



CITY OF SHOREVIEW

4600 North Victoria Street, Shoreview, MN 55126 • Phone (612) 490-4600 • Fax (612) 490-4699

October 27, 1992

Molly Shodeen
DNR
Metro Region Waters
1200 Warner Road
St. Paul, MN 55106

SHORELAND CODE UPDATE

I have prepared draft revisions to the code approved by the City Council last July to address the concerns raised in your letter dated September 29, 1992.

The hand written number in the left column refers to the paragraphs in your letter. I also offer the following information to clarify our intent relative to your comments (arranged by your paragraph number):

- #1. Satisfied - Page 1 of code. Please check the basin numbers and fill in the numbers that I show as "xx".
- #2. Satisfied - Page 1 of proposed rules.
- #3. Satisfied - Page 3 of proposed rules. No water-oriented accessory structure except boathouse/patio if the dwelling does not comply with current setback requirements. Also no deck or deck expansion unless structure setbacks satisfied. Added 250 foot maximum area requirement.
- #4. Satisfied - See 207.040 (G)(2).
- #5. Satisfied - See 206.110 (C) (5-7)
- #6. No change from initial code - Language forbidding a variance is redundant and would not preclude application for a variance. (e.g. the applicant would simply request a variance from the rule that states no variance is permitted as well as from the dimensional requirement that is at issue.) The real issue is whether the application would be approved. In this regard, the City's policy is not to approve subdivisions that generate the need for further variances.

Further, please keep in mind that Shoreview only has two shoreland properties that are eligible to be subdivided (Christiansen and Union Gospel Mission); both on Snail Lake. The remainder of the City's shoreland is developed. Second, this community has a long history of requiring compliance with the State law requirements for obtaining approval of a variance (hardship, no reasonable use, not self created, etc.). I know of no instances where a variance has been granted to accept lots that would require a variance to be

improved. Finally, the City of Shoreview is very environmentally conscience and its decision makers take compliance with the environmental related codes, such as the Shoreland Code, very seriously.

#7. Satisfied - A 100-year storm elevation is available for each of the lakes subject to shoreland management controls. If you would like, I can send them to you.

#8. Satisfied - Refer to the attached excerpts from City code.

#9. Satisfied - See Section (H). The City's policy is that non conforming structures are not to be expanded unless a variance is justified.

#10. Policy issue to be further discussed by City decision makers.

#11. Satisfied - Section 206.110 (7).

#12. Satisfied - The location of each on-site system is known. 66 exist and 4 will be abandoned this fall. Each of the owners by ordinance (206.110) is required to submit certification at least every three years that their system is functioning properly. The City's policy is also to extend sewer to as many of the unsewered areas as possible. Part of the funds that we receive from our Shoreland Update reimbursement will go toward the purchase of GIS software that will be used to track the on-site system certification program.

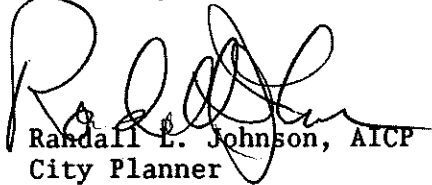
(12)
Get list
of Shoreland

#13. The current standard for maximum impervious area is 40% which was approved by DNR and put into effect in 1983. The reason that 30% is proposed as a maximum for substandard lots is that in a test case on Lake Owasso, the City required more green space to "open up" the lot. This is not a concern on 100 foot wide lots.

I would appreciate your response to the comments and proposed code revisions within the week because the revised codes have to be considered by the Planning Commission on November 24, 1992 to comply with our January 4, 1993 deadline.

Please call me (490-4682) at your earliest convenience. Thank you for your assistance with this matter.

Sincerely,


Randall L. Johnson, AICP
City Planner

enc

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF SHOREVIEW

ORDINANCE NO. 601

AN ORDINANCE AMENDING THE CITY OF SHOREVIEW'S SHORELAND MANAGEMENT REGULATIONS

(New language is underlined and language to be deleted is bolded and crossed out):

205.080 Shoreland Management.

(A) Classification. In order to guide the wise development and utilization of the shorelands of protected waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, certain protected waters in the City have been given a shoreland management classification. These protected waters in the City have been classified by the Commissioner of the Minnesota Department of Natural Resources (DNR) and shown on the Ramsey County Protected Waters Inventory map as follows:

#2

(1) Natural Environmental Waters:

- (a) Poplar Lake (41-61)
- (b) Grass Lake (74-61)

(2) General Development Waters:

- | | |
|--------------------------------|--|
| (a) Turtle Lake <u>(62-61)</u> | (f) Wabasso Lake <u>(82-61)</u> |
| (b) Martha Lake <u>(64-61)</u> | (g) Owasso Lake <u>(56-61)</u> |
| (c) Island Lake <u>(75-61)</u> | (h) Snail Lake <u>(73-61)</u> |
| (d) Judy Lake <u>(81-61)</u> | (i) Rice Creek <u>(xx-61)</u> |
| (e) Emily Lake <u>(xx-61)</u> | (j) <u>Unnamed Stream from Turtle Lake (62-61) to Marsden Lake (62-59)</u> |

#1

Molly, please check for accuracy & fill in the info missing #1's

(B) Purpose. The Shoreland Management Area is a component of the Environmental Overlay Zoning District as illustrated on the City of Shoreview's Zoning Map. Shoreland management regulations pertaining to such items as minimum lot size, structure placement, and alteration of shoreland area have been adopted to manage the effects of shoreland and water surface crowding, to prevent pollution of surface and ground waters, to provide ample space on lots for sewage treatment facilities, to minimize flood damage, to maintain property value, to maintain the historic value of significant historic sites, and to the extent possible maintain the natural character of shorelands and their adjoining public waters.

(C) Permitted Uses. The uses permitted in the Shoreland Management Areas are those uses allowed and regulated by the applicable zoning district underlying the Environmental Overlay District.

(H) Exceptions to Structure Setback Requirements.

#3

~~(2)(1)~~ In those cases where there are existing adjacent structures which have a lakeside setback of more than fifty (50) feet, the lakeside setback for new structures shall be equal to the average of the lakeside setbacks for the existing adjacent structures, plus or minus 10 feet. In those cases where there is only one existing adjacent structure which has a lakeside setback of more than fifty (50) feet, the lakeside setback for the new structure shall be equal to the average of 50 feet and the lakeside setback of the existing adjacent structure plus or minus 10 feet. In either case, 50 feet shall be the minimum setback.

#9 (assume variance needed to expand a non conforming structure)

~~(1)(2)~~ Setback requirements from the OHW level shall not apply to piers, docks, or walks.

(3) Within Shore Impact Zone:

~~In addition, the following water-oriented accessory structures shall~~ A boathouse or a patio/at-grade deck may be located within a shore impact zone on any residential property the structure setback requirements, provided:

for CC report
Leave
250 sq ft
RT 11/5/14
Dr 9-12

(a) If a boathouse, if it shall: not be larger than 250 360 square feet in area, be at least 10 feet from the OHW, be at least 20 feet to a side property line, not be wider than 20 feet as viewed from the water, not be used for habitation and shall not contain water or sanitary facilities, the top of the roof is shall not be more than 10 feet above grade, and its presence shall be screened from view from the lake as much as practical through landscaping, color selection, topography, or other means acceptable to the City.

The roof may be used as a deck with safety railings, but it must not be enclosed or used as a storage area.

(b) If a patio and or an at-grade decks (with or without railings or built-in benches) provided: the highest portion of the railings or built-in benches is shall not be greater than 36 inches above grade, and no part of the deck is structure shall be closer than 20 feet to a side property line, it shall be at least 10 feet from the OHW, and it shall not exceed 250 square feet of area.

~~(4)(c) In addition to the structures permitted in Subsections (a) and (b) above~~ If either of the structures permitted in Section (2) above is not present on a property, one water-oriented accessory structure greater than three feet in height may be permitted between a principal structure and a shore impact zone, subject to approval by the City Planner. Such structure shall not be approved unless the following standards are satisfied:

~~(1)(a)~~ The principal structure and all other patios, decks and accessory structures located on the parcel [attached or detached] →

#3
No structure if non compliant setbacks for main structure.

to the principal structure] comply with the required
shoreland structure setback from the OHW level;

~~(2-)~~(b) The accessory structure will be located at least 25 feet
from the OHW;

~~(3-)~~(c) The top of the accessory structure will not be more than 8
feet above grade;

~~(4-)~~(d) Its presence shall be screened from view from the lake
through landscaping, color selection, topography, or other
means acceptable to the City;

~~(5-)~~(e) It must be setback at least 20 feet from the side property
line;

(f) It shall not exceed eight feet of height above grade.

(g) It shall not exceed 250 square feet of area.

(5)(6-) The City may enforce any other condition deemed necessary to
insure compatibility with surrounding land uses, including
requiring setbacks greater than the minimum ~~may be required~~ to
protect vistas from established homes.

~~(3-)~~(6) Detached accessory structures may be located in the front yard
(between dwelling and street) of lakeshore properties upon
approval of a riparian lot variance.

~~(4-)~~(7) Structures, except stairways and landings, shall not be placed
within bluff impact zones.

~~(5-)~~(8) Stairways, lifts, and landings are the preferred alternative to
major topographic alterations for achieving access to public
waters across bluff and shore impact zones. Such facilities
shall also comply with the following standards:

(a) Stairways shall not exceed four feet in width, except for
public recreation uses, including trails.

(b) Landings for stairways must not exceed 32 square feet in
area, unless associated with a public recreation use.

(c) Such facilities shall be screened from view from the public
water.

(I) Roads, Trailways, Driveways, and Parking Areas. Public and private
roads, trailways, driveways, and parking areas must be designed to take
advantage of natural vegetation and topography to achieve maximum
screening from view from public waters. They must also be designed and
constructed to minimize and control erosion and to retard the runoff of
nutrients in accordance with the following criteria:

(1) All roads, driveways, and parking areas shall meet the setback
requirements established for structures and must not be placed

within a bluff or shore impact zone when other reasonable and feasible placement alternatives exist as determined by the City. If the City finds that no other reasonable option exists, these facilities may be placed within these areas if designed to minimize adverse impacts.

- (2) Parking areas for public watercraft access ramps and approach ramps shall be located at least 50 feet from the OHW unless no other practical alternative exists as determined by the City.
- (3) Natural vegetation shall be used to screen parking areas when viewed from the water.

(J) Impervious Surface Area.

- (1) Maximum impervious surface area coverage shall not exceed 40 percent, except that up to 60 percent coverage may be permitted for areas planned for other than Residential Low Density use, provided all required setbacks from the OHW level are proportionately increased up to double (100 percent increase) the standard requirements (e.g. a 25 percent increase in the standard lakeshore setbacks if 45 percent impervious area coverage is desired).

See Meeting Committee
~~(b)~~(2) Except for those structures located at or below the OHW, such as docks and piers, all structures including water-oriented accessory structures shall be included in the calculation to determine compliance with the maximum lot coverage requirement.

(K) Administration. The City shall notify and supply the Department of Natural Resources (DNR) with plans and information on the following for proposals that involve shoreland property:

- (1) Copies of all variance requests or public hearings for a Conditional Use Permit shall be submitted to the Commissioner of the DNR at least ten (10) days prior to such hearing.
- (2) A copy of the final decision granting variances or Conditional Use Permits shall be submitted to the Commissioner of the DNR within ten (10) days after the meeting.
- (3) All preliminary plats shall be submitted to the Commissioner of the DNR at least ten (10) days prior to the meeting.
- (4) All approved final plats shall be submitted to the Commissioner of the DNR ten (10) days after the meeting.
- (5) All Concept Planned Unit Developments shall be forwarded to and approved by the Commissioner of the DNR prior to approval by the City Council.
- (6) All amendments to Section 205.080 must be approved by the Commissioner of the DNR prior to becoming effective.

- (2) Temporary ground cover, such as mulch, shall be used and permanent vegetative cover, such as sod, shall be provided.
- (3) Methods to prevent erosion and trap sediment shall be employed.
- (4) Fill shall be stabilized to accepted engineering standards.
- (5) All fill and grading activity shall comply with the performance standards set forth in Chapter 205 of the City's Development Ordinance.

(E) Review for Impacts. The City shall evaluate possible soil erosion, water quality, and view degradation impacts before issuing a permit for construction of roads, driveways, principal and accessory structures or other improvements on steep slopes. When deemed by the City to be necessary, conditions may be attached to permit issuance to minimize the stated impacts.

(F) Erosion Control Plan. The City may require the applicant for a grading and fill permit to enter into an Erosion Control Agreement and prepare an Erosion Control Plan.

207.040

(G) Additional Permits. The following activities require permits from the Department of Natural Resources, Grass Lake or Rice Creek Watershed District, and/or Ramsey County, as part of the approval process:

- (1) Any work which will change or diminish the course, current, or cross section of a protected water shall be approved before the work is begun. This includes construction of channels and ditches, lagooning, dredging of lakes or stream bottom for removal of muck, silt or weeds, and filling in the lake or stream bed.
- (2) Any grading, filling or excavation in the Shoreland Management Area which will change or diminish the course, current or cross-section of protected waters or wetlands shall be approved by the Commissioner of Natural Resources in accordance with Minnesota Statutes Section ~~105.42~~ 103G.245 and procedures of the Minnesota Department of Natural Resources.

#4

Section 207.060 [Mining Permit] is hereby amended as follows:

(B) Application. Applications for a mining permit shall also include the following information:

- (6) Plans showing how the site will be reclaimed and developed upon conclusion of the excavation process. The plan must address dust, noise, possible pollutant discharges, hours and duration of the operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during the operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after the extractive activities end.

(C) Permit. Terms of the permit shall include provisions which:

(3) Requires processing machinery to be located consistent with the structure setback requirements from ordinary high water elevations of public waters and from bluffs.

Section 206.110 (C) Sewage Treatment is hereby amended as follows:

#5
(5) All construction associated with on-site sewage treatment systems shall comply with the provisions of Chapter 7080 "Individual Sewage Treatment Systems Standards" of the Minnesota Pollution Control Agency's rules. Any installation, alteration, repair or extension of a such systems shall be inspected by the Building Inspector following completion of the work but prior to covering of the system. Such systems shall also be setback at least 150 feet from OHW of Natural Environmental Waters and at least 50 feet from the OHW of General Development Waters.

(6) All on-site sewage treatment systems are required to be inspected and/or serviced at least every three years in accordance with the provisions of said Chapter 7080. Such inspections shall be conducted by a certified inspector at the expense of the property owner and a copy of the inspection report shall be submitted to the City Building Inspector on a form prepared by the City. Noncompliance with these inspection provisions shall be treated as a misdemeanor and each day in violation shall be treated as a separate offense.

#11 →
(7) Any on-site sewage treatment system found to be a public nuisance shall be brought into conformity or discontinued within 30 days after receiving written notice from the Building Inspector. Further, as a condition of issuance of any permit to expand the use of any premises served by a individual sewage treatment system, such system shall be inspected and if found to be noncompliant it shall be brought into conformance or its use discontinued within a period of time to be established by the City Building Inspector.

#8

217 Enforcement and Penalty

217.010 This ordinance shall be administered and enforced by the City Planner. The City Planner may institute, in the name of the City of Shoreview, all appropriate actions or proceedings against violators as provided by law. Any person, firm or corporation, who violates or refuses to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

#18

221 Abrogation and Greater Restrictions

221.010 It is not intended by this code to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

#8

220 Warning and Liability Disclaimer

220.010 This ordinance does not imply that areas outside the Flood Plain Districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Shoreview, or any officer or employee thereof, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

#8

219 Separability

219.010 If any part of this ordinance is held to be unconstitutional or otherwise illegal, the remainder of this ordinance shall be deemed and held to be valid and remain in force and effect as if such portion had not been included herein. If this ordinance or any provision herein is held to be inapplicable to any person, property or work, such holding shall not affect the applicability hereof to any other person's property or work.

#18

218 Interpretation and Intent

218.010 In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, prevent undue concentration of population, provide ample parking facilities, regulate the location and operation of businesses, industries, dwellings and buildings for other specified purposes, preserve property values by providing for orderly and compatible development of the various land uses, provide for administration of this ordinance, provide for amendments hereto, and provide for official recording of this ordinance and all amendments hereto.

Glen —

Do you have the 100-year
storm elevation for each of
the city's lakes?

no info. for Poplar	Eng. Files	Surface Water Mgmt. Plan
Poplar		
Grass	882.5	882.2
Turtle	893.0	892.5
Summit	882.4	883.0
Martha	898.5	899.2
Island	946.8	945.6
Judy	945.0	944.3
Emily	920.5	919.8
Webbss	886.0	886.7
Owss	887.0	887.7

Rice Creek - 884.9

I need these for the Shoreland Ord

Thanks RT

10/26

TRANSMISSION REPORT

:CITY OF SHOREVIEW

(OCT 27 '92 19:24)

DATE	START TIME	REMOTE TERMINAL IDENTIFICATION	MODE	TIME	RESULTS	TOTAL PAGES	DEPT. CODE
OCT 27	19:18	612 772 7977	G3ST	06'13"	OK	09	



CITY OF SHOREVIEW

4600 North Victoria Street, Shoreview, MN 55126 • Phone (612) 490-4600 • Fax (612) 490-4699

FAX TRANSMITTAL COVER SHEET

FAX #490-4699

SENT TO: Molly Shideen
MESSAGE FROM: Randy Johnson
DATE: 10/27/92
TIME: _____
DESTINATION FAX NO. 772-7977
NUMBER OF PAGES INCLUDING THIS PAGE: 13

REMARKS

Please call to discuss
this material on Wednesday
10/28 after noon.
Thanks
Molly.