

Subd. 7. Shoreland Overlay District.

A. Scope.

The Shoreland area shall include all land within 1,000 feet of the ordinary high water mark of a protected water of ten (10) acres or more, within 300 feet of a river or stream, or the landward extent of a flood plain on such a river or stream, whichever is greater.

B. Authorization and Purpose.

The Shoreland Overlay District is adopted pursuant to the authorization contained in the Laws of Minnesota 1973, Chapter 379 and in furtherance of the policies declared in Minnesota Statutes 1976, Chapters 104, 105, 116 and 462.

The uncontrolled use of shorelands of the City of Waconia 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 Minnesota 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 of Waconia.

C. Definitions.

For purposes of the Shoreland Overlay District Ordinance, certain terms or words used herein shall be interpreted as follows: The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

1. Accessory Structure or Use: Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
2. Bluff: A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:
 - a. Part or all of the feature is located in a shoreland area.
 - b. The slope rises at least 25 feet above the ordinary high water level of the waterbody.

- c. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30% or greater.
- d. The slope must drain toward the waterbody.

An area with an average slope of less than 18% over a distance of 50 feet or more shall not be considered part of the bluff.

- 3. Bluff Impact Zone: A bluff and land located within 20 feet from the top of the bluff.
- 4. Boathouse: A structure used solely for the storage of boats or boating equipment.
- 5. Building Line: A line parallel to a lot line or the ordinary highwater level at the required setback beyond which a structure may not extend.
- 6. Commercial Planned Unit Development: Uses that provide transient, short term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service oriented activities are commercial planned unit developments.
- 7. Commercial Use: The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.
- 8. Commissioner: Shall mean the Commissioner of the Department of Natural Resources.
- 9. Conditional Use: A use as defined in Minnesota Statutes, Chapter 394.
- 10. Deck: A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.
- 11. Duplex, Triplex and Quad: A dwelling structure on a single lot, having two, three and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.
- 12. Dwelling Site: A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

13. Dwelling Unit: Any structure or portion of a structure, or other shelter designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.
14. Extractive Use: The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.
15. Forest Land Conversion: The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.
16. Guest Cottage: A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
17. Hardship: Means the same as that term is defined in Minnesota Statutes, Chapter 394.
18. Height of Building: The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
19. Industrial Use: The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
20. Intensive Vegetation Clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row or block.
21. Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.
22. Lot Width: The shortest distance between lot lines measured at the midpoint of the building line.
23. Nonconformity: The same as that term is defined in Minnesota Statutes, Chapter 394.

24. Ordinary High Water Level: The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.
25. Planned Unit Development: A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease and also usually involving clustering of these units or sites to provide areas of common open space, density increases and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
26. Public Waters: Any waters as defined in Minnesota Statutes, Section 103, Subdivisions 14 and 15. However, no lake or pond, or flowage of less than ten (10) acres in size and no river or stream having a total drainage area less than two (2) square miles shall be regulated for the purposes of these regulations. A body of water created by private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commissioner of Natural Resources shall be exempt from the provisions of these regulations. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner of Natural Resources. The official size of lakes, ponds, or flowages shall be the areas listed in the Division of Waters' Bulletin 25, AN INVENTORY OF MINNESOTA LAKES, or in the event that lakes, pond or flowages are not listed therein, official determination of size and physical limits shall be made by the Commissioner of Natural Resources in cooperation with the municipality.
27. Residential Planned Unit Development: A use where the nature of residency is non-transient and the major primary focus of the development is not service oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

28. Semi-Public Use: The use of a land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
29. Sensitive Resource Management: The preservation and management of areas unsuitable for development in their natural stage due to constraints such as shallow soils over groundwater to bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.
30. Setback: The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line or other facility.
31. Sewage Treatment System: A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated within this Code.
32. Sewer System: Pipelines, or conduits, pumping stations, and force main, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
33. Shore Impact Zone: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.
34. Shoreland: Land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands 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.
35. Significant Historic Site: Any archaeological site, standing structure or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

36. Steep Slope: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, that are not bluffs.
37. Structure: Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles and other supporting facilities.
38. Subdivision: Land that is divided for the purpose of sale, rent, or lease, including planned unit development.
39. Surface Water-Oriented Commercial Use: The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.
40. Toe of the Bluff: The lower point of a 50-foot segment with an average slope exceeding 18%.
41. Top of the Bluff: The higher point of a 50-foot segment with an average slope exceeding 18%.
42. Variance: The same as that term is defined or described in Minnesota Statutes, Chapter 394.
43. Water-Oriented Accessory Structure or Facility: A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples include boathouses, gazebos, screen houses, fish houses, pump houses and detached decks.
44. Wetland: A surface water feature classified as a wetland in the United States Fish and Wildlife Circular No. 39 (1971 Edition), which is hereby incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

D. Shoreland Management Classification System.

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, protected waters in and around the City have been given shoreland management classifications.

The public waters and watercourses of the City have been classified by the Commissioner of Natural Resources as follows:

Public Waters				
Name	DNR Number	Acres	OHWL	Shoreland Classification
Waconia	10-59P	3,196	963.1	General Development
Burandt	10-84P	177	959.8	Recreational Development
Hilks	10-85P	39	961.3	Natural Environment
Reitz	10-52P	101	937.8	Natural Environment
Unnamed	10-60P	116	Estimated ¹	Natural Environment

¹Unnamed Public Water 10-60P is a sloping wetland and its OHWL does not correspond to one elevation. The estimated OWHL of this Public Water is subject to DNR approval.

Watercourses			
Name	Location	OHWL¹	Shoreland Classification
Unnamed to Burandt Lake	From Lake Waconia Burandt Lake	Edge of bank of channel	Tributary
Unnamed from Burandt Lake	From Burandt Lake to areas south of Burandt Lake	Edge of bank of channel	Tributary

E. Zoning Provisions.

The following standards shall apply to all shoreland areas of the protected waters listed in this section and shown on the Official Zoning Map of the City of Waconia. Shoreland Overlay Districts are shown on the Official Zoning Map. If a conflict appears between these standards and those set within the ordinance, the most restrictive shall apply (lot = single-family dwellings):

1a. Natural Environment Lakes, No Sewer.

Residential Type	Riparian Lots		Non-Riparian Lots	
	Area (sq. ft.)	Width (ft.)	Area (sq. ft.)	Width (ft.)
Single Family	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

1b. Recreational Development Lakes, No Sewer.

Residential Type	Riparian Lots		Non-Riparian Lots	
	Area (sq. ft.)	Width (ft.)	Area (sq. ft.)	Width (ft.)
Single Family	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490

1c. General Development Lakes, No Sewer.

Residential Type	Riparian Lots		Non-Riparian Lots	
	Area (sq. ft.)	Width (ft.)	Area (sq. ft.)	Width (ft.)
Single Family	20,000	100	40,000	100
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490

2a. Natural Development Lakes, Sewered.

Residential Type	Riparian Lots		Non-Riparian Lots ¹	
	Area (sq. ft.)	Width (ft.)	Area (sq. ft.)	Width (ft.)
Single Family	40,000	200	20,000	125
Duplex	70,000	225	35,000	200
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

¹Where a 75-foot buffer, as measured from and perpendicular to the OHWL, has been protected by a perpetual conservation easement or dedicated to the City, the minimum lot area for sewered non-riparian lots in the shoreland district of Public Water 10-60P shall be the same as the underlying zoning district.

2b. Residential Development Lakes, Sewered.

Residential Type	Riparian Lots		Non-Riparian Lots	
	Area (sq. ft.)	Width (ft.)	Area (sq. ft.)	Width (ft.)
Single Family	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

2c. General Development Lakes, Sewered.

Residential Type	Riparian Lots		Non-Riparian Lots	
	Area (sq. ft.)	Width (ft.)	Area (sq. ft.)	Width (ft.)
Single Family	15,000	75	10,500	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245

3a. Setbacks and Impacts Zones:

Lake Class	Structure Setback from		Shoreland Impact Zone	
	OHWL (feet)		(feet)	
	Unsewered	Sewered	Unsewered	Sewered
Natural Environment	150	150	75	75
Recreational Development	100	75	50	37.5
General Development	75	50	37.5	25

Lake Class	Septic System Setback	
	from OHWL (feet)	
Natural Environment	100	
Recreational Development	75	
General Development	50	

- 3b. The following additional structure setbacks apply, regardless of the classification of waterbody:

Setback from:	Setback in feet:
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state or county highway	50
Right-of-way line of public streets	25

4. Tributary watercourses

Parameter	Requirement (feet)
Lot Width	75 feet
Sewered Structure Setback	50 feet
Unsewered Structure Setback	100 feet
Impact Zone	25 feet
Septic System Setback	75 feet

5. Exceptions to structure setback standards in Section E (above) are allowable where structures exist on the adjoining lots on both sides of a proposed building site. Structure setbacks may be altered without a variance to conform to the adjoining setbacks provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.
6. Local shoreland controls must regulate placement of structures in relation to high water elevation. Where state-approved, local floodplain management controls exist, structures must be placed at an elevation consistent with the controls. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
- a. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.
 - b. Water oriented accessory structures may have the lowest floor placed lower than the elevation determined above if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
7. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

8. Steep Slopes. Local government officials must 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.
9. Accessory Structures and Facilities. Each residential lot may have one (1) water-oriented accessory structure or facility that can be located closer to the public waters than the structure setback if all of the following standards are met:
 - a. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight (8) feet above grade at any point.
 - b. The setback of the structure or facility from the ordinary high water level must be at least twenty-five (25) feet.
 - c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.
 - d. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
 - e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
 - f. On general development and recreational development lakes, water oriented accessory structures used solely for watercraft storage, and including storage of related boating and water oriented sporting equipment, may occupy an area up to 300 square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

10. Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
 - a. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties and planned unit developments.
 - b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties and planned unit developments.
 - c. Canopies or roofs are not allowed on stairways, lifts or landings.
 - d. Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - e. Stairways, lifts and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
 - f. 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 subitems (a) to (e) are complied with in addition to the requirements of Chapter 1340.

11. Decks. Except as provided in item 7 above, decks must meet the structure setback standards. Decks that do not meet setback requirements from public waters may be allowed without a variance to be added to structures existing on the date the shoreland structure setbacks were established by ordinance, if all of the following criteria and standards are met:
 - a. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

- b. The deck encroachment toward the ordinary high water level does not exceed 15% of the existing shoreline setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
- c. The deck is constructed primarily of wood, and is not roofed or screened.

F. Shoreland Alterations

- 1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
- 2. Limited clearing of trees and shrubs and cutting, pruning and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas and permitted water-oriented accessory structures or facilities, as well as providing a view to the water from the principal dwelling site, in shore and bluff impact zones and on steep slopes is allowed, provided that:
 - a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - b. Along rivers, existing shading of water surfaces is preserved; and
 - c. The above provisions are not applicable to the removal of trees, limbs or branches that are dead, diseased, or pose safety hazards.
- 3. Use of fertilizer and pesticides in the shoreland management district must be done in a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both.
- 4. Grading or Filling: Before any grading or filling activities take place on steep slopes or within shore or bluff impact zones involving the movement of more than ten (10) cubic yards of material or anywhere else in a shoreland area involving movement of more than 50 cubic yards of material, it must be established by local official permit issuance that all of the following conditions will be met. The following conditions must also be considered during subdivision, variance, building permit, and other conditional use permit reviews:
 - a. Before authorizing any grading or filling activity in any type 2 through 8 wetland, local officials must consider how extensively the proposed activity would affect the following functional qualities of the wetland:
 - 1. Sediment and pollutant trapping and retention;

2. Storage of surface runoff to prevent or reduce flood damage;
3. Fish and wildlife habitat;
4. Recreational use;
5. Shoreline or bank stabilization; or
6. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews or approvals by other local, state or federal agencies such as a watershed district, the Minnesota Department of Natural Resources or the United States Corps of Engineers.

- b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
- c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
- d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
- e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.
- f. Fill or excavated material must not be placed in bluff impact zones.
- g. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103.
- h. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

- i. 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 horizontal to one foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.
5. Connection to Public Waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons and harbors must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.
6. Placement of Roads, Driveways, Parking Areas. Public and private roads, driveways and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They must be designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
 - a. Roads, driveways and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.
 - b. 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 in this subpart are met. For private facilities, the grading and filling provisions of this section must be met.

G. Stormwater Management.

1. When possible, existing natural drainageways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.
2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

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 must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.
4. Impervious surface coverage of lots must not exceed 25% of the lot area.
5. When constructed facilities are used for stormwater management, they must be designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
6. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

H. Sanitary Provisions.

1. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
 - a. Private wells must be located, constructed, maintained and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.
2. Sewage Treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment.
 - a. Publicly-owned sewer systems must be used where available.
 - b. All private sewage treatment systems must meet or exceed applicable rules of the Minnesota Pollution Control Agency, specifically Chapter 7080 for individual sewage treatment systems, and any applicable local government standards.
 - c. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the zoning provisions specified in this ordinance.
 - d. The City and DNR will implement programs to identify and upgrade sewage treatment systems that are inconsistent with the sewage treatment system design criteria identified in item (b) above, exclusive of the appropriate

setback from the ordinary high water levels. These programs must require reconstruction of existing nonconforming sewage systems whenever a permit or variance of any type is required for any improvement on, or use of, the property.

- e. In addition, a notification and educational program will be implemented that is oriented toward convincing property owners to evaluate their sewage systems and voluntarily upgrade the sewage treatment system if non-conforming.

I. Standards for Commercial, Industrial, Public and Semi-Public Uses.

- 1. Surface water-oriented commercial uses and industrial, public or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Uses without water-oriented needs 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. Those with water-oriented needs must meet the following standards:

- a. In addition to meeting impervious coverage limits, setbacks and other zoning standards within this code, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
- b. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.

- c. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

- 1. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.
- 2. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods and services available. The signs must not contain other detailed information such

as product brands and prices, must not be located higher than ten (10) feet above the ground and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.

3. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

J. Agricultural Use Standards.

1. The shore impact zone for parcels with permitted agricultural uses is equal to a line parallel to and 50 feet from the ordinary high water level.
2. 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 consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service.
3. Animal feedlots as defined by the Minnesota Pollution Control Agency, where allowed by zoning district designations, must be reviewed as conditional uses and must meet the following standards:
 - a. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins.
 - b. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
 - c. A certificate of compliance, interim permit or animal feedlot permit must be obtained by the owner or operator of an animal feedlot.

K. Extractive Use Standards.

1. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

2. An extractive use site development and restoration plan must be developed, approved by the City and DNR and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation and anticipated vegetation and topographic alterations. It must also identify action to be taken during operation to mitigate adverse environmental impacts, particularly erosion and must clearly explain how the site will be rehabilitated after extractive activities end.

L. Subdivision Provisions.

1. Land Suitability. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community.
2. Platting. All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size must be processed by local governments as plats in accordance with Minnesota Statutes, Chapter 505. Local governments must not record parcels or issue building or sewage permits for lots created after enactment of official controls under parts 6120.2500 to 6120.3900 that are not part of officially approved subdivisions.
3. Consistency With Other Controls. Subdivisions must conform to all other official controls adopted by local governments under parts 6120.2500 to 6120.3900. Local governments must not approve subdivisions that are designed so variances from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, subdivisions must not be approved by local governments unless domestic water supply is available and soil absorption sewage treatment can be provided for every lot. A lot shall meet the minimum lot size and include a minimum contiguous lawn area that is free of limiting factors (location and type of water supply, soil type, depth to groundwater or impervious layer, slope, flooding potential and other limiting factors), sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
4. Information to be included for subdivision review shall include at least the following:

- a. Topographic contours at 10-foot intervals or less from the U.S. Geological Survey maps or more accurate sources, showing limiting site characteristics;
 - b. The surface water features required in Minnesota Statutes, Section 505.02, Subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
 - c. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 - d. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities; and
 - e. Location of 100-year flood plain areas from existing maps or data.
5. Dedications. If local governments require land or easement dedications, they must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- M. Planned Unit Development. The City incorporates Part 6120.3800 titled Planned Unit Development into their Shoreland Overlay Ordinance.
- N. Administration.
1. Administration and Enforcement. Local governments must provide for the administration and enforcement of their shoreland management controls by establishing permit procedures for building construction, installation of sewage treatment systems, and grading and filling.
 2. Variances. Variances may only be granted in accordance with Minnesota Statutes, Chapters 394 or 462, as applicable. They may not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, boards of adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether

the properties are used seasonally or year-round, whether variances are being requested solely on the basis of economic considerations and the characteristics of development on adjacent properties.

3. Conditional Uses. In addition to any existing standards local governments may have reviewing conditional uses, the following standards must be incorporated into local controls and used for reviewing conditional uses located in shoreland areas:
 - a. A thorough evaluation of the topographic, vegetation, and soils condition on the site to ensure: prevention of soil erosion or other possible pollution of public waters, both during and after construction; limiting visibility of structures and other facilities as viewed from public waters; and adequacy of the site for water supply and on-site sewage treatment.
 - b. An assessment of the types, uses and numbers of watercraft that the project will generate in relation to the suitability of public waters to safely accommodate these watercraft.

Local governments may impose conditions when granting conditional use permits that specify: increased setbacks from public waters; vegetation allowed to be removed or required to be established; sewage treatment system location, design or use; location, design and use requirements for watercraft launching or docking and for vehicular parking; structure or other facility design, use and location; phasing of construction; and other conditions considered necessary by the local unit of government.

4. Nonconformities. Local governments must require upgrading or replacement of any existing, on-site sewage treatment system identified as a nonconformity under a program established under Part 6120.3400. Systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 105.485, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods or systems with less soil treatment area separation above groundwater than required by Chapter 7080, shall be considered nonconforming.
 - a. All nonconformities other than on-site sewage treatment systems must be managed according to applicable state statutes and local government official controls.

5. Notification Procedures.

- 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 plats must include copies of the plats.
- b. A copy of approved amendments and 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.

6. Permits Required.

A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section F of this ordinance. Application for a permit shall be made to the Zoning Officer on the forms provided. The application shall include the necessary information so that the Zoning Officer can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system shall be reconstructed or replaced in accordance with the provisions of this ordinance.