

1330.03 General Provisions.

(revised 4/28/21)

Subd. 1 District Requirements. The following standards shall apply to all shorelands of the protected waters listed in this Section. Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth in this Section, then the more restrictive standards shall apply:

	Natural Environmental Waters	Recreational Development Waters	General Development Waters
Lot Area (square feet): Riparian Lot	40,000	20,000	14,000
Lot Area (square feet): Non-Riparian Lot	14,000	14,000	14,000 (for District R-1) 11,000 (for Districts R-2, R-3, R-4)
Minimum Water Frontage and Width at Building Line (feet)	125	75	75
Structure Minimum Setback from Ordinary High Water Level (feet)	150*	75*	50*
Structure Minimum Setbacks from Streets and Highways (feet)	40 for Districts R-1, R-2, R-3, R-4 50 for Districts B-1, B-2, I-2 55 for District I-1		
Structure Maximum Height (feet)	35 for District R-1, R-2, R-3, R-4, B-1, B-2, I-1 45 for District I-2		
Maximum Lot Area Covered by Impervious Surface (%)	35 for District R-1, R-2, R-3, R-4 65 for District I-1 75 for District B-1, B-2, I-2		

*See Section 1330.03, Subd. 4 for Exceptions to the Structure Setback Requirement

Subd. 2 Roads and Parking Areas. Roads and parking areas shall be located to retard the runoff of surface waters and nutrients in accordance with the following criteria:

- A. All roads and parking areas shall meet the setback requirements established for structures of this Section.
- B. Natural vegetation or other natural materials shall be used to screen parking areas when viewed from the water.

Subd. 3 Elevation of Lowest Floor.

A. Structures shall be placed at an elevation consistent with the City's flood plain management controls as set forth in Section 1335 of this Code.

B. In areas not regulated by flood plain management controls, the elevation to which the lowest floor, including basements, shall be placed shall be determined as follows:

1. For lakes, ponds, and flowages, by (a) an elevation of available flood information and consistent with "Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota," or (b) placing the lowest floor at a level at least three (3) feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the ordinary high water level shall be used.

2. For streams, by an evaluation of available flood information and consistent with "Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota."

Subd. 4 Adjacent Lots. On any shoreland lot where the adjacent lots have existing dwellings that exceed the minimum setback from the OHW level, the shoreline setback for a new dwelling unit or an addition to an existing dwelling unit shall not be less than the average of the setbacks from the OHW level for such adjacent dwellings minus ten (10) feet subject to the following:

A. In no case shall the new structure or addition be within the minimum setback from the OWH level as stated in Section 1330.03 Subd 1.

B. In no case shall the new structure or addition be nearer to the OHW level than the nearest adjacent structure.

C. The minimum structure setback in Section 1330.03 Subd. 1 shall be used for the adjacent lot when calculating the setback if an adjacent lot is:

1. Vacant;
2. Has a use other than single or two-family residential; or,
3. Has a dwelling unit that encroaches on the minimum structure setback.

Subd. 5 Exceptions to Structure Setback Requirements. No structure shall be placed within the structure setback requirements of the shoreland management district. The following are not classified as structures for the purposes of this section:

A. Docks and Boatlifts. Setback requirements from the ordinary high water level shall not apply to docks and boatlifts. Location of docks and boatlifts shall be controlled by applicable State and local regulations.

B. Stairways, access lifts, and landings. Setback requirements from the ordinary high water level shall not apply to stairways, access lifts, or landings. Stairways and access lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, access lifts and landings located within the Shore Impact Zone shall meet the following design standards:

1. Landings for stairways and lifts shall not exceed 40 square feet in area.
2. Canopies or roofs are not allowed on stairways, access lifts, docks, or landings.

C. Uncovered patios. At grade uncovered patios that have an underside surface that is entirely in contact with and wholly supported by the ground may be placed within the structure setback requirements from the ordinary high water level but shall not be placed within the Shore Impact Zone. Uncovered patios shall not be considered landscaped area when calculating lot coverage.

D. Fences. Chain link, or other types of fences with a transparency of at least 75 percent, may be placed within the structure setback requirements from the ordinary high water level but shall not be placed within the Shore Impact Zone.

E. Lakeshore lots may be permitted one (1) accessory storage shed within the required structure setback from the ordinary high water level, provided that it complies with the following provisions:

1. The structure or facility is ~~is~~ not located within the Shore Impact Zone.
2. The structure or facility is ~~Does~~ not exceed 100-64 square feet in size and eight (8) feet in height, measured to the highest point of the structure.
3. The maximum width of the structure, as viewed from the water, does not exceed ten (10) feet.
4. The structure or facility is ~~is~~ not designed or used for human habitation and does not contain a water supply or sewage treatment facilities.
5. The structure or facility is setback a minimum of ten (10) feet from the ordinary high water level.
6. The structure or facility shall be constructed of material architecturally similar in design, texture, and color to the principal structure on the lot; the design shall be reviewed by the City Planner prior to issuance of building permits.
7. The structure shall be screened a minimum of 50 percent by opaque vegetation or topography on the three walls seen from the lake with ecologically suited landscaping landward of the ordinary high water level from the lake.
8. The roof shall not be used as a deck or storage area.
9. The structure or facility is not a boathouse or boat storage structure as defined under Minnesota Statutes, Section 103G.245.