. Local Street: 30 feet.

5. Side Yard: Setback for property abutting a lake: 20 feet

6. Setback requirements from the ordinary high-water mark shall not apply to piers and docks. Where development exists on both sides of a proposed building site, building setbacks may be altered to more closely conform to adjacent building setbacks, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

7. Structure setback on approved preliminary plats and existing lots of record prior to (EFFECTIVE DATE), shall be allowed up to twenty feet (20') from the top of bluff. Any new subdivisions, lot combinations or replats of existing unbuildable lots of record shall be required to conform to the thirty foot (30') setback from top of bluff.

D. **Maximum Building Height:** Building height shall be regulated by Section 01-17-3 of this Article.

E. Impervious Surface Coverage:

1. Impervious surface coverage limits shall apply only to that portion of the lot lying within the S, Shoreland Overlay District.

2. Impervious surface coverage for lots in all zoning districts shall not exceed twenty five percent (25%) of the lot area, 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 Comprehensive Storm Drainage Plan for the City, 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 seventy five percent (75%) impervious surface coverage per lot within all industrial zoning districts located on tributary rivers, seventy percent (70%) impervious surface coverage per lot within all business zoning districts located on recreational development (RD) lakes, and tributary rivers and to a maximum of fifty percent (50%) impervious surface coverage per lot within all business zoning districts on natural environment (NE) lakes 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 Section 01-96-4.A of this Article.
  - (3) Any removal of significant trees shall require a tree preservation plan in accordance with the City's tree preservation guidelines.
- b. 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.

**01-96-8: NONCONFORMITIES:** Any lot of record filed in the office of the Wright County Recorder prior to February 10, 2003, which does not meet the requirements of Section 01-96-7 of this Chapter may be allowed as a building site provided the lot meets the requirements of Section 01-15 of this Article, and subject to approval of a shoreland impact plan.

- A. **Construction On Nonconforming Lots Of Record:** If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 01-96-7 of this Chapter the lot shall not be considered as a separate parcel of land for the purpose of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting seventy percent (70%) of the lot area and lot width requirements of this Chapter, provided each lot has access to public sewer and lot development can comply with all required setbacks. Effective

February 10, 2003, separate lots of record on that day may not be combined to meet seventy percent (70%) lot area and lot width requirements of Section 01-96-7 of this Article.

- 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 01-96-7 of this Article. Any deviation from these requirements shall be authorized by a variance pursuant to Section 01-96-12 and Chapter 7 of this Article.
- C. **Nonconforming Sewage Treatment Systems:** All sanitary facilities on lots outside of Howard Lake's 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.

#### **01-96-9: 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 5 of this Article and a plan of development, thereafter 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 UR, R-1, R-2, R-3, or R-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 UR, R-1, R-2, R-3, or R-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 subsection C1 through C4 of this Section are complied within addition to the requirements of Minnesota Regulations, chapter 1340.

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 Wright 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 the following 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 ground water 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 Section 01-96-8.C of this Article.
  5. Permit Required: No person may install, alter, repair or extend any individual sewage disposal system without first obtaining a permit therefore 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 mark.
    - b. On recreational development lakes, at least seventy five feet (75') from the normal high-water mark.
    - c. On tributary streams, at least seventy five feet (75') from the normal high-water mark.
  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 ground water 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 flood plain.
- F. **Water Supply:** Any private supply of water for domestic purposes shall conform to Minnesota Pollution Control Agency, Wright 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 be subject to review and approval of the City Engineer.

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 Wright 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 Roads, Driveways, And Parking Areas:** The following standards shall apply in regard to roadway, driveway and parking area placement and design within any shoreland district within the City.

1. Public and private roads 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 roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the Wright County Soil and Water Conservation District.
2. Private roads, driveways, and parking areas shall meet structure setbacks 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. Parking areas of more than four (4) spaces shall be screened in accordance with a landscape plan, submitted and approved by the City Council.
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 subpart are met. For private facilities, the grading and filling provisions of Section 01-96-10.B of this Chapter shall be met.

- I. **Fences:** Fences shall not exceed forty two inches (42") in height and shall be at least seventy five percent (75%) open space for passage of air and light inside the ordinary high-water level setback. Fences shall not be located within ten feet (10') from the ordinary high-water mark.

**01-96-10: 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 Section 01-96-9 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 Wright 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 Wright 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 the Howard Lake Subdivision Ordinance and consistent with the field office technical guides of the Wright County Soil and Water Conservation District.
  - c. Fill shall not be placed in areas lower in elevation than the normal high-water mark.
  - d. Fill shall be stabilized according to accepted engineering standards.
  - e. Fill shall not restrict a floodway or destroy the storage capacity of a flood plain.
  - 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 Wright 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, Shoreland Overlay District shall be in compliance with Chapter 27 of this Article.
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.

**01-96-11: PLANNED SHORELAND DEVELOPMENT:** Flexible application of the allowed 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:** Planned shoreland developments shall require a conditional use permit based upon procedures set forth in and regulated by Chapter 5 of this Article.
- 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)
General development lakes – first tier	200	200
General development lakes – additional tiers	267	200
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 unit 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 unit 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 50 of this Article 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
Second	100
Third	200
Fourth	200
Fifth	200

- 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 Section 01-96-9.C 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 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 unit 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 Environment Quality Council.
  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.

**01-96-12: VARIANCES:** Variances may be granted by the City Council upon application as required in Chapter 7 of this Article 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 flood plain 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 land forms, 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.

**01-96-13: CONDITIONAL USES:** Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures set forth in Chapter 5 of this Article. 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.

**01-96-14: 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.

**01-96-15: 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.