



AGENDA
BIG LAKE PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

May 4, 2026
6:00 p.m.

- 1) CALL TO ORDER**
- 2) PLEDGE OF ALLEGIANCE**
- 3) ROLL CALL** (Members: A. Heidemann, L. Odens, P. Seefeld, T. Velishek, J. Geroux, M. Busch, B. Tradewell)
- 4) ADOPT AGENDA**
- 5) OPEN FORUM**
- 6) PLANNING COMMISSION MEETING MINUTES OF APRIL 6, 2026**
- 7) BUSINESS ITEMS**
 - 7A. **PUBLIC HEARING** – Amendments to Subsection 1003.11 (R-5, Residential Redevelopment District) and Subsection 1004.03 (Shoreland Management Overlay District) of Chapter 10 (Zoning Ordinance) of the Big Lake City Code.
 - 7B. **PUBLIC HEARING** – Zoning Map Amendments to reflect changes to the Shoreland Overlay District – Continued to June 1, 2026 meeting
- 8) COMMUNITY DEVELOPMENT REPORT**
- 9) COMMISSIONERS' REPORT**
- 10) OTHER**
- 11) ADJOURN**

Disclaimer: This agenda has been prepared to provide information regarding an upcoming meeting of the Big Lake Planning Commission. This document does not claim to be complete and is subject to change.

Notice of City Council Quorum: A quorum of the City Council members may be present at this meeting. No action will be taken by the Council.



AGENDA ITEM

Big Lake Planning Commission

Prepared By: <i>Tara Kohl, Planning Technician</i>	Meeting Date: <i>5/4/2026</i>	Item No. 6
Item Description: <i>April 6, 2026 Planning Commission Meeting Minutes</i>	Reviewed By: <i>Marie Popp, Community Development Director</i>	
	Reviewed By:	

ACTION REQUESTED

Motion to approve the April 6, 2026 Big Lake Planning Commission meeting minutes as presented.

BACKGROUND/DISCUSSION

The draft minutes of the April 6, 2026 Planning Commission meeting are attached for review.

FINANCIAL IMPACT

N/A

STAFF RECOMMENDATION

N/A

ATTACHMENTS

April 6, 2026 Planning Commission meeting minutes

**BIG LAKE PLANNING COMMISSION
MEETING MINUTES**

APRIL 6, 2026

1. CALL TO ORDER

Chair Odens called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIENCE

The Pledge of Allegiance was recited.

3. ROLL CALL

Commissioners present: Chair Lisa Odens, Alan Heidemann, Paul Seefeld, Bryce Tradewell, Tony Velishek, Mason Busch, and Jake Geroux. Commissioners Absent: Paul Seefeld. Also present: Community Development Director Marie Popp, Planning Technician Tara Kohl, and Planning Consultant Kendra Lindahl from Landform Professional Services LLC.

4. ADOPT AGENDA

Commissioner Heidemann motioned to adopt the agenda. Seconded by Commissioner Tradewell. Unanimous ayes, motion carried.

5. OPEN FORUM

Chair Odens opened the open forum at 6:01 p.m. No one came forward. Chair Odens closed the open forum at 6:01 p.m.

6. APPROVE PLANNING COMMISSION MEETING MINUTES OF MARCH 2, 2026

Commissioner Velishek motioned to approve the March 2, 2026 Planning Commission meeting minutes as presented. Seconded by Commissioner Busch, unanimous ayes, motion carried.

7. BUSINESS

7A. PUBLIC HEARING – CHAPTER 10 (ZONING) AMENDMENTS AND REVIEW OF AMENDMENTS TO CHAPTERS 2 (ADMINISTRATION), CHAPTER 5 (NUISANCES), CHAPTERS 6 (TRAFFIC) OF THE BIG LAKE CITY CODE.

Kendra Lindahl reviewed the staff memo for the proposed amendments to Chapter 10 (Zoning), Chapter 2 (Administration), Chapter 5 (Nuisances) and Chapter 6 (Traffic) of the Big Lake City Code. Lindahl reviewed that The City of Big Lake completed a repeal and replace of the Zoning Ordinance, Subdivision Ordinance and Sign Ordinance in 2023 (ordinance adopted April 26, 2023). When the new ordinances were adopted, staff noted that regular review and updates should be expected to correct any errors and address policy changes as needed. Lindahl reviewed a summary of key changes for each chapter and stated that the majority of the amendments are not substantive but are housekeeping items to correct spelling, comply with State laws, correct inconsistencies, and add clarity.

Chair Odens opened the public hearing at 6:10 p.m. No one came forward.
Chair Odens closed the public hearing at 6:10 p.m.

Commissioner Geroux stated that it was necessary to clean the code up.

Commissioner Velishek stated that the changes seem reasonable.

Commissioner Heidemann motioned to recommend approval of the amendments to Chapter 10 (Zoning), Chapter 2 (Administration), Chapter 5 (Nuisances), and Chapter 6 (Traffic) of the Big Lake City Code.

Commissioner Busch asked how many warnings the police department will give for parking in front of a mailbox and what the fine would be.

Popp responded that the police department did not disclose that information but it would likely be similar to other parking requirements. There is a federal law that prohibits parking in front of mailboxes, but it needs to be in State Statute or City Code for the police to enforce it.

Chair Odens stated that there is a motion on the table by made by Commissioner Heidemann to recommend approval of the amendments to Chapter 10 (Zoning), Chapter 2 (Administration), Chapter 5 (Nuisances), and Chapter 6 (Traffic) of the Big Lake City Code. Seconded by Commissioner Velishek, unanimous ayes, motion carried.

7B. AMENDMENTS TO SUBSECTION 1003.11 (R-5, RESIDENTIAL REDEVELOPMENT DISTRICT) AND SECTION 1004.03 (SHORELAND MANAGEMENT OVERLAY DISTRICT) OF CHAPTER 10 (ZONING ORDINANCE) OF THE BIG LAKE CITY CODE.

Kendra Lindahl reviewed the staff memo summarizing proposed amendments to Subsection 1003.11 (R-5, Residential Redevelopment District) and Section 1004.03 (Shoreland Management Overlay District) of Chapter 10 (Zoning Ordinance) of the Big Lake City Code. Lindahl shared that the goals of this Ordinance update are to modernize, improve clarity, and reduce conflicts while retaining the flexibility in the current ordinance and no significant policy changes are proposed.

Lindahl shared that the proposed amendments would officially come to the Planning Commission in May.

7C. PLANNING COMMISSION STRATEGIC PLAN

Tara Kohl reviewed the staff memo regarding the current strategic plan and presented the proposed modifications for discussion.

Chair Odens stated that it looks fine.

Popp stated that the next step would be having the City Council review the strategic plan at one of the workshops and then finalizing it.

Chair Odens thanked staff for their work on the strategic plan.

8. COMMUNITY DEVELOPMENT UPDATE

Marie Popp reviewed the Community Development Department update. Popp reviewed ongoing projects including the Pizza Factory relocation, Prairie Meadows Fifth Addition, two upcoming annexations, and the Hudson Woods concept plan. Popp shared that there is continued interest in residential, industrial, and commercial developments. Popp shared an update on the Community Development Technician hiring process.

9. COMMISSIONERS' REPORTS – None.

10. OTHER - None.

11. ADJOURN

Commissioner Heidemann motioned to adjourn the meeting at 6:23 p.m. Seconded by Commissioner Tradewell unanimous ayes, motion carried.



AGENDA ITEM

Big Lake Planning Commission

Prepared By: <i>Kendra Lindahl, Consulting Planner</i>	Meeting Date: <i>5/4/2026</i>	Item No. 7A
Item Description: PUBLIC HEARING. Amendments to Subsection 1003.11 (R-5, Residential Redevelopment District) and Subsection 1004.03 (Shoreland Management Overlay District) of Chapter 10 (Zoning Ordinance) of the Big Lake City Code.	Reviewed By: <i>Hanna Klimmek, City Administrator</i>	
	Reviewed By: <i>Marie Popp, Community Development Director/EDA Executive Director</i>	

60-DAY REVIEW DEADLINE: N/A

ACTION REQUESTED

Hold a public hearing and provide a recommendation on amendments to Subsection 1003.11 (R-5, Residential Redevelopment District) and Subsection 1004.03 (Shoreland Management Overlay District) of Chapter 10 (Zoning Ordinance) of the Big Lake City Code.

BACKGROUND/DISCUSSION

The intent of this Ordinance update is to improve clarity and reduce conflicts while retaining the flexibility in the current Shoreland Ordinance. This is challenging because the adopted Ordinance has not been updated in several years and differs in many ways from the MnDNR's Model Shoreland Ordinance, including unique standards for the R-5 Zoning District. These changes were not included in the 2023 rewrite of the Zoning Ordinance due to the complex nature of the shoreland regulations, which require review and approval by the MnDNR. Since beginning this project in January, Landform has conducted reviews of applicable ordinances and City data, conducted meetings with City and DNR staff, and prepared several drafts of the Code for review by City and DNR staff.

Last month, the Big Lake Planning Commission held a public hearing and recommended approval of several minor amendments to Chapter 10 (Zoning) of the Big Lake City Code. These amendments were approved by the City Council on April 15, 2026 and included several updates to definitions for terms which are used in the proposed amendment to Subsection 1004.03 (Shoreland Management Overlay District). As a result, the Shoreland Ordinance update does not include amendments to definitions.

ANALYSIS OF REQUEST

A summary of key changes proposed in Subsection 1003.11 (R-5, Residential Redevelopment District) and Subsection 1004.03 (Shoreland Management Overlay District) below. The attached Ordinance shows all of the recommended changes to Subsection 1003.11 by deleting the ~~stricken~~ material and adding the underlined material. Due to the extent of changes to subsection 1004.03, staff is proposing to repeal the existing Subsection 1004.03 and replace it with the proposed language which is included in the attached Ordinance. A copy of the current Subsection 1004.03 has been attached for reference.

SUBSECTION 1003.11 (R-5, RESIDENTIAL REDEVELOPMENT DISTRICT)

The City Code states, “The purpose of the R-5, Residential Redevelopment District is to provide for single-family, two-family, and townhome residential development and redevelopment of the older areas of the community located primarily within the shoreland management areas adjacent to Big, Mitchell, and Keller Lakes. The standards identified herein are intended to allow for the redevelopment of existing properties in a manner that is sensitive to the shoreland areas of Big, Mitchell, and Keller Lakes. These areas are fully developed and contain plats dating generally from 1892 to the early 1950s. The areas are characterized by small lots ranging from 40 to 60 feet in width and neighborhoods contain a mixture of seasonal cabins and older single-family homes that are located at various setbacks and along narrow platted alleys and streets. The predominance of small lots, existing development patterns, and the desire by residents and the city to upgrade housing in this area, precipitated the need to develop special standards to guide owners in the maintenance, update, and redevelopment of existing properties.”

Most, but not all, of the parcels in the R-5 District are in the Shoreland Overlay District, as shown in Attachment 3. Of the 807 parcels in the R-5 District, 712 are also in the Shoreland Overlay District. Most of the R-5 parcels outside of the Shoreland Overlay District are located between Powell Street and Eagle Lake Road on the eastern side of Big Lake. Of the 712 R-5 parcels in the Shoreland Overlay District, 204 are riparian and 322 parcels in the R-5 District are under 10,000 square feet. There is little difference between the average size of a non-riparian R-5 parcel and a riparian R-5 parcel: the average size of a non-riparian parcel in the R-5 District is 0.30 acres (13,278 square feet) and the average size of a riparian parcel in the R-5 District is 0.31 acres (13,625 square feet). R-5 parcels within the Shoreland Overlay District are, on average, significantly smaller than non-R-5 Shoreland Overlay District parcels. The average size of a Shoreland Overlay District parcel outside of the R-5 district is 1.44 acres (62,563 square feet).

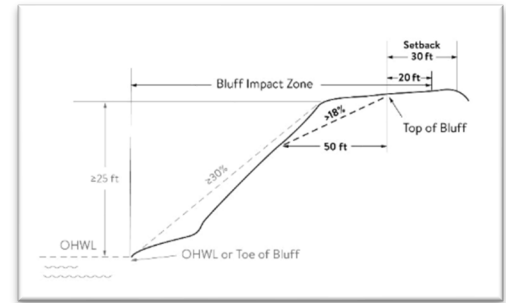
The existing R-5, Residential Redevelopment District includes shoreland standards in addition to the R-5 District standards that apply to all properties in the district. This has caused confusion when explaining and enforcing the Shoreland Ordinance, as the regulations are split between two sections. The proposed amendments move the shoreland-specific regulations in Section 1003.11 (R-5 Residential Redevelopment District) to Section 1004.03 (Shoreland Management Overlay District).

Table 8 in the R-5 district has been updated for clarity and expanded to include setback provisions and other standards which had previously been included in the Ordinance text but are more easily communicated in the table format. The inclusion of tables when possible was one of the key goals of the comprehensive ordinance amendments in 2023.

SUBSECTION 1004.03 (SHORELAND MANAGEMENT OVERLAY DISTRICT)

No significant policy changes are proposed with this ordinance. The Ordinance section was called “Shoreland Management Overlay District” but was referred to elsewhere in the code as “Shoreland Overlay District” and we have modified the term throughout this section. The State requires cities to adopt ordinances in general compliance with MnDNR Shoreland Model Ordinance. The City has already been able to secure flexibility, such as reduced lot area and width standards, in the development standards for the R-5 District and for increased impervious surface limits for other districts beyond what would typically be allowed under the Model Ordinance. Therefore, the primary amendments have been made to reformat the Ordinance and improve clarity and ease of interpretation. Although there are few substantive changes, staff is recommending a repeal and replace of the Shoreland Management Overlay District Ordinance due to the large-scale reorganization and reformatting of the Ordinance.

Many of the tables within the Shoreland Ordinance have been updated or reformatted. This was especially important with the addition of the R-5 District's standards, as special attention was needed to keep the tables from becoming overly complicated and cumbersome. Figures have also been added to the Ordinance to illustrate concepts, such as the bluff impact zone and setback averaging, which staff often receive questions about. Standards for Planned Unit Developments have also been reorganized to increase clarity and ease of interpretation, and minor changes have been made to address confusion over the administration of the PUDs, such as clarifying what qualifies as open space within a development.



Bluff Impact Zone Illustration (Source: MnDNR)

While verifying the lakes and rivers classifications tables, staff discovered a number of changes that have been made by the DNR since the last Shoreland Ordinance update:

1. Beaudry Lake has been reclassified from a Natural Environment Lake to a General Development Lake.
2. Wood Lake has been added to the lake classifications table, as this lake is within 1,000 feet of the City's boundaries.
3. Landis Lake has been removed from the table, as this lake is no longer assigned a DNR shoreland classification.
4. McDowall Lake and Kerber Lake, previously referenced as Un-named Wetland 71-80 and 71-70 respectively, are now referenced jointly as Un-named Wetland 71-80 by the DNR.
5. The DNR has approved a Special Overlay District for Un-named Wetland 71-65, established in Section 14 Subd. 4.13D of the Sherburne County Zoning Ordinance, which allows this Natural Environment lake to be regulated under the same zoning standards as a Recreational Development lake. Per the suggestion of DNR staff, this has been adopted by reference. This has been added as a note to Table 16.
6. The water treatment plant is the only parcel adjacent to the Mississippi River. Because the City contains land adjacent to the river, we must adopt standards that align with MN Rules Chapter 6106. Rather than adopting a new Wild and Scenic River Ordinance for one parcel, DNR staff suggested that the City adopt Sherburne County's Wild & Scenic Rivers Ordinance by reference.

Subdivision 9 of the Shoreland Ordinance has been updated to comply with the most current standards for non-conformities in M.S. § 462.357 which establishes official controls for the regulation of non-conforming parcels in municipalities.

The DNR's Model Shoreland Ordinance was analyzed throughout the Code update process. Several sections, such as standards for stairways, lifts, and landings were added to increase the clarity of the Ordinance and align with best practices recommended by the DNR.

An administration section has been included in accordance with DNR Model Shoreland Ordinance recommendations and the procedures adopted within Section 1002 (Administration) of the Zoning Code to clarify how the Ordinance shall be administered. However, the areas of flexibility within the adopted Shoreland Ordinance, including the R-5 District standards and the Conditional Use Permit processes for increased impervious surface, have been retained.

SUMMARY

Staff believes the proposed amendments will make the Shoreland Ordinance easier for residents and developers to understand by clarifying and modernizing the Ordinance and make necessary updates to comply with State Rules and Statutes and best practices for shoreland management while retaining the flexibility of the current Ordinance. A repeal and replace of the current Shoreland Ordinance (Subsection 1004.03) is recommended due to the number of sections within the Ordinance which have been reorganized and reformatted. An amendment to the R-5 District (Subsection 1003.11) is recommended to move the shoreland provisions within the Ordinance to the Shoreland Ordinance (Subsection 1004.03).

FINANCIAL IMPACT

None

STAFF RECOMMENDATION

The Planning Commission should hold the public hearing and review the amendments to the Subsection 1003.11 (R-5, Residential Redevelopment District) and Subsection 1004.03 (Shoreland Management Overlay District) and make a recommendation to the City Council on the final Ordinances.

ATTACHMENTS

1. Draft Ordinance approving Amendments to Subsection 1003.11 (R5, Residential Redevelopment District) and Repealing and Replacing Subsection 1004.03 (Shoreland Management Overlay District)
2. Current Section 1004.03 (Shoreland Management Overlay District)
3. R-5, Residential Redevelopment District Map – Shoreland and Non-Shoreland Parcels

Attachment A
Ordinance

**CITY OF BIG LAKE
MINNESOTA**

A general meeting of the City Council of the City of Big Lake, Minnesota was called to order by Mayor Paul Knier at 6:30 p.m. in the Council Chambers of City Hall, Big Lake, on Wednesday, May 13, 2026. The following Council Members were present: Ken Geroux, Ken Halverson, Paul Knier, Kim Noding, and Paul Seefeld. A motion to adopt the following ordinance was made by Council Member _____ and seconded by Council Member _____.

**CITY OF BIG LAKE
ORDINANCE NO. 2026-XX**

**ORDINANCE AMENDING CITY CODE CHAPTER 10 (ZONING) SUBSECTIONS
1003.11 (R-5, RESIDENTIAL REDEVELOPMENT DISTRICT) AND 1004.03
(SHORELAND MANGEMENT OVERLAY DISTRICT)**

WHEREAS, The City Council finds that the amended zoning code protects the public health, safety, comfort, convenience and general welfare of the residents of the community; and

WHEREAS, the amendments will provide clarity, correct errors in the text, and provide conformity with State laws; and

WHEREAS, the Big Lake Planning Commission conducted a public hearing on May 4, 2026 and recommended that the City Council approve the ordinance amendments; and

WHEREAS, notice of the public hearing was duly published and posted in accordance with applicable Minnesota Statutes and persons interested in said applications were afforded the opportunity to present their views and objections related to the project; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Big Lake that it hereby approves the following:

SECTION 1. Chapter 10 (Zoning) of the Big Lake Municipal Code is hereby amended to delete the ~~stricken~~ material and add the underlined material as follows to §1003.11 (R-5 Residential Redevelopment District):

Subd. 1. Purpose. The purpose of the R-5, Residential Redevelopment District is to provide for single-family, two-family, and townhome residential development and redevelopment of the older areas of the community located primarily within the shoreland management areas adjacent to Big, Mitchell, and Keller Lakes. The standards ~~identified herein~~ are intended to allow for the redevelopment of existing properties in a manner that is sensitive to the shoreland areas of Big, Mitchell, and Keller Lakes. These areas are ~~virtually~~ fully developed and contain plats dating generally from 1892 to the early 1950s. The areas are characterized by small lots ranging from 40 to 60 feet in width and neighborhoods contain a mixture of seasonal cabins and older single-family homes that are located at various setbacks and along narrow platted alleys and streets. The predominance of small lots, existing development patterns, and the desire by residents and the city to upgrade housing in this area, precipitated the need to develop special standards to guide owners in the maintenance, update, and redevelopment of existing properties.

Subd. 2. Uses. Uses allowed within the district are as described in subsection 1003.05.

Subd. 3. Uses Standards. Uses are subject to the applicable provisions of the performance standards in ~~s~~Section 1006 and the process requirements in ~~s~~Section 1002.

Subd. 4. Lot Area, Height, and Setback Requirements. The following minimum requirements shall be observed in the R-5 District subject to additional requirements, exceptions, and modifications set forth in this chapter.

<u>TABLE 8</u>	
<u>R-5, RESIDENTIAL REDEVELOPMENT DISTRICT*</u>	
	<u>Requirements</u>
<u>SINGLE-FAMILY</u>	
<u>Minimum lot width</u>	<u>75 feet</u>
<u>Minimum lot area</u>	<u>10,000 square feet</u>
<u>Impervious surface coverage</u>	<u>35%</u>
<u>Principal Structure Setbacks</u>	
<u>Front</u>	<u>20 feet</u>
<u>Rear</u>	<u>10 feet</u>

<u>TABLE 8</u>	
<u>Side</u>	<u>5 feet</u>
<u>TWO-FAMILY/TOWNHOME AND OTHER USES</u>	
<u>Minimum lot area, dwelling, two-family</u>	<u>17,500 square feet</u>
<u>Minimum lot area, townhome</u>	<u>20,000 square feet</u>
<u>Minimum base lot width</u>	<u>100 feet</u>
<u>Minimum unit lot width</u>	<u>24 feet</u>
<u>Impervious surface coverage</u>	<u>75%</u>
<u>Setbacks</u>	
<u>Front</u>	<u>20 feet</u>
<u>Rear</u>	<u>10 feet</u>
<u>Side</u>	<u>5 feet</u>
<u>Between structures on the same base lot</u>	<u>15 feet</u>
<u>STANDARDS FOR ALL USES</u>	
<u>Arterial road setback</u>	<u>50 feet</u>
<u>Bluff, top of bluff setback</u>	<u>30 feet</u>
<u>Collector road setback</u>	<u>45 feet</u>
<u>Local road setback</u>	<u>20 feet</u>
<u>Railroad setback</u>	<u>100 feet</u>
<u>Residential driveway setback</u>	<u>5 feet</u>
<u>Wetland setback and buffer</u>	<u>30 feet from delineated wetland edge</u>
<u>Maximum building height, principal structure</u>	<u>35 feet or 2.5 stories</u>
<u>Note to Table:</u>	
* All uses located within the Shoreland Overlay District are subject to the additional standards in subsection <u>1004.03</u>	

<u>TABLE 8</u>
<u>R-5, RESIDENTIAL REDEVELOPMENT DISTRICT *</u>

	<i>Requirements</i>
MINIMUM SETBACK STANDARDS FOR ALL USES	
Arterial road	50 feet
Bluff, top of bluff	30 feet
Collector road	45 feet
Impervious surface coverage	35%
Local road	20 feet
Maximum building height	35 feet or 2.5 stories
Railroad setback	100 feet
Residential driveway setback	5 feet from side lot line
Wetland setback and buffer	30 feet
SINGLE-FAMILY NEW SUBDIVISION	
Minimum Lot Area	
Minimum lot width	75 feet
Non-riparian lot	10,000 square feet
Riparian lot	12,000 square feet
Setbacks	

Front	25 feet
Rear	25 feet
Side	5 feet
SINGLE-FAMILY EXISTING LOTS OF RECORD	
Minimum lot area	Size per approved final plat
Minimum lot width	Width per approved final plat
Setbacks	
Front	20 feet
Rear	10 feet
Side	5 feet
TWO-FAMILY/TOWNHOME AND OTHER USES	
Minimum lot area	20,000 square feet
Minimum base lot width	100 feet
Minimum unit lot width	24 feet
Setbacks	
Front	20 feet
Maximum impervious surface coverage	75%

Rear	10 feet
Side	5 feet
Note to Table: * All uses located within the Shoreland Overlay District are subject to the standards in subsection 1004.03	

~~— 1. Bluff Impact Zones. Structures and accessory facilities, except stairways, lifts, and landings, must not be placed within bluff impact zones.~~

~~— 2. Shore Impact Zones. Structures and accessory facilities, except docks, must not be placed within shore impact zones.~~

~~13. Residential Lot Standards; Impervious Surface Standard, Single-Family Uses. Coverage. The maximum allowed lot coverage by impervious surfaces is 35% on non-property outside of the Shoreland Overlay District and is subject to the following standards. Properties in the Shoreland Overlay District shall be subject to the impervious surface standards in subsection 1004.03. properties, as identified in the city's current zoning map. Properties within the Shoreland Overlay District are allowed a maximum lot coverage by impervious surfaces of 25%, unless otherwise stated below.~~

a. Paver stone driveways, sidewalks, and patios that receive all required permits and are properly installed with a sand base and sufficient spacing to allow for drainage shall count towards 50% of the area covered for the purposes of calculating the overall lot coverage.

~~— b. The impervious surface coverage on Shoreland Overlay District properties may be increased up to 50% of the total lot area by a conditional use permit as set forth in and regulated by subsection 1002.08 and the following criteria:~~

~~— i. All structures, additions, or expansions shall meet setback and other requirements of this chapter;~~

~~— ii. The lot shall be served by municipal sewer and water;~~

~~— iii. The lot shall provide for the collection and treatment of storm water in compliance with the City Storm Water Management Plan if determined that the site improvements will result in increased runoff directly entering a public water. All development plans shall require review and approval by the City Engineer; and~~

~~— iv. Measures to be taken for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water. The measures may include, but not be limited to the following:~~

- ~~———— (a) Appurtenances as sedimentation basins, debris basins, desilting basins, or silt traps;~~
- ~~———— (b) Installation of debris guards and microsilts basins on storm sewer inlets;~~
- ~~———— (c) Use, where practical, oil skimming devices or sump catch basins;~~
- ~~———— (d) Direct drainage away from the lake and into pervious, grassed yards through site grading, use of gutters, and downspouts;~~
- ~~———— (e) Sidewalks are constructed with partially pervious raised materials such as decking which has natural or other pervious material beneath or between the planking;~~
- ~~———— (f) Grading and construction techniques are used which encourage rapid infiltration, e.g., sand and gravel, under impervious materials with adjacent infiltration swales graded to lead into them;~~
- ~~———— (g) Berms, water bars, or terraces are installed which temporarily detain water before dispersing it into pervious area; and~~
- ~~———— (h) Installation of a minimum 15-foot wide buffer from the OHWL. This buffer would be treated similar to a wetland buffer where native grasses and the like would be required and mowing and dumping would not be permitted.~~

be. All structures and impervious surfaces shall be located on slopes less than 12%. The physical alteration of slopes shall not be permitted for the purpose of overcoming this limitation.

cd. Site developments shall be designed, implemented, and maintained using the most applicable combination of comprehensive practices that prevent flooding, pollutant, erosion, and sedimentation problems consistent with Protecting Water Quality in Urban Areas, Best Management Practices for Minnesota, State Pollution Control Agency, October 1989, or as amended, which is incorporated by reference, available at the State Law Library and not subject to frequent change.

de. The city may impose additional conditions if determined necessary to protect the public health, safety, and welfare.

2. Impervious Surface Standards, Two-Family and Townhome Uses. Outside of the Shoreland Overlay District, new construction on conforming lots or an existing site being altered, remodeled, or expanded which expands the existing impervious surface coverage may be permitted, provided the impervious surface coverage does not exceed 75% of the total lot, and provided the following stipulations are met. Lots within the Shoreland Overlay District shall be subject to the impervious surface standards in subsection 1004.03.

a. All structures, additions, or expansions shall meet setback and other requirements of this chapter.

b. The lot shall be served by municipal sewer and water.

c. The lot shall provide for the collection and treatment of storm water in compliance with the City Storm Water Management Plan if determined that the site improvements will result in increased runoff directly entering a public water. All development plans shall require review and approval by the City Engineer.

d. Measures for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water include such appurtenances as sediment basins (debris basins, desilting basins, or silt traps), installation of debris guards and microsilts basins on storm sewer inlets, oil skimming devices, and the like.

34. Single-Family Lot Standards; Existing Lots of Record. An existing lot of record, legally established in accordance with ordinance requirements existing at the time of its creation, and being a separate, distinct tax parcel since September 13, 1979, is buildable subject to the standards identified in this Subdivision and additional requirements, exceptions, and modifications set forth in this chapter.

~~a. Side yard setback requirements may be reduced to 20% of the lot width, 10% to be located on each side of a structure, in such cases where the lot size is less than 75 feet. In no case shall the side yard setback be less than five feet from the property line.~~

~~ab.~~ In cases where the rear ~~or side~~ yard of a lot opens into an alley, the rear ~~or side~~ yard setback shall be equal to one-half the width of the platted alley.

~~be.~~ The front yard setback requirements shall be observed on each street side of a corner lot; provided however, that the buildable width of a lot shall not be reduced to less than 30 feet.

~~cd.~~ The lot must have frontage on a public street.

~~de.~~ In addition to all other applicable setback requirements, new accessory structures (except for fences) shall not be closer than six feet to any existing principal structure on any adjacent lot unless firewall installation or other mitigation measures are approved. In addition to all other applicable setback requirements, new principal structures, and new additions to principal structures shall not be closer than ten feet to any existing principal structure on any adjacent lot unless approved by the Building Official. The Building Official's approval may require the submittal of plans showing a proposed firewall installation or other mitigation measures.

~~ef.~~ All performance standards and other lot and yard requirements of this chapter are met.

~~fg.~~ The proposed development shall be consistent with the character and quality of the immediate area and the objectives of the city's Comprehensive Plan and zoning ordinance.

55. Two-Family/Townhome and Other Uses Lot Standards. The following minimum requirements shall be observed in the R-5 District subject to additional requirements, exceptions, and modifications set forth in this chapter.

~~a. Setback between buildings within the same base lot shall maintain a minimum separation of 15 feet.~~

~~b. Two-family and townhomes shall not be located on lakeshore lots.~~

ae. Provisions for adequate on-site storm water retention and/or compliance with the City Storm Water Management Plan shall be required.

be. The following open space standards shall be provided:

i. At least 25% of the total development area shall be preserved as open space. The open space standard may be modified for planned unit development (PUD) projects;

ii. Dwelling units or sites, land covered by road surfaces, parking areas, or structures are developed areas and shall not be included in the computation of minimum open space; and

iii. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.

~~e. Centralization and design of facilities and structures shall be done according to the following standards.~~

~~i. Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height.~~

~~ii. Structures, parking areas, and other facilities shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions. Vegetative and topographic screening shall be preserved, if existing, or may be required to be provided.~~

~~iii. Accessory structures and facilities shall meet the required principal structure setback and shall be centralized.~~

~~f. Two-Family Townhome and Other Uses; Impervious Surface Standards.~~

~~i. New construction on conforming lots or an existing site being altered, remodeled, or expanded which expands the existing impervious surface coverage may be permitted, provided the impervious surface coverage does not exceed 75% of the total lot, and provided the following stipulations are met.~~

~~———— (a) All structures, additions, or expansions shall meet setback and other requirements of this chapter.~~

~~———— (b) The lot shall be served by municipal sewer and water.~~

~~———— (c) The lot shall provide for the collection and treatment of storm water in compliance with the City Storm Water Management Plan if determined that the site improvements will result in increased runoff directly entering a public water. All development plans shall require review and approval by the City Engineer.~~

~~———— (d) Measures for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water include such appurtenances as sediment basins (debris basins, desilting basins, or silt traps), installation of debris guards and microsilts basins on storm sewer inlets, oil skimming devices, and the like.~~

~~—Subd. 5. Construction on Substandard Lots of Record.~~

~~———— 1. Lots of record in the office of the County Recorder on or before October 29, 1985 that do not meet the requirements of subsection 1006.02, Subd. 3, may be allowed as building sites without variances from lot size requirements under the following provisions:~~

~~———— a. The use is permitted in the zoning district;~~

~~———— b. The lot was created compliant with official controls in effect at the time;~~

~~———— c. Sewage treatment and setback requirements of this chapter are met;~~

~~———— d. The lot has been in separate ownership from abutting lands on or before October 29, 1985;~~

~~———— e. All other dimensional requirements of this section shall be complied with. However, in the event a property owner cannot comply with other dimensional requirements of this section, because of the limited size of the lot, that property owner shall be required to obtain a variance where necessary to prevent hardship; and~~

~~———— f. If, in a group of two or more contiguous substandard lots under the same ownership, any individual lot does not meet the requirements of this subsection, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this subsection as much as possible.~~

~~—Subd. 6. Subdivision of Single-Family Lots of Record Under Common Ownership. Riparian and non-riparian lots of record (platted prior to October 29, 1985) that are located in the Shoreland District and are under common ownership with an abutting parcel of property on or after July 20, 2002 (effective date of the ordinance from~~

~~which this chapter was originally derived), may be further subdivided to create buildable lots provided the following standards are met:~~

- ~~—1. All riparian lots must have a minimum of 75 feet of lot width at the front setback line;~~
- ~~—2. All riparian (lakeshore) lots must contain at least 12,000 square feet of lot area above the ordinary high water mark of the public water;~~
- ~~—3. All non-riparian lots must have a minimum of 50 feet of lot width at the front setback line;~~
- ~~—4. All non-riparian lots must contain at least 10,000 square feet of lot area;~~
- ~~—5. All lots must have an existing sewer and water stub to the property; and~~
- ~~—6. Assessments for sewer and water shall be paid.~~

SECTION 2. Chapter 10 (Zoning) of the Big Lake Municipal Code is hereby amended to repeal the adopted language and add the following language as §1004.03 (Shoreland Management Overlay District):

§ 1004.03 Shoreland Overlay District.

Subd. 1. Statutory Authorization and Policy.

1. Statutory Authorization. A Shoreland Overlay District shall be continued pursuant to the authorization and policies contained in M.S. Chapter 103F, Minn. Rules parts 6120.2500 through 6120.3900, as they all may be amended from time to time, and the planning and zoning enabling legislation in M.S. Chapter 462, as it may be amended from time to time.

2. Policy. The uncontrolled use of shorelands of the city 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 public health, safety, and welfare to provide for the wise subdivision, use, and development of shorelands of public waters. The legislature of the state 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 environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility shall hereby be recognized by the city.

Subd. 2. General Provisions.

1. Jurisdiction. The provisions of this subsection shall apply to the shorelands of the public water bodies as classified in this section. Pursuant to Minn. Rules parts 6120.2500 through 6120.3900, as they may be amended from time to time, no lake, pond, or flowage

less than ten acres in size in municipalities or 25 acres in size in unincorporated areas needs to be regulated in a local government's shoreland regulations. 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 subsection.

2. Compliance. 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; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this subsection and other applicable regulations of this chapter.

3. Definitions. Special definitions associated with this shoreland management section of the zoning ordinance are in subsection 1001.02 of this chapter. In case of conflict between these definitions, the most restrictive shall apply. Unless specifically defined, words or phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application. All distances, unless otherwise specified, shall be measured horizontally.

Subd. 3. Shoreland Classification System and Land Use District Descriptions.

1. Shoreland Classification System. The public waters of the city have been classified below consistent with the criteria found in Minn. Rules part 6120.3300, as amended from time to time, and the Protected Waters Inventory Map for Sherburne County, Minnesota.

a. Lakes.

Table 16	
Lake Type	DNR ID #
General Development Lakes	
Beaudry Lake	71-62
Big Lake	71-82
Keller Lake	71-83
Mitchell Lake	71-81
Natural Environment Lakes	
Beulah Pond	71-101
Preusse Lake	71-63
Thompson Lake	71-96
Un-named Wetland*	71-65
Un-named Wetland (McDowall Lake and Kerber Lake)	71-80
Wood Lake	71-98
Recreational Development Lakes	

Blacks Lake	71-97
Note to Table: *Unnamed Basin 71-65 shall be subject to the standards in a Special Overlay District as designated by Section 14 Subd. 14.3D of the Sherburne County Zoning Ordinance, which is adopted by reference. The purpose of the special overlay district is to allow uses and zoning standards normally allowed in a Recreational Development (RD) classified lake while providing for special protections to offset these uses and zoning standards to protect this Natural Environment classified lake. All permitted and conditional uses allowed in lakes classified as RD shall be allowed on Unnamed Basin 71- 65. All zoning standards for lakes classified as RD shall apply.	

b. Rivers.

Table 17*	
River Type	Kittle Code
Agricultural Rivers	
Elk River	M-065
Forested Rivers	
Snake River	M-065-007
St. Francis River	M-065-005
Note to Table: * The Mississippi River is regulated by the Mississippi Scenic and Recreational River District. All property within the Recreational River District shall be regulated under the Sherburne County Mississippi and Rum Scenic and Recreational River Ordinance.	

c. All public rivers and streams shown on the Public Waters Inventory Map for Sherburne County, a copy of which is adopted by reference, not given a classification in this chapter shall be considered "Tributary."

2. Shoreland Overlay District. The shorelands of the city shall hereby be designated as shoreland overlay districts. The purpose of the shoreland overlay district shall be to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of these protected waters of the city. These districts are shown on the zoning map.

a. Permitted or Principal Uses. All permitted uses allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city.

b. Conditional Uses. All conditional uses allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city.

c. Interim Uses. All interim uses allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city.

d. Administrative Uses. All administrative uses allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city.

e. Prohibited Uses. Any uses which are not permitted, interim, administrative, or conditional uses as regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city shall be prohibited.

Subd. 4. General Zoning Provisions. The following provisions are required within Shoreland Districts in addition to the specific provisions of each underlying zoning district.

Table 18						
	Lot Area (Sq. Ft.)		Lot Width (Ft.)		Max. Impervious Surface	Max. Building Height (Ft.)
	Riparian	Non-Riparian	Riparian	Non-Riparian		
Agricultural River						
Dwelling, Single-Family	-	-	150	150	25%	25
Dwelling, Two-Family	-	-	225	225	25%	25
Dwelling, Townhome	-	-	300	300	25%	25
Dwelling, Multiple-Family	-	-	375	375	25%	25
Business	-	-	-	-	75%	35
Forested River						
Dwelling, Single-Family	-	-	200	200	25%	25
Dwelling, Two-Family	-	-	300	300	25%	25
Dwelling, Townhome	-	-	400	400	25%	25
Dwelling, Multiple-Family	-	-	500	500	25%	25
Business	-	-	-	-	75%	35

Table 19						
	Lot Area (Sq. Ft.)		Lot Width (Ft.)		Max. Impervious Surface	Max. Building Height (Ft.)
	Riparian	Non-Riparian	Riparian	Non-Riparian		
General Development Lake						
Dwelling, Single-Family	15,000	10,000	75	75	25%	25
Dwelling, Two-Family	26,000	17,500	135	135	25%	25

Table 19						
	Lot Area (Sq. Ft.)		Lot Width (Ft.)		Max. Impervious Surface	Max. Building Height (Ft.)
	Riparian	Non-Riparian	Riparian	Non-Riparian		
Dwelling, Townhome	38,000	25,000	195	190	25%	25
Dwelling, Multiple-Family	49,000	32,500	255	245	25%	25
Business/Industrial	-	-	-	-	75%	35
Recreational Development Lake						
Dwelling, Single-Family	20,000	15,000	75	75	25%	25
Dwelling, Two-Family	35,000	26,000	135	135	25%	25
Dwelling, Townhome	50,000	38,000	195	190	25%	25
Dwelling, Multiple-Family	65,000	49,000	255	245	25%	25
Business/Industrial	-	-	-	-	75%	35
Natural Environment Lake						
Dwelling, Single-Family	40,000	20,000	125	125	25%	25
Dwelling, Two-Family	70,000	35,000	225	220	25%	25
Dwelling, Townhome	100,000	52,000	325	315	25%	25
Dwelling, Multiple-Family	130,000	65,000	435	410	25%	25
Business/Industrial	-	-	-	-	75%	35
R-5 District (All Lake Classifications)						
Dwelling, Single-Family	12,000	10,000	75	50	25%	35 or 2.5 stories
Dwelling, Two-Family	-	17,500	-	100 (base) 24 (unit)	25%	35 or 2.5 stories
Dwelling, Townhome	-	20,000	-	100 (base) 24 (unit)	25%	35 or 2.5 stories

Table 20							
	Structure Setback from OHWL (Ft.)		SSTS Setback from OHWL (Ft.)	Top of Bluff (Ft.)	Unplatted Cemetery (Ft.)	ROW Line of Highway (Ft.)	ROW Line of Local Roads (Ft.)
	<i>No Sewer</i>	<i>Sewer</i>	-	-	-	-	-
Agricultural River	100	50	75	30	50	50	20
Forested River	150	150	100	30	50	50	20
General Development Lake	75	50	50	30	50	50	20
Recreational Development Lake	100	75	75	30	50	50	20
Natural Environment Lake	150	150	150	30	50	50	20

1. Standards for residential uses, except those in the R-5 Residential Redevelopment Zoning District, which shall comply with the standards in Subd. 4.2 below.

a. Impervious Surface Coverage. For uses with a maximum impervious surface of 25% as identified in Tables 18 and 19, the impervious surface may be increased as stated below.

i. Paver stone driveways, sidewalks, and patios that receive all required permits and are properly installed with a sand base and sufficient spacing to allow for drainage shall be calculated using 50% of the area for the purposes of calculating the overall impervious surface coverage.

ii. The maximum impervious surface coverage may be increased to 35% of the total lot area by a conditional use permit as set forth in and regulated by subsection 1002.08 and the following criteria:

(a) All structures, additions, or expansions shall meet setback and other requirements of this chapter;

(b) The lot shall be served by municipal sewer and water;

(c) The lot shall provide for the collection and treatment of storm water in compliance with the City Storm Water Management Plan if it is determined by the City that the site improvements will result in increased runoff directly entering a public water. All development plans shall require review and approval by the City Engineer;

(d) Measures must be taken for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water and must be approved by the City Engineer. The measures may include, but not be limited to, the following:

(i) Appurtenances as sedimentation basins, debris basins, desilting basins, or silt traps;

(ii) Installation of debris guards and microsilts basins on storm sewer inlets;

(iii) Use where practical, oil skimming devices, or sump catch basins;

(iv) Direct drainage away from the lake and into pervious, grassed, yards through site grading, use of gutters, and downspouts;

(v) Sidewalks are constructed with partially pervious raised materials such as decking which has natural or other pervious material beneath or between the planking;

(vi) Grading and construction techniques are used which encourage rapid infiltration, e.g., sand and gravel, under impervious materials with adjacent infiltration swales graded to lead into them;

(vii) Berms, water bars, or terraces are installed which temporarily detain water before dispersing it into pervious area; and

(viii) Installation of a minimum 15-foot wide buffer from the OHWL. This buffer would be treated similar to a wetland buffer where native grasses and the like would be required, and mowing and dumping would not be permitted;

(e) All structures and impervious surfaces shall be located on slopes less than 12%. The physical alteration of slopes shall not be permitted for the purpose of overcoming this limitation;

(f) Site developments shall be designed, implemented, and maintained using the most applicable combination of comprehensive practices that prevent flooding, pollutant, erosion, and sedimentation problems consistent with Protecting Water Quality in Urban Areas, Best Management Practices for Minnesota, State Pollution Control Agency, October 1989, or as amended, which is incorporated by reference, available at the State Law Library and not subject to frequent change; and

(g) The city may impose additional conditions if determined necessary to protect the public health, safety, and welfare.

2. R-5 Residential Redevelopment Zoning District Standards.

a. Purpose. The following provisions regulate development on R-5 properties in the Shoreland District. These are in addition to the specific provisions of the underlying zoning district.

b. Impervious Surface Coverage. For residential uses in the R-5 Residential Redevelopment District, the impervious surface may be increased as stated below.

i. Paver stone driveways, sidewalks, and patios that receive all required permits and are properly installed with a sand base and sufficient spacing to allow for drainage shall be calculated using 50% of the area for the purposes of calculating the overall impervious surface coverage.

ii. The maximum impervious surface coverage may be increased up to 50% of the total lot area by a conditional use permit as set forth in and regulated by subsection 1002.08 and the following criteria:

(a) All structures, additions, or expansions shall meet setback and other requirements of this chapter;

(b) The lot shall be served by municipal sewer and water;

(c) The lot shall provide for the collection and treatment of storm water in compliance with the City Storm Water Management Plan if it is determined by the City that the site improvements will result in increased runoff directly entering a public water. All development plans shall require review and approval by the City Engineer; and

(d) Measures must be taken for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water and must be approved by the City Engineer. The measures may include, but not be limited to, the following:

(i) Appurtenances as sedimentation basins, debris basins, desilting basins, or silt traps;

(ii) Installation of debris guards and microsilt basins on storm sewer inlets;

(iii) Use of, where practical, oil skimming devices or sump catch basins;

(iv) Direct drainage away from the lake and into pervious, grassed yards through site grading, use of gutters, and downspouts;

(v) Sidewalks that are constructed with partially pervious raised materials such as decking which has natural or other pervious material beneath or between the planking;

(vi) Grading and construction techniques which encourage rapid infiltration, e.g., sand and gravel, under impervious materials with adjacent infiltration swales graded to lead into them;

(vii) Berms, water bars, or terraces which temporarily detain water before dispersing it into pervious area; and

(viii) Installation of a minimum 15-foot wide buffer from the OHWL. This buffer would be treated similar to a wetland buffer where native grasses and the like would be required and mowing and dumping would not be permitted.

(e) All structures and impervious surfaces shall be located on slopes less than 12%. The physical alteration of slopes shall not be permitted for the purpose of overcoming this limitation.

(f) Site developments shall be designed, implemented, and maintained using the most applicable combination of comprehensive practices that prevent flooding, pollutant, erosion, and sedimentation problems consistent with Protecting Water Quality in Urban Areas, Best Management Practices for Minnesota, State Pollution Control Agency, October 1989, or as amended, which is incorporated by reference, available at the State Law Library and not subject to frequent change.

(g) The city may impose additional conditions if determined necessary to protect the public health, safety, and welfare.

c. Two-Family/Townhome and Other Uses Lot Standards. Two-family and townhomes shall not be located on riparian lots.

d. Subdivision of Single-Family Lots of Record Under Common Ownership. Riparian and non-riparian lots of record (platted prior to October 29, 1985) that are located in the Shoreland District and are under common ownership with an abutting parcel of property on or after July 20, 2002 (effective date of the ordinance from which this chapter was originally derived), may be further subdivided to create buildable lots provided the following standards are met:

- i. All lots must meet the minimum requirements for lot width and area.
- ii. All newly created lots must have an existing sewer and water stub to the property; and
- iii. Assessments for sewer and water shall be paid.

3. Agriculture Use Standards.

a. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

b. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting if permitted in the underlying zoning district, and provided steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management System) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency.

d. New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the standards established in subsection 1002.08 and following criteria:

- i. Feedlots must be designed consistent with Minn. Rules Chapter 7020;
- ii. Feedlots must not further encroach into the existing ordinary high water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,

iii. Old feedlots not currently in operation may resume operation consistent with M.S. § 116.0711.

4. Commercial, Industrial, Public, and Semi-Public Use Standards.

a. Water-dependent commercial, industrial, public, or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-dependent needs must meet the following standards.

i. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this chapter, the use must be designed to incorporate topographic and vegetative screening of parking areas and structures.

ii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.

iii. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:

(a) Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and

(b) Signs placed within the shore impact zone are no higher than ten feet above the ground, and no greater than 32 square feet in size; and if illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and

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

b. Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be:

i. Set back double the normal ordinary high water level setback; or

ii. Substantially screened from view from the water by vegetation or topography, assuming summer, leaf on conditions.

5. General Performance Standards for All Districts

a. Significant Historic Sites. No structure shall be placed on a significant historic site in a manner that affects the value of the site unless adequate information about the site has been removed and documented in a public repository.

b. Steep Slopes. The Zoning Administrator or designee must 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 water, assuming summer, leaf on vegetation.

c. Bluff Impact Zones (See Figure 1). Structures, accessory facilities, and water-oriented accessory structures, except stairways, lifts, and landings, must not be placed within bluff impact zones.

d. Shore Impact Zones (See Figure 2). Structures and accessory facilities, except docks, must not be placed within shore impact zones.

e. Vegetation Alterations. Vegetation alteration necessary for forest management uses and agricultural uses and the construction of structures, sewage treatment systems, roads, and parking areas regulated by this chapter shall be exempt from the vegetation alteration standards that follow.

i. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas shall be allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the Soil and Water Conservation District in which the property is located.

ii. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees shall be allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways, lifts, and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

(a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf on conditions are not substantially reduced;

(b) Along rivers, existing shading of water surfaces is preserved; and

iii. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

f. Placement and Design of Roads, Driveways, and Parking Areas.

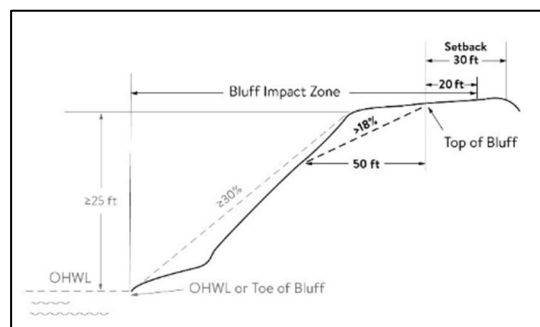


Figure 1 - Bluff Impact Zone Illustration
(source: MnDNR)

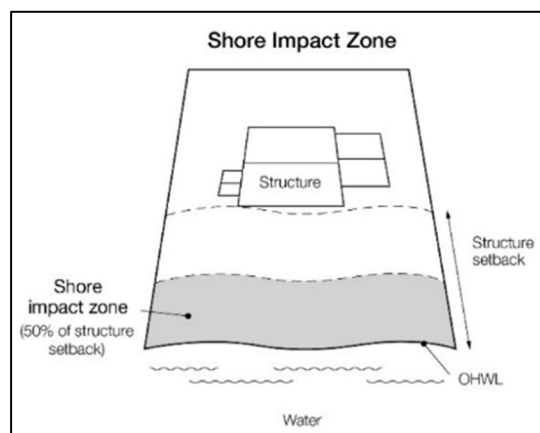


Figure 2 - Shore Impact Zone Illustration
(source: MnDNR)

i. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas shall be designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

ii. Roads, driveways, and parking areas must meet structure setbacks for Shoreland Districts and must 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, and must be designed to minimize adverse impacts.

iii. 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 subsection are met. For private facilities, the grading and filling provisions of subsection 1005.05 shall be complied with. Private watercraft access ramps shall not be permitted on any lake where a public watercraft access ramp is already available.

g. Stairways, Lifts, and Landings. 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, lifts, and landings must meet the following design requirements:

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

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

iii. Canopies or roofs are not allowed on stairways, lifts, or landings;

iv. 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;

v. 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; and

vi. Facilities such as ramps, lifts, or mobility paths for physically disabled persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards in items i through vii of this subsection and the requirements of Minn. Rules Chapter 1341.

h. Water-oriented Accessory Structures or Facilities. Each residential lot may have one water-oriented accessory structure or facility if it complies with the dimensional and architectural standards established in subsection 1005.01 and the following provisions:

- i. The setback of the structure or facility from the ordinary high water level must be at least ten feet
- ii. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet.
- iii. The structure is not a boathouse or boat storage structure as defined under M.S. § 103G.245
- iv. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
- v. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
- vi. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet or the maximum accessory structure size permitted on the property, which ever is less, provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and
- vii. Water-oriented accessory structures may have the lowest floor placed lower than the allowed lowest floor elevation per subsection 1004.02 if the structure is designed to accommodate internal flooding, constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

i. Setback Averaging (see Figure 3) from the OWHL. Where principal structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining principal structure setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone.

Subd. 5. Controlled Access Lots. Lots intended as controlled accesses to public waters or as recreation areas for use by owner of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards.

1. Controlled access lots must meet the width and size requirements for residential lots within Shoreland Districts and be suitable for the intended uses of controlled access lots as provided in subdivision 4.

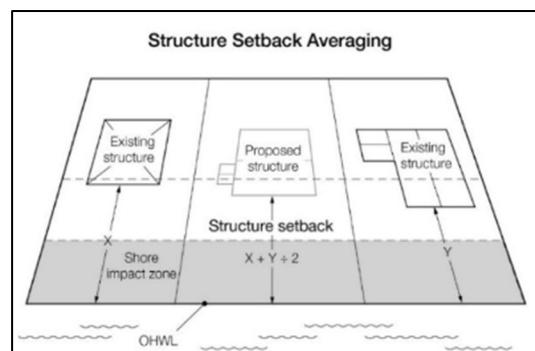


Figure 3 - Setback Averaging Illustration
(source: MnDNR)

2. If docking, mooring, or over water storage of more than six watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table.

Table 21	
<i>Ratio of Lake Size to Shore Length (acres/miles)</i>	<i>Required Increase in Frontage</i>
Less than 100	25%
100 - 200	20%
201 - 300	15%
301 - 400	10%
Greater than 400	5%

3. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.

4. Covenants or other equally effective legal instruments must be developed that:

- a. Specify which lot owners have authority to use the access lot;
- b. Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
- c. Limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water;
- d. Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
- e. Require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

Subd. 6. Storm Water Management. In addition to the provisions of subsection 1005.05 and other applicable provisions of this chapter, the following standards shall apply.

1. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.

- a. New constructed stormwater outfalls to public waters must be consistent with Minn. Rules, part 6115.0231.

2. Development must be planned and conducted in a manner that shall minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible, and facilities or methods used to retain sediment on the site.

3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water 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 must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and human-made materials and facilities.

4. For newly created lots and lots of record developed after May 25, 2016, a buffer strip averaging 50 feet, but no less than 30 feet, shall be provided and maintained abutting all shoreland. The City strongly encourages the use of a buffer on all lots in the city.

5. Buffer strips shall apply to all parcels of land, whether or not the shoreland is on the same parcel as a proposed development.

a. Any existing drain tile shall be modified as part of the project to eliminate impact to the buffer strip.

b. New or enhanced buffer strips shall be maintained by the applicant for one-year after completion of the project or acceptance by the City Engineer, whichever is later.

6. Buffer strip vegetation shall be established and maintained in accordance with the requirements found in subsection 1004.04. During the first two years, any buffer vegetation that does not survive must be replanted. After two years, if the condition of the buffer area changes through natural processes not caused by the property owner, the owner shall not be required to re-establish the buffer area to meet the standards contained in subsection 1004.04. Buffer strips shall be identified within each lot by permanent monuments approved by the city.

Subd. 7. Water Supply and Sewage Treatment.

1. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the State Department of Health and the State Pollution Control Agency.

2. Sewage Treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment as follows.

a. Publicly owned sewer systems must be used where available.

b. All private sewage treatment systems must meet or exceed the State Pollution Control Agency's standard for individual sewage treatment systems in compliance with Minn. Rules Chapter 7080 – 7081.

c. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria listed below. 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. The evaluation criteria is as follows:

- i. Depth to the highest known or calculated ground water table or bedrock;
- ii. Soil conditions, properties, and permeability;
- iii. Slope; and
- iv. The existence of lowlands, local surface depressions, and rock outcrops.

Subd. 8. Shoreland Management PUD Requirements.

1. Applicability. Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversion of existing buildings and lands. The zoning districts in which they are allowable use are identified in subsections 1003.06 through 1003.17 of this chapter and the official city zoning map.

2. Processing. Planned unit developments within a Shoreland District shall be processed in accordance with subsection 1003.18.

3. Submittal Requirements. Submittal requirements for planned unit development applications in Shoreland Districts shall be in accordance with subsection 1003.18 and shall include the following additional materials:

- a. A property owner's association agreement (for residential PUD's with commonly owned open space parcels) with mandatory membership, and consistent with this chapter.
- b. Deed restrictions, covenants, permanent easements or other instruments that:
 - i. address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs, and
 - ii. ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in this chapter.

4. Site Suitable Area Evaluation. In all residential zoning districts, proposed new or expansions to existing residential 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. The shoreland lot area and size requirements specified in the underlying zoning district shall be utilized to determine density within each shoreland tier using the following steps:

- a. Identify density analysis tiers. Divide the project parcel 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:

Table 22	
<i>Shoreland Tier Dimensions</i>	
General Development Lakes - First Tier	200 feet
General Development Lakes - Second and Additional Tiers	200 feet
Natural Environment Lakes	320 feet
Recreational Development Lakes	267 feet
All Rivers	300 feet

b. Calculate suitable area for development. Calculate the suitable area for development within each tier by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters.

c. Determine base density. This suitable area and the proposed project area are then subjected to the residential planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

i. Planned Unit Development Density Evaluation. For all residential zoning districts, the procedures for determining the “base” density of a residential planned unit development and density increase multipliers are as follows: Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

ii. Planned Unit Development Base Density Evaluation. The suitable area within each tier is divided by the single residential lot size standard for lakes or rivers. Proposed locations and numbers of dwelling units or sites for the planned unit developments are then compared with the tier, density, and suitability analyses herein and the maintenance and design criteria below.

d. Density Increases. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards identified in each underlying zoning district (Shoreland lot size, area, and setback provisions) are met or exceeded and the design criteria are satisfied. The allowable density increases in Table 23 below will only be allowed if either of the standards below are met.

i. structure setbacks from the ordinary high water level are increased to at least 50% greater than the minimum setback

ii. the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the city and the setback is at least 25% greater than the minimum setback from the ordinary high water level

Table 23	
<i>Density Evaluation Tiers</i>	<i>Maximum Density Increase Within Each Tier</i>
First	50%
Second	100%
Third	200%
Fourth	200%
Fifth	200%

5. Design Criteria.

a. General Design Standards. For all zoning districts, centralization and design of facilities and structures must be done according to the following standards.

i. Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level shall be increased in accordance with Subd. 8.4.d above for developments with density increases.

ii. Shore recreation facilities, including, but not limited to, swimming areas, docks, and watercraft mooring areas and launching ramps, shall be subject to the following standards:

(a) Be centralized and located in areas suitable for them. Evaluation of suitability shall include consideration of land slope, water depth, vegetation, soils, depth to ground water and bedrock, or other relevant factors.

(b) The number of spaces provided for continuous beaching, mooring, or docking of watercraft shall not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).

(c) Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

iii. Structures, parking areas, and other facilities shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf on conditions. Vegetative or topographic screening shall be preserved, if existing, or may be required to be provided.

iv. Accessory structures and facilities, except water-oriented accessory structures, shall meet the required principal structure setback and shall be centralized.

v. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in subsection 4.8 of this section and are centralized.

b. Open Space Requirements. Planned unit developments, in all districts, shall contain open space meeting all the following criteria:

i. At least 50% of the total project area shall be preserved as open space. Open space must include:

(a) Areas with physical characteristics unsuitable for development in their natural state;

(b) Areas containing significant historic sites or unplatted cemeteries; and

(c) The following portions of the shore impact zone, based on normal structure setbacks, shall be preserved as open space in its natural or existing state:

(i) 50% for existing developments

(ii) 70% for new developments.

ii. Open space may include:

(a) outdoor recreational facilities for use by owners of dwelling units or sites,

(b) non-public water wetlands, and subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.

iii. Open Space may not include:

(a) Dwelling sites or lots (except commonly owned lots or outlots, in accordance with the standards of this subsection),

(b) road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities,

(c) land below the ordinary high water level of public waters, and

(d) commercial facilities or uses.

c. Open Space Maintenance and Administration Requirements.

i. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be developed prior to final approval of the planned unit development to ensure long-term preservation and maintenance of open space and the continued existence and functioning of the development. The instruments shall prohibit:

(a) Commercial uses (for residential planned unit development);

(b) Vegetation and topographic alterations other than routine maintenance;

(c) Construction of additional buildings or storage of vehicles and other materials; and

(d) Uncontrolled beaching of watercraft.

ii. Unless an equally effective alternative community framework is established, when applicable, all planned unit developments shall use an owners' association with the following features:

(a) Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers.

(b) Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.

(c) Assessments shall be adjustable to accommodate changing conditions.

(d) The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

d. Erosion Control and Storm Water Management. Erosion control and storm water management plans shall be developed, and the planned unit development shall:

i. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This shall be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques shall be used to minimize erosion impacts on surface water features. Erosion control plans approved by a Soil and Water Conservation District may be required if project size and site physical characteristics warrant; and

ii. Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. In all zoning districts, impervious surface coverage within any tier shall not exceed 25% of the tier area.

6. Conversions. For all residential districts, existing land uses may be converted to planned unit developments consistent with the provisions of this chapter and provided the following standards are met.

a. Proposed conversions shall be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards shall be identified.

b. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities shall be corrected as part of the conversion or as specified in the approval of the PUD.

c. Shore and bluff impact zone deficiencies shall be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

i. Removal of extraneous building, docks, or other facilities that no longer need to be located in shore or bluff impact zones;

ii. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water;

iii. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions shall also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced; and

iv. Existing dwelling unit or dwelling site densities that exceed standards in Subd. 8.4 above may be allowed to continue but shall not be allowed to be increased, either at the time of conversion or in the future. Efforts shall be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, or other means.

7. Neighborhood Design Requirements. The purpose of this subsection is to set forth design standards for residential PUD development to implement the housing, neighborhood, environmental and greenway goals, and policies of the City Comprehensive Plan. Residential developments shall be designed in patterns which incorporate the following elements.

a. Neighborhood Amenities. All new residential developments must incorporate the following neighborhood amenities into the project design, subject to review and approval of the City Council.

i. General. Natural habitat, neighborhood recreation, greenway, and/or pedestrian corridor open space, conforming to the type of use, location criteria, and deed restrictions of that classification.

(a) The City Council, at its discretion, may allow a density increase for dedication of additional open space areas designated for natural habitat, neighborhood recreation, and/or pedestrian corridors above the required dedication defined by the subdivision ordinance.

(b) The amenities shall not be considered as park dedication required by the city subdivision ordinance, unless specifically approved by the City Council.

(c) All amenity areas designated as open space shall be platted as outlots and held as open space in perpetuity.

(d) The development shall be designed to preserve the maximum quantity of natural habitat open spaces in a contiguous, connected configuration. Natural habitat open space may include, but are not limited to, fields, pastures, wetlands, slopes, bluffs, dense woods, lakes, ponds, streams, shorelands, and other environmentally sensitive areas or desirable view sheds.

(e) The development shall be designed to provide view sheds of natural features for the enjoyment of the neighborhood.

ii. Pedestrian Corridors. The development shall be designed to locate pedestrian corridors in strategic places such that larger open space outlots and designated places of destination both on the development tract and adjacent tracts are connected with one another. Pedestrian corridors may include, but are not limited to, established regional trails, local pathways, paved walkways, sidewalks, and shorelines. Pedestrian corridors shall be a minimum of 30 feet in width.

iii. Neighborhood Recreation. The development shall be designed to locate neighborhood recreation open spaces such that they are an integral part of the neighborhood of surrounding home sites, at an elevation appropriate to their intended recreational use, defined by coherent boundaries, and accessible to all neighborhood residents. Neighborhood recreation open spaces may include, but are not limited to, greens, commons, playgrounds, ball fields, gardens, or other recreational areas.

iv. Accessibility. Open spaces shall be accessible to pedestrians at not less than 1,200 foot intervals along public streets. Where necessary, pedestrian access corridors between private lots shall be at least 30 feet in width.

v. Deed Restrictions. Each open space outlot shall conform to the deed restrictions associated with its open space classification.

(a) Natural habitat open spaces shall be considered conservation easements and are for the responsible use and enjoyment of adults and children. Construction in these areas shall be limited to trails (paved or unpaved), open-air shelters, bridges, benches, birdhouses, and wood fencing.

(b) Neighborhood recreation open spaces shall be used for active or passive recreational purposes, including gardening. Construction in these areas shall be limited walkways, open air shelters, bird houses, bridges, garden storage sheds no larger than 120 square feet, wood fencing, landscape planting, play equipment, outdoor furniture, and facilities for active recreation.

(c) Pedestrian corridors shall be used for pedestrian and bicycle travel. Motorized vehicles shall be prohibited. Construction in these areas shall be limited to gravel or paved pathways, wood fencing, and landscape planting.

(d) Habitable structures shall not be permitted in any open space outlot.

vi. Ownership and Management. Each designated open space outlot shall be owned and managed as set forth below, subject to City Council approval.

(a) Open space may be owned in common by the property owners of the subdivision. In the case where at least one outlot of open space is held in common ownership, a homeowner association shall be established for that subdivision and membership in the association by all property owners in the subdivision shall be

mandatory. Management shall be the responsibility of that subdivision's homeowner association.

(b) Open space may be deeded to an established land trust. Management shall be the responsibility of the land trust. Maintenance may be performed by the neighborhood homeowner association, through written agreement between the association and the land trust.

(c) Open space may be deeded to the city. The form and content of the deed or other instrument must be approved by the city prior to the execution and delivery thereof. Management shall be the responsibility of the city.

(d) Open space may be protected by establishing conservation restrictions in perpetuity in favor of the city as provided in M.S. § 84.64 to 84.65, as they may be amended from time to time. Unless the document establishing the restrictions specifically provides to the contrary, the city shall have no responsibility for the maintenance or management of the area subject to the restrictions. The form and content of the deed or other instrument establishing the restrictions must be approved by the city prior to the execution and delivery thereof. Notwithstanding any provision of this chapter to the contrary, the city may, in cases where conservation restrictions are utilized to meet open space dedication requirements of this chapter, waive the requirement that the area subject to the restrictions be platted as a separate outlot.

b. Neighborhood Configuration. The standards identified herein are intended to result in neighborhoods that offer a variety of lot sizes, configurations, and amenities. Review and approval of standard subdivisions and planned unit developments by the City Council shall be based upon an evaluation that the proposed development plan provides a cohesive neighborhood(s) in a site design appropriate to the location of common open spaces consistent with the following provisions.

i. To establish a cohesive neighborhood unit, residential lots and units should be located in neighborhood clusters to accomplish efficiency of land utilization while adhering to the underlying density and open space requirements of the Zoning District. The objective is to design the project in a manner that minimizes the visual impact of the development on the landscape to the greatest extent reasonably possible.

ii. The neighborhood cluster should be oriented toward an identifiable feature which all residential units share in common. Neighborhood identity may be established by one or more of the following features.

(a) View Shed. The lots of a neighborhood may be arranged such that a majority of the principal structures will take visual advantage of a field, wetland, woods, lake, stream, or other open space which could be described as a view shed.

(b) Physical Amenity. The lots of a neighborhood may be arranged such that a majority of the principal structures will face a green, playground, ball field, rock out cropping, stand of trees, waterbodies, place of worship, school, or other physical feature unique to that particular neighborhood.

(c) Streetscape. The lots may be arranged such that the principal structures will face a street enhanced with landscaping, street trees, boulevards, medians, or other landscaping techniques appropriate to the city's street design standards.

Subd. 9. Non-Conformities.

1. Non-conformities are subject to the applicable provisions of subsection 1005.11, except the following standards shall also apply to non-conforming lots of record in all residential districts.

a. A nonconforming single lot of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of this subsection may be allowed as a building site without variances from lot size requirements under the following provisions:

i. all structure and septic system setback distance requirements established in this subsection and the underlying zoning district can be met. Expansions to existing non-conforming structures may be permitted provided the non-conformity is not increased;

ii. a Type 1 sewage treatment system consistent with Minn. Rules Chapter 7080, can be installed or the lot is connected to a public sewer; and

iii. the impervious surface coverage does not exceed 25% of the lot, except as otherwise provided in this Chapter.

b. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

i. the lot must be at least 66% of the dimensional standard for lot width and lot size for the shoreland classification consistent with this Chapter.

ii. the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minn. Rules, chapter 7080, and local government controls;

iii. the impervious surface coverage does not exceed 25% of the lot, except as otherwise provided in this Chapter.

iv. development of the lot must be consistent with an adopted comprehensive plan.

c. A lot subject to paragraph (b) not meeting the requirements of paragraph (b) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

d. Notwithstanding paragraph (b), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment

system consistent with the requirements of Minn. Rules Chapter 7080, or connected to a public sewer.

e. In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

f. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

2. Non-Conforming Sewage Treatment System.

a. A sewage treatment system not meeting the requirements of this subsection must be replaced, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. Replacement of a sewage treatment system must be made by connecting to the city's municipal system where the connection is available.

b. The governing body of the city has, by formal resolution, notified the Commissioner of its program to identify non-conforming sewage treatment systems. The city shall require replacement of any non-conforming system identified by this program within a reasonable period of time which will not exceed two years.

Subd. 10. Administration

1. Purpose. The purpose of this section is to identify administrative provisions to ensure the ordinance is administered consistent with its purpose.

2. Permits.

a. A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by subsection 1005.05.

b. A certificate of compliance, consistent with Minn. Rules Chapter 7082.0700, Subp. 3, is required for a private sewage treatment system whenever a permit or variance of any type is required for any improvement on or use of the property. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

c. Grading, filling and excavations operations are subject to the permits and standards in subsection 1005.05.

i. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minn. Rules Chapter 8420 and any other permits, reviews, or approvals by

other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers.

ii. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with Minn. Rules Chapter 6115.

3. Application Materials. Applications for permits and other zoning applications such as variances shall be filed by the property owner or designated agent with the Zoning Administrator or designee on forms to be provided by the city. The application shall include the necessary fees set forth by the City Council and information so that the Zoning Administrator can evaluate how the application complies with the provisions of this ordinance.

4. Zoning Certificate. The Zoning Administrator shall issue a certificate of zoning compliance establishing the existence of legal non-conforming uses in accordance with the standards in subsection 1002.04. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in subsection 1002.02.

5. Variances. A variance may be granted in accordance with the standards established in subsection 1002.12 and the following standards.

a. A variance may not circumvent the general purposes and intent of this ordinance; and

b. For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minn. Rules Chapter 7082.0700, Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

6. Conditional Uses. All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions 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;

c. There is adequate water supply and on-site sewage treatment; and

d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.

7. Mitigation.

a. In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address, when appropriate, the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:

- i. Advanced storm water runoff management treatment;
- ii. Reducing impervious surfaces;
- iii. Increasing setbacks from the ordinary high water level;
- iv. Restoration of wetlands;
- v. Limiting vegetation removal and/or riparian vegetation restoration;
- vi. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
- vii. Other conditions the zoning authority deems necessary.

b. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions 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 shall be attached to permits.

8. Notifications to the Department of Natural Resources.

a. All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules.

b. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

c. All approved ordinance amendments and subdivisions/plats, and final decisions approving 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 days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

d. Any request to change the shoreland management classification of public waters within the City of Big Lake must be sent to the commissioner or the commissioner's

designated representative for approval, and must include a resolution and supporting data as required by Minn. Rules part 6120.3000, Subp.4.

e. Any request to reduce the boundaries of shorelands of public waters within the City of Big Lake must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

9. Mandatory EAW. An Environmental Assessment Worksheet consistent with subsection 1002.07 and Minn. Rules Chapter 4410 must be prepared for projects meeting the thresholds of Minn. Rules part 4410.4300, Subp. 19a, 20a, 25, 27, 28, 29, and 36a.

SECTION 3. When incorporating this ordinance into the City Code, the City Clerk is directed to renumber subdivisions and tables as necessary to maintain a sequential order.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon its passage and summary publication by the City Council.

Adopted by the Big Lake City Council on the 13th day of May 2026.

Mayor Paul Knier

Attest:

Gina Wolbeck, City Clerk

The following Council Members voted in favor:

The following Council Members voted against or abstained:

Whereupon the motion was duly passed and executed.

Drafted By:
City of Big Lake
160 Lake Street North
Big Lake, MN 55309

STATE OF MINNESOTA)
) SS.
COUNTY OF SHERBURNE)

The foregoing instrument was acknowledged before me this _____ day of May 2026 by the Mayor and City Clerk of the City of Big Lake, a Minnesota municipal corporation, on behalf of the corporation.

Notary Public

Attachment B
Current Shoreland Management Overlay District Ordinance

§ 1004.03 Shoreland Management Overlay District.

Subd. 1. Statutory Authorization and Policy.

1. Statutory Authorization. A Shoreland Overlay District shall be continued pursuant to the authorization and policies contained in M.S. Chapter 103F, Minn. Rules parts 6120.2500 through 6120.3900, as they all may be amended from time to time, and the planning and zoning enabling legislation in M.S. Chapter 462, as it may be amended from time to time.

2. Policy. The uncontrolled use of shorelands of the city 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 public health, safety, and welfare to provide for the wise subdivision, use, and development of shorelands of public waters. The legislature of the state 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 environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility shall hereby be recognized by the city.

Subd. 2. General Provisions.

1. Jurisdiction. The provisions of this subsection shall apply to the shorelands of the public water bodies as classified in this section. Pursuant to Minn. Rules parts 6120.2500 through 6120.3900, as they may be amended from time to time, no lake, pond, or flowage less than ten acres in size in municipalities or 25 acres in size in unincorporated areas needs to be regulated in a local government's shoreland regulations. 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 subsection.

2. Compliance. 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; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this subsection and other applicable regulations of this chapter.

3. Definitions. Special definitions associated with this shoreland management section of the zoning ordinance are called out in subsection 1001.02 of this chapter. In case of conflict between these definitions, the most restrictive shall apply. Unless specifically defined, words or phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application. All distances, unless otherwise specified, shall be measured horizontally.

Subd. 3. Shoreland Classification System and Land Use District Descriptions.

1. Shoreland Classification System. The public waters of the city have been classified below consistent with the criteria found in Minn. Rules part 6120.3300, as amended from time to time, and the *Protected Waters Inventory Map for Sherburne County, Minnesota*.

a. Lakes.

Lake Type	DNR ID #
Lake Type	DNR ID #
General Development Lakes	
Big Lake	71-82
Keller Lake	71-83
Mitchell Lake	71-81
Natural Environment Lakes	
Beaudry Lake	71-62
Beulah Pond	71-101
Landis Lake	71-99
Preusse Lake	71-63
Thompson Lake	71-96
Un-named (Kerber Lake)	71-70
Un-named Wetland	71-65
Un-named Wetland (McDowall Lake)	71-80
Recreational Development Lakes	
Blacks Lake	71-97

b. Rivers.

i. Agricultural rivers: Elk River.

ii. Forested rivers:

(a) Snake River; and

(b) St. Francis River.

2. Shoreland Overlay District. The shorelands of the city shall hereby be designated as shoreland overlay districts. The purpose of the shoreland overlay district shall be to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of these protected waters of the city. Commercial planned unit developments shall be prohibited. These districts are shown on the zoning map.

a. Permitted or Principal Uses. All permitted uses allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city.

b. Conditional Uses. All conditional uses allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city.

c. Substandard Uses. Any use of shorelands in existence prior to the date of enactment of this chapter which shall be permitted within the applicable zoning districts, but do not meet the minimum lot area, setbacks, or other dimensional requirements of this chapter, shall be substandard uses.

d. Prohibited Uses. Any uses which are not permitted or conditional uses as regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city shall be prohibited.

Subd. 4. General Zoning Provisions. The following provisions are required within Shoreland Districts in addition to the specific provisions of each underlying zoning district.

Table 16										
	Riparian Lot Area (Sq. Ft.)	Riparian Lot Width (Ft.)	Non-Riparian Lot Area (Sq. Ft.)	Non-Riparian Lot Width (Ft.)	Unsewered Structure Setback (Ft.)	Sewered Structure Setback (Ft.)	Sewage Treatment System Setback (Ft.)	Bluff Setback (Ft.)	Maximum Impervious Surface	Maximum Building Height (Ft.)
Table 16										
	Riparian Lot Area (Sq. Ft.)	Riparian Lot Width (Ft.)	Non-Riparian Lot Area (Sq. Ft.)	Non-Riparian Lot Width (Ft.)	Unsewered Structure Setback (Ft.)	Sewered Structure Setback (Ft.)	Sewage Treatment System Setback (Ft.)	Bluff Setback (Ft.)	Maximum Impervious Surface	Maximum Building Height (Ft.)
Agricultural River										
Single-Family	-	150	-	150	100	50	100	30	25%	25
Duplex	-	225	-	225	100	50	100	30	25%	25
Triplex	-	300	-	300	100	50	100	30	25%	25
Quad	-	375	-	375	100	50	100	30	25%	25
Business	-	-	-	-	100	50	100	30	75%	35
Industrial	-	-	-	-	50	50	50	30	50%	35
Forested River										
Single-Family	-	200	-	200	150	150	150	30	25%	25
Duplex	-	300	-	300	150	150	150	30	25%	25
Triplex	-	400	-	400	150	150	150	30	25%	25
Quad	-	500	-	500	150	150	150	30	25%	25
Business	-	-	-	-	150	150	150	30	75%	35
Industrial	-	-	-	-	150	150	150	30	50%	35
General Development Lakes										
Single-Family	15,000	75	10,000	75	150	50	150	30	25%	25
Duplex	26,000	135	17,500	135	150	50	150	30	25%	25
Triplex	38,000	195	25,000	190	150	50	150	30	25%	25
Quad	49,000	255	32,500	245	150	50	150	30	25%	25
Business	-	-	-	-	150	50	150	30	75%	35
Industrial	-	-	-	-	150	50	150	30	50%	35
Natural Environment Lakes										
Single-Family	40,000	125	20,000	125	150	150	150	30	25%	25
Duplex	70,000	225	35,000	220	150	150	150	30	25%	25
Triplex	100,00 0	325	52,000	315	150	150	150	30	25%	25
Quad	130,00 0	435	65,000	410	150	150	150	30	25%	25
Business	-	-	-	-	150	150	150	30	75%	35
Industrial	-	-	-	-	150	150	150	30	50%	35
Recreational Development Lakes										
Single-Family	20,000	75	15,000	75	150	75	150	30	25%	25
Duplex	35,000	135	26,000	135	150	75	150	30	25%	25
Triplex	50,000	195	38,000	190	150	75	150	30	25%	25
Quad	65,000	255	49,000	245	150	75	150	30	25%	25
Business	-	-	-	-	150	75	150	30	75%	35
Industrial	-	-	-	-	150	75	150	30	50%	35

1. Impervious Surface Coverage. For uses with a maximum impervious surface of 25% as identified in Table 16, the impervious surface may be increased as stated below.

- a. Paver stone driveways, sidewalks, and patios that receive all required permits and are properly installed with a sand base and sufficient

spacing to allow for drainage shall count towards 50 % of the area covered for the purposes of calculating the overall lot coverage.

b. The impervious surface coverage may be increased up to 35% of the total lot area by a conditional use permit as set forth in and regulated by subsection 1002.08 and the following criteria:

- i. All structures, additions, or expansions shall meet setback and other requirements of this chapter;
- ii. The lot shall be served by municipal sewer and water;
- iii. The lot shall provide for the collection and treatment of storm water in compliance with the City Storm Water Management Plan if determined that the site improvements will result in increased runoff directly entering a public water. All development plans shall require review and approval by the City Engineer;
- iv. Measures to be taken for the treatment of storm water runoff and/or prevention of storm water from directly entering a public water. The measures may include, but not be limited to, the following:
 - (a) Appurtenances as sedimentation basins, debris basins, desilting basins, or silt traps;
 - (b) Installation of debris guards and microsilts basins on storm sewer inlets;
 - (c) Use where practical, oil skimming devices, or sump catch basins;
 - (d) Direct drainage away from the lake and into pervious, grassed, yards through site grading, use of gutters, and downspouts;
 - (e) Sidewalks are constructed with partially pervious raised materials such as decking which has natural or other pervious material beneath or between the planking;
 - (f) Grading and construction techniques are used which encourage rapid infiltration, e.g., sand and gravel, under impervious materials with adjacent infiltration swales graded to lead into them;
 - (g) Berms, water bars, or terraces are installed which temporarily detain water before dispersing it into pervious area; and
 - (h) Installation of a minimum 15-foot wide buffer from the OHWL. This buffer would be treated similar to a wetland buffer where native grasses and the like would be required, and mowing and dumping would not be permitted.
- v. All structures and impervious surfaces shall be located on slopes less than 12%. The physical alteration of slopes shall not be permitted for the purpose of overcoming this limitation;
- vi. Site developments shall be designed, implemented, and maintained using the most applicable combination of comprehensive practices that prevent flooding, pollutant, erosion, and sedimentation problems consistent with *Protecting Water Quality in Urban Areas, Best Management Practices for Minnesota*, State Pollution Control Agency, October 1989, or as amended, which is incorporated by reference, available at the State Law Library and not subject to frequent change; and
- vii. The city may impose additional conditions if determined necessary to protect the public health, safety, and welfare.

2. Agriculture Use Standards. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting if permitted in the underlying zoning district, and provided steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management System) consistent with the field office technical guides of the local soil and water conservation districts 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 shall be equal to a line parallel to and 50 feet from the ordinary high water level.

3. Standards for Commercial, Industrial, Public, and Semi-Public Uses.

- a. Surface water oriented commercial uses and industrial, public, or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water oriented needs must meet the following standards.
 - i. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this chapter, the use must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - ii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
 - iii. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- b. Uses without water oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf on conditions.

4. Significant Historic Sites. No structure shall be placed on a significant historic site in a manner that affects the value of the site unless adequate information about the site has been removed and documented in a public repository.

5. Steep Slopes. The Zoning Administrator or designee must 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 water, assuming summer, leaf on vegetation.

6. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

7. Vegetation Alterations.

- a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this chapter shall be exempt from the vegetation alteration standards that follow.
- b. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated by this chapter, are subject to the following standards.
 - i. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas shall be allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the Soil and Water Conservation District in which the property is located.
 - ii. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees shall be allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water oriented accessory structures or facilities, provided that:

- (a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf on conditions are not substantially reduced;
- (b) Along rivers, existing shading of water surfaces is preserved; and
- (c) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

8. Placement and Design of Roads, Driveways, and Parking Areas.

- a. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas shall be designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- b. Roads, driveways, and parking areas must meet structure setbacks for Shoreland Districts and must 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, and must be designed to minimize adverse impacts.
- 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 subsection are met. For private facilities, the grading and filling provisions of subsection 1005.05 shall be complied with. Private watercraft access ramps shall not be permitted on any lake where a public watercraft access ramp is already available.

Subd. 5. Controlled Access Lots. Lots intended as controlled accesses to public waters or as recreation areas for use by owner of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards.

- 1. They must meet the width and size requirements for residential lots within Shoreland Districts and be suitable for the intended uses of controlled access lots.
- 2. If docking, mooring, or over water storage of more than six watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table.

Table 17	
Ratio of Lake Size to Shore Length (acres/miles)	Required Increase in Frontage
Less than 100	25%
100 - 200	20%
201 - 300	15%
301 - 400	10%
Greater than 400	5%

Subd. 6. Storm Water Management. In addition to the provisions of subsection 1005.05 and other applicable provisions of this chapter, the following general and specific standards shall apply.

- 1. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.
- 2. Development must be planned and conducted in a manner that shall minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible, and facilities or methods used to retain sediment on the site.
- 3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water 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 must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and human-made materials and facilities.
- 4. For lots of record developed after May 25, 2016, a buffer strip of and average of 50 feet, but no less than 30 feet, shall be maintained abutting all shoreland. The buffer provisions of this chapter shall apply to lots developed or redeveloped on or after May 25, 2016. The city does, however, strongly encourage the use of a buffer on all lots in the city.
- 5. Buffer strips shall apply to all parcels of land, whether or not the shoreland is on the same parcel as a proposed development.
 - a. Any existing drain tile shall be modified as part of the project to eliminate short circuiting of the buffer strip.
 - b. New or enhanced buffer strips shall be maintained by the applicant for the later of one-year after completion of the project or acceptance by the City Engineer.
- 6. Buffer strip vegetation shall be established and maintained in accordance with the requirements found in subsection 1004.04. During the first two years, any buffer vegetation that does not survive must be replanted. After two years, if the condition of the buffer area changes through natural processes not caused by the property owner, the owner shall not be required to re-establish the buffer area to meet the standards contained in subsection 1004.04. Buffer strips shall be identified within each lot by permanent monuments approved by the city.

Subd. 7. Water Supply and Sewage Treatment.

- 1. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the State Department of Health and the State Pollution Control Agency.
- 2. Sewage Treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment as follows.
 - a. Publicly owned sewer systems must be used where available.
 - b. All private sewage treatment systems must meet or exceed the State Pollution Control Agency's standard for individual sewage treatment systems contained the regulations titled "Individual Subsurface Sewage Treatment Systems Standards, Minn. Rules Chapter 7080," a copy of which shall hereby be adopted by reference and declared to be a part of this subsection.
 - c. On-site sewage treatment systems must be set back at least 150 feet from the ordinary high water level of all public waters.
 - d. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria listed below. 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. The evaluation criteria is as follows:

- i. Depth to the highest known or calculated ground water table or bedrock;
- ii. Soil conditions, properties, and permeability;
- iii. Slope; and
- iv. The existence of lowlands, local surface depressions, and rock outcrops.

Subd. 8. Shoreland Management Residential PUD Requirements.

- 1. **Applicability.** Residential planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversion of existing buildings and lands. The zoning districts in which they are an allowable use are identified in subsections 1003.05 through 1003.11 of this chapter and the official city zoning map.
- 2. **Processing.** Residential planned unit developments within a Shoreland District shall be processed as a conditional use, in accordance with subsection 1002.08.
- 3. **Submittal Requirements.** Submittal requirements for residential planned unit development applications in Shoreland Districts shall be in accordance with subsection 1003.18.
- 4. **Site Suitable Area Evaluation.** In all residential zoning districts except for the R-5, Residential Redevelopment District, proposed new or expansions to existing residential 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. The shoreland lot area and size requirements specified in the underlying zoning district shall be utilized to determine density within each shoreland tier.
 - a. 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:

Table 18	
Shoreland Tier Dimensions	
	Sewered
General Development Lakes - First Tier	200 feet
General Development Lakes - Second and Additional Tiers	200 feet
Natural Environment Lakes	320 feet
Recreational Development Lakes	267 feet

- b. 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.
- 5. **Residential Planned Unit Development Density Evaluation.** For all residential zoning districts, with the exception of the R-5, Residential Redevelopment District, the procedures for determining the "base" density of a residential planned unit development and density increase multipliers are as follows: Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.
 - a. **Residential Planned Unit Development "Base" Density Evaluation.** The suitable area within each tier is divided by the single residential lot size standard for lakes. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria of Subd. 6 above.
 - b. **Density Increase Multipliers.**
 - i. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards identified in each underlying zoning district (Shoreland lot size, area, and setback provisions) are met or exceeded and the design criteria in Subd. 6 above are satisfied. The allowable density increases in item 5.b.ii below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50% greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the city and the setback is at least 25% greater than the minimum setback from the ordinary high water level.
 - ii. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential Planned Unit Developments.

Table 19	
Density Evaluation Tiers	Maximum Density Increase Within Each Tier
First	50%
Second	100%
Third	200%
Fourth	200%
Fifth	200%

- 6. **Maintenance and Design Criteria.**
 - a. **Maintenance and Administration Requirements.**
 - i. Before final approval of a residential planned unit development, adequate provisions shall be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
 - ii. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space. The instruments shall include all of the following protections:

- (a) Commercial uses prohibited (for residential planned unit development);
- (b) Vegetation and topographic alterations other than routine maintenance prohibited;
- (c) Construction of additional buildings or storage of vehicles and other materials prohibited; and
- (d) Uncontrolled beaching of watercraft prohibited.

iii. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments shall use an owners' association with the following features.

- (a) Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers.
- (b) Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
- (c) Assessments shall be adjustable to accommodate changing conditions.
- (d) The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

b. Open Space Requirements. Residential planned unit developments, in all districts except for the R-5, Residential Redevelopment District, shall contain open space meeting all the following criteria.

i. At least 50% of the total project area shall be preserved as open space.

ii. 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.

iii. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.

iv. The appearance of open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of restrictive deed covenant, permanent easements, public dedication and acceptance, or other equally effective and permanent means.

v. The shore impact zone, based on normal structure setbacks, shall be included as open space. At least 50% of the shore impact zone area of existing developments or at least 70% of the shore impact zone area of new developments shall be preserved in its natural or existing state.

c. Erosion Control and Storm Water Management. Erosion control and storm water management plans shall be developed, and the residential planned unit development shall:

i. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This shall be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques shall be used to minimize erosion impacts on surface water features. Erosion control plans approved by a Soil and Water Conservation District may be required if project size and site physical characteristics warrant; and

ii. Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. In all residential zoning districts except for the R-5, Residential Redevelopment District, impervious surface coverage within any tier shall not exceed 25% of the tier area.

d. Centralization and Design of Facilities. For all residential zoning districts except the R-5, Residential Redevelopment District, centralization and design of facilities and structures must be done according to the following standards.

i. Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level shall be increased in accordance with Subd. 5.2 above for developments with density increases.

ii. Shore recreation facilities, including, but not limited to, swimming areas, docks, and watercraft mooring areas and launching ramps, shall be centralized and located in areas suitable for them. Evaluation of suitability shall include consideration of land slope, water depth, vegetation, soils, depth to ground water and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft shall not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

iii. Structures, parking areas, and other facilities shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf on conditions. Vegetative or topographic screening shall be preserved, if existing, or may be required to be provided.

iv. Accessory structures and facilities, except water-oriented accessory structures, shall meet the required principal structure setback and shall be centralized.

7. Conversions. For all residential districts except the R-5, Residential Redevelopment District, existing land uses may be converted to residential planned unit developments consistent with the provisions of this chapter and provided the following standards are met.

a. Proposed conversions shall be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards shall be identified.

b. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities shall be corrected as part of the conversion or as specified in the conditional use permit.

c. Shore and bluff impact zone deficiencies shall be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

i. Removal of extraneous building, docks, or other facilities that no longer need to be located in shore or bluff impact zones;

ii. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water;

iii. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions shall also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced; and

iv. Existing dwelling unit or dwelling site densities that exceed standards in Subd. 5.2 above may be allowed to continue but shall not be allowed to be increased, either at the time of conversion or in the future. Efforts shall be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, or other means.

8. Neighborhood Design Requirements. The purpose of this subsection is to set forth design standards for residential PUD development to implement the housing, neighborhood, environmental and greenway goals, and policies of the City Comprehensive Plan. Residential developments shall be designed in patterns which incorporate the following elements.

a. Neighborhood Amenities. All new residential developments must incorporate the following neighborhood amenities into the project design, subject to review and approval of the City Council.

i. General. Natural habitat, neighborhood recreation, greenway, and/or pedestrian corridor open space, conforming to the type of use, location criteria, and deed restrictions of that classification.

(a) The City Council, at its discretion, may allow a density increase for dedication of additional open space areas designated for natural habitat, neighborhood recreation, and/or pedestrian corridors above the required dedication defined by the subdivision ordinance.

(b) The amenities shall not be considered as park dedication required by the city subdivision ordinance, unless specifically approved by the City Council.

(c) All amenity areas designated as open space shall be platted as outlots and held as open space in perpetuity.

(d) The development shall be designed to preserve the maximum quantity of natural habitat open spaces in a contiguous, connected configuration. Natural habitat open space may include, but are not limited to, fields, pastures, wetlands, slopes, bluffs, dense woods, lakes, ponds, streams, shorelands, and other environmentally sensitive areas or desirable view sheds.

(e) The development shall be designed to provide view sheds of natural features for the enjoyment of the neighborhood.

ii. Pedestrian Corridors. The development shall be designed to locate pedestrian corridors in strategic places such that larger open space outlots and designated places of destination both on the development tract and adjacent tracts are connected with one another. Pedestrian corridors may include, but are not limited to, established regional trails, local pathways, paved walkways, sidewalks, and shorelines. Pedestrian corridors shall be a minimum of 30 feet in width.

iii. Neighborhood Recreation. The development shall be designed to locate neighborhood recreation open spaces such that they are an integral part of the neighborhood of surrounding home sites, at an elevation appropriate to their intended recreational use, defined by coherent boundaries, and accessible to all neighborhood residents. Neighborhood recreation open spaces may include, but are not limited to, greens, commons, playgrounds, ball fields, gardens, or other recreational areas.

iv. Accessibility. Open spaces shall be accessible to pedestrians at not less than 1,200 foot intervals along public streets. Where necessary, pedestrian access corridors between private lots shall be at least 30 feet in width.

v. Deed Restrictions. Each open space outlot shall conform to the deed restrictions associated with its open space classification.

(a) Natural habitat open spaces shall be considered conservation easements and are for the responsible use and enjoyment of adults and children. Construction in these areas shall be limited to trails (paved or unpaved), open-air shelters, bridges, benches, birdhouses, and wood fencing.

(b) Neighborhood recreation open spaces shall be used for active or passive recreational purposes, including gardening. Construction in these areas shall be limited walkways, open air shelters, bird houses, bridges, garden storage sheds no larger than 120 square feet, wood fencing, landscape planting, play equipment, outdoor furniture, and facilities for active recreation.

(c) Pedestrian corridors shall be used for pedestrian and bicycle travel. Motorized vehicles shall be prohibited. Construction in these areas shall be limited to gravel or paved pathways, wood fencing, and landscape planting.

(d) Habitable structures shall not be permitted in any open space outlot.

vi. Ownership and Management. Each designated open space outlot shall be owned and managed as set forth below, subject to City Council approval.

(a) Open space may be owned in common by the property owners of the subdivision. In the case where at least one outlot of open space is held in common ownership, a homeowner association shall be established for that subdivision and membership in the association by all property owners in the subdivision shall be mandatory. Management shall be the responsibility of that subdivision's homeowner association.

(b) Open space may be deeded to an established land trust. Management shall be the responsibility of the land trust. Maintenance may be performed by the neighborhood homeowner association, through written agreement between the association and the land trust.

(c) Open space may be deeded to the city. Management shall be the responsibility of the city.

(d) Open space may be protected by establishing conservation restrictions in perpetuity in favor of the city as provided in M.S. §§ 84.64 to 84.65, as they may be amended from time to time. Unless the document establishing the restrictions specifically provides to the contrary, the city shall have no responsibility for the maintenance or management of the area subject to the restrictions. The form and content of the deed or other instrument establishing the restrictions must be approved by the city prior to the execution and delivery thereof. Notwithstanding any provision of this chapter to the contrary, the city may, in cases where conservation restrictions are utilized to meet open space dedication requirements of this chapter, waive the requirement that the area subject to the restrictions be platted as a separate outlot.

b. Neighborhood Configuration. The standards identified herein are intended to result in neighborhoods that offer a variety of lot sizes, configurations, and amenities. Review and approval of standard subdivisions and planned unit developments by the City Council shall be based upon an evaluation that the proposed development plan provides a cohesive neighborhood(s) in a site design appropriate to the location of common open spaces consistent with the following provisions.

i. To establish a cohesive neighborhood unit, residential lots and units should be located in neighborhood clusters to accomplish efficiency of land utilization while adhering to the underlying density and open space requirements of the Zoning District. The objective is to design the project in a manner that minimizes the visual impact of the development on the landscape to the greatest extent reasonably possible.

ii. The neighborhood cluster should be oriented toward an identifiable feature which all residential units share in common. Neighborhood identity may be established by one or more of the following features.

(a) View Shed. The lots of a neighborhood may be arranged such that a majority of the principal structures will take visual advantage of a field, wetland, woods, lake, stream, or other open space which could be described as a view shed.

(b) Physical Amenity. The lots of a neighborhood may be arranged such that a majority of the principal structures will face a green, playground, ball field, rock out cropping, stand of trees, waterbodies, place of worship, school, or other physical feature unique to that particular neighborhood.

(c) Streetscape. The lots may be arranged such that the principal structures will face a street space enhanced with landscaping, street trees, boulevards, medians, or other landscaping techniques appropriate to the city's street design standards.

Subd. 9. Non-Conformities. Subject to the applicable provisions of subsection 1005.11, all legally established non-conformities as of October 29,

1985, may continue, but they shall be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards shall also apply in shoreland areas.

1. Construction on Non-Conforming Lots of Record. This subsection shall apply to all residential districts except for the R-5, Residential Redevelopment District.

a. Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of this subsection may be allowed as building sites without variances from lot size requirements under the following provisions:

- i. The use is permitted in the zoning district;
- ii. The lot was created compliant with official controls in effect at the time;
- iii. Sewage treatment and setback requirements of this subsection are met;

iv. The lot has been in separate ownership from abutting lands on or before October 29, 1985. However, in a group of contiguous lots under single ownership, any individual lot may be allowed as a building site if it is at least 70% of the lot size requirements of this subsection;

v. All other dimensional requirements of this subsection shall be complied with. However, in the event a property owner cannot comply with other dimensional requirements of this subsection because of the limited size of the lot, that property owner shall be required to obtain a variance where necessary to prevent hardship. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit shall be issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided; and

vi. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this subsection, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this subsection as much as possible.

2. Non-Conforming Sewage Treatment System.

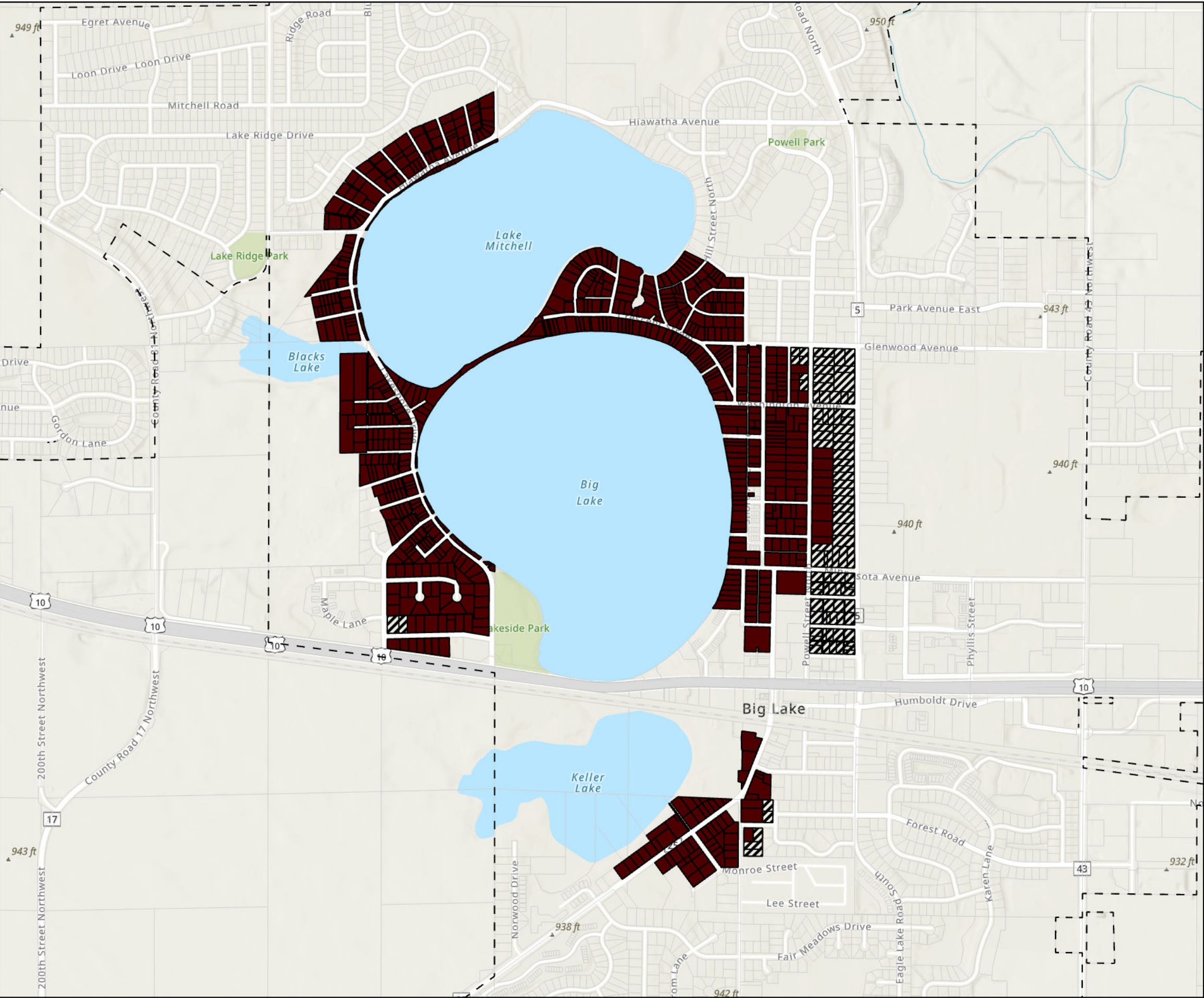
a. A sewage treatment system not meeting the requirements of this subsection must be replaced, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. Replacement of a sewage treatment system must be made by connecting to the city's municipal system where the connection is available.

b. The governing body of the city has, by formal resolution, notified the Commissioner of its program to identify non-conforming sewage treatment systems. The city shall require replacement of any non-conforming system identified by this program within a reasonable period of time which will not exceed two years.

(Ord. 2025-09, passed 12-10-2025)

Attachment C

R-5, Residential Redevelopment District Map – Shoreland and Non-Shoreland Parcels



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Esri, NASA, NGA, USGS, FEMA



R-5, Residential Redevelopment District Exhibit

- ZONING**
- R-5, Residential Redevelopment - Shoreland
 - R-5, Residential Redevelopment - Non-Shoreland
 - City Boundaries





AGENDA ITEM

Big Lake Planning Commission

Prepared By: <i>Kendra Lindahl, Consulting Planner</i>	Meeting Date: <i>5/4/2026</i>	Item No. 7B
Item Description: PUBLIC HEARING. <i>Zoning Map Amendments to reflect changes to the Shoreland Overlay District.</i>	Reviewed By: <i>Hanna Klimmek, City Administrator</i>	
	Reviewed By: <i>Marie Popp, Community Development Director/EDA Executive Director</i>	

60-DAY REVIEW DEADLINE: *N/A*

ACTION REQUESTED

Continue the public hearing to the June 1, 2026 Planning Commission meeting.

BACKGROUND/DISCUSSION

While updating Subsection 1004.03 (Shoreland Overlay District) of the Zoning Ordinance, staff identified several minor changes to be made to the Big Lake Zoning Map. These updates will reflect lake classifications and zoning overlay boundaries that are established by the Minnesota Department of Natural Resources and will bring the Zoning Map into alignment with Subsection 1004.03 once adopted. A summary of the proposed amendments is provided.

As part of that effort, City staff identified a number of ordinance amendments that had been approved but had not yet been updated on the zoning map. Staff is continuing to work with the City's engineering consultant to update the map, but was not able to finalize the map for this meeting.

FINANCIAL IMPACT

None

STAFF RECOMMENDATION

The Planning Commission should continue public hearing on amendments to the City of Big Lake Zoning Map to the June 1, 2026 meeting