

CITY OF VERGAS
SHORELAND MANAGEMENT ORDINANCE

SECTION 1.0 STATUTORY AUTHORIZATION AND POLICY

1.1 Statutory Authorization This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 105F; Minnesota Regulations, Parts 6120.2500-6120.3900; and the planning and zoning enabling legislation in Minnesota Statutes Chapter 462.

1.2 Policy The uncontrolled use of shorelands of the City of Vergas, Minnesota 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. It is in the best interest of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters thus preserving and enhancing the quality of surface waters, conserving the economic and natural environmental values of shorelands, and providing for the wise use of waters and regulated land resources. This delegation of responsibility is hereby recognized by the city of Vergas.

1.3 Amendments This Ordinance may be amended in whole or in part by the City Council after proper public hearing conducted by the City Council and as provided in Minnesota Statutes. Effective May 5, 1992. * Last sentence omitted as it is 30 years old. Needs revision to be added*

CITY OF VERGAS
SHORELAND MANAGEMENT ORDINANCE

SECTION 2.0 GENERAL PROVISIONS AND DEFINITIONS

2.1 Jurisdiction/Administrative Scope The provisions of this ordinance shall apply to the shorelands of public water bodies as classified in Section 4.0 of this ordinance. Pursuant to Minnesota Rules, Chapter 6120: No lake, pond, or flowage less than 10 acres in size is regulated. A body of water created by a private user where there was no previous shoreland may, at the discretion of the city, be exempt from this ordinance.

2.2 Compliance The use of any shoreland of public waters; the size and shape of the 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 ordinance and other applicable regulations.

2.3 Legal Authority The Zoning Administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitutes a misdemeanor and is punishable as defined by law. Violations of the ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 3.1 of this ordinance.

2.31 In the event of a violation or a threatened violation of this ordinance, the City Council and/or the Zoning Administrator may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations. It shall be the duty of the City Council to institute such action. This will include, but not be limited to, actions for injunctive relief before a court of competent jurisdiction.

2.32 Any taxpayer or taxpayers of the City of Vergas may institute mandamus proceedings in District Court to compel specific performance by the proper officer or officers of any duty required by this ordinance.

2.33 The Zoning Administrator and City Council, in the performance of their duties, shall have free access on all land included in the Shoreland Management use districts.

2.4 Interpretation In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

2.5 Severability If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

2.6 Abrogation and Greater Restrictions It is not intended by this ordinance to repeal, abrogate, or impair any existing ordinances, easements, covenants, or deed restrictions. However, where this or other ordinances impose 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.

2.7 Definitions Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and give this ordinance its most reasonable application. For the purpose of this ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

2.711 Accessory Structure or Facility. Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

2.712 Bluff. A topographical feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18% over a distance for 50 feet or more shall not be considered part of the bluff):

1. Part or all of the feature is located in a shoreland area;
2. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
3. The slope must drain toward the waterbody; and
4. The grade of the slope from the toe of the bluff to a point 25 feet or more above the Ordinary high water level averages 30% or greater.
5. Toe of the bluff is the lower point of a 50 foot segment with an average slope exceeding 18% or the ordinary high water level, whichever is higher.
6. Top of the bluff, for the purpose of measuring setbacks, bluff impact zone, and administering vegetation management standards is the higher point of a 50 foot segment with an average slope exceeding 18%. *MN & OT have Top & Toe here so I added it here instead of under T*

2.713 Bluff Impact Zone. A bluff and land located within 20 feet from the top of a bluff.

2.714 Boathouse. A structure designed and used solely for the storage of boats or boating equipment.

2.715 Building Line. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

2.716 Commercial Planned Unit Developments (PUD's). Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example: hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities.

2.717 Commercial Use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

2.718 Commissioner. The Commissioner of the Department of Natural Resources or his or her designated representative.

2.719 Conditional Use. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist; the use or development conforms to the comprehensive land use plan of the community; and the use is compatible with the existing neighborhood.

2.720 Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features attached or functionally related to a principal use or site; and at any point extending more than 3 feet above ground.

2.721 Duplex, Triplex, Quad. Dwelling structure/s on a single lot, having 2, 3, and/or 4 units, respectively; attached by common walls and each unit equipped with separate sleeping, eating, living and sanitation facilities.

2.722 Dwelling Site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational sites.

2.723 Dwelling Unit. Any structure or portion of a structure, or other shelter designed as short or long-term living quarters for one or more persons, ***pg7 OT has added “which may include areas serving as a kitchen, bathroom and at least one bedroom”**, including rental or timeshare accommodations such as a motel, hotel, and resort rooms and cabins.

2.724 Extractive use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat, not regulated under Minnesota Statutes, section 93.44 – 93.51.

2.725 Forest land conversion. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

2.726 Guest Cottage. A structure used as a dwelling unit **that may contain sleeping spaces, kitchen and bathroom facilities** in addition to those provided in the primary dwelling unit on a lot. **Not in either OT or MN.**

2.727 Hardship. Neither listed in OT or MN – Term defined in Minnesota Statutes, Chapter 462.

2.728 Height of building. The vertical distance between the highest adjoining ***original* OT pg 7** ground level at the building or 10 feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

2.729 Industrial use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

2.730 Intensive vegetation clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

2.731 **Lot.** A parcel of land designed by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

2.732 **Lot width.** The minimum distance between lot lines measured at the midpoint of the building line and side lot lines at the ordinary high water level, if applicable.

2.733 **Nonconformity.** Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.

2.734 **Ordinary high water level.** The boundary of public waters and wetlands shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

2.735 **Planned unit development. (PUD's).** A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, timeshare condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhomes, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

2.736 **Public Waters.** Any waters as defined in Minnesota Statutes, Section 103G.005, Subd. 15, 15a.

2.737 **Residential planned unit development.** A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments (PUD's). To qualify as a residential PUD, a development must contain at least five dwelling units or sites.

2.738 **Semipublic use.** The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

2.739 **Sensitive area.** Areas which due to steep slopes, bluffs, flooding, erosion, limiting soil conditions (shallow soils over groundwater or bedrock, highly erosive or expansive soils), occurrence of vegetation or wildlife in need of special protection, the presence of wetlands or other physical constraints are sensitive to the development. **updated to newer language taken directly from Ottertail.*

2.740 **Setback.** The minimal horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility.

2.741 **Sewage treatment system.** Meaning given under Minnesota Rules, part 7080.1100, Subp.82.

2.742 **Sewer system.** Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

2.743 **Shore impact zone.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

2.744 **Shoreland.** Land located within the following distances from public waters:

- A. 1000 feet from the ordinary high water level of a lake, pond, or flowage; and
- B. 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.

The limits of shorelands may be reduced whenever the waters involved are bounded by topographical divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

2.745 **Significant historic site.** Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or listed in the State Register of Historical Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist of the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered significant historical sites.

2.746 **Steep slopes.** Lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, which are not bluffs.

2.747 **Structure.** Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

2.748 **Subdivision.** Land that is divided for the purpose of sale, rent, or lease, including planned unit developments. **Ottetail says: "Any parcel of land that is divided." Do we want to change?*

OT & MN both have a definition included Sustainability Analysis, do we want to add this?

2.749 **Variance.** Defined in Minnesota Statutes, Section 462.357 Subd. 6 (2).

2.750 **Water-dependent use.** The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of uses typically found in shoreland areas.

2.751 **Water-oriented accessory structure or facility.** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of

its use to surface water, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, patios, and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245 are not a water-oriented accessory structures.

2.752 **Wetland.** Meaning is given under Minnesota Rule, part 8420.0111.

2.753 **Zoning Administer.** The person appointed from time to time by the Vergas City Council to administer this ordinance.

CITY OF VERGAS
SHORELAND MANAGEMENT ORDINANCE

SECTION 3.0 ADMINISTRATION

3.1 Permits Required 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 Section 5.3 of this ordinance. A site permit shall also be obtained prior to moving a structure.

****OT lists in numerical order...1) A new Structure; 2) An expansion to an existing structure; 3) The relocation of an existing structure that exceeds 120 square feet. – it goes into depth for requirements on Shoreland Alteration Permit; movement of any material on slopes and shore impact zone; and states the Permit validity (12 months from date of issue). Do we want to add these? Or replace above?**

3.11 Applications/Inspections. Application for permits shall be made to the Zoning Administrator on the forms provided. The applicant for a Structure or Shoreland Alteration Permit shall file a complete application, which must include a scaled drawing of the proposal, and pay a fee as determined in the Fee Schedule. An onsite inspection may be required prior to issuing permit. **It is the applicant's responsibility to identify and stake all lot lines and road right-of-ways prior to applying for a permit, as well as notifying the Zoning Administrator when the project is ready for inspection.** The applicant shall notify the Zoning Administrator once the building footings have been constructed and upon completion of project.

3.12 Sewage Treatment. Before a site permit is issued, the terms of this Ordinance shall be met. A permit authorizing as addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 5.8, shall be reconstructed or replaced in accordance with the provisions of this Ordinance. The Zoning Administrator shall require use of the city sewer system unless a variance has been issued for an on-site sewage treatment system.

3.13 Zoning Administrator. The Vergas City Council shall from time to time appoint a Zoning Administrator to administer this ordinance. The person appointed need not be a resident of the City of Vergas, and shall serve under the control and at the discretion of the City Council. The City Council hereby delegates to the Zoning Administrator the following duties and responsibilities:

- A. Issue Site Permits and inspect building location following notification by an applicant.
- B. Administer the terms of this Ordinance subject to any required approval of the City Council.
- C. Keep necessary records.
- D. May issue Conditional Use Permits for grading and filling projects of not more than 300 cubic yards for landscaping purposes. He or she may require onsite inspection prior to issuing such a permit.
- E. Where structures exist on the adjoining lots on both sides of a proposed building site, water and road setbacks may be altered without a variance to conform to the adjoining setbacks ("string

test”), provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

3.2 Certificate of Zoning Compliance. The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Subdivision 1. 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 Section 2.3 of this Ordinance.

3.3 Conditional Uses. See Section 5.7 for ordinance provisions.

3.4 Variances. Variances may only be granted in accordance with Minnesota Statutes, Section 462 and are subject to the following:

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

B. No variance may be granted that would allow any use prohibited in the zoning district in which the subject property is located.

3.41 General Provisions. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the City Council must consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

3.42 Application, Notice and Hearing. The applicant for a variance shall file an application at the City Office not less than twenty (20) days prior to the next scheduled meeting of the City Council and pay a fee as set forth in the Fee Schedule when the application is filed. Each application for variance shall be accompanied by a scale drawing of the area under consideration showing the location of any existing structures and any proposed structures. The drawing needs to indicate all setback distances in feet. In addition, the applicant must provide the property’s fire or lake association number when available. In absence of such number, detailed directions to the property must be provided with the application.

A. Within three (3) days of **submitting** an application for a variance, the applicant shall stake the area under consideration and post **their** name and address in a clearly visible location on the property.

B. The Zoning Administrator shall refer the application to the City Council and give notices required by Section 3.5.

C. The City Council shall consider the application at its next regular meeting at which time is available, following compliance with the notice requirements above specified.

3.43 Sewage Treatment. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require nonconforming sewage treatment systems to be abandoned, and replaced by connection to the city sewer system. Reconstruction or replacement of an existing non-conforming sewage treatment system may be allowed only by variance. Non-conforming

uses on lots of record may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that they are consistent with the existing uses in the area.

3.5 Notifications to the Department of Natural Resources and Property Owners

3.51 Conditional Use Permit Applications. Written notice shall be sent to property owners of record within 1/4 mile of the affected property or to the 10 properties nearest the affected property, whichever will provide the greater number of owners. The written notice provided for the above shall be given not less than 14 days prior to the date the City Council will consider said application, although failure of any property owned to receive such notification shall not invalidate the proceedings.

3.52 Variance Applications. Written notice of each hearing on a variance application shall be sent to property owners of record within 500 feet of the affected property. Written notice shall be sent to the City Administrator for the City Council approval. The written notice provided for the above shall be given not less than 14 days prior to the date the City Council for consideration of said application. And again, failure of any property owner to receive such notification shall not invalidate proceedings.

3.53 Amendments. Written notice of each hearing for consideration of amendment/s to the existing controls shall be sent to the City Administrator for the City Council Approval. This shall be given not less than 14 days prior to the hearing at which the amendment/s will be considered.

3.54 Plats. Written notice of each hearing on a proposed plat shall be sent to the property owners of record within ½ mile of a proposed plat. Written notice shall also be sent to the City Administrator (must include a copy of the proposed subdivision). The written notice provided for the above shall be given not less than 14 days prior to the date the City Council will consider said plat, although failure of any property owner to receive such notification shall not invalidate the proceedings.

3.55 Approvals. A copy of approved amendments, plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the City Administrator and postmarked within 10 days of final action. * check use of City Administrator vs Commissioner.

CITY OF VERGAS
SHORELAND MANAGEMENT ORDINANCE

SECTION 4.0 SHORELAND CLASSIFICATION SYSTEM AND LAND USES

4.1 Shoreland Classification System The public waters of the City of Vergas have been classified consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Otter Tail County, Minnesota. Lakes are classified as Recreational Development, General Development or Natural Environment.

4.11 Vergas Lakes. The shoreland area for the waterbodies listed below shall be defined in Section 2 **(don't see listed; shouldn't we add these?)** and shown on the official Zoning Map.

Recreational Development Lakes:

Long Lake and Loon Lake Protected Waters ID# 56-523 **(only 1 # ?)**

General Development Lakes:

Lawrence Lake Protected Water ID# 56-555

4.2 Land Use District Descriptions *Identifies land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality. (pg 10 MN) (pg 95 OT)*

4.21 Descriptions. Shoreland district land uses listed in (Table 1) are regulated as:

- 1) Permitted Use (P) Allowed provided all standards in this ordinance are followed.
- 2) Conditional Use (C) Allowed through a conditional use permit.
- 3) Not Permitted Use (N) Uses are prohibited.

4) A use not listed or that does not have a designated type of use, may be allowed as a conditional use if it is of the same general character as those uses listed as Permitted, or Conditional, provided the use is deemed fitting and compatible to the City of Vergas Planning Commission and the City's Zoning Ordinances, and it is not listed as a Not Permitted use. *(or should this be City Council ?)*

LAND USES	General	Recreational	Natural (pg 96OT) (pg 11 MN)
Agricultural/Crop/Pasture	P	P	
Agricultural/Feedlot	C	C	
Bed & Breakfast			
Boat Access			
Cemetery			
Controlled Access			
Commercial			

Duplex, Triplex, Quad Residential	C	C
Extractive		
Forest Land Conversion		
Historical Sites	C	C
Industrial		
Parks, Playgrounds	C	C
Places of Worship	C	C
Planned Unit Developments	C	C
Single Family Residential	C	C

4.22 Criteria for Designation. The land use districts and the delineation of a land use district's boundaries on the Official Zoning Map must be consistent with the goals, policies and objectives of the comprehensive land use plan when available and should follow criteria and considerations listed below:

A. General for All Land Use:

1. Preservation of natural areas.
2. Present ownership and development of shoreland areas
3. Shoreland soil types and their engineering capabilities.
4. Topographical characteristics.
5. Vegetative cover.
6. In-water physical characteristics, values and constraints.
7. Recreational use of the surface water.
8. Road and service center accessibility
9. Socioeconomic development needs and plans as they involve water and related land resources.
10. The land requirements of industry which, by its nature, requires location in the shoreland areas
11. The necessity to preserve and restore certain areas having significant historical or ecological value.

B. Factors and Criteria for Planned Unit Development:

1. Existing recreational use of the surface waters and likely increases in use associated with planned use developments.
2. Physical and aesthetic impacts of increased density.
3. Suitability of lands for the planned unit developments approach.
4. Level of current development in the area.
5. Amounts and types of ownership of undeveloped lands.
6. Limited expansion of a commercial planned unit development involving up to 6 additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 8.0 of this ordinance are satisfied.

4.23 Use and Upgrading of Inconsistent Land Use Districts.

A. The land use districts adopted in ordinances not specifically dealing with shoreland, as they apply to shoreland areas, and their delineated boundaries on the Official Zoning Map, may not be consistent with the land use district designation criteria specified above. These may continue until revisions are proposed to change or to modify the boundary.

B. When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply:

When a revision to a land use district designation on a lake is considered, the land use district boundaries and the use provisions therein for all the shoreland areas within the jurisdiction of this ordinance on said lake must be revised to make them substantially compatible with the framework in Sections 4.21 and 4.22, except that nonconforming uses on lots of record with the Otter Tail County Recorder may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement establishment or expansion is consistent with existing uses in the area.

C. When an interpretation question arises about whether a specific land use fits within a given "use" category, the interpretation shall be made by the City Council. When a question arises whether a land use district's boundaries are properly delineated on the Official zoning Map, this decision shall be made by the City Council.

D. When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, they will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The City Council will direct the Zoning Administrator to provide such additional information for this waterbody as is necessary to satisfy Items A and B, above.

E. The City Council must make a detailed finding of fact and conclusion when taking final action that this revision and the upgrading of any inconsistent land use district designation on said waterbody, are consistent with the enumerated criteria and use provisions of Section 4.2.

CITY OF VERGAS

SHORELAND MANAGEMENT ORDINANCE

SECTION 5.0 SPECIAL LAND USE PROVISIONS

5.1 Commercial, Industrial, Public and Semipublic Standards

5.11 Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:

1. The use complies with provisions of Section 7;
2. The uses is designed to incorporate topographic and vegetative screening of parking areas and structures;
3. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstruction of navigation and to be the minimum size necessary to meet the need; and
4. Uses that depend on patrons by arriving watercraft may use signs and lighting provided that:
 - a) Signs placed in or on public waters must convey directional or safety measures 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 10 feet above the ground and no greater than 32 sq. feet in size. If illuminated by artificial lights, the lights may be shielded or directed to prevent illumination across public waters. This does not preclude use of navigational lights.

5.12 Uses 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 with be set back double the ordinary high-water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.

5.2 Agricultural Use Standards

5.21 Buffers

1. The shore impact zone for parcels with permitted agriculture land uses is equal to a line parallel to and 50 feet from the ordinary high-water level.
2. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and buff impact zones are maintained in perennial vegetation or operated under an approved conservation plan consistent with **Natural Resource Conservation Service office technigal guide**, and as approved by the local soil and water conservation district.

5.22 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 following standards:

1. Feedlots must be designed consistent with Minnesota Rules, Chapter 7020
2. Feedlots must not further encroach into existing ordinary high-water level setback or the bluff impact zone and must not expand capacity of 1,000 animal units or more
3. Feedlots not currently in operation may resume operation consistent with Minnesota Statute 116.0711. (in both OT & MN).

5.23 Use of fertilizer, herbicides, pesticides, animal wastes or other chemicals within shorelands must be applied in such a way as to minimize runoff into the shore impact zone, or public water by the use of earth or vegetation. (in both OT & MN).

5.3 Forest management Standards

5.31 The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest management Guidelines for Landowners, Loggers and Resource Managers.

5.32 Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district. (in both OT & MN).

5.4 Extractive Use Standards

5.41 Extractive uses are not allowed. Both MN & OT say:

5.41 Extractive uses are conditional uses and must meet the following standards:

A. A site development and restorative plan must be developed, approved, and followed over the course of the operation. The plan must:

1. Address dust, noise, possible pollutant discharges; hours and duration of operation; and anticipated vegetation and topographical alterations;
2. Identify actions to be taken during operation to mitigate environmental impacts, particularly erosion; and
3. Clearly explain how the site will be rehabilitated after extraction activities end.

B. Processing machinery must meet structure setback standards from ordinary high-water levels and bluffs.

5.5 Mining of Metallic Minerals and Peat

5.51 Mining of metallic minerals and peat, as defined in Minnesota Statutes, Section 93.44 – 93.51 is not allowed. Both MN & OT say:

5.51 Mining of metallic minerals and peat is a permitted use provided the provisions of Minnesota Statutes 93.44 – 93.51 are satisfied.

CITY OF VERGAS

SHORELAND MANAGEMENT ORDINANCE

SECTION 6.0 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS

6.1 Lot area and Width Standards