

Agenda Planning Commission

City of Medicine Lake Meeting to be held in person June 23, 2022 6:00 pm

Topic: Medicine Lake Planning Commission

Time: June 23rd, 2022 06:00 PM Central Time

Location: Medicine Lake City Offices 10609 South Shore Drive.

1. Call to order and roll call
2. Approval of Agenda
3. Approval of Minutes from May 19, 2022 meeting
4. Public Hearings
 - a) Public Hearing regarding amendments to the Shoreland Ordinance (Section 3600 of the Zoning Code)
 - b) Public Hearing regarding amendments to the Wetland Overlay District (Section 3700 of the Zoning Code)
5. New Business: None
6. Old Business:
 - a) Short Term Rental survey continued discussion
7. Adjournment

MEMORANDUM

Hoisington Koegler Group Inc.



To: Medicine Lake Planning Commission
From: Brad Scheib, Consulting Planner
Subject: PC Public Hearing to consider Shoreland, Wetland, Drainage ordinance modifications
Date: 06/21/2020

Thursday June 23rd will be our Planning Commission meeting. This is a public hearing where we will be considering amendments to the Shoreland Ordinance update and the Wetland Overlay District update.

BECAUSE THIS IS AN ACTION ITEM AND PUBLIC HEARING, WE WILL BE MEETING IN PERSON AT CITY HALL!

I have received comments from the BCWMC on both docs and we have incorporated their comments into the attached draft ordinances. At the time of this staff report, I have not received comments back from the DNR on the Shoreland Ordinance draft. They were sent the drafts back in the middle of May so I should have something from them any day know. Because we received a conditional approval of an earlier draft back in early 2020 prior to the pandemic, I do not foresee any issues from the DNR. The only key changes we made were adding in existing provisions from the City's current ordinance that are more restrictive than the model ordinance.

Public notice was posted in the sun sailor on June 2nd and again on June 9th. Public notice was also loaded up the City Web site on or about May 25th. It was announced that the public hearing was scheduled for these items at the June 6th City Council meeting and has been spreading by word of mouth. Individual notices have NOT been sent out on this topic as they are city wide ordinance amendments.

The City approved the Comprehensive Plan in 2019. As part of the review process, BCWMC approved the Local Surface Water Management Plan, which was included as part of the Comprehensive Plan update. Consistent with the implementation requirements of the plan updates, the following zoning ordinance amendments are proposed:

Repeal and Replace Section 3600 Shoreland Overlay

The current shoreland overlay district was never approved by the DNR and is outdated in many respects. Attached is a new shoreland overlay district ordinance that incorporates relevant aspects of the DNR's model shoreland ordinance. Staff has been working with the DNR area hydrologist to review the limited areas where inconsistencies exist between the City of Medicine Lake development standards and the shoreland ordinance. The key areas of inconsistencies include:

- Hard cover: Medicine Lake 40% max hard cover – DNR 25%
- Building Height: Medicine Lake 35 feet height – DNR 25 feet height
- Lot size: Medicine Lake 12,500 square feet - DNR 15,000 square feet

The proposed shoreland draft includes the Medicine Lake standards in each of the above instances. Because these conditions are pre-existing and there is limited potential for any lot split and subdivision

within the city, the DNR has preliminarily indicated approval of these standards. As of the time of this memo, the City is still waiting for the official letter response from the DNR.

Section 3600.8 Vegetation and Land Alteration (c) Grading and Filling was modified from prior drafts presented to the Planning Commission to incorporate elements of the existing shoreland ordinance that restrict grading within 20 feet of the OHWL and provide guidance related to sand beaches. These standards are generally more restrictive than the DNR Model ordinance and state rules.

Amend Section 1700.5 to state as follows (underlined text added):

Every applicant for a building permit or permit to allow a land disturbance activity must submit a storm water pollution control plan to the City. No building permit or permit to allow a land disturbance activity shall be issued until the City approves this plan. At a minimum these pollution control practices must conform to those in the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas." The plan must also meet water quality performance standards consistent with the Bassett Creek Water Management Commission's (BCWMC) Watershed Management Plan and BCWMC Requirements for Improvements and Development Proposals.

This amendment applies to only projects that involve a disturbance activity that involves 200 or more cubic yards of cut or fill or 10,000 square feet or more of area. This amendment is required by BCWMC.

Amend Section 3700 Wetlands Systems Overlay District:

The approval of the City's Comprehensive Plan adopted policy that ensures consistency with state and watershed rules related to wetland management. As part of this implementation, the city is required to establish wetland buffers that would only apply to projects containing more than 1 (one) acre of new or redeveloped impervious surface. There are few if any cases in Medicine Lake where this would be triggered. In addition, the city may choose to consider requiring these buffer standards as conditions of approval as applicable for any special permit request such as a variance request, conditional use permit, or planned unit development request. This is a required ordinance amendment.

Section 3700.4 (b) of the wetland ordinance is also recommended to be deleted. This section was briefly discussed at a prior planning commission meeting as it relates to determining highest known water level vs. the OHWL. The section is being deleted as it does not directly relate to wetlands but rather other water features. In evaluating the language in this clause, it creates confusion with the flood plain rules which requires minimum building floor elevations to be 2.0 ft above the 100-year flood elevation (890.4 is the 100 year flood elevation so minimum building floor elevations would be 2 feet above that mark). Having this separate item in the wetlands ordinance is not necessary and is duplicative to the flood plain ordinance and other regulations pertaining to low floor or building floor elevations.

OHWL stands for ordinary high water level (or mark). The City of Medicine Lake's ordinance currently uses the term 'Normal' (Ordinary) high water mark. The use of the word 'normal' is incorrectly used. The DNR regulates using the OHWL (ordinary high water level). Ordinary high water level (or mark) is different than the normal water level. The normal water level is typically the elevation at which water flows out of the

water body. For Medicine Lake, the normal water level is at Elevation 887.9 (NAVD88 datum). The ordinary high water level (or mark) is an elevation higher than the normal water level, so the two should not be combined into one term. For Medicine Lake, the ordinary high water level is 889.3 (NAVD88 datum), or 889.1 (NGVD 1929 datum, as shown on most DNR records).

Staff recommends modifying other elements of the zoning code to clarify this correction. These sections refer to the definition in section 200.2 and all references in the plan to that definition. This recommendation can be made in the motion to approve draft ordinances.

Recommended Actions

Because these actions are required by law, staff is recommending approval of the amendments as noted. Planning Commission may act to move approval of the modifications as presented or may chose to act on each on individually.

Summary of modifications:

1. Modify definitions and references to 'Normal' ordinary high water mark to read ordinary high water level (OHWL).
2. Modify Section 1700.5 to reference the BCWMC plans and policies
3. Repeal and replace section 3600 Shoreland Overlay (per attached ordinance)
4. Modify Section 3700 Wetland Overlay (per attached ordinance)

Attachments:

- **Draft Shoreland Ordinance (section 3600)**
- **Draft Wetland Overlay District Ordinance (Section 3700) Amendments**

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CITY OF MEDICINE LAKE
ORDINANCE NO. _____

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

The City of Medicine Lake does ordain

Section 1. Purpose

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

Section 2. Proposed Amendments to the Zoning Code

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

§3600-Shoreland Ordinance

§3600.1 Purpose, Statutory Authorization, and Policy

§3600.2 General Provisions and Definitions

§3600.3 Administration

§3600.4 Shoreland Classification System and Land Uses

§3600.5 Special Land Use Provisions

§3600.6 Dimensional and General Performance Standards

§3600.7 Performance Standards for Public and Private Facilities

§3600.8 Vegetation and Land Alterations

§3600.9 Subdivision/Platting Provisions

§3600.10 Planned Unit Developments (PUDs)

§3600.1 Purpose, Statutory Authorization, and Policy

(a) Purpose. The uncontrolled use of shoreland areas affects the public health, safety and general welfare by contributing to the pollution of public waters, causing over-crowding of surface waters and impairing the local tax base. The shorelands within the City of Medicine Lake are hereby designated as “S” Shoreland Overlay Districts and the requirements set forth in this Chapter 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.

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

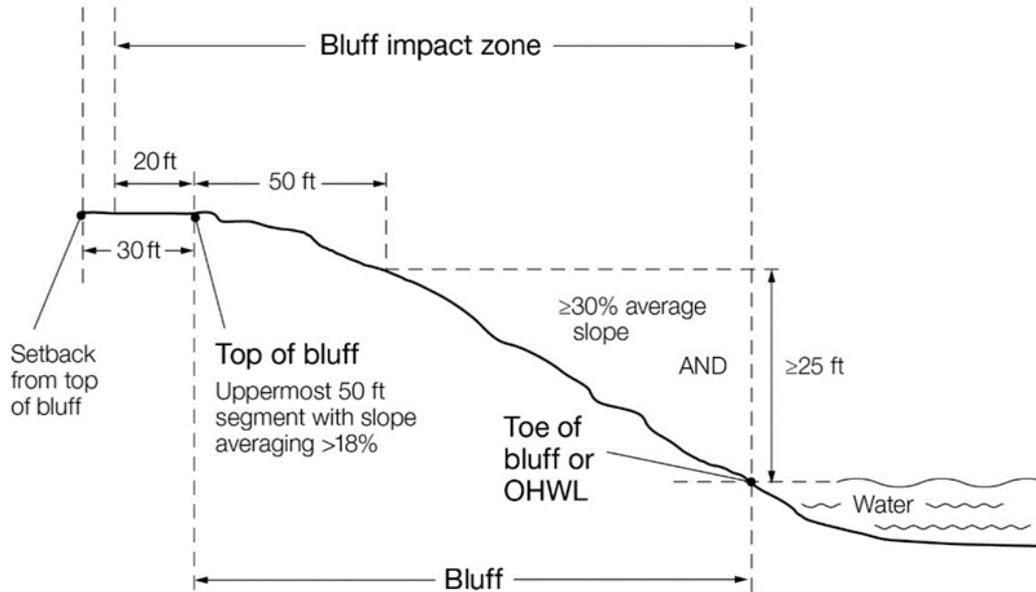
(c) Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural

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 (OHWL), 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) **Buffer:** A vegetative feature as defined by [Minnesota Statutes, Section 103F.48](#).
- (6) **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.
- (7) **Commercial use:** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- (8) **Commissioner:** The commissioner of the Department of Natural Resources (DNR).
- (9) **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.
- (10) **Deck:** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.
- (11) **Dwelling site:** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

- 97 (12) Industrial use: The use of land or buildings for the production, manufacture, warehousing,
98 storage, or transfer of goods, products, commodities, or other wholesale items.
- 99 (13) Intensive vegetation clearing: The complete removal of trees or shrubs in a contiguous patch,
100 strip, row, or block.
- 101 (14) Ordinary high water level (OHWL): The boundary of public waters and wetlands, and shall
102 be an elevation delineating the highest water level which has been maintained for a sufficient
103 period of time to leave evidence upon the landscape, commonly that point where the natural
104 vegetation changes from predominantly aquatic to predominantly terrestrial. For
105 watercourses, the ordinary high water level is the elevation of the top of the bank of the
106 channel. For reservoirs and flowages, the ordinary high water level is the operating elevation
107 of the normal summer pool. For Medicine Lake, the ordinary high water level is 889.3
108 (NAVD88 datum), or 889.1 (NGVD 1929 datum, as shown on most DNR records)
- 109 (15) Residential planned unit development: A use where the nature of residency is nontransient
110 and the major or primary focus of the development is not service-oriented. For example,
111 residential apartments, manufactured home parks, time-share condominiums, townhouses,
112 cooperatives, and full fee ownership residences would be considered as residential planned
113 unit developments. To qualify as a residential planned unit development, a development must
114 contain at least five dwelling units or sites.
- 115 (16) Sewage treatment system: “Sewage treatment system” has the meaning given under
116 Minnesota Rules, part 7080.1100, Subp. 82.
- 117 (17) Sewer system: Pipelines or conduits, pumping stations, and force main, and all other
118 construction, devices, appliances, or appurtenances used for conducting sewage or industrial
119 waste or other wastes to a point of ultimate disposal.
- 120 (18) Shore impact zone: Land located between the ordinary high water level (OHWL) of a public
121 water and a line parallel to it at a setback of 25 feet.
- 122 (19) Shore recreation facilities: Swimming areas, docks, watercraft mooring areas and launching
123 ramps and other water recreation facilities.
- 124 (20) Significant historic site: Any archaeological site, standing structure, or other property that
125 meets the criteria for eligibility to the National Register of Historic Places or is listed in the
126 State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under
127 the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it
128 is presently listed on either register or if it is determined to meet the qualifications for listing
129 after review by the Minnesota state archaeologist or the director of the Minnesota Historical
130 Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- 131 (21) Steep slope: Lands having average slopes over 12 percent, as measured over horizontal
132 distances of 50 feet or more, which are not bluffs.
- 133 (22) Suitability analysis: An evaluation of land to determine if it is appropriate for the proposed
134 use. The analysis considers factors relevant to the proposed use and may include the
135 following features: susceptibility to flooding; existence of wetlands; soils, erosion potential;
136 slope steepness; water supply, sewage treatment capabilities; water depth, depth to
137 groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-
138 based recreation; fish and wildlife habitat; presence of significant historic sites; or any other
139 relevant feature of the natural land.

- 140 (23) Variance: “Variance” means the same as that defined in Minnesota Statutes Section 462.357
141 Subd. 6 (2).
- 142 (24) Water-dependent use: The use of land for commercial, industrial, public or semi-public
143 purposes, where access to and use of a public water is an integral part of the normal conduct
144 of operation. Marinas, resorts, and restaurants with transient docking facilities are examples
145 of commercial uses typically found in shoreland areas.
- 146 (25) Wetland: “Wetland” has the meaning given under Minnesota Rule, part 8420.0111.

147 §3600.3 Administration

- 148 (a) Purpose. The purpose of this Section is to identify administrative provisions to ensure the
149 ordinance is administered consistent with its purpose.
- 150 (b) Permits. A permit is required for the construction of buildings or building additions (including
151 construction of decks and signs) and those grading and filling activities not exempted by Section
152 §3600.8(c) of this ordinance.
- 153 (c) Application materials. Application for permits and other zoning applications such as variances shall
154 be made to the Zoning Administrator on the forms provided. The application shall include the
155 necessary information so that the Zoning Administrator can evaluate how the application complies
156 with the provisions of this ordinance.
- 157 (d) Certificate of Zoning Compliance. The Zoning Administrator shall issue a certificate of zoning
158 compliance for each activity requiring a permit as specified in Section §3600.3(a) of this ordinance.
159 This certificate will specify that the use of land conforms to the requirements of this ordinance. Any
160 use, arrangement, or construction at variance with that authorized by permit shall be deemed a
161 violation of this ordinance and shall be punishable as provided in Section §3600.2(b) of this
162 ordinance.
- 163 (e) Variances. Variances may only be granted in accordance with Section 462.357 and are subject to
164 the following: A variance may not circumvent the general purposes and intent of this ordinance.
- 165 (f) Conditional Uses. All conditional uses in the shoreland area are subject to a thorough evaluation of
166 the waterbody and the topographic, vegetation, and soil conditions to ensure:
- 167 (1) The prevention of soil erosion or other possible pollution of public waters, both during and
168 after construction;
- 169 (2) The visibility of structures and other facilities as viewed from public waters is limited;
- 170 (g) Mitigation.
- 171 (1) In evaluating all variances, conditional uses, zoning and building permit applications, the
172 zoning authority shall require the property owner to address the following conditions, when
173 related to and proportional to the impact, to meet the purpose of this ordinance, to protect
174 adjacent properties, and the public interest:
- 175 a. Advanced storm water runoff management treatment;
- 176 b. Reducing impervious surfaces;
- 177 c. Increasing setbacks from the ordinary high water level (OHWL);
- 178 d. Restoration of wetlands;

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

221 classifications overlap. In these cases, the topographic divide between the water bodies shall
 222 be used for adjusting the boundaries.

223 (j) Mandatory EAW. An Environmental Assessment Worksheet consistent with Minnesota Rules,
 224 Chapter 4410 must be prepared for projects meeting the thresholds of Minnesota Rules, part
 225 4410.4300.

226 §3600.4 Shoreland Classification System and Land Uses

227 (a) Shoreland Classification System.

- 228 (1) Purpose. To ensure that shoreland development on the public waters of the City of Medicine
 229 Lake is regulated consistent with the classifications assigned by the commissioner under
 230 Minnesota Rules, part 6120.3300.
- 231 (2) The shoreland area for the waterbody listed in Section §3600.4a (3) is defined in Section
 232 §3600.2e (34) and is shown on the Official Zoning Map.
- 233 (3) Lakes are classified as either General Development, Recreational Development, or Natural
 234 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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 236 (4) Rivers and Streams are classified as either Urban, Agricultural, Transition, Forested, or
 237 Reserve. The City of Medicine Lake does not have any rivers or streams.

238 (b) Land Uses.

- 239 (1) Purpose. To identify land uses that are compatible with the protection and preservation of
 240 shoreline resources in order to conserve the economic and environmental values of shoreland
 241 and sustain water quality.
- 242 (2) Shoreland district land uses listed in Sections §3600.4b (3) are regulated as:
 - 243 a. Permitted uses (P). These uses are allowed, provided all standards in this ordinance
 244 are followed;
 - 245 b. Conditional uses (C). These uses are allowed through a conditional use permit. The
 246 use must be evaluated according to the criteria in Section §3600.3(f) of this
 247 ordinance and any additional conditions listed in this ordinance; and
 - 248 c. Not permitted uses (N). These uses are prohibited.
- 249 (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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251 §3600.5 Special Land Use Provisions

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

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

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

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

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

280 §3600.6 Dimensional and General Performance Standards

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

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

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

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

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

293 (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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295 (c) Placement, Height, and Design of Structures.

296 (1) Placement of Structures on Lots. When more than one setback applies to a site, structures and
 297 facilities must be located the greater of 50’ from the Ordinary High Water Level (OHWL) or
 298 as determined by the line of site.

299 a. OHWL Setbacks. Structures and impervious surfaces must meet setbacks from the
 300 OHWL.

301 b. Setbacks of decks. Deck additions may be allowed without a variance to a structure
 302 not meeting the required setback from the ordinary high water level (OHWL) if all
 303 of the following criteria are met:

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

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

313 regardless of the waterbody classification:

Setback from:	Setback (ft)
Top of bluff	30

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

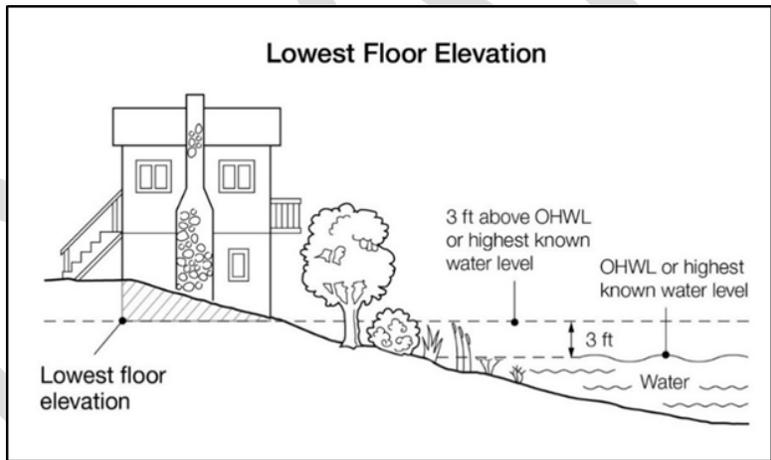
315 stairways and landings, must not be placed within bluff impact zones.

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

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

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

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



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

321 three feet above the ordinary high water level (OHWL), whichever is higher. If the structure

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

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

324 (4) Water Supply and Sewage Treatment.

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

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

327 Minnesota Pollution Control Agency.

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

329 publicly-owned sewer system.

330 §3600.7 Performance Standards for Public and Private Facilities

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

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

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

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

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

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

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

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

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

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

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

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

367 §3600.8 Vegetation and Land Alterations

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

371 (b) Vegetation Management.

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

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

376 b. The construction of public roads and parking areas if consistent with Section
377 §3600.7(a) of this ordinance;

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

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

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

387 b. Existing shading of water surfaces is preserved;

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

389 d. Perennial ground cover is retained.

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

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

394 (c) Grading and Filling.

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

398 (2) Permit Requirements.

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

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

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

407 (2) the movement of ten (10) cubic yards of material within shore impact zones; and

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

410 (3) Grading and filling in shoreland areas or any alteration of the natural topography where the
411 slope of the land is toward a public water or watercourse leading to a public water must be
412 authorized by a grading and filling permit and is subject to the provisions of §1800 and
413 §1900 of this Chapter. The grading and filling permit may be granted by the City subject to
414 the conditions of §1800 and §1900 and the following:

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

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

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

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

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

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

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

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

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

433 (8) No grading or filling shall be permitted within twenty (20) feet of horizontal
434 distance to the ordinary high water level (OHWL) of the water body. Sand
435 beaches are exceptions to this provision under the following conditions:

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

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

439 i. An area no wider than fifty (50) feet as measured at the rear lot
440 line or ordinary high water level (OHWL) and extending no
441 more than twenty (20) feet landward of the ordinary high water
442 level (OHWL), or

443 ii. An area no wider than two-thirds (2/3rd) of the lot width as
444 measured at the rear lot line or ordinary high water level
445 (OHWL) and extending not more than twenty (20) feet landward
446 of the ordinary high water level (OHWL).

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

448 d. Sand beaches shall not be placed on slopes exceeding ten (10) percent.
449 Slopes exceeding ten (10) percent may not be altered to allow for the
450 placement of a sand beach. (c) Any work which will change or diminish
451 the course, current, or cross section of a public water must be approved
452 by the Department of Natural Resources before the work is begun. This
453 includes construction of channels and ditches, lagooning, dredging of the
454 lake bottom for the removal of muck, silt or weeds, and filling in the lake
455 bed, including low lying marsh areas. Approval shall be construed to
456 mean the issuance, by the Commissioner of the Department of Natural
457 Resources, of a permit under the procedures of Minnesota Statute, 1974,
458 §4 and other related statutes.

459 (9) Any alterations below the ordinary high water level (OHWL) of public waters
460 must first be authorized by the commissioner under Minnesota Statutes, Section
461 103G;

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

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

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

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

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

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

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

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

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

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

485 i. The landward extent of the riprap must be within ten feet of the OHWL.

486 j. The height of the riprap above the OHWL must not exceed three feet.

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

490 (d) Stormwater Management.

491 (1) General Standards:

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

504 (2) Specific Standards:

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

512 §3600.9 Subdivision/Platting Provisions

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

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

549 §3600.10 Planned Unit Developments (PUDs)

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

- 604 (a) For dwelling units, determine the average inside living floor area of
 605 dwelling units in each tier. Do not include decks, patios, garages, or
 606 porches and basements, unless they are habitable space.
- 607 (b) For dwelling sites (campgrounds), determine the area of each dwelling
 608 site as follows:
- 609 I. For manufactured homes, use the area of the manufactured home, if
 610 known, otherwise use 1,000 sf.
- 611 II. For recreational vehicles, campers or tents, use 400 sf.
- 612 (2) Select the appropriate floor area/dwelling site area ratio from the following
 613 table for the floor area or dwelling site area determined in Section §3600.10e
 614 (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

- 615
- 616 (3) Multiply the suitable area within each tier determined in Section §3600.10e (2)
 617 by the floor area or dwelling site area ratio to yield the total floor area or
 618 dwelling site area for each tier to be used for dwelling units or dwelling sites.

- 619 (4) Divide the total floor area or dwelling site area for each tier calculated in
- 620 Section §3600.10e (3b(3)) by the average inside living floor area for dwelling
- 621 units or dwelling site area determined in §3600.10e (3b(1)). This yields the
- 622 allowable number of dwelling units or dwelling sites, or base density, for each
- 623 tier.
- 624 c. Allowable densities may be transferred from any tier to any other tier further from
- 625 the waterbody, but must not be transferred to any tier closer to the waterbody.
- 626 d. All PUDs with densities at or below the base density must meet the design standards
- 627 in Section §3600.10(f).

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

- 629 a. The following increases to the dwelling unit or dwelling site base densities
- 630 determined Section §3600.10e (3) are allowed if the design criteria in Section
- 631 §3600.10(f) of this ordinance are satisfied as well as the standards in Section
- 632 §3600.10e (4), item b:

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

- 633
- 634 b. Structure setbacks from the ordinary high water level (OHWL):
- 635 (1) Are increased to at least 50 percent greater than the minimum setback; or
- 636 (2) The impact on the waterbody is reduced an equivalent amount through
- 637 vegetative management, topography, or additional acceptable means and the
- 638 setback is at least 25 percent greater than the minimum setback.

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

640 (1) General Design Standards.

- 641 a. All residential planned unit developments must contain at least five dwelling units
- 642 or sites.
- 643 b. On-site water supply and sewage treatment systems must be centralized and meet
- 644 the standards in Section §3600.6(4) of this ordinance. Sewage treatment systems
- 645 must meet the setback standards of Section §3600.6d (1), item (1)a of this
- 646 ordinance.
- 647 c. Dwelling units or dwelling sites must be clustered into one or more groups and
- 648 located on suitable areas of the development.

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

- 686 (2) Dwelling units or structures, except water-oriented accessory structures or
- 687 facilities;
- 688 (3) Road rights-of-way or land covered by road surfaces and parking areas;
- 689 (4) Land below the OHWL of public waters; and
- 690 (5) Commercial facilities or uses.

691 (3) Open Space Maintenance and Administration Requirements.

692 a. Open space preservation. The appearance of open space areas, including

693 topography, vegetation, and allowable uses, must be preserved and maintained by

694 use of deed restrictions, covenants, permanent easements, public dedication, or other

695 equally effective and permanent means. The instruments must prohibit:

- 696 (1) Commercial uses (for residential PUD's);
- 697 (2) Vegetation and topographic alterations other than routine maintenance;
- 698 (3) Construction of additional buildings or storage of vehicles and other materials;
- 699 and
- 700 (4) Uncontrolled beaching of watercraft.

701 b. Development organization and functioning. Unless an equally effective alternative

702 community framework is established, all residential planned unit developments must

703 use an owners association with the following features:

- 704 (1) Membership must be mandatory for each dwelling unit or dwelling site owner
- 705 and any successive owner;
- 706 (2) Each member must pay a pro rata share of the association's expenses, and
- 707 unpaid assessments can become liens on units or dwelling sites;
- 708 (3) Assessments must be adjustable to accommodate changing conditions; and
- 709 (4) The association must be responsible for insurance, taxes, and maintenance of
- 710 all commonly owned property and facilities.

711 (4) Erosion Control and Stormwater Management.

712 a. Erosion control plans must be developed and must be consistent with the provisions

713 of Section §3600.8(c) of this ordinance. Erosion control plans approved by a soil

714 and water conservation district may be required if project size and site physical

715 characteristics warrant.

716 b. Stormwater management facilities must be designed and constructed to manage

717 expected quantities and qualities of stormwater runoff. For commercial PUDs,

718 impervious surfaces within any tier must not exceed 25 percent of the tier area,

719 except that 35 percent impervious surface coverage may be allowed in the first tier

720 of general development lakes with an approved stormwater management plan and

721 consistency with Section §3600.8 of this ordinance.

722 (g) Conversions. Local governments may allow existing resorts or other land uses and facilities to be

723 converted to residential PUDs if all of the following standards are met:

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

748 **Section3: Effective Date.**

749 This ordinance becomes effective upon passage and publication.

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

751 Approved:

752 _____
753

754 Mayor

755 Attested:

756 _____

757 City Clerk

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CITY OF MEDICINE LAKE
ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTIONS 3700 OF THE ZONING CODE REGULATING WETLANDS
WITHIN THE CITY OF MEDICINE LAKE**

The City of Medicine Lake does ordain:

Section 1: Purpose

The City of Medicine Lake to regulate development activities that have the potential to impact wetlands and provided for regulations that are consistent with federal and state laws and policy.

Section 2 Proposed Amendments to the Zoning Code

The following changes shall be incorporated into section 3700 of the zoning code. Changes are reflected by ~~strikeouts~~ for deletions and underline for new inserted text.

Subpart 3700.4 Development Regulations is deleted as follows:

~~(b) — High Water Elevation for lakes, ponds, or flowages, no structure, except docks, shall be placed at an elevation such that the lowest floor, including basement floor, is less than one (1) foot above the highest known water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the Building Inspector. Plans shall also be submitted to the Department of Natural Resources and Bassett Creek Watershed Management Commission.~~

The following sections are added to Subpart 3700.4 as follows:

(c) Buffers.

- (1) Native or natural vegetation buffers must be established or preserved in accordance with this chapter and the requirements in Appendix B of the BCWMC's Requirements for Improvements and Development Proposals document, as revised.
- (2) Buffers are required for projects containing more than one acre of new or redeveloped impervious area. Average minimum buffer widths (measured from the delineated wetland edge) are required according to the [MnRAM classification](#):
 - a. Preserve: 75 feet average and minimum of 50 feet.
 - b. Manage 1: 50 feet average and minimum of 30 feet.
 - c. Manage 2 or 3: 25 feet average and a minimum of 15 feet.
- (3) The following standards shall guide the creation or restoration of buffers to achieve the goals and policies of the City's Surface Water Management Plan. The Zoning Administrator may modify or waive standards depending on each project site and goals for the water body.

- 42 a. The use of a meandering buffer strip to maintain a natural appearance is encouraged
43 in areas of flat topography.
- 44 b. An access corridor, not to exceed 20 feet in width or 20 percent of the buffer edge,
45 whichever is less, is permitted.
- 46 c. Accessory structures intended to provide access to wetlands such as stairways and
47 docks are permitted in the access corridor.
- 48 d. The City may require that the buffer may be placed in a conservation easement.
- 49 e. Monuments identifying the conservation easement, designed in accordance with
50 City standards, should be placed every 100 feet to delineate the buffer edge and at
51 intersections with property lines.
- 52 f. Buffer strip vegetation should be appropriate to the goals for the water body. Where
53 acceptable natural vegetation exists in buffer strip areas, the retention of such
54 vegetation in an undisturbed state is preferred.
- 55 g. Buffer areas must be planted with native plants if disturbed as part of the project
56 (plantings must be comprised of at least 75% native species).
- 57 h. Soil in the buffer areas disturbed as part of the project shall be amended, as
58 necessary, to ensure that the soil has an organic content of not less than 10 percent
59 and not more than 35 percent.
- 60 i. Buffers must be kept free of all structures and features, including fences and play
61 equipment.
- 62 j. Buffer vegetation must not be cultivated, cropped, pastured, mowed, fertilized,
63 subject to the placement of mulch or yard waste, or otherwise disturbed, except for
64 periodic cutting or burning that promotes the health of the buffer, actions to address
65 disease or invasive species, mowing for purposes of public safety, temporary
66 disturbance for placement or repair of buried utilities, or other actions to maintain or
67 improve buffer quality and performance.

68

69 **Section3: Effective Date.**

70 This ordinance becomes effective upon passage and publication.

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

72 Approved:

73

74

75

Mayor

76 Attested:

77

78 City Clerk