

SECTION 51.51. S, SHORELAND DISTRICT

Subd. A. Purpose. The purpose of the S, Shoreland District is to manage the effect of shoreland and water surface crowding, to prevent pollution of surface and ground waters of the City, to provide ample space on lots for sewage treatment systems, to minimize flood damages, to maintain property values, and to maintain natural characteristics of shorelands and adjacent water areas via shoreland controls which regulate lot sizes, placement of structures and alterations of shoreland areas.

Subd. B. District Authorization. The shorelands within the City of Delano are hereby designated as shoreland districts and the requirements set forth in this Ordinance shall govern development and other activities within these districts, pursuant to authorization and policies contained in Minnesota Statutes Chapter 103F, Minnesota Regulations, Parts 6120.2500-6120.3900. The classification of the shoreland areas shall govern the use, alteration and development of these areas according to said classification.

Subd. C. District Application. The S, Shoreland District shall be applied to and superimposed (overlaid) upon all zoning districts of this Ordinance as existing or amended by the text and map of this Ordinance. The regulations and requirements imposed by the S, Shoreland District shall be in addition to those established for districts which joint apply. Under the joint application of districts, the more restrictive requirements shall apply.

Subd. D. District Boundaries. The boundaries of the S, Shoreland District are established within the following distances from the ordinary high water mark of the surface water depending on the size of the surface water as indicated on the Delano Shoreland District Map.

<u>Surface Water</u>	<u>District (feet)¹</u>
Greater than ten (10) acres (Table 1)	1,000
Rivers and Streams (draining an area greater than two (2) square miles)	300 ²

¹ The practical distance may be less whenever the waters involved are bounded by topographical divides which extend landward from the waters for lesser distances and prevent flowage toward the surface water.

² The distance requirement shall be increased to the limit of the floodplain when the floodplain is greater than three hundred (300) feet.

Subd. E. Shoreland Classification. The surface waters affected by this section and which require controlled development of their shoreland (Shoreland District) are

shown on the map designed as the official “Shoreland Map of the City of Delano” which is incorporated herein by this reference and filed with the City Clerk . Surface waters generally greater than ten (10) acres and given an identification number by the State of Minnesota as defined in this section and listed in Table 1, below. Other surface waters affected by this Ordinance, generally having less than ten (10) acres, are classified as wetland systems and thus regulated under the provisions of Section 10 of the Delano Subdivision Ordinance.

TABLE 1 SURFACE WATER DISTRIBUTION		
DNR Identification Number	Name	Classification
	Crow River, South Fork	GD

Subd. F. Allowable Land Uses. The land uses allowable for the S, Shoreland District shall follow the “permitted”, “accessory”, and “conditional” use designations as defined and outlined in the base zoning districts.

Subd. G. Minimum Lot and Setback Requirements.

1. The following chart sets forth the minimum area setbacks and other requirements of each respective classification:

		NE Natural Environment	RD Recreational Development	GD General Development
a.	Minimum lot size above normal high water mark Non-sewered ¹ Sewered - abutting water Sewered - non-abutting	2 acres 1 acre 20,000 SF	1 acre 20,000 SF 15,000 SF	15,000 SF 15,000 SF
b.	Lot Width ¹ Non-sewered Sewered	200 feet 125 feet	150 feet 80 feet	100 feet 80 feet
c.	Setback from ordinary high water mark ² Non-sewered Sewered	200 feet 150 feet	100 feet 75 feet	100 feet 50 feet
d.	Setback from public streets Abutting federal, state or county road Abutting town or public road	50 feet 30 feet	50 feet 30 feet	50 feet 30 feet
e.	Setback from top of bluff	30 feet	30 feet	30 feet
f.	Maximum impervious surface to area ratio	30%	30%	30%
g.	Maximum building height	35 feet	35 feet	35 feet
h.	Side yard setback ³	30 feet	20 feet	20 feet
i.	Ordinary setback of roads and parking (impervious surface) areas from ordinary			

	high water mark ³	50 feet	50 feet	50 feet
j.	Structure height (lowest floor) above high water elevation ⁴	3 feet	3 feet	3 feet
¹ Lot size requirements in unsewered areas are also subject to Section 51.03.				
² Setback requirements from the ordinary high water mark shall not apply to boathouses, piers, park buildings or structures, and docks. Boathouses may be permitted to be located up to the ordinary high water mark provided they shall not be used for habitation and they shall not contain sanitary facilities. Where development exists on both sides of a proposed building site, building setbacks may be altered to more closely conform to adjacent building setbacks, provided the proposed building site is not located in a shoreland impact zone or in a bluff impact zone.				
³ Where feasible and practical, all roads and parking area shall meet the setback requirements established for structures in (c) above. Natural vegetation or other natural materials shall be required in order to screen parking areas when viewed from the water. Parking areas of more than four (4) spaces shall be screened in accordance with a landscaping plan submitted and approved by the City Council.				
⁴ Does not include boathouses, park buildings or structures, piers and docks.				

2. Substandard Lot. Any lot of record filed in the office of the Wright County Register of Deeds on the effective date of this Ordinance amendment which does not meet the area requirements of this Ordinance may be allowed as a building site subject to approval of a shoreland impact plan and provided:
 - a. The lot is serviced by municipal sewer and water.
 - b. Except for lot area, all other sanitary and dimensional requirements of the Shoreland District are complied with insofar as practical (seventy (70) percent width and setback requirements).

Subd. H. Development Regulations.

1. Applications. Landowners or developers desiring to develop land or construct a dwelling, building, or any other artificial obstruction on land located within any shoreland district within the City of Delano shall make one of the following applications:
 - a. Single family dwelling, two family dwelling, or accessory buildings shall submit an application for building permit.
 - b. Multiple family, townhomes, commercial, or industrial buildings shall submit application for a site and building plan review as regulated by Section 51.02, Subd. F of this Ordinance.
 - c. Subdivision request shall submit an application for preliminary and/or final plat as required by the Delano Subdivision Ordinance.

2. Shoreland Impact Plan. The aforementioned applications shall be accompanied by plans for development referred to as a shoreland impact plan which shall set forth proposed provisions for site grading, sediment control, water management, maintenance of landscaped features, and any additional matters intended to improve or maintain the quality of the environment. Such a plan shall set forth proposed changes requested by the applicant and any changes that will be made in the natural condition of the earth, including loss or change of earth ground cover, destruction of trees, grading, and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall provide for the relocation or replanting of trees which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate as much as possible potential pollution, erosion and siltation.
3. Bluff Impact Zones. Structures and accessory facilities except stairways, landings, and public utilities shall not be placed within bluff impact zones.
4. Stairways, Lifts, And Landings. Stairways and lifts, solely for the purpose of pedestrian transportation, are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
 - a. Stairways and lifts shall not exceed four feet (4') in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - b. Landings for stairways and lifts on residential lots shall not exceed thirty two (32) square feet in area;
 - c. Canopies or roofs are not allowed on stairways, lifts, or landings;
 - d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, no higher than thirty inches (30") above grade at any one point, or placed into the ground provided they are designed and built in a manner that ensures control of soil erosions;
 - e. Stairways, lifts, and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of Section 51.51, Subd. H.4 of this Ordinance are complied with in addition to the requirements of Minnesota Regulations, chapter 1340.

5. Steep Slopes: The City Engineer shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
6. Sewage And Waste Disposal: Any premises used for human occupancy shall be provided with an adequate method of sewage disposal to be maintained in accordance with acceptable practices.
 - a. Public Safety Sewers: Public safety sewer collection and treatment facilities shall be used where available, and where feasible.
 - b. Private Sewage Systems: All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document "Individual Sewage Treatment Systems Standards, Chapter 7080", the rules and regulations of the Minnesota Department of Health, and Wright County.
 - c. Drain Fields: A septic tank-drain field system shall be the only acceptable system for installation unless it can be demonstrated that this system is not feasible on the particular lot in question and it can be demonstrated that the system being proposed as an alternate will not cause a pollution problem.
 - d. Individual Systems:
 - 1) Generally: All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in the following Section 51.51. Subd. H.6.d.2, Subd H.6.f, and Subd. H.6.g of this Ordinance. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.
 - 2) Evaluation Criteria:
 - a) Depth to the highest known or calculated ground water table or bedrock;
 - b) Soil conditions, properties, and permeability;
 - c) Slope;

- d) The existence of lowlands, local surface depressions, and rock outcrops; and
 - e) Non-conforming sewage treatment systems shall be regulated and upgraded.
- e. Permit Required: No person may install, alter, repair or extend any individual sewage disposal system without first obtaining a permit therefore from the City for the specific installation alteration, repair or extension.
- f. Placement: Placement of septic tank soil absorption systems shall be subject to the following setback requirements where soil conditions are adequate:
 - 1) On natural environment lakes, at least one hundred fifty feet (150') from the normal high-water mark.
 - 2) On recreational development lakes, at least seventy five feet (75') from the normal high-water mark.
 - 3) General development lakes and on tributary streams, at least fifty feet (50') from the normal high-water mark.
- g. Soil Absorption Systems: Soil absorption systems shall not be allowed in the following areas for disposal of domestic sewage.
 - 1) Low swampy areas or areas subject to recurrent flooding.
 - 2) Areas where the highest known ground water table, bedrock or impervious soils conditions are within three feet (3') of the bottom of the system.
 - 3) Areas of ground slope which create a danger of seepage of the effluent onto the surface of the ground.
 - 4) Areas lying within the 100-year flood plain.
- 7. Water Supply: Any private supply of water for domestic purposes shall conform to Minnesota Pollution Control Agency, Dakota County, and Minnesota Department of Health Standards for water quality. Private wells shall be placed in areas not subject to flooding and up slope from any source of contamination. Wells already existing in areas subject to flooding shall be flood proofed in accordance with State Building Code standards. No private wells shall be located closer than three feet (3') to the outside basement wall of a dwelling. The outside

basement footing shall be continuous across the opening of the well alcove. No well shall be located closer than ten feet (10') to a property line.

8. Stormwater Management: The following general and specific standards shall apply in regard to stormwater management within any shoreland district within the City:
 - a. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 - b. Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as soon as possible, and no later than thirty (30) days after completion of the project. All methods of stormwater management shall comply with the Delano Comprehensive Storm Drainage Plan.
 - c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
 - d. New constructed stormwater outfalls to public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
9. Placement And Design Of Roads, Driveways, And Parking Areas: The following standards shall apply in regard to roadway, driveway and parking area placement and design within any shoreland district within the City.
 - a. Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation shall be provided by the City Engineer that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with City standards.
 - b. Private roads, driveways, and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas by conditional use permit, and must be designed to minimize adverse impacts. Natural vegetation or

other natural materials shall be required in order to screen parking areas when viewed from the water. Parking areas of more than four (4) spaces shall be screened in accordance with a landscape plan, submitted and approved by the City Council.

- c. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met.
- d. Fences: Fences shall not exceed forty eight inches (48") in height and shall be at least seventy five percent (75%) open space for passage of air and light inside the ordinary high-water level setback. Fences shall not be located within ten feet (10') from the ordinary high-water mark.

Subd. I. Shoreland Alterations: Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

- 1. Vegetation Alterations: The removal of natural vegetation shall be restricted to prevent erosion into public waters, to conserve nutrients in the soil, and to preserve shoreland aesthetics.
 - a. During the site grading of new subdivision development and other planning actions, any removal of significant trees shall require a tree preservation plan in accordance with the City's subdivision regulations.
 - b. Natural vegetation shall be restored as soon as feasible after any construction project, but not later than the start of the next growing season.
 - c. The provisions of this Section shall not apply to vegetation alterations necessary for the construction of structures, sewage treatment systems and the construction of roads and parking areas subject to the following standards:
 - 1) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, access paths, beach and watercraft access areas or facilities, provided that:

- a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
 - b) Along rivers, existing shading of water surfaces is preserved.
 - c) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- 2. Grading And Filling Associated With Any Development Project Involving Subdivisions, Commercial, Industrial, Or Multiple- Family Uses:
 - a. Grading and filling within shoreland districts, or any alterations of the natural topography where the slope of the land is toward a public water or watercourse leading to a public water shall be approved by the City Engineer. A permit shall be obtained prior to the commencement of any work thereon. The permit may be granted subject to the conditions that:
 - 1) Temporary ground cover such as mulch shall be used and permanent cover such as sod shall be planted as soon as possible.
 - 2) Methods to prevent erosion and trap sediment shall be employed in accordance with the Delano Subdivision Ordinance.
 - 3) Fill shall not be placed in areas lower in elevation than the normal high-water mark.
 - 4) Fill shall be stabilized according to accepted engineering standards.
 - 5) Fill shall not restrict a floodway or destroy the storage capacity of a flood plain.
 - 6) The maximum slope of the finished surface which slopes toward a water body or a watercourse leading to such water body shall be three (3) units horizontal to one vertical.
 - 7) Fill or excavated material must not be placed in bluff impact zones.
 - 8) Any alterations below the ordinary high-water level of public waters must first be authorized by the Commissioner under Minnesota Statutes section 103G.245.
 - b. Any work which will change or diminish the course, current, or cross section of a public water shall require a permit from the City Engineer and be approved by the Department of Natural Resources before the work is

begun. This includes construction of boat slips, canals, channels and ditches, lagooning, dredging of lake bottom for the removal of muck, silt or weeds, and filling in the lake bed including low lying marsh areas. Approval will be given only if the proposed work is consistent with applicable State regulations for beds of public waters.

3. Special Provisions For Agricultural, Extractive, And Commercial Uses:

a. Agriculture Use Standards:

- 1) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (resource management systems) consistent with the field office technical guides of the Wright County Soil and Water Conservation District or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty feet (50') from the ordinary high-water level.
- 2) Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

Subd. J. Planned Shoreland Development. Flexible application of the allowable land uses, minimum lot area and setback requirements and development regulations of this Ordinance may be used within a shoreland district, provided that the following requirements are satisfactorily met:

1. Conditional Use Permit: Planned unit developments shall require a conditional use permit based upon procedures set forth in and regulated by Section 51.02, Subd. B of this Ordinance.
2. Sewer And Water: Planned unit developments shall be connected to Municipal sewer and water.
3. Open Space: Residential planned unit developments shall contain open space meeting all of the following criteria:
 - a. At least fifty percent (50%) of the total project area shall be preserved as open space.

- b. Dwelling units or sites, road rights of way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
- c. Open space shall include areas with physical characteristics unsuitable for development in their natural state.
- d. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites.
- e. The appearance of open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
- f. The shore impact zone, based on normal structure setbacks, shall be included as open space. At least fifty percent (50%) of the shore impact zone area of existing developments or at least seventy percent (70%) of the shore impact zone area of new developments must be preserved in its natural or existing state.

4. Residential PUD Density Evaluation:

- a. Procedures And Standards: Proposed new or expansions to existing planned unit developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 51.51, Subd. J.4.b of this Ordinance.
 - 1) The project parcel shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high-water level at the following intervals, proceeding landward:

SHORELAND TIER DIMENSIONS

	Unsewered (Feet)	Sewered (Feet)
Recreational development lakes	267	267
Natural environment lakes	400	320
All rivers	300	300

- 2) The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high-water level of public waters. This suitable area and the proposed project are then subjected to the residential planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.
- b. Residential PUD Base Density Evaluation: The procedures for determining the base density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the water body, but must not be transferred to any other tier closer.
- 1) Formula: The suitable area within each tier is divided by the single residential lot size standard for lakes and rivers. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analysis herein and the design criteria of this section.
 - 2) Increases: Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards for the various base zoning districts are met or exceeded and the design criteria in the Shoreland District are satisfied. The allowable density increases in a Shoreland District will only be allowed if structure setbacks from the ordinary high-water level are increased to at least fifty percent (50%) greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least twenty five percent (25%) greater than the minimum setback.
 - 3) Allowable Dwelling Unit Or Dwelling Site Density Increases For Residential Planned Unit Developments:

<u>Density Evaluation Tiers</u>	<u>Within Each Tier (%)</u>
First	50
Second	100
Third	200
Fourth	200
Fifth	200

5. Erosion Control And Stormwater Management: Erosion control and stormwater management plans shall be prepared for all planned unit developments and approved by the City Engineer.

6. Evaluation Of Factors: The following factors are carefully evaluated to ensure that the increased density of development is consistent with the resource limitations of the public water:
 - a. Suitability of the site for the proposed use.
 - b. Physical and aesthetic impact of increased density.
 - c. Level of current development.
 - d. Amount of ownership of undeveloped shoreland.
 - e. Levels and types of water surface use and public access.
 - f. Possible effects on overall public use.
7. Facilities: Any recreational or community facility allowed as part of the planned unit development conforms to all applicable Federal and State regulations including, but not limited to, the following:
 - a. Waste disposal regulations.
 - b. Water supply regulations.
 - c. Building codes.
 - d. Safety regulations.
 - e. Regulations concerning the appropriate use of "public waters" as defined in Minnesota Statutes section 103G.
 - f. Applicable regulations of the Minnesota Environment Quality Council.
 - g. Storm sewer.
8. Alteration Approval: The final PUD shall not be modified or altered in any way without written approval from the Department of Natural Resources.
9. Central Shoreline Facilities: PUDs incorporating shoreline recreational facilities such as beaches, docks, or boat launching facilities, etc., shall be designed such that said facilities are centralized for common utilization.

Subd. K. Variances. Variances may be granted by the City Council upon application as required in Section 51.02, Subd. D.1.a of this Ordinance in extraordinary

cases, but only when the proposed use is determined to be in the public interest and no variance shall be granted which the Council determines will or has a tendency to:

1. Result in the placement of an artificial obstruction which will restrict the passage of storm and flood water in such a manner as to increase the height of flooding, except obstructions approved by the watershed districts in conjunction with sound flood plain management.
2. Result in incompatible land uses or which would be detrimental to the protection of surface and ground water supplies.
3. Be not in keeping with land use plans and planning objectives for the City or which will increase or cause damage to life or property.
4. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City.
5. No permit or variance shall be issued unless the applicant has submitted a shoreland impact plan as required and set forth in this Chapter. In granting any variance, the Council may attach such conditions as they deem necessary to ensure compliance with the purpose and intent of this Ordinance.

Subd. L. Conditional Uses. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures set forth in Section 51.02, Subd. B of this Ordinance. The following additional evaluation criteria and conditions apply within shoreland areas:

1. Evaluation Criteria: A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
 - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 - b. The visibility of structures and other facilities as viewed from public waters is limited.

Subd. M. Notifications to the Department of Natural Resources.

1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plans must include copies of the subdivision/plat.

2. A copy of approved amendment and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of final action.

Subd. N. Effect of Permit. The granting of any permit, variance, or subdivision approval under provisions of this Chapter shall in no way affect the owner's capability to obtain the approval required by any other statute, ordinance or legislation of any State agency or subdivision thereof. Approval may be expressly given in conjunction with other permits applied for, but no approval shall be implied from the grant of such permits nor from the necessity to apply for a permit as described herein.

