

1 CITY OF MEDICINE LAKE
2 ORDINANCE NO. _____
3

4 AN ORDINANCE REPEALING AND REPLACING SECTIONS 3600 OF THE ZONING
5 CODE REGULATING SHORELANDS IN THE CITY OF MEDICINE LAKE
6

7 The City of Medicine Lake does ordain

8 **Section 1. Purpose**

9 The City of Medicine Lake finds it necessary to modify its shoreland ordinance to conform to Minnesota
10 Rules and Statutes governing shorelands of public water bodies.

11 **Section 2. Proposed Amendments to the Zoning Code**

12 Section 3600 of the zoning code is hereby repealed in its entirety and replaced as follows:

13 **§3600-Shoreland Ordinance**

14
15 §3600.1 Purpose, Statutory Authorization, and Policy

16 §3600.2 General Provisions and Definitions

17 §3600.3 Administration

18 §3600.4 Shoreland Classification System and Land Uses

19 §3600.5 Special Land Use Provisions

20 §3600.6 Dimensional and General Performance Standards

21 §3600.7 Performance Standards for Public and Private Facilities

22 §3600.8 Vegetation and Land Alterations

23 §3600.9 Subdivision/Platting Provisions

24 §3600.10 Planned Unit Developments (PUDs)

25
26 §3600.1 Purpose, Statutory Authorization, and Policy

27 (a) Purpose. The uncontrolled use of shoreland areas affects the public health, safety and general
28 welfare by contributing to the pollution of public waters, causing over-crowding of surface waters
29 and impairing the local tax base. The shorelands within the City of Medicine Lake are hereby
30 designated as “S” Shoreland Overlay Districts and the requirements set forth in this Chapter shall
31 govern development and other activities within these districts. The classification of the shoreland
32 areas shall govern the use, alteration and development of these areas according to said
33 classification.

34 (b) Statutory Authorization. This shoreland ordinance is adopted pursuant to the authorization and
35 policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 –
36 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

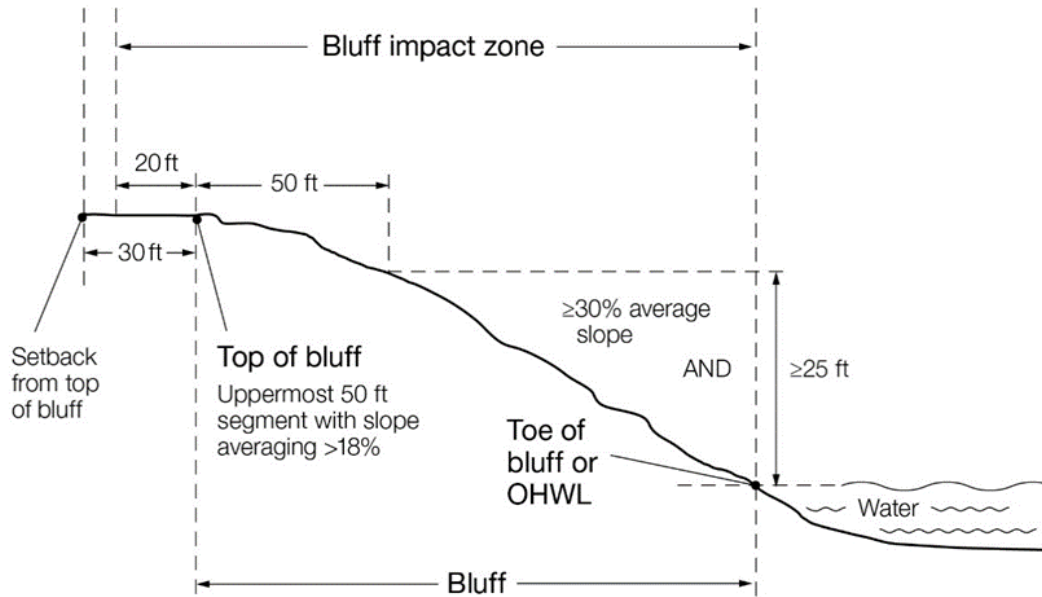
37 (c) Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state
38 to regulate the subdivision, use and development of the shorelands of public waters and thus
39 preserve and enhance the quality of surface waters, conserve the economic and natural

40 environmental values of shorelands, and provide for the wise use of waters and related land
41 resources. This responsibility is hereby recognized by the City of Medicine Lake.

42 §3600.2 General Provisions and Definitions

- 43 (a) Jurisdiction. The provisions of this ordinance apply to the shorelands of the public water bodies as
44 classified in Section §3600.4(a) of this ordinance. Pursuant to Minnesota Regulations, Parts
45 6120.2500 – 6120.3900. A body of water created by a private user where there was no previous
46 shoreland may, at the discretion of the governing body, be exempt from this ordinance.
- 47 (b) Enforcement. The City of Medicine Lake is responsible for the administration and enforcement of
48 this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its
49 requirements (including violations of conditions and safeguards established in connection with
50 grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by
51 law. Violations of this ordinance can occur regardless of whether or not a permit is required for a
52 regulated activity listed in Section §3600.3(a) of this ordinance.
- 53 (c) Severability. If any section, clause, provision, or portion of this ordinance is adjudged
54 unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance
55 shall not be affected thereby.
- 56 (d) Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or
57 impair any existing easements, covenants, or deed restrictions. However, where this ordinance
58 imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances
59 inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- 60 (e) Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be
61 interpreted to give them the same meaning they have in common usage and to give this ordinance
62 its most reasonable application. For the purpose of this ordinance, the words “must” and “shall” are
63 mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.
64 Definitions in this section are unique to Section 3600. All other definitions should refer to section
65 200.2 of the zoning ordinance.
- 66 (1) Bluff: A topographic feature such as a hill, cliff, or embankment having the following
67 characteristics:
- 68 a. Part or all of the feature is located in a shoreland area;
 - 69 b. The slope must drain toward the waterbody.
 - 70 c. The slope rises at least 25 feet above the toe of bluff;
 - 71 d. The grade of the slope from the toe of the bluff to a point 25 feet or more above the
72 toe of the bluff averages 30 percent or greater, except that an area with an average
73 slope of less than 18 percent over a distance of at least 50 feet shall not be
74 considered part of the bluff; and

Bluff, Bluff Impact Zone, Top and Toe of Bluff



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- (2) **Bluff impact zone:** A bluff and land located within 20 feet of the top of a bluff.
- (3) **Bluff, Toe of:** The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.
- (4) **Bluff, Top of:** For the purposes of measuring setbacks, the higher point of a 50-foot segment with an average slope exceeding 18 percent.
- (5) **Boathouse:** A facility as defined by [Minnesota Statutes Section 103G.245](#). Boathouses are prohibited by state statute.
- (6) **Buffer:** A vegetative feature as defined by [Minnesota Statutes, Section 103F.48](#).
- (7) **Commercial planned unit developments:** Developments 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.
- (8) **Commercial use:** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- (9) **Commissioner:** The commissioner of the Department of Natural Resources (DNR).
- (10) **Controlled access lot:** A lot used to access public waters or as a recreation area for owners of non-riparian lots within the same subdivision containing the controlled access lot.
- (11) **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.

- 97 (12) Dwelling site: A designated location for residential use by one or more persons using
 98 temporary or movable shelter, including camping and recreational vehicle sites.
- 99 (13) Industrial use: The use of land or buildings for the production, manufacture, warehousing,
 100 storage, or transfer of goods, products, commodities, or other wholesale items.
- 101 (14) Intensive vegetation clearing: The complete removal of trees or shrubs in a contiguous patch,
 102 strip, row, or block.
- 103 (15) Residential planned unit development: A use where the nature of residency is nontransient
 104 and the major or primary focus of the development is not service-oriented. For example,
 105 residential apartments, manufactured home parks, time-share condominiums, townhouses,
 106 cooperatives, and full fee ownership residences would be considered as residential planned
 107 unit developments. To qualify as a residential planned unit development, a development must
 108 contain at least five dwelling units or sites.
- 109 (16) Sewage treatment system: “Sewage treatment system” has the meaning given under
 110 Minnesota Rules, part 7080.1100, Subp. 82.
- 111 (17) Sewer system: Pipelines or conduits, pumping stations, and force main, and all other
 112 construction, devices, appliances, or appurtenances used for conducting sewage or industrial
 113 waste or other wastes to a point of ultimate disposal.
- 114 (18) Shore impact zone: Land located between the ordinary high water level of a public water and
 115 a line parallel to it at a setback of 25 feet.
- 116 (19) Shore recreation facilities: Swimming areas, docks, watercraft mooring areas and launching
 117 ramps and other water recreation facilities.
- 118 (20) Significant historic site: Any archaeological site, standing structure, or other property that
 119 meets the criteria for eligibility to the National Register of Historic Places or is listed in the
 120 State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under
 121 the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it
 122 is presently listed on either register or if it is determined to meet the qualifications for listing
 123 after review by the Minnesota state archaeologist or the director of the Minnesota Historical
 124 Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- 125 (21) Steep slope: Lands having average slopes over 12 percent, as measured over horizontal
 126 distances of 50 feet or more, which are not bluffs.
- 127 (22) Suitability analysis: An evaluation of land to determine if it is appropriate for the proposed
 128 use. The analysis considers factors relevant to the proposed use and may include the
 129 following features: susceptibility to flooding; existence of wetlands; soils, erosion potential;
 130 slope steepness; water supply, sewage treatment capabilities; water depth, depth to
 131 groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-
 132 based recreation; fish and wildlife habitat; presence of significant historic sites; or any other
 133 relevant feature of the natural land.
- 134 (23) Variance: “Variance” means the same as that defined in Minnesota Statutes Section 462.357
 135 Subd. 6 (2).
- 136 (24) Water-dependent use: The use of land for commercial, industrial, public or semi-public
 137 purposes, where access to and use of a public water is an integral part of the normal conduct

138 of operation. Marinas, resorts, and restaurants with transient docking facilities are examples
139 of commercial uses typically found in shoreland areas.

140 (25) Wetland: “Wetland” has the meaning given under Minnesota Rule, part 8420.0111.

141 §3600.3 Administration

142 (a) Purpose. The purpose of this Section is to identify administrative provisions to ensure the
143 ordinance is administered consistent with its purpose.

144 (b) Permits. A permit is required for the construction of buildings or building additions (including
145 construction of decks and signs) and those grading and filling activities not exempted by Section
146 §3600.8(c) of this ordinance.

147 (c) Application materials. Application for permits and other zoning applications such as variances shall
148 be made to the Zoning Administrator on the forms provided. The application shall include the
149 necessary information so that the Zoning Administrator can evaluate how the application complies
150 with the provisions of this ordinance.

151 (d) Certificate of Zoning Compliance. The Zoning Administrator shall issue a certificate of zoning
152 compliance for each activity requiring a permit as specified in Section §3600.3(a) of this ordinance.
153 This certificate will specify that the use of land conforms to the requirements of this ordinance. Any
154 use, arrangement, or construction at variance with that authorized by permit shall be deemed a
155 violation of this ordinance and shall be punishable as provided in Section §3600.2(b) of this
156 ordinance.

157 (e) Variances. Variances may only be granted in accordance with Section 462.357 and are subject to
158 the following: A variance may not circumvent the general purposes and intent of this ordinance.

159 (f) Conditional Uses. All conditional uses in the shoreland area are subject to a thorough evaluation of
160 the waterbody and the topographic, vegetation, and soil conditions to ensure:

161 (1) The prevention of soil erosion or other possible pollution of public waters, both during and
162 after construction;

163 (2) The visibility of structures and other facilities as viewed from public waters is limited;

164 (g) Mitigation.

165 (1) In evaluating all variances, conditional uses, zoning and building permit applications, the
166 zoning authority shall require the property owner to address the following conditions, when
167 related to and proportional to the impact, to meet the purpose of this ordinance, to protect
168 adjacent properties, and the public interest:

169 a. Advanced storm water runoff management treatment;

170 b. Reducing impervious surfaces;

171 c. Increasing setbacks from the ordinary high water level;

172 d. Restoration of wetlands;

173 e. Limiting vegetation removal and/or riparian vegetation restoration;

174 f. Provisions for the location, design, and use of structures, water supply systems,
175 watercraft launching and docking areas, and parking areas; and

- 176 g. Other conditions the zoning authority deems necessary.
- 177 (2) In evaluating plans to construct roads, driveways, structures, or other improvements on steep
178 slopes, conditions to prevent erosion and to preserve existing vegetation screening of
179 structures, vehicles, and other facilities as viewed from the surface of public waters assuming
180 summer, leaf-on vegetation shall be attached to permits.
- 181 (h) Nonconformities.
- 182 (1) All legally established nonconformities as of the date of this ordinance may continue, but will
183 be managed according to Minnesota Statutes 462.357 Subd. 1e and other regulations of this
184 community for alterations and additions; repair after damage; discontinuance of use; and
185 intensification of use.
- 186 (2) All additions or expansions to the outside dimensions of an existing nonconforming structure
187 must meet the setback, height, and other requirements of Sections 0 to §3600.8 of this
188 ordinance. Any deviation from these requirements must be authorized by a variance.
- 189 (i) Notifications to the Department of Natural Resources.
- 190 (1) All amendments to this shoreland ordinance must be submitted to the Department of Natural
191 Resources for review and approval for compliance with the statewide shoreland management
192 rules. The City of Medicine Lake will submit the proposed ordinance amendments to the
193 commissioner or the commissioner’s designated representative at least 30 days before any
194 scheduled public hearings.
- 195 (2) All notices of public hearings to consider variances, ordinance amendments, or conditional
196 uses under shoreland management controls must be sent to the commissioner or the
197 commissioner’s designated representative at least ten (10) days before the hearings. Notices
198 of hearings to consider proposed subdivisions/plats must include copies of the
199 subdivision/plat.
- 200 (3) All approved ordinance amendments and subdivisions/plats, and final decisions approving
201 variances or conditional uses under local shoreland management controls must be sent to the
202 commissioner or the commissioner’s designated representative and postmarked within ten
203 days of final action. When a variance is approved after the Department of Natural Resources
204 has formally recommended denial in the hearing record, the notification of the approved
205 variance shall also include the summary of the public record/testimony and the findings of
206 facts and conclusions which supported the issuance of the variance.
- 207 (4) Any request to change the shoreland management classification of public waters within the
208 City of Medicine Lake must be sent to the commissioner or the commissioner’s designated
209 representative for approval, and must include a resolution and supporting data as required by
210 Minnesota Rules, part 6120.3000, subp.4.
- 211 (5) Any request to reduce the boundaries of shorelands of public waters within the City of
212 Medicine Lake must be sent to the commissioner or the commissioner’s designated
213 representative for approval and must include a resolution and supporting data. The boundaries
214 of shorelands may be reduced when the shoreland of water bodies with different
215 classifications overlap. In these cases, the topographic divide between the water bodies shall
216 be used for adjusting the boundaries.

217 (j) Mandatory EAW. An Environmental Assessment Worksheet consistent with Minnesota Rules,
 218 Chapter 4410 must be prepared for projects meeting the thresholds of Minnesota Rules, part
 219 4410.4300.

220 §3600.4 Shoreland Classification System and Land Uses

221 (a) Shoreland Classification System.

222 (1) Purpose. To ensure that shoreland development on the public waters of the City of Medicine
 223 Lake is regulated consistent with the classifications assigned by the commissioner under
 224 Minnesota Rules, part 6120.3300.

225 (2) The shoreland area for the waterbodies listed in Sections §3600.4a (3) and §3600.4a **Error!**
 226 **Reference source not found.** are defined in Section §3600.2e (34) and are shown on the
 227 Official Zoning Map.

228 (3) Lakes are classified as either General Development, Recreational Development, or Natural
 229 Environment. Medicine Lake has one General Development Lake, as shown below.

Lake Classification	DNR Public Waters I.D. #
General Development	
Medicine Lake	27010400

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231 (4) Rivers and Streams are classified as either Urban, Agricultural, Transition, Forested, or
 232 Reserve. The City of Medicine Lake does not have any rivers or streams.

233 (b) Land Uses.

234 (1) Purpose. To identify land uses that are compatible with the protection and preservation of
 235 shoreline resources in order to conserve the economic and environmental values of shoreland
 236 and sustain water quality.

237 (2) Shoreland district land uses listed in Sections §3600.4b (3) are regulated as:

238 a. Permitted uses (P). These uses are allowed, provided all standards in this ordinance
 239 are followed;

240 b. Conditional uses (C). These uses are allowed through a conditional use permit. The
 241 use must be evaluated according to the criteria in Section §3600.3(f) of this
 242 ordinance and any additional conditions listed in this ordinance; and

243 c. Not permitted uses (N). These uses are prohibited.

244 (3) Land uses for lake classifications:

Land Uses	General Development
Single residential	P
Duplex	P
Residential PUD	C

Land Uses	General Development
Water-dependent commercial - As accessory to a residential planned unit development	C
Commercial	P
Commercial PUD - Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section §3600.10 of this ordinance are satisfied.	C
Parks & historic sites	C
Public, semipublic	P
Industrial	N
Water Oriented Uses	N

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246 §3600.5 Special Land Use Provisions

247 (a) Commercial, Industrial, Public, and Semipublic Use Standards.

248 (1) Water-dependent uses may be located on parcels or lots with frontage on public waters
 249 provided that:

- 250 a. The use complies with provisions of Section §3600.7;
- 251 b. The use is designed to incorporate topographic and vegetative screening of parking
 252 areas and structures;
- 253 c. Uses that require short-term watercraft mooring for patrons must centralize these
 254 facilities and design them to avoid obstructions of navigation and to be the
 255 minimum size necessary to meet the need; and
- 256 d. Uses that depend on patrons arriving by watercraft may use signs and lighting,
 257 provided that:
 - 258 (1) Signs placed in or on public waters must only convey directional information
 259 or safety messages and may only be placed by a public authority or under a
 260 permit issued by the county sheriff; and
 - 261 (2) Signs placed within the shore impact zone are:
 - 262 I. No higher than ten feet above the ground, and no greater than 32 square
 263 feet in size; and
 - 264 II. If illuminated by artificial lights, the lights must be shielded or directed
 265 to prevent illumination across public waters; and

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

270 (2) Commercial, industrial, public, and semi-public uses that are not water-dependent must be
 271 located on lots or parcels without public waters frontage, or, if located on lots or parcels with
 272 public waters frontage, must either be set back double the ordinary high water level setback
 273 or be substantially screened from view from the water by vegetation or topography, assuming
 274 summer, leaf-on conditions.

275 §3600.6 Dimensional and General Performance Standards

276 (a) Purpose. To establish dimensional and performance standards that protect shoreland resources from
 277 impacts of development.

278 (b) Lot Area and Width Standards. After the effective date of this ordinance, all new lots must meet the
 279 minimum lot area and lot width requirements in Section §3600.6b (4), subject to the following
 280 standards:

281 (1) Only lands above the ordinary high water level of a public water body can be used to meet lot
 282 area and width standards;

283 (2) Lot width standards must be met at both the ordinary high water level of a public water body
 284 and at the building line;

285 (3) Residential subdivisions with dwelling unit densities exceeding those in Section §3600.6b (4)
 286 are allowed only if designed and approved as residential PUDs under Section §3600.10 of
 287 this ordinance; and

288 (4) Lake Minimum Lot Area and Width Standards:

General Development – Sewer				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	12,500	50	12,500	50
Duplex	18,000	75	18,000	75

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290 (c) Placement, Height, and Design of Structures.

291 (1) Placement of Structures on Lots. When more than one setback applies to a site, structures and
 292 facilities must be located the greater of 50’ from the Ordinary (Normal) High Water
 293 Mark(OHW) or as determined by the line of site.

294 a. OHW Setbacks. Structures and impervious surfaces must meet setbacks from the
 295 OHW.

296 b. Setbacks of decks. Deck additions may be allowed without a variance to a structure
 297 not meeting the required setback from the ordinary high water level if all of the
 298 following criteria are met:

- 299 (1) The structure existed on the date the structure setbacks were established;
- 300 (2) A thorough evaluation of the property and structure reveals no reasonable
- 301 location for a deck meeting or exceeding the existing ordinary high water level
- 302 setback of the structure;
- 303 (3) The deck encroachment meets the standards as established in section 1100.5 (a)
- 304 (2); and
- 305 (4) The deck is constructed primarily of wood or similar material, and is not roofed
- 306 or screened.

307 c. Additional structure setbacks. Structures must also meet the following setbacks,

308 regardless of the waterbody classification:

Setback from:	Setback (ft)
Top of bluff	30

309 d. Bluff Impact Zones. Structures, impervious surfaces, and accessory facilities, except

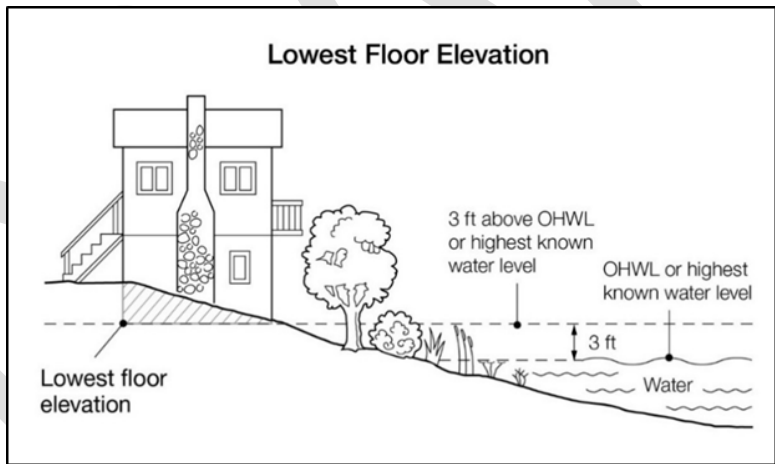
310 stairways and landings, must not be placed within bluff impact zones.

311 (2) Height of Structures. All structures must not exceed 35 feet in height.

312 (3) Lowest Floor Elevation. Structures must be placed in accordance with any floodplain

313 regulations applicable to the site. Where these controls do not exist, the elevation to which

314 the lowest floor, including basement, is placed or flood-proofed must be determined by



315 placing the lowest floor at a level at least three feet above the highest known water level, or

316 three feet above the ordinary normal high water mark, whichever is higher. If the structure

317 is floodproofed instead of elevated under items, then it must be floodproofed in accordance

318 with Minnesota Rules, part 6120.5900 Subp. 3 (D).

319 (4) Water Supply and Sewage Treatment.

320 a. Water supply. Any public or private supply of water for domestic purposes must meet or

321 exceed standards for water quality of the Minnesota Department of Health and the

322 Minnesota Pollution Control Agency.

323 b. Sewage treatment. Any premises used for human occupancy must be connected to a

324 publicly-owned sewer system.

325 §3600.7 Performance Standards for Public and Private Facilities

326 (a) Placement and Design of Roads, Driveways, and Parking Areas. Public and private roads and
327 parking areas must be designed to take advantage of natural vegetation and topography to achieve
328 maximum screening as viewed from public waters and comply with the following standards:

329 (1) Roads, driveways, and parking areas must meet structure setbacks and must not be placed
330 within bluff and shore impact zones, when other reasonable and feasible placement
331 alternatives exist. If no alternatives exist, they may be placed within these areas, and must be
332 designed to minimize adverse impacts;

333 (2) Watercraft access ramps, approach roads, and access-related parking areas may be placed
334 within shore impact zones provided the vegetative screening and erosion control conditions
335 of this subpart are met;

336 (3) Private facilities must comply with the grading and filling provisions of Section §3600.8(c) of
337 this ordinance; and

338 (4) For public roads, driveways and parking areas, documentation must be provided by a
339 qualified individual that they are designed and constructed to minimize and control erosion to
340 public waters consistent with the field office technical guides of the local soil and water
341 conservation district, or other applicable technical materials.

342 (b) Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major
343 topographic alterations for achieving access up and down bluffs and steep slopes to shore areas.
344 Stairways, lifts, and landings must meet the following design requirements:

345 (1) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways
346 may be used for commercial properties, public recreational uses, and planned unit
347 developments;

348 (2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area.
349 Landings larger than 32 square feet may be used for commercial properties, public-space
350 recreational uses, and planned unit developments;

351 (3) Canopies or roofs are not allowed on stairways, lifts, or landings;

352 (4) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings,
353 or placed into the ground, provided they are designed and built in a manner that ensures
354 control of soil erosion;

355 (5) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of
356 lots, as viewed from the surface of the public water assuming summer, leaf-on conditions,
357 whenever practical; and

358 (6) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also
359 allowed for achieving access to shore areas, if they are consistent with the dimensional and
360 performance standards of subitems §3600.7b (1) to §3600.7b (5) and the requirements of
361 Minnesota Rules, Chapter 1341.

362 §3600.8 Vegetation and Land Alterations

363 (a) Purpose. Alterations of vegetation and topography are regulated to prevent erosion into public
364 waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping,
365 sustain water quality, and protect fish and wildlife habitat.

366 (b) Vegetation Management.

367 (1) Removal or alteration of vegetation must comply with the provisions of this subsection
368 except for:

369 a. Vegetation alteration necessary for the construction of structures under validly
370 issued permits for these facilities;

371 b. The construction of public roads and parking areas if consistent with Section
372 §3600.7(a) of this ordinance;

373 (2) Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is
374 prohibited.

375 (3) Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on
376 steep slopes, is allowed to provide a view to the water from the principal dwelling and to
377 accommodate the placement of stairways and landings, picnic areas, access paths, beach and
378 watercraft access areas, and permitted water-oriented accessory structures or facilities,
379 provided that:

380 a. The screening of structures, vehicles, or other facilities as viewed from the water,
381 assuming summer, leaf-on conditions, is not substantially reduced;

382 b. Existing shading of water surfaces is preserved;

383 c. Cutting debris or slash shall be scattered and not mounded on the ground; and

384 d. Perennial ground cover is retained.

385 (4) Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is
386 allowed without a permit.

387 (5) Fertilizer and pesticide runoff into surface waters must be minimized through use of
388 vegetation, topography or both.

389 (c) Grading and Filling.

390 (1) Grading and filling activities must comply with the provisions of this subsection except for
391 the construction of public roads and parking areas if consistent with Section §3600.7(a) of
392 this ordinance.

393 (2) Permit Requirements.

394 a. Grading, filling and excavations necessary for the construction of structures, sewage
395 treatment systems, and driveways, if part of an approved permit, do not require a
396 separate grading and filling permit. However, the standards in Section §3600.8c (3)
397 of this ordinance must be incorporated into the permit.

398 b. For all other work, including driveways not part of another permit, a grading and
399 filling permit is required for:

400 (1) the movement of more than ten (10) cubic yards of material on steep slopes or
401 bluff impact zones;

402 (2) the movement of (25) cubic yards of material within shore impact zones; and

403 (3) the movement of more than 50 cubic yards of material outside of steep slopes and
404 shore and bluff impact zones.

405 (3) Grading and filling in shoreland areas or any alteration of these natural topography where
406 the slope of the land is toward a protected water or watercourse leading to a protected water
407 must be authorized by a grading and filling permit and is subject to the provisions of §1800
408 and §1900 of this Chapter. The grading and filling permit may be granted by the City
409 subject to the conditions of §1800 and §1900 and the following:

410 a. Grading or filling of any wetland must meet or exceed the wetland protection
411 standards under Minnesota Rules, Chapter 8420 and any other permits, reviews, or
412 approvals by other local state, or federal agencies such as watershed districts, the
413 DNR or US Army Corps of Engineers;

414 b. Land alterations must be designed and implemented to minimize the amount of
415 erosion and sediment from entering surface waters during and after construction
416 consistently by:

417 (1) Limiting the amount and time of bare ground exposure;

418 (2) Using temporary ground covers such as mulches or similar materials;

419 (3) Establishing permanent vegetation cover as soon as possible;

420 (4) Using sediment traps, vegetated buffer strips or other appropriate techniques;

421 (5) Stabilizing altered areas to acceptable erosion control standards consistent with
422 the field office technical guides of the soil and water conservation district;

423 (6) Not placing fill or excavated material in a manner that creates unstable slopes.
424 Plans to place fill or excavated material on steep slopes must be reviewed by
425 qualified professionals for continued slope stability and must not create
426 finished slopes of 30 percent or greater;

427 (7) Fill or excavated material must not be placed in bluff impact zones;

428 (8) No grading or filling shall be permitted within twenty (20) feet of horizontal
429 distance to the normal high water mark of the water body. Sand beaches are
430 exceptions to this provision under the following conditions:

431 a. The sand material shall be clean, free of pollutants and nutrients,
432 inorganic sand or gravel.

433 b. A sand beach shall be placed in the lesser of:

434 i. An area no wider than fifty (50) feet as measured at the rear lot
435 line or ordinary high water mark and extending no more than
436 twenty (20) feet landward of the ordinary high water mark, or

437 ii. An area no wider than two-thirds (2/3rd) of the lot width as
438 measured at the rear lot line or ordinary high water mark and
439 extending not more than twenty (20) feet landward of the
440 ordinary high water mark.

441 c. Sand beaches shall not be placed in bluff impact zones.

442 d. Sand beaches shall not be placed on slopes exceeding ten (10) percent.
443 Slopes exceeding ten (10) percent may not be altered to allow for the
444 placement of a sand beach. (c) Any work which will change or diminish
445 the course, current, or cross section of a public water must be approved
446 by the Department of Natural Resources before the work is begun. This
447 includes construction of channels and ditches, lagooning, dredging of the
448 lake bottom for the removal of muck, silt or weeds, and filling in the lake
449 bed, including low lying marsh areas. Approval shall be construed to
450 mean the issuance, by the Commissioner of the Department of Natural
451 Resources, of a permit under the procedures of Minnesota Statute, 1974,
452 §4 and other related statutes.
453

454 (9) Any alterations below the ordinary high water level of public waters must first
455 be authorized by the commissioner under Minnesota Statutes, Section 103G;

456 (10) Alterations of topography are only allowed if they are accessory to permitted or
457 conditional uses and do not adversely affect adjacent or nearby properties; and

458 (11) Installation of riprap is allowed only where there is a demonstrated need to stop
459 existing erosion or to restore an eroded shoreline. An individual DNR Public
460 Waters Work Permit is required for any work performed below the ordinary
461 high-water level (OHWL) unless the installation meets all of the following
462 conditions:

463 a. The riprap must not cover emergent aquatic vegetation, unless authorized
464 by an aquatic plant management permit from the DNR's Division of
465 Fisheries.

466 b. Only natural rock (cannot average less than 6 inches or more than 30
467 inches in diameter) may be used that is free of debris that may cause
468 pollution or siltation. Concrete is not allowed.

469 c. A filter of crushed rock, gravel, or filter fabric material must be placed
470 underneath the rock.

471 d. The riprap must be no more than 6 feet waterward of the OHWL.

472 e. The riprap must conform to the natural alignment of shore and must not
473 obstruct navigation or the flow of water.

474 f. The minimum finished slope waterward of the OHWL must be no
475 steeper than 3 to 1 (horizontal to vertical).

476 g. The riprapped area must be no more than 200 linear feet of shoreline
477 along lakes and wetlands.

478 h. The site must not be a posted fish spawning area

479 (4) Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors
480 to public waters require a public waters permit and must comply with [Minnesota Rules,](#)
481 [Chapter 6115.](#)

482 (d) Stormwater Management.

483 (1) General Standards:

- 484 a. When possible, existing natural drainageways, and vegetated soil surfaces must be
485 used to convey, store, filter, and retain stormwater runoff before discharge to public
486 waters.
- 487 b. Development must be planned and conducted in a manner that will minimize the
488 extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay
489 runoff volumes. Disturbed areas must be stabilized as soon as possible and
490 appropriate facilities or methods used to retain sediment on the site.
- 491 c. When development density, topography, soils, and vegetation are not sufficient to
492 adequately handle stormwater runoff, constructed facilities such as settling basins,
493 skimming devices, dikes, waterways, ponds and infiltration may be used. Preference
494 must be given to surface drainage, vegetation, and infiltration rather than buried
495 pipes and man-made materials and facilities.

496 (2) Specific Standards:

- 497 a. Impervious surfaces of lots must not exceed 40 percent of the lot area.
- 498 b. When constructed facilities are used for stormwater management, documentation
499 must be provided by a qualified individual that they are designed and installed
500 consistent with the field office technical guide of the local soil and water
501 conservation district or the Minnesota Stormwater Manual, as applicable.
- 502 c. New constructed stormwater outfalls to public waters must be consistent with
503 [Minnesota Rules, part 6115.0231](#).

504 §3600.9 Subdivision/Platting Provisions

- 505 (a) Purpose. To ensure that new development minimizes impacts to shoreland resources and is safe and
506 functional.
- 507 (b) Land suitability. Each lot created through subdivision, including planned unit developments
508 authorized under Section §3600.10 of this ordinance, must be suitable in its natural state for the
509 proposed use with minimal alteration. A suitability analysis must be conducted for each proposed
510 subdivision, including planned unit developments, to determine if the subdivision is suitable in its
511 natural state for the proposed use with minimal alteration and whether any feature of the land is
512 likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision
513 or of the community.
- 514 (c) Consistency with other controls. Subdivisions and each lot in a subdivision shall meet all official
515 controls so that a variance is not needed later to use the lots for their intended purpose.
- 516 (d) Information requirements.
- 517 (1) Topographic contours at two-foot intervals or less from United States Geological Survey
518 maps or more current sources, showing limiting site characteristics.
- 519 (2) The surface water features required in [Minnesota Statutes, section 505.021, Subd. 1](#), to be
520 shown on plats, obtained from United States Geological Survey quadrangle topographic maps or
521 more current sources;

- 522 (3) Adequate soils information to determine suitability for building and sewage treatment
 523 capabilities for every lot from the most current existing sources or from field investigations
 524 such as soil borings, percolation tests, or other methods;
- 525 (4) Information regarding adequacy of domestic water supply; extent of anticipated vegetation
 526 and topographic alterations; near-shore aquatic conditions, including depths, types of bottom
 527 sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff
 528 and erosion, both during and after construction activities;
- 529 (5) Location of 100-year flood plain areas and floodway districts from existing adopted maps or
 530 data; and
- 531 (6) A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs,
 532 and the minimum building setback distances from the top of the bluff and the lake or stream.
- 533 (e) Dedications. When a land or easement dedication is a condition of subdivision approval, the
 534 approval must provide easements over natural drainage or ponding areas for management of
 535 stormwater and significant wetlands.
- 536 (f) Platting. All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or
 537 less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358
 538 Subd. 3a and 505. No permit for construction of buildings shall be issued for lots created after the
 539 adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.

540 §3600.10 Planned Unit Developments (PUDs)

- 541 (a) Purpose. To protect and enhance the natural and scenic qualities of shoreland areas during and after
 542 development and redevelopment of high density residential and commercial uses.
- 543 (b) Types of PUDs Permissible. Planned unit developments (PUDs) are allowed for new projects on
 544 undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and
 545 land. Deviation from the minimum lot size standards of Section §3600.6(b) of this ordinance is
 546 allowed if the standards in this Section are met.
- 547 (c) Processing of PUDs. Planned unit developments must be processed as a conditional use. An
 548 expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the
 549 date this ordinance was adopted is permissible as a permitted use provided the total project density
 550 does not exceed the allowable densities calculated in the project density evaluation procedures in
 551 Section §3600.10(e). Approval cannot occur until all applicable environmental reviews are
 552 complete.
- 553 (d) Application for a PUD. The applicant for a PUD must submit the following documents prior to final
 554 action on the application request:
- 555 (1) Site plan and/or plat showing:
- 556 a. Locations of property boundaries;
- 557 b. Surface water features;
- 558 c. Existing and proposed structures and other facilities;
- 559 d. Land alterations;

- e. Sewage treatment and water supply systems (where public systems will not be provided);
 - f. Topographic contours at ten-foot intervals or less; and
 - g. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).
- (2) A property owners association agreement (for residential PUD's) with mandatory membership, and consistent with Section §3600.10(f) of this ordinance.
- (3) Deed restrictions, covenants, permanent easements or other instruments that:
- a. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
 - b. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section §3600.10(f) of this ordinance.
- (4) A master plan/site plan describing the project and showing floor plans for all commercial structures.
- (5) Additional documents necessary to explain how the PUD will be designed and will function.
- (e) Density Determination. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.
- (1) Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

	Sewer (ft)
General Development Lakes – 1st tier	200
General Development Lakes – all other tiers	200

- (2) Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.
- (3) Step 3. Determine Base Density:
- a. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width.
 - b. For commercial PUDs:
 - (1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.

- 595 (a) For dwelling units, determine the average inside living floor area of
 596 dwelling units in each tier. Do not include decks, patios, garages, or
 597 porches and basements, unless they are habitable space.
- 598 (b) For dwelling sites (campgrounds), determine the area of each dwelling
 599 site as follows:
- 600 I. For manufactured homes, use the area of the manufactured home, if
 601 known, otherwise use 1,000 sf.
- 602 II. For recreational vehicles, campers or tents, use 400 sf.
- 603 (2) Select the appropriate floor area/dwelling site area ratio from the following
 604 table for the floor area or dwelling site area determined in Section §3600.10e
 605 (3b(1)).

Inside Living Floor Area or Dwelling Site Area (sf)	Floor Area/Dwelling Site Area Ratio
	General Development Lakes w/Sewer – all tiers
< 200	.040
300	.048
400	.056
500	.065
600	.072
700	.082
800	.091
900	.099
1,000	.108
1,100	.116
1,200	.125
1,300	.133
1,400	.142
> 1,500	.150

- 606
- 607 (3) Multiply the suitable area within each tier determined in Section §3600.10e (2)
 608 by the floor area or dwelling site area ratio to yield the total floor area or
 609 dwelling site area for each tier to be used for dwelling units or dwelling sites.

- 610 (4) Divide the total floor area or dwelling site area for each tier calculated in
- 611 Section §3600.10e (3b(3)) by the average inside living floor area for dwelling
- 612 units or dwelling site area determined in §3600.10e (3b(1)). This yields the
- 613 allowable number of dwelling units or dwelling sites, or base density, for each
- 614 tier.
- 615 c. Allowable densities may be transferred from any tier to any other tier further from
- 616 the waterbody, but must not be transferred to any tier closer to the waterbody.
- 617 d. All PUDs with densities at or below the base density must meet the design standards
- 618 in Section §3600.10(f).

619 (4) Step 4. Determine if the Site can Accommodate Increased Density:

- 620 a. The following increases to the dwelling unit or dwelling site base densities
- 621 determined Section §3600.10e (3) are allowed if the design criteria in Section
- 622 §3600.10(f) of this ordinance are satisfied as well as the standards in Section
- 623 §3600.10e (4), item b:

Shoreland Tier	Maximum density increase within each tier (percent)
1st	50
2nd	100
3rd	200
4th	200
5th	200

- 624
- 625 b. Structure setbacks from the ordinary high water level:
- 626 (1) Are increased to at least 50 percent greater than the minimum setback; or
- 627 (2) The impact on the waterbody is reduced an equivalent amount through
- 628 vegetative management, topography, or additional acceptable means and the
- 629 setback is at least 25 percent greater than the minimum setback.

630 (f) Design Criteria. All PUDs must meet the following design criteria.

631 (1) General Design Standards.

- 632 a. All residential planned unit developments must contain at least five dwelling units
- 633 or sites.
- 634 b. On-site water supply and sewage treatment systems must be centralized and meet
- 635 the standards in Section §3600.6(4) of this ordinance. Sewage treatment systems
- 636 must meet the setback standards of Section §3600.6d (1), item (1)a of this
- 637 ordinance.
- 638 c. Dwelling units or dwelling sites must be clustered into one or more groups and
- 639 located on suitable areas of the development.

- 640 d. Dwelling units or dwelling sites must be designed and located to meet the
641 dimensional standards in Sections §3600.6:
- 642 e. Shore recreation facilities:
- 643 (1) Must be centralized and located in areas suitable for them based on a suitability
644 analysis.
- 645 (2) The number of spaces provided for continuous beaching, mooring, or docking
646 of watercraft must not exceed one for each allowable dwelling unit or site in
647 the first tier (notwithstanding existing mooring sites in an existing
648 commercially used harbor).
- 649 (3) Launching ramp facilities, including a small dock for loading and unloading
650 equipment, may be provided for use by occupants of dwelling units or sites
651 located in other tiers.
- 652 f. Structures, parking areas, and other facilities must be treated to reduce visibility as
653 viewed from public waters and adjacent shorelands by vegetation, topography,
654 increased setbacks, color, or other means acceptable to the local unit of government,
655 assuming summer, leaf-on conditions. Vegetative and topographic screening must
656 be preserved, if existing, or may be required to be provided.
- 657 g. Accessory structures and facilities, except water oriented accessory structures, must
658 meet the required structure setback and must be centralized.
- 659 (2) Open Space Requirements.
- 660 a. Open space must constitute at least 50 percent of the total project area and must
661 include:
- 662 (1) Areas with physical characteristics unsuitable for development in their natural
663 state;
- 664 (2) Areas containing significant historic sites or unplatted cemeteries;
- 665 (3) Portions of the shore impact zone preserved in its natural or existing state as
666 follows:
- 667 I. For existing residential PUD's, at least 50 percent of the shore impact
668 zone
- 669 II. For new residential PUDs, at least 70 percent of the shore impact zone.
- 670 III. For all commercial PUD's, at least 50 percent of the shore impact zone.
- 671 b. Open space may include:
- 672 (1) Outdoor recreational facilities for use by owners of dwelling units or sites, by
673 guests staying in commercial dwelling units or sites, and by the general public;
- 674 (2) Non-public water wetlands.
- 675 c. Open space shall not include:
- 676 (1) Dwelling sites or lots, unless owned in common by an owners association;

- 677 (2) Dwelling units or structures, except water-oriented accessory structures or
- 678 facilities;
- 679 (3) Road rights-of-way or land covered by road surfaces and parking areas;
- 680 (4) Land below the OHWL of public waters; and
- 681 (5) Commercial facilities or uses.

682 (3) Open Space Maintenance and Administration Requirements.

- 683 a. Open space preservation. The appearance of open space areas, including
- 684 topography, vegetation, and allowable uses, must be preserved and maintained by
- 685 use of deed restrictions, covenants, permanent easements, public dedication, or other
- 686 equally effective and permanent means. The instruments must prohibit:
 - 687 (1) Commercial uses (for residential PUD's);
 - 688 (2) Vegetation and topographic alterations other than routine maintenance;
 - 689 (3) Construction of additional buildings or storage of vehicles and other materials;
 - 690 and
 - 691 (4) Uncontrolled beaching of watercraft.
- 692 b. Development organization and functioning. Unless an equally effective alternative
- 693 community framework is established, all residential planned unit developments must
- 694 use an owners association with the following features:
 - 695 (1) Membership must be mandatory for each dwelling unit or dwelling site owner
 - 696 and any successive owner;
 - 697 (2) Each member must pay a pro rata share of the association's expenses, and
 - 698 unpaid assessments can become liens on units or dwelling sites;
 - 699 (3) Assessments must be adjustable to accommodate changing conditions; and
 - 700 (4) The association must be responsible for insurance, taxes, and maintenance of
 - 701 all commonly owned property and facilities.

702 (4) Erosion Control and Stormwater Management.

- 703 a. Erosion control plans must be developed and must be consistent with the provisions
- 704 of Section §3600.8(c) of this ordinance. Erosion control plans approved by a soil
- 705 and water conservation district may be required if project size and site physical
- 706 characteristics warrant.
- 707 b. Stormwater management facilities must be designed and constructed to manage
- 708 expected quantities and qualities of stormwater runoff. For commercial PUDs,
- 709 impervious surfaces within any tier must not exceed 25 percent of the tier area,
- 710 except that 35 percent impervious surface coverage may be allowed in the first tier
- 711 of general development lakes with an approved stormwater management plan and
- 712 consistency with Section §3600.8 of this ordinance.

- 713 (g) Conversions. Local governments may allow existing resorts or other land uses and facilities to be
- 714 converted to residential PUDs if all of the following standards are met:

- 715 (1) Proposed conversions must be evaluated using the same procedures for residential PUDs
 716 involving new construction. Inconsistencies between existing features of the development and
 717 these standards must be identified;
- 718 (2) Deficiencies involving water supply and sewage treatment, structure color, impervious
 719 coverage, open space, and shore recreation facilities must be corrected as part of the
 720 conversion or as specified in the conditional use permit;
- 721 (3) Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements
 722 made as part of the conversion. These improvements must include, where applicable, the
 723 following:
- 724 a. Removal of extraneous buildings, docks, or other facilities that no longer need to be
 725 located in shore or bluff impact zones;
 - 726 b. Remedial measures to correct erosion, improve vegetative cover and improve
 727 screening of buildings and other facilities as viewed from the water; and
 - 728 c. Conditions attached to existing dwelling units located in shore or bluff impact zones
 729 that preclude exterior expansions in any dimension or substantial alterations. The
 730 conditions must also provide for future relocation of dwelling units, where feasible,
 731 to other locations, meeting all setback and elevation requirements when they are
 732 rebuilt or replaced.
- 733 (4) Existing dwelling unit or dwelling site densities that exceed standards in Section §3600.10(e)
 734 of this ordinance may be allowed to continue but must not be allowed to be increased, either
 735 at the time of conversion or in the future. Efforts must be made during the conversion to limit
 736 impacts of high densities by requiring seasonal use, improving vegetative screening,
 737 centralizing shore recreation facilities, installing new sewage treatment systems, or other
 738 means.

739 **Section 3: Effective Date.**

740 This ordinance becomes effective upon passage and publication.

741 Passed by the City Council of Medicine Lake on _____, 2022.

742 Approved:

743 _____
 744

745 Mayor

746 Attested:

747 _____

748 City Clerk

749

750