

**1001.23 S, SHORELAND DISTRICT** <sup>27</sup>

**Subd. 1. Purpose.** The purpose of the S, Shoreland District is to manage the effect of shoreland and water surface crowding, to prevent pollution of surface and ground waters of the City, to provide ample space on lots for sewage treatment systems, to minimize flood damages, to maintain property values, and to maintain natural characteristics of shorelands and adjacent water areas via shoreland controls which regulate lot sizes, placement of structures and alterations of shoreland areas.

**Subd. 2. District Authorization.** The shorelands within the City of Rockford are hereby designated as shoreland districts and the requirements set forth in this Ordinance shall govern development and other activities within these districts, pursuant to authorization and policies contained in Minnesota Statutes Chapter 103F, Minnesota Regulations, Parts 6120.2500-6120.3900. The classification of the shoreland areas shall govern the use, alteration and development of these areas according to said classification.

**Subd. 3. District Application.** The S, Shoreland District shall be applied to and superimposed (overlaid) upon all zoning districts of this Ordinance as existing or amended by the text of this Ordinance. The regulations and requirements imposed by the S, Shoreland District shall be in addition to those established for districts which joint apply. Under the joint application of districts, the more restrictive requirements shall apply.

**Subd. 4. District Boundaries.** The boundaries of the S, Shoreland District are established within the following distances from the ordinary high water mark of the surface water depending on the size of the surface water as indicated on the Rockford Shoreland District Map.

Surface Water	District <sup>1</sup>
Greater than ten (10) acres	1,000 feet
Rivers and Streams (draining an area greater than two (2) square miles)	300 <sup>2</sup>
<sup>1</sup> The practical distance may be less whenever the waters involved are bounded by topographical divides which extend landward from the waters for lesser distances and prevent flowage toward the surface water.	
<sup>2</sup> The distance requirement shall be increased to the limit of the floodplain when the floodplain is greater than three hundred (300) feet.	

**Subd. 5. Shoreland Classification.** The surface waters affected by this section and which require controlled development of their shoreland (Shoreland District) are shown on the map designed as the official “Rockford Zoning Map” which is incorporated herein by this reference and filed with the City Clerk . Surface waters generally greater than ten (10) acres and given an identification number by the State of Minnesota as defined in this section and listed below. Other surface waters affected, generally having less than ten (10) acres, are classified as wetland systems.

DNR Identification Number	Name	Classification
--	Crow River, South Fork	AR
86-27W	Spotanski Lake	NE

**Subd. 6. Allowable Land Uses.** The land uses allowable for the S, Shoreland District shall follow the “permitted”, “accessory”, and “conditional” use designations as defined and outlined in the base zoning districts established by Chapters 1001.10 through 1001.23 of this Ordinance.

**Subd. 7. Minimum Lot and Setback Requirements.**

A. Subject to other more restrictive provisions that may be imposed by the Zoning Ordinance, the following chart sets forth the minimum area setbacks and other requirements of each respective classification:

		NE Natural Environment	RD Recreational Development	AR Agricultural River
1.	Minimum lot size above normal high water mark: Non-sewered Sewered - abutting water Sewered - non-abutting	5 acres 40,000 SF 20,000 SF	5 acres 20,000 SF 15,000 SF	NA
2.	Lot Width: Non-sewered Sewered	200 feet 125 feet	150 feet 80 feet	100 feet 80 feet
3.	Setback from ordinary high water mark <sup>(1)</sup> : Non-sewered Sewered	200 feet 150 feet	100 feet 75 feet	100 feet 50 feet
5.	Setback from top of bluff	30 feet	30 feet	30 feet
6.	Maximum impervious surface to area ratio <sup>(2)</sup>	30%	30%	30%
7.	Maximum building height	35 feet	35 feet	35 feet
8.	Side yard setback <sup>(3)</sup>	30 feet	20 feet	20 feet

<sup>1</sup> Setback requirements from the ordinary high water mark shall not apply to boathouses, piers, park buildings or structures, and docks. Boathouses may be permitted to be located up to the ordinary high water mark provided they shall not be used for habitation and they shall not contain sanitary facilities. Where development exists on both sides of a proposed building site, building setbacks may be altered to more closely conform to adjacent building setbacks, provided the proposed building site is not located in a shoreland impact zone or in a bluff impact zone.

<sup>2</sup> Within the C-O District, impervious surface coverage may be allowed to exceed 30 percent provided that all structures and best management practices are in place for the control and treatment of stormwater runoff and a shoreland impact plan is submitted and approved in accordance with Section 1001.23, Subd. 8.B of this Section.

<sup>3</sup> Where feasible and practical, all roads and parking area shall meet the setback requirements established for structures in (c) above. Natural vegetation or other natural materials shall be required in order to screen parking areas when viewed from the water. Parking areas of more than four (4) spaces shall be screened in accordance with a landscaping plan submitted and approved by the City Council.

- B. Substandard Lots. Any lot of record filed in the office of the Hennepin or Wright County Register of Deeds on the effective date of this Ordinance amendment which does not meet the area requirements of this Ordinance may be allowed as a building site subject to approval of a shoreland impact plan and provided:
1. The lot is serviced by municipal sewer and water.
  2. Except for lot area, all other sanitary and dimensional requirements of the Shoreland District are complied with insofar as practical.

**Subd. 8. Development Regulations.**

- A. Applications. Landowners or developers desiring to develop land or construct a dwelling, building, or any other artificial obstruction on land located within any shoreland district within the City of Rockford shall make one of the following applications:
1. Single family dwelling, two family dwelling, or accessory buildings shall submit an application for building permit.
  2. Multiple family, townhomes, commercial, or industrial buildings shall submit application for a site and building plan review as regulated by Section 1001.09, Subd. 12 of this Ordinance.
  3. Subdivision request shall submit an application for preliminary and/or final plat as required by the Rockford Subdivision Ordinance.
- B. Shoreland Impact Plan. The aforementioned applications shall be accompanied by plans for development referred to as a shoreland impact plan which shall set forth proposed provisions to preventing erosion into public waters, infiltrating

rainwater runoff, preserving shoreland aesthetics and historic values, preventing bank slumping, limiting direct and indirect impacts on water quality, and protecting fish and wildlife habitat. A shoreland buffer, consisting of trees, shrubs, and ground cover of native plants and understory, shall be required as part of the plan. Shoreline buffers standards shall include the following:

1. Removal or alterations of natural vegetation, except for forest management or agricultural uses shall follow these standards:
  - a. A shoreline buffer shall exist within the shore impact zone, consisting of trees, shrubs, and low ground cover of native plants and understory in a natural state.
  - b. Vegetation clearing and removal of ground cover, including leaf litter and the forest floor duff layer, within the shore and bluff impact zones and on steep slopes shall not be allowed, except as follows:
    - 1) Limited clearing of trees and shrubs, and cutting, pruning, and trimming of trees to accommodate the placement of stairways and landings, access paths, view corridors, recreation use areas, and permitted water-oriented accessory structures or facilities shall be allowed within the shore impact zone. Trees, shrubs, and a low ground cover consisting of native plants and understory shall be maintained in a natural state within this area. An access path permitted within this area shall not exceed a cleared width of 6 feet and must be oriented generally perpendicular to the shoreline. Only one shoreline recreation use area shall be allowed on each residential lot and it shall not exceed the following dimensions:

<b>Classification</b>	<b>Width</b>	<b>Length</b>
NE	10	15
RD	20	15
AR	30	15

- 2) For conservation subdivisions, planned unit developments and new resorts, shoreline recreation use areas shall be no larger than 20 feet in width along the shoreline for each 100 feet of shoreline, not to exceed 5000 square feet in total area, with the depth of the shoreline recreational area not exceeding 25 feet landward from the ordinary high water level. A perennial ground cover shall be maintained to prevent erosion on all shoreline recreation use areas, and a tree canopy shall cover half of the area to intercept rainfall and lessen erosion potential.

- 3) Limited clearing of trees and shrubs, and cutting, pruning, and trimming of trees to accommodate the placement of stairways and landings, and access paths shall be allowed in bluff impact zones and on steep slopes. Trees, shrubs, and a low ground cover consisting of native grasses and plants shall be maintained in these areas.
      - 4) The removal of dead or dying trees or branches that pose a safety hazard shall be allowed.
    - c. Removal of trees and shrubs within the secondary shoreline buffer zone may be allowed, provided that a well-distributed stand of trees and shrubs are maintained. A well distributed stand of trees and shrubs means that a tree and shrub canopy covers over 50 percent the area. A ground layer of predominantly perennial vegetation, such as grass, flowers, forbs, or preferably native plants, shall be preserved, established or maintained in this area.
2. Use of fertilizer shall not be allowed within the shore impact zone. Use of fertilizer and pesticides elsewhere within the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water.
3. Vegetation within the shore impact zone shall be maintained to screen structures with trees and shrubs so that the structures are at most 50 percent visible from public waters during summer, leaf-on conditions.
4. No impervious surfaces shall be allowed within the shore impact zone, except for boat launches, stairways, lifts or landings, and, where permitted, one water-oriented accessory structure.
5. Open areas and lawns within the shore impact zone, except those allowed in part 1, shall be left unmowed or replanted with native vegetation of trees and shrubs to establish and maintain a vegetative buffer, with a natural ground layer of understory plants.
6. Shoreland controls shall meet or exceed the following standards:
  - a. Filling of any wetlands within the shore impact and secondary shoreline buffer zones shall be prohibited.
  - b. Natural swales, depressions, steep slopes, and topsoil shall be preserved. Alterations to these areas may only be permitted in conjunction with erosion control, stormwater management, and vegetation buffer plans that are approved by the local government and effectively implemented.

- c. Excavation or placement of more than five (5) cubic yards of material within shore impact zone may be permitted provided that erosion control, stormwater management, and vegetation buffer plans are approved by the local government and effectively implemented.
- d. 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.
- e. Mulches or similar materials must be used for erosion control, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
- f. Silt fences or other methods to trap sediments before they reach any surface water feature must be used.
- g. 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 Natural Resources Conservation Service.
- h. Fill or excavated material must not be placed in a manner that creates an unstable slope.
- i. Plans to place fill or excavated material on steep slopes, including the construction of walkout basements, shall be developed by a registered professional engineer for continued slope stability and must not create finished slopes of 30 percent or greater.
- k. Fill or excavated material must not be placed in bluff impact zones.
- l. Any alterations below the ordinary high water level of public waters shall be authorized by the commissioner under Minnesota Statutes, sections 103G.245 and 103G.405 prior to the commencement of any work.
- m. Alterations of topography shall only be allowed if they do not adversely affect adjacent or nearby properties.
- n. Placement of natural rock riprap and retaining walls, where allowed shall comply with regulations adopted pursuant to Minnesota Statutes, section 103G.245. Natural rock riprap shall only be used for the correction of an established erosion problem that cannot be

controlled through the use of native vegetation, slope stabilization using mulch, biomat, or similar bioengineered means. Riprap and retaining walls used for ornamental purposes or for terracing natural slopes shall be prohibited within the shore and bluff impact zones.

7. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be regulated by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters pursuant to Minnesota Statutes, section 103G.245. Structures setbacks and the shore impact zone shall be measured from the excavation.
- C. Bluff Impact Zones. Structures and accessory facilities except stairways, landings, and public utilities shall not be placed within bluff impact zones.
- D. Stairways, Lifts, and Landings. Stairways and lifts, solely for the purpose of pedestrian transportation, 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 the following design requirements:
1. Stairways and lifts shall not exceed four feet (4') in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
  2. Landings for stairways and lifts on residential lots shall not exceed thirty two (32) square feet in area;
  3. Canopies or roofs are not allowed on stairways, lifts, or landings;
  4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, no higher than thirty inches (30") above grade at any one point, or placed into the ground provided they are designed and built in a manner that ensures control of soil erosions;
  5. Stairways, lifts, and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
  6. 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 Section 1001.23, Subd. 8.C of this Ordinance are complied with in addition to the requirements of Minnesota Regulations, chapter 1340.

- E. Steep Slopes: The City Engineer shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- F. Sewage and Waste Disposal: Any premises used for human occupancy shall be provided with an adequate method of sewage disposal to be maintained in accordance with the requirements of Section 401 of the City Code and existing individual on site septic systems in accordance with Minnesota Rules 7080.
- G. Water Supply: Any private supply of water for domestic purposes shall conform to Minnesota Pollution Control Agency, Hennepin and Wright County, and Minnesota Department of Health Standards for water quality and Section 402 of the City Code.
- H. Stormwater Management: The following general and specific standards shall apply in regard to stormwater management within any shoreland district within the City:
1. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
  2. Development shall be planned to minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as soon as possible, and no later than thirty (30) days after completion of the project. All methods of stormwater management shall comply with the Rockford Comprehensive Storm Drainage Plan.
  3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
  4. New constructed stormwater outfalls to public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

5. Stormwater outfalls above the OHW will not need a permit. All stormwater outfalls below the OHW will need to apply for a Pollution Control Agency General Stormwater Permit and a DNR permit.
- I. Placement and Design of Streets, Driveways, And Parking Areas: The following standards shall apply in regard to street, driveway and parking area placement and design within any shoreland district within the City.
    1. Public streets and private driveways and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation shall be provided to the City Engineer that all streets, driveways and parking areas are designed and constructed to minimize and control erosion to public waters consistent with City standards.
    2. Private driveways, and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas by conditional use permit, and must be designed to minimize adverse impacts. Natural vegetation or other natural materials shall be required in order to screen parking areas when viewed from the water. Parking areas of more than four (4) spaces shall be screened in accordance with a landscape plan, submitted and approved by the City Council.
    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.
    4. Fences: Fences shall not exceed forty eight inches (48") in height and shall be at least seventy five percent (75%) open space for passage of air and light inside the ordinary high-water level setback. Fences shall not be located within ten feet (10') from the ordinary high-water mark.

**Subd. 9. Shoreland Alterations:** Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

- A. Vegetation Alterations: The removal of natural vegetation shall be restricted to prevent erosion into public waters, to conserve nutrients in the soil, and to preserve shoreland aesthetics.

1. During the site grading of new subdivision development and other planning actions, any removal of significant trees shall require a tree preservation plan in accordance with the City's subdivision regulations.
2. Natural vegetation shall be restored as soon as feasible after any construction project, but not later than the start of the next growing season.
3. The provisions of this Section shall not apply to vegetation alterations necessary for the construction of structures and the construction of streets and parking areas subject to the following standards:
  - a) In 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, access paths, beach and watercraft access areas or facilities, provided that:
    - 1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
    - 2) Along rivers, existing shading of water surfaces is preserved.
    - 3) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

**B. Grading and Filling Associated With Any Development Project Involving Subdivisions, Commercial, Industrial, Or Multiple- Family Uses:**

1. Grading and filling within shoreland districts, or any alterations of the natural topography where the slope of the land is toward public water or watercourse leading to public water shall be approved by the City Engineer. A permit shall be obtained prior to the commencement of any work thereon. The permit may be granted subject to the conditions that:
  - a. Temporary ground cover such as mulch shall be used and permanent cover such as sod shall be planted as soon as possible.
  - b. Methods to prevent erosion and trap sediment shall be employed in accordance with the Rockford Standard Detail Plates.
  - c. Fill shall not be placed in areas lower in elevation than the normal high-water mark.

- d. Fill shall be stabilized according to accepted engineering standards.
  - e. Fill shall not restrict a floodway or destroy the storage capacity of a flood plain.
  - f. The maximum slope of the finished surface which slopes toward a water body or a watercourse leading to such water body shall be three (3) units horizontal to one vertical.
  - g. Fill or excavated material must not be placed in bluff impact zones.
  - h. Any alterations below the ordinary high-water level of public waters must first be authorized by the Commissioner under Minnesota Statutes section 103G.245.
2. Any work which will change or diminish the course, current, or cross section of a public water shall require a permit from the City Engineer and be approved by the Department of Natural Resources before the work is begun. This includes construction of boat slips, canals, channels and ditches, lagooning, dredging of lake bottoms for the removal of muck, silt or weeds, and filling in the lake bed including low lying marsh areas. Approval will be given only if the proposed work is consistent with applicable State regulations for beds of public waters.

C. Special Provisions for Agricultural, Extractive, and Commercial Uses:

1. Agriculture 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 Hennepin and Wright County 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 fifty feet (50') from the ordinary high-water level.

**Subd. 10. Variances.** Variances may be granted by the City Council upon application as required in Section 1001.03, Subd. 4.A of this Ordinance in extraordinary cases but only when the proposed use is determined to be in the public interest and no variance shall be granted which the Council determines will or has a tendency to:

- A. Impair an adequate supply of light and air to adjacent property.

- B. Unreasonably increase the congestion in the public street.
- C. Have the effect of allowing any uses which are prohibited, permit a lesser degree of flood protection than the flood protection elevation for the particular area, or permit standards which are lower than those required by State Law.
- D. Increase the danger of fire or endanger the public safety.
- E. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of the Chapter.
- F. Violate the intent and purpose of the Comprehensive Plan.
- G. Violate any of the terms or conditions of Item B of Section 1001.03, Subd. 4.A.

**Subd. 11. Conditional Uses.** Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures set forth in Section 1001.03, Subd. 5 of this Ordinance. The following additional evaluation criteria and conditions apply within shoreland areas:

- A. Evaluation Criteria: A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
  - 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
  - 2. The visibility of structures and other facilities as viewed from public waters is limited.

**Subd. 12. Notifications to the Department of Natural Resources.**

- A. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plans must include copies of the subdivision/plat.
- B. A copy of approved amendment and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of final action.

**Subd. 13. Effect of Permit.** The granting of any permit, variance, or subdivision approval under provisions of this Chapter shall in no way affect the owner's capability to obtain the approval required by any other statute, ordinance or legislation of any State agency or subdivision thereof. Approval may be expressly given in conjunction with other permits applied for, but no approval shall be implied from the grant of such permits or from the necessity to apply for a permit as described herein.