

**SECTION 64  
S, SHORELAND MANAGEMENT OVERLAY DISTRICT**

**Subdivision**

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**64.01: PURPOSE:** The intent of this Section is to reduce the effects of overcrowding, to prevent pollution of waters of the Community, to provide ample space on lots for sanitary facilities, to minimize flood damages, to maintain property values, and to maintain natural characteristics of shorelands and adjacent water areas by controlling lot sizes, placement of structures on lots, and alteration of shoreland areas.

**64.02: STATUTORY AUTHORIZATION:** This Section is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103A, B, E, F, G, and I, Minnesota Regulations, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

**64.03: SHORELAND DISTRICTS:** The shorelands within the City of St. Augusta are hereby designated as shoreland districts and the requirements set forth in this Section shall govern development and other activities within these districts. The classification of the shoreland areas shall govern the use, alteration and development of these areas according to said classification as per M.S. 103F.201, .205, .211, .215, and .221, and Minnesota Regulations NR 82-84.



**64.04: DISTRICT APPLICATION:** The Shoreland District shall be applied to and superimposed as an overlay upon all zoning districts as contained herein as existing or amended by this Ordinance and official Zoning Map. The regulations and requirements imposed by the Shoreland 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.

**64.05: BOUNDARIES:** The boundaries of the Shoreland Overlay 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 official Zoning Map.

SURFACE WATER	DISTANCE (FEET)*
Greater than ten (10) acres (Table 1)	1,000
Rivers and Streams (draining an area greater than two (2) square miles)***	300**

- \* The practical distance may be less whenever the waters involved are bounded by topographical divides which extend landward from the waters for lesser distances and prevent flowage toward the surface water.
- \*\* The distance requirement shall be increased to the limit of the floodplain when the floodplain is greater than three hundred (300) feet.
- \*\*\* Does not include Wild, Scenic, and Recreational River

**64.06: SHORELAND CLASSIFICATION SYSTEM:** The surface waters affected by this Ordinance and which require controlled development of their shoreland (Shoreland District) shall be shown on the official Zoning Map established by Subd. 44.03 of this Ordinance. Surface waters generally greater than ten (10) acres and given an identification number by the State of Minnesota are defined and listed below.

**A. Lakes Classification System:**

1. **Natural Environmental Lakes:** Natural environmental lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrocks, and unsuitable soils.

These lakes, particularly in rural areas, usually do not have much existing development or recreational use.



Natural Environment Lakes

Protected Waters Inventory ID #

2. **Recreational Development Lakes:** Recreational development lakes are generally medium sized lakes of varying depths and shapes with a variety of land form, soil, and ground water situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally-oriented commercial uses. Many of these have capacities for accommodating additional development and use.

Recreational Development Lakes

Protected Waters Inventory ID #

**B. Rivers and Streams Classification System:**

1. **Agricultural Rivers:** Agricultural river segments are located in well-roaded, intensively cultivated areas of the western and southern regions of the state. Cultivated crops are the predominant land use, with some pasture and occasional feedlots, small municipalities, and small forested areas. Residential development is not common, but some year-round residential use is occurring within commuting distances of major cities. Some intensive recreational use occurs on these river segments in particular areas, but overall recreational use of these waters and adjacent lands is low. Although potential exists for additional development and recreation, water quality constraints and competing land uses, particularly agriculture, will inhibit expansions.

Agricultural River

Legal Description

2. **Tributary Rivers:** Tributary river segments consists of water courses mapped in the Protected Waters Inventory that have not been assigned one of the river classes. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and within cities.

Tributary Rivers

Legal Descriptions



#### 64.07: LAND USE DISTRICT DESCRIPTIONS:

- A. Criteria for Designation: The land use districts in Subd. 64.07.B and the delineation of a land use district's boundaries on the official Zoning Map, shall be consistent with the goals, policies, and objectives of the City's Comprehensive Plan and the following criteria, considerations, and objectives:
1. General Considerations and Criteria for all Land Uses:
    - a. Preservation of natural areas.
    - b. Present ownership and development of shoreland areas.
    - c. Shoreland soil types and their engineering capabilities.
    - d. Topographic characteristics.
    - e. Vegetative cover.
    - f. In-water physical characteristics, values, and constraints.
    - g. Recreational use of the surface water.
    - h. Road and service center accessibility.
    - i. Socio-economic development needs and plans as they involve water and related land resources.
    - j. The land requirements of industry which, by its nature, requires location in shoreland areas.
    - k. The necessity to preserve and restore certain areas having significant historical or ecological value.
  2. Factors and Criteria for Planned Unit Developments:
    - a. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments.
    - b. Physical and aesthetic impacts of increased density.
    - c. Suitability of lands for the planned unit development approach.
    - d. Level of current development in the area.
    - e. Amounts and types of ownership of undeveloped lands.
- B. Allowable Land Uses: The land uses allowable for the Shoreland Overlay District shall follow the permitted, interim, accessory, and conditional use designations as defined and outlined in the base zoning districts established by Subd. 44.01 of this Ordinance and shall be properly delineated on the official Zoning Map for the shorelands of St. Augusta. The land uses shall be further subject to the provisions of Subd. 64.08 of this Section. These land use districts are in conformance with the criteria specified in Minnesota Regulations, Part 6120.3200, Subp. 3.



**64.08: AGRICULTURE/RESIDENTIAL STANDARDS - LAKES:**

A. Lot and Setback Standards –Lakes: Subject to the other more restrictive limitations which may be imposed by this Ordinance, the following minimum requirements for lakes shall be observed in the agricultural and residential zoning districts established by Subd. 44.01 of this Ordinance, which are overlaid by the Shoreland District.

		Natural Environment		Recreational Development	
		Area	Width	Area	Width
1.	Lot Area and Width				
	a. Unsewered:				
	Riparian Lots				
	Single	80,000	200	40,000	150
	Duplex	120,000	300	80,000	225
	Triplex	160,000	400	120,000	300
	Quad	200,000	500	160,000	375
	Non-Riparian Lots				
	Single	80,000	200	40,000	150
	Duplex	160,000	400	80,000	265
	Triplex	240,000	600	120,000	375
	Quad	320,000	800	160,000	490
	b. Sewered:				
	Riparian Lots				
	Single	40,000	125	20,000	75
	Duplex	70,000	225	35,000	135
	Triplex	100,000	325	50,000	190
	Quad	130,000	425	65,000	255
	Non-Riparian Lots				
	Single	20,000	125	15,000	75
	Duplex	35,000	220	26,000	135
	Triplex	52,000	315	38,000	190
	Quad	65,000	410	49,000	245
2.	Setbacks from Ordinary High Water Mark*				
	a. Structures				
	Unsewered	150		100	
	Sewered	150		75	
	b. Sewage Treatment System	150		75	
3.	Side Yard Setbacks				



for Property Abutting a Lake 20 20

4. Building Height (Ft)\*\* 35 35
5. Maximum Impervious Surface to Area Ratio 25% 25%

\* 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.

\*\* Agricultural use related buildings, silos, and towers shall be exempt from the building height requirements. Building heights of over 35 feet that are not an exempt agricultural use may be allowed through approval of a conditional use permit as regulated under Section 4 of this Ordinance and Subd. 64.15 of this Section.

**64.09: COMMERCIAL/INDUSTRIAL STANDARDS - LAKES:**

A. Lot and Setback Standards - Lakes. Subject to other more restrictive limitations which may be imposed by this Ordinance, the following minimum requirements for lakes shall be observed in the business and industrial zoning districts established by Subd. 44.01 of this Ordinance, which are overlaid by the Shoreland District

	<u>Natural Environment</u>	<u>Recreational Development</u>
1. Lot Width		
a. Unsewered		
Riparian Lots	200	150
Non-Riparian Lots	200	150
b. Sewered		
Riparian Lots	125	100
Non-Riparian Lots	125	100
2. Setback from Ordinary High Water Mark*		
a. Commercial/Industrial	150	100
b. Impervious Surface Parking	75	50
3. Side Yard Setback for Property Abutting Lake	20	20



4.	Building Height - Feet**	35	35
5.	Maximum Impervious Surface to Lot Area Ratio	25%	25%

\* 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.

\*\* Agricultural use related buildings, silos, and towers shall be exempt from the building height requirements. Building heights of over 35 feet that are not an exempt agricultural use may be allowed through approval of a conditional use permit as regulated under Section 4 of this Ordinance and Subd. 64.15 of this Section.

**64.10: AGRICULTURE, RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL STANDARDS - RIVERS/STREAMS:**

A. Lot and Setback Standards - Rivers: Subject to other more restrictive limitations which may be imposed by this Ordinance, the following minor requirements for rivers shall be observed in all Zoning Districts established by Subd. 44.01 of this Ordinance which are overlaid by the Shoreland District.

Lot Width		<u>Agriculture</u>	<u>Tributary</u>
1.	Unsewered		
	Single	150	100
	Duplex	225	150
	Triplex	300	200
	Quad	375	250
2.	Sewered		
	Single	150	75
	Duplex	225	115
	Triplex	300	150
	Quad	375	190



	<u>Agriculture</u>	<u>Tributary</u>
Setback from Ordinary High Water Mark*		
1. Structures		
Unsewered	100	100
Sewered	50	50
2. Sewage Treatment System	75	75
Side Yard Setbacks for Property		
Abutting a River or Stream	20	20
Building Height-Feet**	35	35
Maximum Impervious Surface Area Ratio	25%	25%

\* 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.

\*\* Agricultural use related buildings, silos, and towers shall be exempt from the building height requirements. Building heights of over 35 feet that are not an exempt agricultural use may be allowed through approval of a conditional use permit as regulated under Section 4 of this Ordinance and Subd. 64.15 of this Ordinance.

**64.11: ADDITIONAL SPECIAL PROVISIONS:**

- A. Residential subdivisions with dwelling unit densities exceeding those in the tables in Sections 64.08, 64.09 and 64.10 can only be allowed if designed and approved as residential planned unit developments under Subd. 64.17 of this Ordinance. Only land above the ordinary high water level of public waters shall be used to meet lot area standards, and lot width standards shall be met at both the ordinary high water level and at the building line. The sewer lot area dimensions shall only be used if publicly owned or controlled sewer system service is available to the property.
- B. Subdivisions of duplex, triplexes, and quadraminiums on Natural Environment Lakes shall also meet the following standards:
  - 1. Each building shall be set back at least two hundred (200) feet from the ordinary high water level;
  - 2. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;



3. Watercraft docking facilities for each lot shall be centralized in one location and serve all dwelling units in the building; and
4. No more than twenty-five (25) percent of a lake's shoreland shall be in duplex, triplex, or quad developments.

C. Lots intended as controlled private access to public waters or as recreational areas for use by other than those residents residing on the lot in question is expressly prohibited.

D. Placement, Design, and Height of Structures:

1. Placement of Structures on Lots: When more than one setback applied to a site, structures and facilities shall be located to meet all setbacks. 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 from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Subject to other more restrictive limitations as may be imposed by this Ordinance, structures shall be located as follows:

a. Additional Structure Setbacks: The following additional structure setbacks apply, regardless of the classification of the water body.

<u>Setback From:</u>	<u>Setback (in feet)</u>
(1) Top of bluff	30
(2) Unplatted cemetery	50
(3) Right-of-way line of federal, state, or county highway.	30
(4) Right -of-way line of street , or other roads or streets not classified.	(Subject to individual of town road, public district requirements)

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

c. Uses Without Water-Oriented Needs: Uses without water-oriented needs shall be located on lots or parcels without public waters



frontage, or, if located on lots or parcels with public waters frontage, shall 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.

2. Design Criteria for Structures:

a. High Water Elevations: Structures shall be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed shall be determined as follows:

(1) 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.

(2) For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data is not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood lows and to establish a flood protection elevation. Under all three approaches, technical evaluations shall be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined shall be used for placing structures and other facilities;

(3) Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined 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.

b. Water-Oriented Accessory Structures: Subject to other more restrictive limitations which may be imposed by this Ordinance, each lot may have one water-oriented accessory structure not meeting the normal structure setback in Subd. 64.08, 64.09 and 64.10 of this Ordinance if the water-oriented accessory structure complies with the following provisions:



- (1) The structure or facility shall not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than two hundred fifty (250) square feet. Detached decks shall not exceed eight feet above grade at any point;
- (2) The setback of the structure or facility from the ordinary high water level shall be at least ten (10) feet;
- (3) The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
- (4) The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area;
- (5) The structure or facility shall not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
- (6) As an alternative for general development and recreational development water bodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented supporting equipment, may occupy an area up to four hundred (400) square feet, provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

c. 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. Subject to other more restrictive limitations which may be imposed by this Ordinance, stairways and lifts shall meet the following design requirements:

- (1) Stairways and lifts shall not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, and public open space recreational properties;
- (2) Landings for stairways and lifts on residential lots shall not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, and public open space recreational properties;
- (3) Canopies or roofs shall not be allowed on stairways, lifts, or landings;



- (4) 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.
  - (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.
  - (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 subitems (a) to (e) shall be complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
    - d. Significant Historic/Archeological Sites: No structure may be placed on a significant historic and/or archeological site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
    - e. Steep Slopes: The Zoning Administrator 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 shall 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. Shoreland Alterations: Alterations of vegetation and topography shall be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic value, prevent bank slumping, and protect fish and wildlife habitat.
1. Vegetation Alterations:
    - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Subd. 64.11.F of this Ordinance shall be exempt from the vegetation alteration standards that follow.



- b. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Subd. 64.11.H of this Ordinance may be allowed subject to the following standards:

(1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes shall not be 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 may be developed and approved by the Soil and Water Conservation District in which the property is located.

(2) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees may be allowed to provide a view to the water from the principal dwelling site and 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, provided that:

- (a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, shall not be substantially reduced;
- (b) Along rivers, existing shading of water surfaces shall be preserved; and
- (c) The above provisions shall not be applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

2. Topographical Alterations/Grading and Filling:

- a. Subject to other more restrictive limitations which may be imposed by this Ordinance, grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validity issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section shall be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- b. Public roads and parking areas as regulated by Subd. 64.11.F of this Ordinance.



c. Notwithstanding items a and b above, a grading and filling permit shall be required for:

- (1) The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
- (2) The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.

d. The following considerations and conditions shall be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:

- (1) Grading or filling in any Type 2, 3, 4, 5, 6, 7, or 8 wetland shall be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:
  - (a) Sediment and pollution trapping and retention;
  - (b) Storage of surface runoff to prevent or reduce flood damage;
  - (c) Fish and wildlife habitat;
  - (d) Recreational use;
  - (e) Shoreline or bank stabilization; and
  - (f) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

\*This evaluation shall 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 Army Corps of Engineers. The applicant shall be so advised.

- (2) Alterations shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;



- (3) Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and permanent vegetation cover shall be established as soon as possible.
  - (4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used;
  - (5) Altered areas shall 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;
  - (6) Fill or excavated material shall not be placed in a manner that creates an unstable slope;
  - (7) Plans to place fill or excavated material on steep slopes shall be reviewed by the City Engineer for continued slope stability and shall not create finished slopes of 30 percent or greater. This provision shall not apply to any retaining wall;
  - (8) Fill or excavated material shall not be placed in bluff impact zones;
  - (9) Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of the Department of Natural Resources under Minnesota Statutes, Section 103G.245.
  - (10) Alterations of topography shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
  - (11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, may be permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
- e. Connections to Public Waters: Excavations where the intended purpose is connection to a public water, such boat slips, canals, lagoons, and harbors, shall be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner of the Department of Natural Resources has approved the proposed connection to public waters.



F. Placement and Design of Streets, Driveways, and Parking Areas: Subject to other more restrictive limitations which may be imposed by this Ordinance, the following standards shall apply in regard to roadway, driveway, and parking area placement and design within the Shoreland Overlay District of St. Augusta.

1. Public streets 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 a qualified individual that all streets and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
2. Streets, 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, and shall be designed to minimize adverse impacts.
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 sub-part are met. For private facilities, the grading and filling provisions of Subd. 64.11.E of this Ordinance shall be met.

G. Storm Water Management: Subject to other more restrictive limitations which may be imposed by this Ordinance or the City Code, the following general and specific standards shall apply in regard to storm water management within the Shoreland Overlay District of St. Augusta:

1. General Standards:
  - a. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain storm water runoff before discharge to public waters.
  - b. Development shall be planned and conducted in a manner that shall 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 facilities or methods used to retain sediment on the site.
  - c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water 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 man-made materials and facilities.

2. Specific Standards:

- a. Impervious surface coverage of lots shall not exceed twenty-five (25) percent of the lot area.
- b. When constructed facilities are used for storm water management, documentation shall be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- c. New constructed storm water outfalls to public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

H. Special Provisions for Commercial, Industrial, Public/ Semipublic, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat:

1. Standards for Commercial, Industrial, Public and Semipublic Uses:

- a. Surface water-oriented commercial uses and industrial, public, or semipublic 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. Subject to other more restrictive limitations which may be imposed by this Ordinance, those uses with water-oriented needs shall meet the following standards:
  - (1) In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Ordinance, the uses shall be designed to incorporate topographic and vegetative screening of parking areas and structures;
  - (2) Uses that require short-term watercraft mooring for patrons shall centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
  - (3) 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:



(a) 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 Zoning Administrator;

(b) 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 shall only convey the location and name of the establishment and the general types of goods or services available. The signs shall not contain other detailed information such as product brands and prices, shall not be located higher than ten feet above the ground, and shall not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights shall be shielded or directed to prevent illumination out across public waters; and

(c) 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.

b. Uses without water-oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall 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.

## 2. Agriculture Use Standards:

a. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting may be 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 local soil and water conservation districts or the United States soil Conservation Service, as provided by a qualified individual or agency.



- b. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
  - c. Animal feed lots shall meet the requirements of this Ordinance, as well as the following standards:
    - (1) New feedlots shall not be located in the shoreland of watercourses or in bluff impact zones and shall meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and
    - (2) Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone may be allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
3. Forest Management Standards: The harvesting of timber and associated reforestation shall be conducted consistent with the provisions of the Minnesota Non-point Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota".
4. Extractive Use Standards:
- a. Site Development and Restoration Plan: An extractive use site development and restoration plan shall be developed, approved, and followed over the course of operation of the site. The plan shall address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and shall clearly explain how the site will be rehabilitated after extractive activities end.
  - b. Setbacks for Processing Machinery: Processing machinery shall be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
5. Mining of Metallic Minerals and Peat: Mining of metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51 are satisfied.



I. Water Supply and Sewage Treatment:

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

Private wells shall 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 shall be provided with an adequate method of sewage treatment, as follows:

- a. Publicly-owned sewer systems shall be used where available.

- b. All private sewage treatment systems shall meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this Ordinance.

- c. On-site sewage treatment systems shall be set back from the ordinary high water level in accordance with the setbacks contained in this Section.

- d. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems (1) - (4). 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.  
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.



- e. Non-conforming sewage treatment systems shall be regulated and upgraded in accordance with Subd. 64.12.C of this Ordinance.

**64.12: NON-CONFORMITIES:** All legally established non-conformities as of the date of this Ordinance may continue, but they shall be managed according to applicable state statutes and Section 14 of this Ordinance for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards shall also applying shoreland areas;

A. Construction and Non-conforming Lots of Records:

1. Lots of record in the Office of the Stearns County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of this Section may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met.
2. A variance from setback requirements shall be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this Section, the lot shall not be considered as a separate parcel of land for the purposes of sale or development. The lot shall be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this Ordinance to the extent possible.

B. Additions/Expansions to Non-conforming Structures:

1. All additions or expansions to the outside dimensions of an existing non-conforming structure shall meet the setback, height, and other requirements of this Section. Any deviation from these requirements may be authorized only by a variance pursuant to Section 7 of this Ordinance.
2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:



- a. The structure existed on the date the structure setbacks were established;
  - b. 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;
  - c. The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive; and
  - d. The deck is constructed primarily of wood, and is not roofed or screened.
- C. **Non-conforming Sewage Treatment Systems:** A sewage treatment system not meeting the requirements of this Section shall be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision a sewage treatment system shall not be considered non-conforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

**64.13: ADMINISTRATION:**

**A. Permits Required:**

- 1. A shoreland permit shall be required for the construction of buildings or building additions (and including such related activities as construction decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Subd. 64.11.E.2 of this Ordinance. Application for a permit shall be made to the City Zoning Administrator on the forms provided. The application shall include the necessary information so that the site's suitability for the intended use can be determined and that a compliant sewage treatment system will be provided.
- 2. A shoreland permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Subd. 64.12.C. shall be reconstructed or replaced in accordance with the provisions of this Ordinance.

**B. Certificate of Zoning Compliance:** The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in this Section.



This certificate shall specify that the use of land conforms to the requirements of this Ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this Ordinance and shall be punishable as provided in Section 12 of this Ordinance.

**64.14: VARIANCES:**

- A. Provisions: Variances shall only be granted in accordance with Minnesota Statutes, Chapter 462, as applicable and with Section 7 of this Ordinance. A variance may not circumvent the general purposes and intent of this Ordinance. 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 a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment shall also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- B. Board of Adjustment: The Board of Adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Subd. 64.18 below shall also include the Board of Adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
- C. Sewage Treatment Systems: For existing developments, the application for variance shall clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, shall require reconstruction of a nonconforming sewage treatment system.

**64.15: CONDITIONAL USES:** Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses as found in Section 4 of this Ordinance. The following additional evaluation criteria and conditions shall apply within shoreland areas:

- A. Evaluation Criteria: A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site shall 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; and
4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

B. Conditions Attached to Conditional Use Permits: The City of St. Augusta, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

1. Increased setbacks from the ordinary high water level;
2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
3. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

#### **64.16: SUBDIVISION/PLATTING PROVISIONS:**

- A. Land Suitability: Each lot created through subdivision, including planned unit developments authorized under Subd. 64.17 of this Ordinance, shall be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider items specified in the Subdivision Ordinance.
- B. Consistency with Other Controls: Subdivisions must conform to the Subdivision Ordinance. A subdivision shall not be approved where a later variance 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, a subdivision shall not be approved unless domestic water supply is available and a sewage treatment system consistent with Subd. 64.11.I can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of this Ordinance, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks shall not be approved.



- C. Information Requirements: Sufficient information shall be submitted by the applicant for the community to make a determination of land suitability. The information shall include those items specified in Subd. 10.06 of this Ordinance and at minimum the following:
1. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United State Geological Survey quadrangle topographic maps or more accurate sources;
  2. 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 storm water runoff and erosion, both during and after construction activities;
  3. Location of 100-year floodplain areas and floodway districts from existing adopted maps or data; and
  4. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- D. Dedications: When a land or easement dedication is a condition of subdivision approval, the approval shall provide easements over natural drainage or ponding areas for management of storm water and significant wetlands.
- E. Platting: All subdivisions that create five or more lots or parcels that are 2 ½ acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505 and the Subdivision Ordinance. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls are enacted unless the lot is approved as part of a formal subdivision.
- F. Controlled Access or Recreational Lots: Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision shall meet or exceed the sizing criteria in Subd. 64.08, 64.09 and 64.10 of this Ordinance.

#### **64.17: PLANNED UNIT DEVELOPMENT (PUDs):**

- A. Types of PUDs Permissible: Planned unit developments (PUDs) may be allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Planned unit developments may be allowed as a district as specified in Section 63 of this Ordinance. The land use



districts in which they are an allowable use are identified in the land use district descriptions in Subd. 64-7 of this Ordinance and the official zoning map.

- B. Processing of PUDs: Planned unit developments shall be processed as a conditional use and in conformance with Section 63 of this Ordinance, except that an expansion to an existing commercial PUD involving six or less new dwelling units or sites since the date of this Ordinance was adopted are permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Subd. 64.17.E. Approval shall not occur until the environmental review process (EAW/EIS) is complete.
- C. Application for a PUD: The applicant for a PUD shall submit the documents specified in Subd. 63.03 of this Ordinance prior to final action being taken on the application request.
- D. Site "Suitable Area" Evaluations: Proposed new or expansions to existing planned unit developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Subd. 64.17.E.

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

Shoreland Tier Dimensions	Unsewered (Feet)	Sewered (Feet)
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All River Classes	300	300

- 2. 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 shall then be subject to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

- E. Residential and Commercial PUD Density Evaluation: The procedures for determining the "base" density of a PUD and a density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the water body, but shall not be transferred to any other tier closer.

- 1. Residential PUD "Base" Density Evaluation:

- a. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width



standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments shall then be compared with the tier, density, and suitability analysis herein and the design criteria in Subd. 64.17.D.

2. Commercial PUD "Base" Density Evaluation: The density evaluation as follows pertains to those commercial planned unit developments that provide transient service oriented operations such as hotel/motel accommodations, resorts, recreational vehicles, and camping parks and other like service activities.

- a. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes shall not include decks, patios, stops, steps, garages or porches and basements, unless they are habitable space.
- b. Select the appropriate floor area ratio from the following table:

**Commercial Planned Unit Development  
Floor area Ratios\*  
Public Waters Classes**

*Average unit floor area (sq.ft.)	Sewered general development lakes; first tier on unsewered general development lakes; urban, agricultural, tributary river segments		Second and additional tiers on unsewered general development lakes; recreational lake; transition and forested river segments		Natural environment lakes and remote river segments
200	.040		.020		.010
300	.048		.024		.012
400	.056		.028		.014
500	.065		.032		.016



600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

\*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- c. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- d. Divide the total floor area by tier computed in Item C above by the average inside living area size determined in Item A above. This yields a base number of dwelling units and sites for each tier.
- e. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density, design criteria and suitability analysis.

3. Density Increase Multipliers:

- a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Subd. 64.17.E are met or exceeded and the design criteria in Subd. 64.17.F are satisfied. The allowable density increases in Item b below may only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent 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 25 percent greater than the minimum setback.
- b. Allowable dwelling unit or dwelling site density increases for residential or commercial planned unit developments:



Density Evaluation Tiers	Maximum density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

F. Maintenance and Design Criteria:

1. Maintenance and Administration Requirements:

a. Before final approval of a planned unit development, adequate provisions shall be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

b. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protection:

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

c. Development organization and functioning: Unless an equally effective alternative community framework is established, when applicable, all residential planned unit development shall use an owners association with the following features:

- (1) Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers;



- (2) Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
  - (3) Assessments shall be adjustable to accommodate changing conditions; and
  - (4) The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
2. Open Space Requirements: Planned unit developments shall contain open space meeting all of the following criteria:
- a. At least 50 percent of the total project area shall be preserved as open space;
  - b. 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;
  - c. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
  - d. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
  - e. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
  - f. Open space shall not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
  - g. 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; and
  - h. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least fifty (50) percent of the shore impact zone area of existing developments or



at least seventy (70) percent of the shore impact zone area of new developments shall be preserved in its natural existing state. For commercial PUDs, at least fifty (50) percent of the shore impact zone shall be preserved in its natural state.

3. Erosion Control and Storm Water Management: Erosion control and storm water management plans shall be developed and the PUD shall:

a. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. this shall be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques shall be used to minimize erosion impacts on surface water features. Erosion control plans approved by a Soil and Water Conservation District may be required if project size and site physical characteristic warrant; and

b. Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. Impervious surface coverage within any tier shall not exceed twenty-five (25) percent of the tier area, except that for commercial PUDs thirty-five (35) percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved storm water management plan and consistency with this Ordinance.

4. Centralization and Design of Facilities: Centralization and design of facilities and structures shall be done according to the following standards:

a. Planned unit developments shall be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems shall be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and this Ordinance. On-site sewage treatment systems shall be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors shall be provided for a replacement soil treatment system for each sewage system;

b. 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 this Ordinance for developments with density increases;

c. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, shall be centralized and located in areas suitable for them. Evaluation of suitability shall include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft shall not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;

d. Structures, parking areas, and other facilities shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening shall be preserved, if existing, or may be required to be provided;

e. Accessory structures and facilities, except water oriented accessory structures, shall meet the required principal structure setback and shall be centralized; and

f. Water oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Subd. 64.11.D of this Ordinance are centralized.

G. Conversions: The City may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

1. Proposed conversions shall be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards shall be identified.

2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities shall be corrected as part of the conversion or as specified in the conditional use permits.



3. Shore and bluff impact zone deficiencies shall be evaluated and reasonable improvements made as part of the conversion. These improvements shall include, where applicable, the following:
  - a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
  - b. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
  - c. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
4. Existing dwelling unit or dwelling site densities that exceed standards in this Ordinance may be allowed to continue but shall not be allowed to be increased, either at the time of conversion or in the future. Efforts shall be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

**64.18: 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 shall be sent to the Commissioner of the Department of Natural Resources or the Commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plans shall include copies of the subdivision/plat.
- B. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls shall be sent to the Commissioner of the Department of Natural Resources or the Commissioner's designated representative and postmarked within ten days of final action.