

4.7.3 SHORELAND OVERLAY DISTRICT REGULATIONS

- A. Purpose. The City finds that the protection of lakes, rivers, streams, and watercourses within its boundaries is critical for the health, safety, order, and general welfare of its citizens and to preserve and enhance the quality of surface water and preserve the economic and natural environmental values of Shoreland Authorized by Minnesota Statue Chapter 103F. Protection of Water Recourses and Minnesota Administrative Rules Chapter 6120.2500 – 6120.3900 Shoreland Management. It is the intent of the city to preserve Shoreland areas for the purpose of:
1. Regulating the areas of a lot and the length of water frontage suitable for building sites.
 2. Regulating the alteration of shorelines of public waters.
 3. Regulating alterations of the natural vegetation and the natural topography along shorelands.
 4. Conserving and developing natural resources and maintaining a high environmental quality.
- B. General Provisions
1. Compliance. The use of any Shoreland of public waters; 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 the City Code and other applicable regulations.
 2. Enforcement. The Zoning Administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of these regulations 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) shall constitute a misdemeanor and shall be punishable as defined by law.
 3. Interpretation. In their interpretation and application, the provisions of these regulations 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.
 4. 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 these regulations shall not be affected.
 5. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed

restrictions, the provisions of these regulations shall prevail. All other sections of the Zoning Ordinance inconsistent with these regulations are hereby repealed to the extent of the inconsistency only.

C. Administration.

1. Permits Required. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs) alteration of sewage treatment systems and grading and fill activities in the Shoreland area. The application shall include the necessary information so that the Zoning Administrator can determine the sites suitability.
2. Certificate of Zoning Compliance. The Zoning Administrator shall issue a certificate of compliance for each activity requiring a permit. 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 permit shall be deemed a violation of these regulations.
3. Notification to the Department of Natural Resources. Copies of all notices of any public hearing to consider variances, amendments to these regulations or conditional uses for those lakes and rivers which are classified with the criteria found in Minnesota Regulations 6120.3000 and the Protected Waters Inventory Map for Chisago County, Minnesota, must be sent to the DNR Commissioner or the DNR Commissioner's designated representative and postmarked at least ten days before the hearing. Notice of the hearing to consider proposed subdivisions/plats must include copies of the subdivision/plat. A copy of approved amendments and plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the DNR commissioner or the DNR commissioner's designated representative and postmarked within ten days of final action.
4. Variances
 - a. Variances may only be granted in accordance with Minnesota Statutes and the City Zoning Ordinance as applicable. A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. 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 also 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 property.
 - b. The Planning Commission shall hear and recommend to the City Council for final decision requests for variances in accordance with

the rules that it has adopted for the conduct of business. 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 required in Section 3 above shall also include the Commission's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

- c. For properties with existing sewage treatment systems, a certificate of compliance, consistent with [Minnesota 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.

D. Shoreland Classification System. The public waters of the City of Chisago City have been classified consistent with the criteria found in Minnesota Regulations Part 6120.3300 and the Protected Waters Inventory Map for Chisago County, Minnesota.

1. Lakes and streams.

a.	<u>Natural Environment</u>	
	School (north) (13 - 44)	163 Acres
	Mattson Lake	52 Acres
	Sam Lake	55 Acres
	Birch (13-42)	65 Acres
	Un-named (13-49)	26 Acres
	Un-named (13-52)	31 Acres
	School (south) (13-57)	48 Acres
	Swamp (13-58)	106 Acres
	Hawkinson (13-107)	10 Acres
	Bjorkman (13-108)	10 Acres
	Washington (82-169)	18 acres
	Unnamed (82-176)	10 acres
	Thompson	11 acres
	Unnamed (13-62)	21 acres
	Unnamed (13-36)	24 acres
b.	<u>Recreational Development</u>	
	Martha (13-40)	36 Acres
	Ellen (13-47)	
	Whitestone (13-48)	46 Acres
	Emily (13-46)	25 Acres
c.	<u>General Development</u>	
	Chisago (13-12)	930 Acres
	S. Lindstrom (13-28)	664 Acres
	Wallmark (13-29)	171 Acres
	Green (13-4 1)	1830 Acres
	Comfort Lake (13-53)	220 Acres

d. Tributary Rivers

Sunrise River – from Little Comfort southeast to School Lake (south) and from School Lake (south) southeast to Birch Lake.

E. Zoning Provisions.

1. Lot Area and Width Standards. The lot area and lot width standards for single, duplex, triplex, and quad residential lots created after the date of enactment of this Section for any lake and river classification are the following:

a. Natural Environment Lake, no sewer:

Residential Development	Lot Area (SF) Riparian lots	Lot Area (SF) Non-riparian lots	Lot Width at OHWL (feet) Riparian lots	Lot Width (feet) Non-riparian lots
Single	80,000	80,000	200	200
Duplex	120,000	160,000	300	400
Triplex	160,000	240,000	400	600
Quad	200,000	320,000	500	800

b. Recreational Development Lake, no sewer:

Residential Development	Lot Area (SF) Riparian lots	Lot Area (SF) Non-riparian lots	Lot Width at OHWL (feet) Riparian lots	Lot Width (feet) Non-riparian lots
Single	40,000	40,000	150	150
Duplex	80,000	80,000	225	265
Triplex	120,000	120,000	300	375
Quad	160,000	160,000	375	490

c. General Development Lake, no sewer:

Residential Development	Lot Area (SF) Riparian lots	Lot Area (SF) Non-riparian lots	Lot Width at OHWL (feet) Riparian lots	Lot Width (feet) Non-riparian lots
Single	20,000	40,000	100	150
Duplex	40,000	80,000	180	265
Triplex	60,000	120,000	260	375
Quad	80,000	160,000	340	490

d. Natural Environment Lake, sewer:

Residential Development	Lot Area (SF) Riparian lots	Lot Area (SF) Non-riparian lots	Lot Width at OHWL (feet) Riparian lots	Lot Width (feet) Non-riparian lots
Single	40,000	20,000	125	125
Duplex	70,000	35,000	225	220
Triplex	100,000	52,000	325	315
Quad	130,000	65,000	425	410

e. Recreational Development Lake, sewer:

Residential Development	Lot Area (SF) Riparian lots	Lot Area (SF) Non-riparian lots	Lot Width at OHWL (feet) Riparian lots	Lot Width (feet) Non-riparian lots
Single	20,000	15,000	75	75
Duplex	35,000	26,000	135	135
Triplex	50,000	38,000	195	190
Quad	65,000	49,000	255	245

f. General Development Lake, sewer:

Residential Development	Lot Area (SF) Riparian lots	Lot Area (SF) Non-riparian lots	Lot Width at OHWL (feet) Riparian lots	Lot Width (feet) Non-riparian lots
Single	15,000	10,000	75	75
Duplex	26,000	17,500	135	135
Triplex	38,000	25,000	195	190
Quad	49,000	32,500	255	245

g. Tributary River, sewer and no sewer:

Residential Development	Tributary No sewer Lot Width (feet)	Tributary Sewer Lot Width (feet)
Single	100	75
Duplex	150	115
Triplex	200	150
Quad	250	190

2. Additional Special Provisions

- a. Residential subdivisions with dwelling unit densities exceeding the standards in Section 4.7.3.E.1. are allowed only if designed and approved as residential PUDs in accordance with Section 4.7.3.Q. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must

be met at both the ordinary high water level and at the build line. The sewer lot area dimensions in Section 4.7.3.E.1 can only be used if publicly owned sewer system service is available to the property.

- b. On natural environment lakes, subdivisions of duplexes, triplexes, and quads must also meet the following standards:
 - (1) Each building must be set back at least 200 feet from the ordinary high water level.
 - (2) Each building must have common sewage treatment and water systems that serve all dwelling units in the building.
 - (3) Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building.
 - (4) No more than twenty-five percent (25%) of a lake shoreline can be in duplex, Triplex, and quad developments on natural environment lakes.

F. Placement, Design and Height of Structures.

- 1. Placement of structures on lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where 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 setbacks from the OHWL, provided the proposed building site is not located in a shore impact zone or a bluff impact zone.
- 2. Structures shall be located as follows, except water-oriented accessory structures and facilities in accordance with Section 4.7.3.F.5:

Classes of Public Waters/Lakes	Ordinary high water level setback (feet) Unsewered	Ordinary high water level setback (feet) Sewered	Septic System Location
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	50	50
Tributary river segments	100	50	75

- 3. Additional Structure Setbacks. The following additional structure

setbacks apply, regardless of the classification of the waterbody:

Setback From:	Setback (in feet)
Top of Bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads or streets not classified	20

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

5. Accessory structures and facilities. All accessory structures and facilities, except those that are water-oriented, must meet or exceed structure setback standards. Each residential lot may have one water-oriented accessory structure or facility located closer to public waters than the structure setback if all the following standards are met:
 - a. 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. Detached decks must not exceed eight feet above grade at any point.
 - b. The setback of the structure or facility from the ordinary high water level must be at least ten feet.
 - c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.
 - d. The roof may be used as a deck with safety rails but must not be enclosed or used as a storage area.
 - e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
 - f. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

6. High Water Elevations. Structures must be placed in accordance with any

floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood proofed must be determined as follows:

- a. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level or three feet above the ordinary high water level, whichever is higher.
 - b. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three feet above the ordinary high water level or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with the Chisago City Floodplain regulations. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.
 - c. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this subpart if the structure is 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.
7. Height of Structures. All structures in residential districts, except churches and nonresidential structures, must not exceed 30 feet in height.
8. 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 and lifts must meet all the following design requirements:
- a. Stairways and lifts must not exceed four (4) feet in width on residential lots.
 - b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area.
 - c. Canopies or roofs are not allowed on stairways, lifts, or landings.
 - d. 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.
 - e. 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.

- f. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub items (a) to (e) are complied with an addition to the requirements of Minnesota Regulations, Chapter 1340.
 - 9. Significant Historic Site. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site have been removed and documented in a public repository.
 - 10. Steep Slopes. The applicant must evaluate possible soil erosion impacts and development visibility from public waters before applying for a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, condition 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 waters, assuming summer, leaf-on vegetation.
- G. Shoreland Alterations. Alterations of vegetation and topography is regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.
- 1. Vegetation Alterations.
 - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas are exempt from the vegetation alteration standards that follow.
 - b. Removal or alteration of vegetation is allowed subject to the following standards:
 - (1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
 - (2) In the shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, 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, is not substantially reduced.
- (b) along rivers, existing shading of water surfaces is preserved.
- (c) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

c. Additional Provisions

- (1) No cutting or removal of trees over six inches in diameter measured at breast height within the required building setback shall be permitted unless the trees are dead or diseased. A tree-trimming plan must be submitted and certificate of compliance must be issued by the zoning administrator prior to the removal of any trees.
- (2) Natural vegetation shall be restored insofar as feasible after any construction project is completed in order to retard surface run-off and soil erosion.
- (3) The provisions of this section shall not apply to allowed uses which normally require the removal of natural vegetation or to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

2. Topographic Alterations/Grading and Filling.

- a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways issued under construction permits do not require a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the permits for construction of structures, sewage treatment systems, and driveways.
- b. Public roads and parking areas are regulated by Section 4.7.3.H of this ordinance.
- c. A grading and filling permit is required for:
 - (1) The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - (2) The movement of more than 50 cubic yards of material outside of these areas.

d. The following considerations and conditions are required for construction permits, grading and filling permits, conditional use permits, variances, and subdivisions approvals:

- (1) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland, must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*:
 - (a) sediment and pollutant trapping and retention.
 - (b) storage of surface runoff to prevent or reduce flood damage.
 - (c) fish and wildlife habitat.
 - (d) recreational use.
 - (e) shoreline or bank stabilization.
 - (f) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.

- (2) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
- (3) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
- (4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
- (5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Natural Resources Conservation Service.
- (6) Fill or excavated material must not be placed in a manner

that creates an unstable slope.

- (7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater.
 - (8) Fill or excavated material must not be placed in bluff impact zones.
 - (9) Any alterations below the ordinary high water level of public waters must first be authorized by the DNR commissioner under Minnesota Statutes, sections [103G.245](#) and [103G.405](#).
 - (10) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
 - (11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
- e. Erosion and Sediment Control Plan. An erosion and sediment control plan is required of all new subdivisions and all new commercial and industrial development within the City limits. In addition to the above requirements, the following is required for subdivisions, commercial and industrial development:
- (1) Property boundaries (lot lines).
 - (2) Two (2) foot contours extending fifty (50) feet beyond property lines.
 - (3) A drainage plan of the site delineating the direction and rate stormwater is conveyed from the site. The drainage plan shall show directional site and drainage arrows, identify the location of water quality treatment ponds and areas in which storm water will collect.
 - (4) A delineation of all waterbodies and watercourses development noting the normal and high water levels for ponds, wetlands, and lakes.
 - (5) Percent of grade, and elevations for streets and parking

areas.

- (6) Basement floor elevations.
- (7) Utility plans in the area proposed for development.
- (8) The limits of clearing and grading.
- (9) A site map that identifies vegetative and structural erosion and sediment control measures to be installed, including temporary and permanent sediment and nutrient basins designed according to the procedure below for assessing predevelopment phosphorus export and post-development export of phosphorus.
- (10) A narrative that describes the project, site, erosion and sediment control measures. The narrative must include the sequence of grading and sequence of installation, maintenance and disposition of erosion and sediment control measures, and the construction of permanent and temporary sediment and nutrient basins.
- (11) The requirements for erosion and sediment control plan approval are detailed in the “Minnesota Construction Site Erosion and Sediment Control Planning Handbook” (Minnesota Board of Water and Soil Resources — 1988).

- f. Connections to Public Water. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors will only be allowed after the Department of Natural Resources has approved the proposed connection to public waters.

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

1. 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 are 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.
2. Roads, driveways, and parking areas must meet water body structure setbacks and must not be placed within bluff and shore impact zones.
3. 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 subpart are met and a certificate of compliance is issued by the zoning administrator.

For private facilities, the grading and filling provisions of Section 4.7.3.G.2. must be met.

I. Stormwater Management.

1. Impervious surface coverage of lots must not exceed 25 percent of the lot area for residential uses and 70 percent of the lot area for commercial and industrial uses. The storm water management ordinance shall apply to all shore land development.
2. When constructed facilities are used for storm water management, documentation must be provided by a registered engineer that they are designed and installed consistent with the field office technical guide of the local soil and water conservation district and approved by City Engineer.
3. New constructed storm water outfalls to the public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

J. Special Provisions for Specific Uses.

1. Surface water-oriented 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:
 - a. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - b. 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.
 - c. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - (1) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
 - (2) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey the location and name of the establishment and the general type of goods or services available. The signs must not contain other detailed information such as product brands and

prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters. A sign permit must be obtained from the zoning administrator.

- (3) 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.
2. 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.
 3. Agricultural Use Standards. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) 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 is equal to a line parallel to and 50 feet from the ordinary high water level.
 4. Forest Management Standards. The harvesting of timber associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management “Best Management Practices in Minnesota.”
 5. Extractive use standards. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs. An extractive use site development and restoration plan must be developed, approved by the local government, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
- K. Conditional Uses. Conditional uses allowable within Shoreland areas shall be subject to the review and approval procedures established in Section 3.1 of this ordinance. The following additional evaluation criteria and conditions apply within Shoreland areas.

1. Evaluation Criteria. A thorough evaluation of the waterbody and the topographic, vegetation and soil conditions on the site must be made 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. The site is adequate for public water supply and can be provided public sewer services.
 - 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.

2. Conditions of Approval. The City, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the conditional use permit as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
 - a. Increased setbacks from the OWHL.
 - b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
 - c. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

L. Water Supply and Sewage Provisions

1. Water Supply. Any Public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency. Private wells must be located, constructed maintained and sealed in accordance with or in a more through manner than the Water Well Construction Cod of the Minnesota Department of Health.

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 Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in Minnesota rules Chapter 7080.

M. Nonconforming Uses/Substandard Structures.

1. Legally Established Nonconformities. All legally established nonconforming uses or structures as of the date of these regulations may continue, but they will be managed according to applicable state statutes and other regulations of the City of Chisago City for the subjects of alterations and additions, repair after damages, discontinuance of use, and intensification of use; except that the following standards will also apply in Shoreland areas.
 - a. A lot or parcel of land which was of record as a separate lot or parcel in the office of the Chisago County Recorder or Registrar of Title, on or before January 1, 1973 which is in a residential or agricultural district may be used for single family detached dwelling purposes, without a variance, provided the area and width thereof are within 60 percent of the minimum requirements of these regulations, provided all setback requirements of this ordinance can be maintained and provided it can be demonstrated that either two safe and adequate sewage treatment systems can be installed to service such permanent dwelling or the dwelling is served by sanitary sewer.
 - b. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this ordinance, the lot must not be considered as a separate parcel of land of 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 full requirements of this ordinance.
 - c. Restoration of Nonconforming Uses and Substandard Buildings or Structures. A nonconforming use or substandard building or structure which is damaged or destroyed by fire, flood, wind, earthquake or other calamity may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial destruction, may be continued or resumed, provided that the restoration is started within a period of 180 days and is diligently pursued to completion, unless the damage to such building or structure is equal to 50 percent or more of the replacement cost thereof (as determined by the building official) in which case, the reconstruction shall conform to the provisions of this ordinance, not to exceed the gross square footage of the previous structure.
 - d. Preservation of Nonconforming Uses. Any lawful use of land existing on the effective date of this ordinance may be continued, although such use is not allowed by this ordinance, however, such use of structure shall not be expanded or intensified.

N. Additions/Expansions to Substandard Structures.

1. All additions or expansions to the outside dimensions (including upward expansions) of an existing nonconforming structure must meet the

setback, height, and other requirements of these regulations. Any deviation from these requirements must be authorized by a variance pursuant to these regulations.

2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - a. The structure existed on the date the structure setbacks were established.
 - b. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.
 - c. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive.
 - d. No deck on a nonconforming structure shall exceed 10 feet in width.
 - e. The deck is constructed primarily of wood and is not roofed or screened.
 - f. A certificate of compliance is obtained from the Zoning Administrator.

O. Nonconforming sewage treatment systems. A sewage treatment system not meeting the requirements of the Chisago County Individual Sewage Treatment System Ordinance (OLPCA Standards) must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use, the property, For the purpose of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level. In addition, at time of sale or upon receipt of a complaint, the property shall be inspected and if the sewage system is found to be nonconforming, a new conforming system must be installed within 90 days.

P. Subdivision Provisions.

1. Land Suitability. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis will consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the city of Chisago City.

2. Consistency with Other Controls. Subdivisions must conform to all requirements of this Ordinance. A subdivision will not be approved where a later variance from one (1) or more standards in the official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with current sewage treatment system ordinances. can be provided for every lot. Each lot shall meet the minimum lot size and minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two (2) standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
3. Information Requirements. Subdivision controls must require submission of adequate information to make a determination of land suitability. The information must include at least the following:
 - a. Topographic contours at two (2) foot intervals or less from the U.S. Geological Survey maps or more accurate sources showing limiting site characteristics.
 - b. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1 to be shown on plats obtained from the U.S. Geological Survey quadrangle topographic maps or more accurate sources.
 - c. Adequate soil information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources, or from field investigations such as soil borings, percolation tests or other methods.
 - d. Information regarding adequacy of domestic water supply, extent of anticipated vegetation and topographic alterations, near-shore aquatic vegetation, and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.
 - e. Location of one hundred-year (100) flood plain areas from existing maps or data.
 - f. A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
4. Dedications. Easements must be provided over natural drainage or ponding areas for management of stormwater and significant wetlands.
5. Platting. All subdivisions that create five (5) or more lots or parcels that are two and one-half (2-1/2) acres or less in size must be in accordance with Minnesota Statutes Chapter 505. The City will not approve parcels or

issue building permits for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

6. Controlled access lots. Controlled access lots are only allowed in standard lot and block subdivisions and are not allowed in shoreland PUDs. Lots intended as controlled accesses to public waters or recreation areas for use by owners of nonriparian lots within subdivisions must meet or exceed the following standards:

- a. They must meet the width and size for residential lots and be suitable for the intended uses of controlled access lots. If docking, mooring, or over-water storage of watercraft is to be allowed at a controlled access lot, then the width of the lot must be increased by the percent of the requirements for riparian residential lots for each watercraft provided for by covenant beyond six, consistent with the following table:

Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

- b. They 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.
- c. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must 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, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also 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.

Q. Planned Unit Development (PUD).

1. Any residential subdivision with dwelling unit densities exceeding those in Section 4.7.3.E in the Shoreland District are allowed only if designed and approved as residential PUDs consistent with the standards in this Section.
2. Planned unit developments may occur as new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing building and land.
3. Expansions to existing commercial Planned Unit Developments involving up to six (6) dwelling units or sites, unless the density determined under Section 4.7.3.Q.6. is exceeded, may be allowed as a permitted use. The date of effect of official controls adopted by each local unit of government under this part must be the base date for determination of expansions. Expansions exceeding these limits must be processed as conditional uses and meet the standards in this part.
4. Information Requirements. Applicants must include the following information:
 - a. A site plan for the project showing property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems, and topographic contours at two (2) foot intervals or less, and
 - b. Documents that explain how the project is designed and will function. These ordinarily include covenants that require membership in a property owners association, various easements, a concept statement describing the project, floor plans for structures, and various other drawings and plans.
5. Suitable Area Evaluation. Proposed new or expansions to existing Planned Unit Developments must be evaluated using the following procedures and standards:
 - a. The project parcel must 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:

	Sewered (feet)	UnSewered (feet)
General Development Lakes – First Tier	200	200
General Development Lakes – Second Tier &	200	267

additional tiers		
Recreational Development Lakes	267	267
Natural Environment Lakes	320	400
All river classes	300	300

- b. The suitable area within each tier is next calculated by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters. This area is then subjected to either the residential (Section Q.6.a.) or the commercial (Section Q.6.b.) Planned Unit Development density evaluation steps to arrive at an allowable number of dwelling units or sites.
6. Residential and Commercial PUD Density Evaluation. The procedures for determining the “base” density of a PUD 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 PUD “Base” Density Evaluation. The suitable area within each tier is divided by the minimum single residential lot size for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, divide the tier width by the minimum single residential lot width.
 - b. Commercial PUD “Base” Density Evaluation.
 - (1) Determine the average inside living area size of dwelling units or sites within each tier, including both existing proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, porches, or basements, unless they are habitable space.
 - (2) Select the appropriate floor area ratio from the following table:

**Commercial Planned Unit Development
Floor Area Ratios*
Public Waters Classes**

Average Unit Floor Area (sq. ft.)	Sewered General Development Lakes; First Tier on unsewered general lakes; trib river segments	Second and additional tiers on unsewered general development lakes; recreational development lakes	Natural Environment Lakes
<200	.040	.020	.010

300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1000	.108	.054	.027
1100	.116	.058	.029
1200	.125	.064	.032
1300	.133	.068	.034
1400	.142	.072	.036
>1500	.150	.075	.038

* For average unit floor area less than shown, use the floor area ratios listed for two hundred (200) sf. For areas greater than shown, use the ratios listed for one thousand five hundred (1,500) sf. For recreational camping areas, use the ratios four hundred (400) sf. Manufactured home sites in recreational camping areas must use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for one thousand sf. (1,000).

- (3) Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- (4) Divide the total floor area computed in sub item (3) by the average inside living area size determined in sub item (1). This yields a base number of dwelling units and sites for each tier.

c. Density Increase Multipliers.

- (1) Increases to dwelling unit or dwelling site base densities previously determined are allowable if the design criteria in Section 4.7.3.Q.7. are satisfied. The allowable density increases in subitem (2) below will only be allowed if structure setbacks from the OHWL are increased to a least 50 percent 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 percent greater than the minimum setback.
- (2) Allowable Dwelling Unit or Dwelling Site Density increases for Residential or Commercial PUDs:

Density Evaluation Tiers	Maximum Density Increase within each tier
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	(percent)
First Tier	50%
Second Tier	100%
Third Tier	200%
Fourth Tier	200%
Fifth Tier	200%

7. Maintenance and Design Criteria:

a. Maintenance and Administration Requirements.

(1) Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

(2) Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all the following protections:

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

(3) Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:

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

property and facilities.

b. Open Space Requirements. Planned unit developments must contain open space meeting all the following criteria:

- (1) At least 50 percent of the total project area must be preserved as open space.
- (2) 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.
- (3) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
- (4) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public.
- (5) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
- (6) Open space must not include commercial facilities or uses but may contain water-oriented accessory structures or facilities.
- (7) The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
- (8) The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.

c. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:

- (1) Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must 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 must 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.

- (2) Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 4.7.3.G.
- d. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:
- (1) Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Sections 4.7.3.F. and 4.7.3.L. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
 - (2) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must 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 must be increased in accordance with Section 4.7.3.Q.6.c. for developments with density increases.
 - (3) Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must 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.
 - (4) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent

shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

(5) Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized.

(6) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 4.7.3.F.5. and are centralized.

8. Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following are met:

a. Proposed conversions must be initially evaluated using the same procedures and standards presented in this part for developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

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

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

(1) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.

(2) Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from water.

(3) 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 of substantial alterations. The conditions must 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.

d. Existing dwelling unit or dwelling site densities that exceed standards in this part may be allowed to continue, but must not be allowed to be increased, either at the time of conversion or in the future. Efforts

must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

(Adopted: January 2000. Amended: October 2000, June 2007, June 9, 2009, February 23, 2022, April 26, 2022)