

CHAPTER 1 "S" SHORELAND OVERLAY DISTRICT

Subd. 1. Authority.

The shoreland standards herein contained are adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapter 123 and the planning and zoning enabling legislation in Minnesota Statutes Chapter 462.

Subd. 2. Purpose.

The uncontrolled use of shorelands the City of Avon affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interest of the public to provide for the wise use and development of shorelands of public waters. The purpose of this Chapter is to preserve and enhance the quality of surface waters, to conserve the economic and natural environmental values of shorelands, and to provide for the wise use of waters and related land resources.

Subd. 3. Applicability.

The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in this Chapter as may be amended, excluding any lake, pond, or flowage less than ten (10) acres in size. A body of water created by a private user where there was no previous shoreland may, at the discretion of the City Council be exempt from this Chapter of this Ordinance.

Subd. 4. Scope.

The use of any shoreland of public waters; the size and shape of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; and the cutting of shoreland vegetation shall be in compliance with the terms of this Ordinance and other applicable regulations.

Subd. 5. District Application.

- A. The "S" Shoreland Overlay District shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the text and map of this Ordinance.
- B. The regulations and requirements imposed by the "S" Shoreland District shall be in addition to those established for the underlying district(s) that jointly apply.
- C. Where the requirements of the overlay and underlying district(s) are not congruent the more restrictive requirements shall apply.
- D. Where a portion of a lot is within the shoreland overlay area, shoreland standards shall apply.

Subd. 6. Shoreland Overlay District Public Water Classifications.

The public water of the City of Avon have been classified below consistent with the criteria found in Minnesota Regulations, and the Protected Waters Inventory Map for Stearns County, Minnesota:

<u>NAME OF PUBLIC WATER</u>	<u>PUBLIC WATER CLASSIFICATION</u>	<u>CORRESPONDING AREA OF SHORELAND OVERLAY DISTRICT</u>
Minnie Lake	Recreational Development	1000 feet from ordinary high water level
Middle & Lower Spunk Lakes	General Development	1000 feet from ordinary high water level
Linneman, Ochotto, Lake Anna, Kepper	Natural Environmental	1000 feet from ordinary high water level
Spunk Creek	Tributary Stream	300 feet or the landward extent of the floodplain

Subd. 7. Permitted Uses.

Permitted uses within the Shoreland Overlay District are those identified in the appropriate underlying zoning district within the appropriate shoreland overlay classification.

Subd. 8. Accessory Uses.

Accessory uses within the Shoreland Overlay District are those identified in the appropriate underlying zoning district within the appropriate shoreland overlay classification.

Subd. 9. Conditional Uses.

Conditional uses within the Shoreland Overlay District are those identified in the appropriate underlying zoning district within the appropriate shoreland overlay classification.

Subd. 10. Interim Uses.

Interim uses within the Shoreland Overlay District are those identified in the appropriate underlying zoning district within the appropriate shoreland overlay classification.

Subd. 11. Shoreland Alterations.

- A. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, and protect fish and wildlife habitat.
- B. Vegetation Alterations.
 - 1. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas are exempt from vegetation alteration standards which follow.
 - 2. Removal or alteration of vegetation, except for agricultural and forest management uses is allowed subject to the following:

- a. Prior to vegetation removal regulation by this section or prior to establishing a view corridor (which is limited to the bluff impact zone) on a riparian lot, the property owner shall contact the City Zoning Administrator to arrange for a site visit and/or site plan and complete an application for vegetative alteration; and may be required to contact the DNR and/or the United States Corps of Engineer for further evaluation.
- b. In shore and bluff impact zones and on steep slopes, 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, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures of facilities, provided the structures, vehicles and other facilities are screened in so far as possible when viewed from the water, with the following provisions:
 1. The total cumulative view corridor (which is limited to the bluff impact zone) shall not exceed 50 feet or half the lot width whichever is less; and
 2. The total cumulative tree/shrub removal within any view corridor (which is limited to the bluff impact zone) shall not exceed 25% of the trees greater than 5" in diameter 4.5 feet above the ground (diameter breast height or DBH) and 25% of the trees/shrubs less than 5" DBH: and
 3. From the building setback and extending to the landward end of the lot, up to 25% of the trees greater than 5" DBH and up to 25% of the trees/shrubs less than 5" DBH may be removed in accordance with a plan submitted to and approved by the City Zoning Administrator, This provision is not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

C. Topographic Alterations/Grading and Filling.

1. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued building permits do not require the issuance of a separate grading and filling permit, however a surface water management plan as outlined in Chapter 15 is required. However, the grading and filling standards in this Chapter shall be incorporated into the issuance of permits for the construction of structures, sewage treatment systems, and driveways.
2. A permit is required for:
 - a. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones.
 - b. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
3. The following considerations and conditions must be adhered to during the issuance of building permits.
 - a. Grading or filling in any type of wetland must be evaluated to determine how extensively the proposed activity would affect the following (this evaluation also includes a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers):
 - (1) Sediment and pollutant trapping and retention.
 - (2) Storage of surface runoff to prevent or reduce flood damage.
 - (3) Fish and wildlife habitat.
 - (4) Recreational use.
 - (5) Shoreline or bank stabilization.
 - (6) Special qualities such as critical habitat for endangered plants and animals, etc.

- b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
 - c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
 - d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
 - e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the United States Soil Conservation Service.
 - f. Fill or excavated material must not be placed in a manner that creates an unstable slope.
 - g. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater.
 - h. Fill or excavated material shall not be placed within bluff impact zones.
 - i. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under State Statutes, Chapter 103G.245.
 - j. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
 - k. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
4. Excavations where connection to public waters is the intended purpose (i.e. boat slips, canals, lagoons, etc) are subject to local controls and may be given only after the commissioner has approved the proposed connection to public waters.

Subd. 12. Stairways, Lifts and Landings.

- A. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts shall meet the following design requirements:
 1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 2. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties, and planned unit developments.
 3. Canopies or roofs are not allowed on stairways, lifts, or landings.
 4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 5. Stairways, lifts, and landings must 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.
- B. 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 sub-items 1-5 are complied with in addition to the requirements of Minnesota Regulations, Chapter 1640.