

**VICTORIA
ORDINANCE 446 ZC**

**AN ORDINANCE REPEALING AND REPLACING SECTION 22-S SHORELAND DISTRICT
REGULATIONS OF THE VICTORIA ZONING CODE**

NOW THEREFORE, be it ordained by the Council of Victoria, in the State of Minnesota, as follows:

SECTION 1, REPEAL Ordinance No. 294, Ordinance No. 386 and Section 22-S Shoreland District Regulations in the Zoning Code of the City of Victoria.

SECTION 2: AMENDMENT Replace Ordinance 294, Ordinance No. 386 and Section 22 - S Shoreland District Regulations in the Zoning Code of the City of Victoria with the following changes as described by Exhibit A- Shoreland District Regulations

SECTION 3: EFFECTIVE DATE This Ordinance shall be come effective upon its passage and publication in accordance with the law.

SECTION 1: **REPEAL** “DIVISION 22-1 - GENERALLY” of the Victoria Zoning Code is hereby *repealed* as follows:

REPEAL

Sec 22-1-1 Purpose

The uncontrolled use of shorelands affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise use and development of shorelands of public waters. The provisions of this district are to enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands and provide for the wise use of waters and related land resources.

(Code 1975, § 425:01; Code 1998, § 30-211; Ord. No. 190, § 5, 3-18-1993; Ord. No. 294, § 1, 3-28-2002)

Sec 22-1-2 Scope And Jurisdiction

- A. The S shoreland district and regulations shall include all lands located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond or flowage, or 300 feet from a stream (tributary) or the landward extent of a floodplain designated by ordinance, whichever is greater. The limits of shorelands are reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances.
- B. Public lakes, ponds and tributaries covered by the shoreland district and regulations include:
 - 1. *Lakes and ponds.*
 - a. Lake Auburn.
 - b. Lake Bavaria.
 - c. Carl Krey Lake.
 - d. Church Lake.
 - e. Kelzer's Pond.
 - f. Lake Minnetonka.
 - g. Lake Minnewashta.
 - h. Lake St. Joe.
 - i. Schutz Lake.
 - j. Sunny Lake.
 - k. Lake Stieger.
 - l. Stone Lake.
 - m. Lake Tamarack.

- n. Lake Virginia.
- o. Wassermann Lake.
- p. Zumbra Lake.

2. *Tributaries.*

- a. Outlet and pond extending from the south side of Lake Auburn: From basin 10-197 (S.14, T116N-R24W) to basin 10-44 (S.14, T116N-R24W).
- b. Outlet from Lake Stieger to the east side of Lake Auburn: From basin 10-45 (S.11, T116N-R24W) to basin 10-44 (S.11, T116N-R24W).
- c. Outlet from Zumbra Lake and wetlands, including Sunny Lake, to the northwest side of Lake Stieger: From basin 10-41 (S.11, T116N-R24W) to basin 10-133 (S.11, T116N-R24W).
- d. Outlet from Schutz Lake to Lake Minnetonka: From basin 10-18 (S.1, T116N-R24W) to basin 27-133 (S.1, T116N-R24W).
- e. Outlet from northeast side of Lake Tamarack to Lake Virginia: From basin 10-10 (S.7, T116N-R23W) to basin 10-15 (S.6, T116N-R23W).
- f. Inlet to Lake Virginia from Lake Minnewashta: From basin 10-9 (S.5, T116N-R23W) to basin 10-15 (S.6, T116N-R23W).
- g. Outlet from Lake Virginia to Lake Minnetonka: From basin 10-15 (S.6, T116N-R23W) to basin 27-133 (S.6, T116N-R23W).
- h. Outlet from Stone Lake to Zumbra Lake: From basin 10-56 (S.2, T116N-R24W) to basin 10-41 (S.2, T116N-R24W).
- i. Unnamed tributary to Lake Stieger: From S.13, T116N-R24W to basin 10-45 (S.12, T116N-R24W).

Said areas are zoned and mapped shoreland district.

(Code 1998, § 30-212; Ord. No. 190, § 5, 3-18-1993; Ord. No. 202, § 6, 8-23-1994; Ord. No. 294, § 1, 3-28-2002)

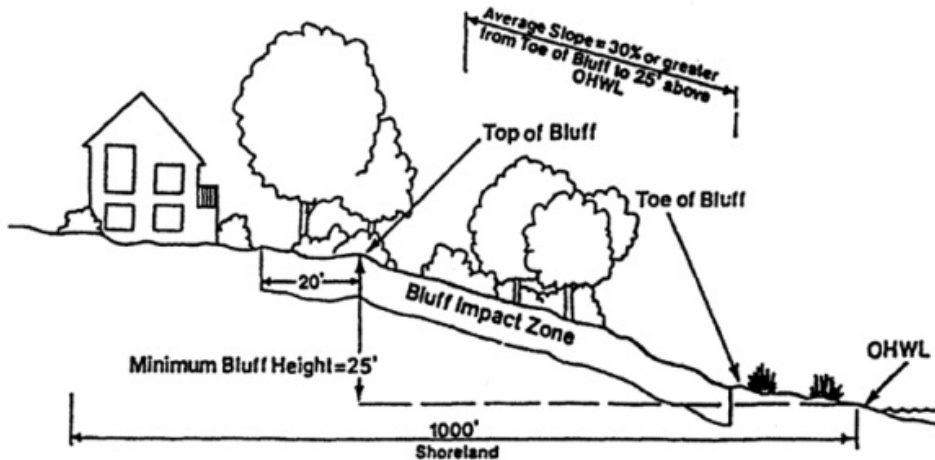
Sec 22-1-3 Definitions

The following words, terms and phrases, when used in this SECTION, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure or facility means a 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.

Bluff means a topographic feature such as a hill, cliff or embankment having the following characteristics (an area with an average slope of less than 18 percent over a horizontal distance of 50 feet or more shall not be considered part of the bluff):

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least 25 feet above the ordinary high water level of the water body;
- C. 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 percent or greater; and
- D. The slope must drain toward the water body.



Bluff impact zone means a bluff and land located within 20 feet beyond the top of bluff.

Boathouse means a structure designed and used solely for the storage of boats or boating equipment.

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

Clear cutting. See Intensive vegetation clearing.

Deck means 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 three feet above the ground. A deck is a structure or part of a structure.

Extractive use means the use of land for surface or subsurface removal of sand, gravel or rock.

Intensive vegetation clearing (clear cutting) means the complete removal of trees or shrubs in a patch or block having an area of at least 2,000 square feet, or a strip or row having a length of at least 50 feet.

Nonriparian lot means a lot which does not abut (separated by a distance of 100 feet or greater from the ordinary high water level) a natural environment lake, recreational development lake or pond, or a general development lake, but which is located within 1,000 feet of such lake or pond, or such lesser distance, when bounded by topographic divides which extends landward from the waters for lesser distance and, when so mapped, is within the shoreland district and which is subject to the provisions of this SECTION.

Ordinary high water level (OHWL) means the boundary of public waters and wetlands, and 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.

Riparian lot means a lot which abuts a natural environment lake, recreational development lake or pond, or a general development lake and which is subject to the provisions of this SECTION. When any portion of a lot is located within 100 feet of the ordinary high water level, the entire lot is considered a riparian lot.

Shore impact zone means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland means the area designated as such on the city's zoning map which can also be described as land located within the following distances from public waters: One thousand feet from the ordinary high water level of a lake, pond or flowage, or 300 feet from a stream or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands are reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances.

Surface water-oriented commercial use means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conduct of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

Toe of the bluff means the lower point of a 50-foot segment, measured horizontally with an average slope exceeding 18 percent.

Top of the bluff means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.

Water-oriented accessory structure or facility means a small, aboveground building or other improvement, except stairways, fences, docks and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fishhouses, pumphouses and detached decks.

Wetlands means areas that are regulated and protected under state law and are limited to the following wetlands that have been designated as protected waters which are 2½ or more acres in size:

- A. Type 3 wetlands, inland shallow fresh marshes often covered with as much as six inches or more of water;
- B. Type 4 wetlands, inland deep fresh marshes often covered with six inches to three feet or more of water during the growing season; and
- C. Type 5 wetlands, inland open fresh water usually less than ten feet deep and fringed by a border of emergent vegetation.

(Code 1998, § 30-213; Ord. No. 190, § 1, 3-18-1993; Ord. No. 294, § 1, 3-28-2002)

~~DIVISION 22-1 - GENERALLY (Repealed)~~

~~See 22-1-1 Purpose (Repealed)~~

~~See 22-1-2 Scope And Jurisdiction (Repealed)~~

~~See 22-1-3 Definitions (Repealed)~~

SECTION 2: **REPEAL** “DIVISION 22-2 - REGULATIONS” of the Victoria Zoning Code is hereby *repealed* as follows:

REPEAL

Sec 22-2-1 Shoreland Classification And Ordinary High Water Level (OHWL)

The public waters of the city and adjacent areas in a S shoreland district are classified as follows:

Classification	DNR I.D. Number	Ordinary High Water Level	Year of Source
Natural environment lakes:			
Carl Krey Lake	10-50 P	No data	–
Lake St. Joe	10-11 P	945.2	1983
Sunny Lake	10-134 P	No data	–
Stone Lake	10-56 P	No data	–
Lake Tamarack	10-10 P	965.5	1990
Recreational development lakes and ponds:			
Lake Auburn	10-44 P	941.0	1982 established
Church Lake	10-46 P	No data	–
Kelzer's Pond	10-47 W	956.5	1992 established
Lake Minnewashta	10-9 P	944.5	1983
Schutz Lake	10-18 P	949.1	1982
Lake Stieger	10-45 P	943.7	2000
Lake Virginia	10-15 P	929.8	1973
Wassermann Lake	10-48 P	944.3	1991
Zumbra Lake	10-41 P	943.3	1978
General development lakes:			
Bavaria Lake	10-19 P	No data	–
Lake Minnetonka	27-133 P	929.4	1978

(Code 1998, § 30-236; Ord. No. 190, § 5(415.03), 3-18-1993; Ord. No. 286, § 1, 6-22-2000; Ord. No. 294, § 1, 3-28-2002)

Sec 22-2-2 Permitted Uses

Within the S shoreland district, no building or land shall be used, except as provided for in the underlying zoning district.

(Code 1998, § 30-237; Ord. No. 190, § 5(415.04), 3-18-1993; Ord. No. 294, § 1, 3-28-2002)

Sec 22-2-3 Conditional Uses

Within the S shoreland district, no building or land shall be used, except as provided for in the underlying zoning district, except no extractive use (removal of more than 100 cubic feet of sand, gravel or rock) shall be allowed.

(Code 1998, § 30-238; Ord. No. 190, § 5(415.05), 3-18-1993; Ord. No. 202, § 7, 8-23-1994; Ord. No. 294, § 1, 3-28-2002)

Sec 22-2-4 Accessory Uses

Within the S shoreland district, one accessory structure shall be permitted per individual lot and no accessory use of buildings, accessory building or accessory use of land shall be allowed except those permitted in the underlying zoning district, except that one water-oriented accessory structure is allowed, provided it is designed, constructed and maintained in accordance with the design and development standards of this SECTION for a water-oriented accessory structure.

(Code 1998, § 30-239; Ord. No. 190, § 5(415.06), 3-18-1993; Ord. No. 294, § 1, 3-28-2002)

Sec 22-2-5 Minimum Lot Area And Lot Width

A. The minimum lot area and minimum lot width for single-family, duplex, triplex and quad residential lots and structures within the shoreland area and, when allowed by the underlying zoning district, are as set forth in the charts in this section. Only land above the ordinary high water level of public waters can be used to meet lot area requirements if the lot is platted or established after March 31, 1993.

1. Natural environment lakes; sewer property:

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	Area (square feet)	Width (feet)	Area (square feet)	Width (feet)
Single	43,560*	125	20,000	125
Duplex	70,000	135	20,000	125
Triplex	See section 22-2-6			
Quad				

* The required minimum lot area and lot width may be reduced by up to 25 percent if at least an equal amount is dedicated for useable public park and open space, subject to approval by the city council after review by the planning commission.

2. Recreational development lakes; sewer property:

	Riparian Lots		Nonriparian Lots	
	Area (square feet)	Width (feet)	Area (square feet)	Width (feet)
Single	43,560*	125	20,000	125
Duplex	43,560	125	20,000	125
Triplex	See section 22-2-6			
Quad				

* The required minimum lot area and lot width may be reduced by up to 25 percent if at least an equal amount is dedicated for useable public park and open space, subject to approval by the city council after review by the planning commission.

3. General development lakes; sewer property:

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	Area (square feet)	Width (feet)	Area (square feet)	Width (feet)
Single	40,000*	110	21,780	110
Duplex	N/A	N/A	N/A	N/A
Triplex	See section 22-2-6			
Quad				

* The required minimum lot area and lot width may be reduced by up to 25 percent if at least an equal amount is dedicated for useable public park and open space, subject to approval by the city council after review by the planning commission.

4. Tributaries; sewer property. Lots shall meet the lot requirements of the lake to which the water flows.
- B. Unsewered properties shall not be developed in the shoreland zone unless it is a lot of record and contains at least one acre. For lots of record in unsewered areas, the minimum lot size is five acres. The minimum water frontage and lot width at the building line is 270 feet. The structure setback for OHWL is 200 feet for a natural environment lake and 100 feet for recreational development and general development lakes. The sewage system setback from ordinary high water is 150 feet for natural environment lakes and 100 feet for recreational development and general development lakes. Private sewage treatment systems must meet or exceed requirements set forth in chapter 7080 Minnesota Pollution Control Agency Individual Sewage Treatment Systems and other state and city code requirements.
- C. Reconstruction is required for nonconforming systems whenever an expansion or addition of a bedroom or bathroom is proposed or a variance for the property is required. For the purposes 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.
- D. The city program to upgrade nonconforming systems is:
 1. A systematic review of existing records to determine which systems in the city are nonconforming and requiring reconstruction when practicable.
 2. Upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed two years.
 3. Sewage systems installed according to all applicable local shoreland management standards and all other state and local codes and regulations.

(Code 1998, § 30-240; Ord. No. 190, § 5(415.07), 3-18-1993; Ord. No. 202, § 8, 8-23-1994; Ord. No. 225, § 2, 4-18-1996; Ord. No. 294, § 1, 3-28-2002; Ord. No. 386, § 1, 9-22-2014)

Sec 22-2-6 Density; Multiple-Family Development

Where multiple-family development is allowed by the underlying zoning district, the minimum lot area per multiple-family dwelling unit in a S shoreland district shall be as follows:

	Natural Environment Lake	Recreational Development Lake	General Development Lake	Tributary
Tier* 1	Area within 320 feet of OHWL	Area within 267 feet of OHWL	Area within 200 feet of OHWL	Area within 300 feet of OHWL
	35,000 square feet/dwelling unit	17,500 square feet/dwelling unit	N/A	17,500 square feet/dwelling unit
Tier 2	Area from 320 feet of OHWL to 1,000 feet from OHWL	Area from 267 feet of OHWL to 1,000 feet from OHWL	Area from 200 feet of OHWL to 1,000 feet from OHWL	
	17,500 square feet/dwelling unit or the underlying zoning, whichever is greater	13,000 square feet/dwelling unit or the underlying zoning, whichever is greater	9,000 square feet/dwelling unit or the underlying zoning, whichever is greater	
Central Business District	N/A	Area within 1,000 feet of OHWL	N/A	N/A
		3,000 sq. ft./d.u.		

* A tier is a land area approximately parallel to a line that identifies the ordinary high water level at various intervals (320 feet, 267 feet, 200 feet and 300 feet), proceeding landward.

(Code 1998, § 30-241; Ord. No. 190, § 5(415.08), 3-18-1993; Ord. No. 202, § 9, 8-23-1994; Ord. No. 265, § 1(415:08), 11-12-1998; Ord. No. 294, § 1, 3-28-2002)

Sec 22-2-7 Nonconforming Lots Of Record

- A. Lots in Deer Run, 8th Addition, and lots of record in an S shoreland district filed in the office of the county recorder on or before March 31, 1993, that do not meet the requirements of this SECTION are allowed as building sites and are not required to meet lot size, provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, the lot was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this SECTION are met.
- B. If, in a group of two or more contiguous lots under the same ownership other than the original subdivider of the property, any individual lot does not meet the requirements of this SECTION, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this SECTION to the extent possible. Plats approved by the city after January 1, 1990, are exempt from this section.

(Code 1998, § 30-242; Ord. No. 190, § 5(415.9), 3-18-1993; Ord. No. 202, § 10, 8-23-1994; Ord. No. 265, § 3(415:11), 11-12-1998; Ord. No. 294, § 1, 3-28-2002)

Sec 22-2-8 Additions And Expansions To Nonconforming Structures

All additions or expansions to the outside dimensions of an existing nonconforming structure in a S shoreland district must meet the setback, height and other requirements; however, additions or expansions to the outside dimension of an existing structure may be permitted without a variance, provided that they do not cause a further reduction of the closest existing principal structure setback from the ordinary high water level. Deck additions to a principal structure may be allowed without a variance and need not meet 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 20 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. The deck is constructed primarily of wood and is not roofed or screened.

(Code 1998, § 30-243; Ord. No. 190, § 5(415.10), 3-18-1993; Ord. No. 294, § 1, 3-28-2002)

Sec 22-2-9 Minimum Setbacks And Building And Structure Heights

The minimum setback for buildings and structures for sewerred property in a S shoreland district is as follows:

	Natural Environment Lake	Recreational Development Lake	General Development Lake	Tributary
Setback from ordinary high water level	150* ¹	100* ¹	100* ¹	100* ¹
Setback for one water-oriented accessory structure or building from ordinary high water level	10	10	10	10
Front yard setback	See underlying zoning regulations* ^{1,2}			
Side yard setback	See underlying zoning regulations* ^{1,2}			
Additional structure and building setbacks				
(1) Top of bluff	30	30	30	30
(2) Unplatted cemetery	50	50	50	50
(3) Right-of-way line of federal, state or county highway	50	50	50	50
Maximum building and structure height	35* ¹	35* ¹	35* ¹	35* ¹

When a dwelling is located on adjacent properties on both sides of a proposed dwelling or addition and the location of the dwellings and adjacent shoreland with the ordinary high water level (OHWL) are designated on a certified survey, the minimum setback may be determined by using the average setback to the OHWL of the dwellings on the adjacent properties, provided the setback is not reduced to less than two-thirds of this requirement and does not encroach into the bluff impact zone.

¹ For lots of record with an existing structure that will be removed, or nearly removed (down to the existing foundation), the following additional setbacks and structure heights apply:

- A. No principal structure shall be located closer than 50 feet from the OHWL and no variance shall be granted for a shoreland setback of less than 50 feet from the OHWL.
- B. The required combined (total of both side yards) side yard setback shall be increased by one foot for every one foot that the principal structure encroaches into the setback required by this section (i.e., a principal structure with a 75-foot setback shall have a combined side yard setback of 55 feet, 30 25) with no individual setback being less than 15 feet.
- C. The maximum building and structure height shall be reduced by one-fourth foot for every one foot that the principal structure encroaches into the setback required by this section (i.e., a principal structure with a 75-foot setback shall be required to have a maximum building and structure height of 28.75 feet).

² At the sole discretion of city council, required front and side yard setbacks may be reduced in conjunction with land development when deemed necessary to better protect bluffs, better protect other sensitive environmental features, or to reduce overall hardcover by limiting driveway lengths; but in no event shall front yard setbacks be less than 20 feet, or side yard setbacks less than ten feet.

(Code 1998, § 30-244; Ord. No. 190, § 5(415.11), 3-18-1993; Ord. No. 202, § 11, 8-23-1994; Ord. No. 229, § 1, 7-18-1996; Ord. No. 265, § 2(415:11), 11-12-1998; Ord. No. 294, § 1, 3-28-2002; Ord. No. 386, § 2, 9-22-2014)

Sec 22-2-10 Design And Development Standards

The design and development standards in an S shoreland district are established to ensure the purposes of shoreland zoning are accomplished including preservation and enhancement of the surface waters and the natural environment. Before any building permit is approved, the administrative official shall determine whether the proposed use will conform to the design and development standards. The applicant or owner shall supply data necessary to demonstrate such conformance.

- A. *Structures and high water elevation.* Structures must be placed in accordance with floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including the basement, is placed or floodproofed must be 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. Water-oriented accessory structures may have the lowest floor placed lower than this elevation 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.
- B. *Water-oriented accessory structures.* Each lot may have one water-oriented accessory structure not meeting the normal structure setback in this SECTION, if the water-oriented accessory structure complies with the following provisions:
 - 1. 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.
 - 2. The setback of the structure or facility from the ordinary high water level must be at least ten feet.
 - 3. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.
 - 4. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
 - 5. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
 - 6. As an alternative, on general development and recreational development water bodies, 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.
- C. *Docks.* Docks are permitted as an exception to the water-oriented accessory structure and are permitted as accessory structures subject to the following:
 - 1. Docks, whether permanent or floating structures, shall not be built or used until the principal building is constructed and until a permit to use the dock is first obtained from the city council, except as provided in section 109-325.
 - 2. Docks shall be limited to one per lot of record or parcel and the docks shall be operated and

maintained solely for the use of the person to whom the use permit has been issued, and not for the benefit of others in the commercial enterprise or for a service charge, except as provided in section 109-325.

3. A multiple or commercial dock shall be a conditional use within the shoreland area.
 4. No dock facility or permanent or floating structure shall be constructed or located within ten feet of the side lot line projected into the lake. No dock facility shall extend into the lake a distance greater than the width of a lot at the shoreline or 200 feet, whichever is the lesser.
- D. *Bluff impact zones.* No structures or accessory facilities, except stairways and landings, shall be placed within bluff impact zones.
- E. *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 the following design requirements:
1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties and public open-space recreational properties.
 2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties and public open-space recreational properties.
 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, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 5. 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.
 6. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas.
- F. *Steep slopes.* The administrative official shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion, to preserve existing vegetation, and to screen structures, vehicles and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- G. *Significant historic sites.* 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 has been removed and documented in a public repository.
- H. *Shoreland alterations; vegetation alterations.* Alterations of vegetation 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.
1. Vegetation alteration necessary for the construction of structures and the construction of roads and parking areas regulated by this SECTION are exempt from the vegetation alteration standards that follow.
 2. Removal or alteration of vegetation is allowed, subject to the following standards:
 - a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
 - b. 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 paths, beach and watercraft access areas, and permitted water-oriented accessory structures 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 tributary streams, 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.
- I. *Shoreland alterations; topographic alterations; grading and filling.* Shoreland alterations, topographic alterations and grading and filling standards are as follows:
1. Grading and filling and excavations necessary for the construction of structures, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this SECTION must be incorporated

into the issuance of permits for construction of structures and driveways.

2. Public roads and parking areas are regulated by this SECTION.
3. A grading and filling permit is required for:
 - a. The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - b. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
4. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
 - a. 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:
 - (1) Sediment and pollutant trapping and retention;
 - (2) Storage of surface runoff to prevent or reduce flood damage;
 - (3) Fish and wildlife habitat;
 - (4) Recreational use;
 - (5) Shoreline or bank stabilization; and
 - (6) 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 state department of natural resources or the United States Army Corps of Engineers. The applicant will be so advised.
 - b. 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.
 - c. 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.
 - d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
 - e. 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 Soil Conservation Service.
 - f. Fill or excavated material must not be placed in a manner that creates an unstable slope.
 - g. 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.
 - h. Fill or excavated material must not be placed in bluff impact zones.
 - i. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner of the state department of natural resources.
 - j. 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.
 - k. 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.

J. *Roads, driveways and parking areas.* Road, driveway and parking area standards are as follows:

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.
2. Roads, driveways and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
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 section are met.

K. *Stormwater management.* The following general and specific standards shall apply:

1. *Use natural system.* When possible, existing natural drainageways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.
2. *Minimize impact.* Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site. 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 must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and manmade materials and facilities.
3. *Maximum hard cover.* Impervious surface coverage of lots must not exceed the following:

MAXIMUM IMPERVIOUS SURFACE COVERAGE

Zoning Districts	Natural Environment Lake	Recreational Development Lake	General Development Lake	Tributary Agricultural district
Agricultural preservation district	10	10	10	10
Residential district; Lake Minnetonka residential district	25	25	25	25
General industrial district	40	40	40	40
Office and limited commercial district; Neighborhood commercial district; Light industrial district	40	40	40	40
Central Business District	N/A	80	N/A	N/A

4. *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. 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. Property within said area shall have a filter strip which may be a relatively uniform grass area or grass waterway. Property not in compliance shall have the required filter strip by June 15, 1997.

(Code 1998, § 30-245; Ord. No. 190, § 5(415.12), 3-18-1993; Ord. No. 202, §§ 12, 13, 8-23-1994; Ord. No. 294, § 1, 3-28-2002)

- A. *Notices.* Notice of any public hearing to consider variances, amendments or conditional uses in the S shoreland district shall be sent to the commissioner of the state department of natural resources or the commissioner's designated representative at least ten days before the hearing. Setback variances from the ordinary high water level involving developed lots are exempt.
- B. *Approvals.* A copy of approved amendments and final decisions granting variances or conditional uses in the S shoreland district shall be sent to the commissioner of the state department of natural resources or the commissioner's designated representative within ten days of final action.

(Code 1998, § 30-246; Ord. No. 190, § 5(415.13), 3-18-1993; Ord. No. 202, § 14, 8-23-1994; Ord. No. 294, § 1, 3-28-2002)

Sec 22-2-12 City Zoning Map To Include Shoreland District

The city's zoning map is hereby amended and adopted to include the S shoreland district as a map on the city's official zoning map.

(Code 1998, § 30-247; Ord. No. 190, § 6, 3-18-1993; Ord. No. 294, § 1, 3-28-2002)

Sec 22-2-13 Multiple-Family Residential Shoreland Planned Unit Development

The city allows multiple-family residential planned unit development within all general development lake and recreation development lake districts within the corporate city limits. Multifamily residential shoreland planned unit developments shall be subject to the standards and procedures set forth in SECTION 32 of this Code, governing planned unit developments, with the following additional requirements:

- A. *Site area.* The multiple-family residential shoreland planned unit development must be at least ten acres in size.
- B. *Open space preservation.*
 - 1. At least 50 percent of the project area must be retained as open space. Dwelling unit area, roadways, parking areas, and any additional spaces may not be included in the open space calculation.
 - 2. Open space must include areas with physical characteristics unsuitable for development in their natural state.
 - 3. Open space may include outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.
 - 4. 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 the open space.
 - 5. The city's formal park dedication shall be taken on top of the DNR required 50 percent open space.
- C. *Design of facilities and structures.*
 - 1. Multiple-family residential shoreland planned unit developments must be connected to city sewer and water.
 - 2. Multiple-family residential structures and accessory structures must be designed and located to meet the following shoreland dimensional standards:
 - a. Setback from the ordinary high water level must be 150 percent of the minimum setback in a single-family residential area.
 - b. Bluff line.
 - c. Building height.
 - d. Impervious surface coverage.
 - 3. Shore recreational facilities, including, but not limited to, swimming area, docks, and watercraft mooring area and launching ramps must be centralized and located in suitable areas. Evaluation of suitability must take into consideration land slope, water depth, vegetation, soils, depth to groundwater and other relevant factors.
 - 4. Parking and driveway areas, accessory structures, and other facilities must be designed in conformance with this SECTION, governing shoreland districts, SECTION 33 of this Code, governing landscaping, and SECTION 33 of this Code, governing planned unit developments.
 - 5. Multiple-family residential density-shoreland planned unit development. Where multiple-family residential shoreland planned unit development is allowed, the minimum lot area per dwelling unit

shall be as follows.

	General Development Lake	Recreational Development Lake
Tier 1	Area within 200 feet of OHWL	Area within 267 feet of OHWL
	N/A	1.0 units per 13,333 sq. ft. of land*
Tier 2	Area from 200 feet of OHWL to 1,000 feet from OHWL	Area from 267 feet from OHWL to 1,000 feet from OHWL*
	1.0 units per 5,000 sq. ft. of land or underlying zoning, whichever is greater*	1.0 units per 7,500 sq. ft. of land or underlying zoning, whichever is greater*

* Land area is based on the total land use area, excluding waterways, wetlands, and bluff line areas.

(Code 1998, § 30-248; Ord. No. 265, § 4(4.15:14), 11-12-1998; Ord. No. 294, § 1, 3-28-2002)

~~DIVISION 22-2 – REGULATIONS (Repealed)~~

~~See 22-2-1 Shoreland Classification And Ordinary High Water Level (OHWL) (Repealed)~~

~~See 22-2-2 Permitted Uses (Repealed)~~

~~See 22-2-3 Conditional Uses (Repealed)~~

~~See 22-2-4 Accessory Uses (Repealed)~~

~~See 22-2-5 Minimum Lot Area And Lot Width (Repealed)~~

~~See 22-2-6 Density; Multiple Family Development (Repealed)~~

~~See 22-2-7 Nonconforming Lots Of Record (Repealed)~~

~~See 22-2-8 Additions And Expansions To Nonconforming Structures (Repealed)~~

~~See 22-2-9 Minimum Setbacks And Building And Structure Heights (Repealed)~~

~~See 22-2-10 Design And Development Standards (Repealed)~~

~~See 22-2-11 Notification To State Department Of Natural Resources (Repealed)~~

~~See 22-2-12 City Zoning Map To Include Shoreland District (Repealed)~~

~~See 22-2-13 Multiple Family Residential Shoreland Planned Unit Development (Repealed)~~

SECTION 3: **ADOPTION** “Sec 22-1 Statutory Authorization And Policy” of the Victoria Zoning Code is hereby *added* as follows:

ADOPTION

Sec 22-1 Statutory Authorization And Policy (*Added*)

A. Statutory Authorization. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Rules, Parts 6120.2500 - 6120.3900, as may be amended from time to time, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462 as may be amended from time to time.

B. **Policy.** 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 and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Victoria.

SECTION 4: ADOPTION “Sec 22-2 General Provisions And Definition” of the Victoria Zoning Code is hereby *added* as follows:

ADOPTION

Sec 22-2 General Provisions And Definition(*Added*)

- A. **Jurisdiction.** The provisions of this ordinance apply to the shorelands of the public water bodies as classified in Sec. 22-4-A of this ordinance for which the City has planning and zoning authority. Pursuant to [Minnesota Rules, Parts 6120.2500 - 6120.3900](#), no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government’s shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.
- B. **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- C. **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 to 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, are measured horizontally.

Accessory dwelling unit (ADU). Means a residential dwelling unit located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building.

Accessory structure. Means any building or improvement subordinate to a principal use.

Animal feedlot. Means a facility as defined by [Minnesota Rules, part 7020.0300](#).

Bluff. Means a topographic feature such as a hill, cliff, or embankment having the following characteristics:

- a. Part or all of the feature is located in a shoreland area;
- b. The slope must drain toward the waterbody.
- c. The slope rises at least 25 feet above the ordinary high water level;
- d. 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 percent or greater (see Figure 1), except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff (see Figure 2).

Figure 1. Illustration of Bluff

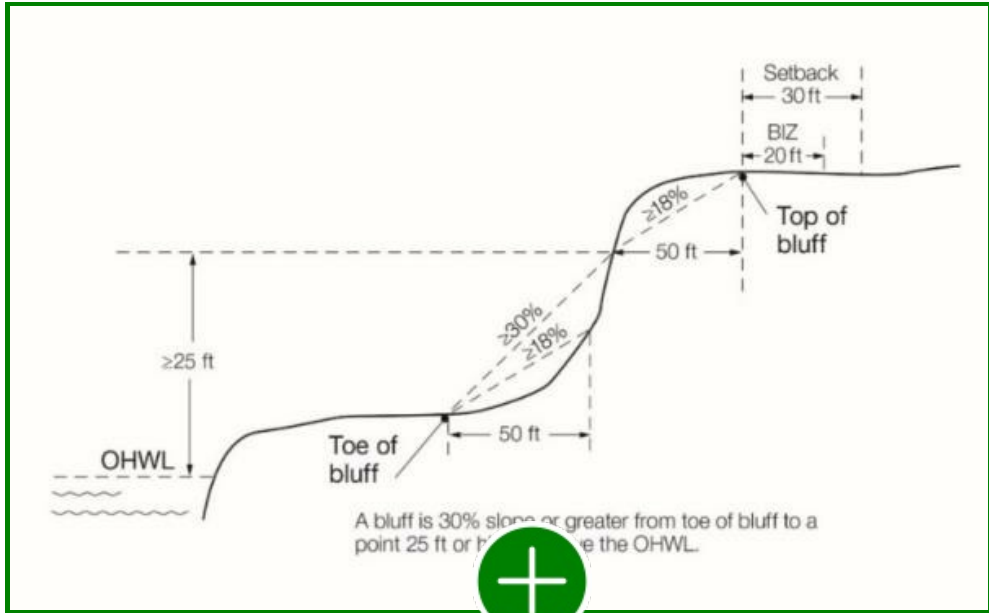
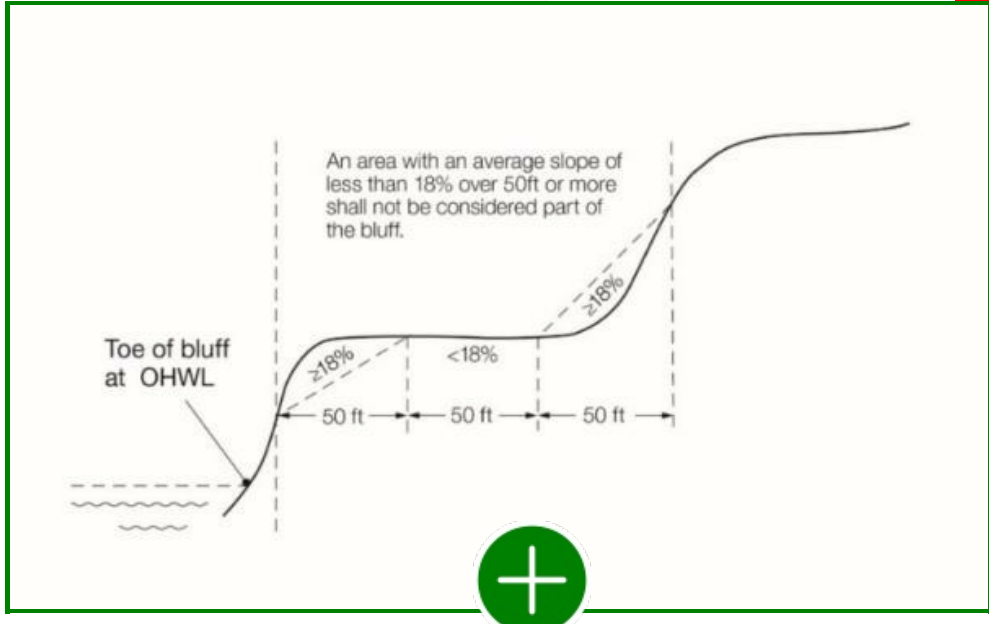


Figure 2. Exception to Bluff



Bluff impact zone. Means a bluff and land located within 20 feet of the top of a bluff.

Bluff, Toe of. Means the lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher

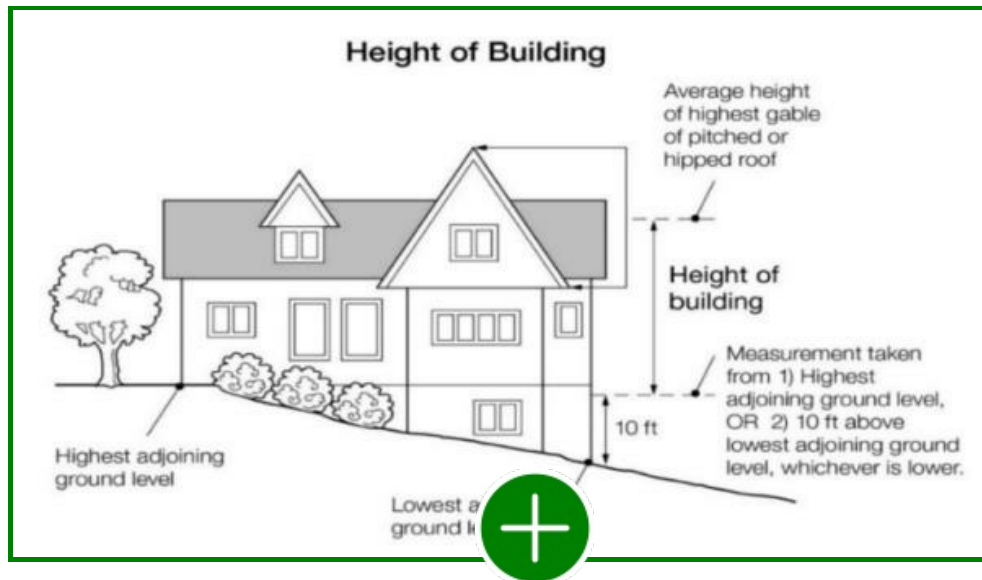
Bluff, Top of. Means for the purposes of measuring setbacks, bluff impact zone, and administering vegetation management standards, the higher point of a 50-foot segment with an average slope exceeding 18 percent.

Boathouse. Means a facility as defined by [Minnesota Statutes, Section 103G.245](#).

Buffer. Means a vegetative feature as defined by [Minnesota Statutes, Section 103F.48](#).

Building height or Height of building. Means for purposes within a Shoreland district, Building height or Height of building shall mean the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining 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 (see Figure 3).

Figure 3. Height of Building



Building line, shoreland. Means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Clear cutting or Intensive vegetation clearing. Means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

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

Commissioner. Means the commissioner of the Department of Natural Resources.

Controlled access lot. Means a lot used to access public waters or as a recreation area for owners of non-riparian lots within the same subdivision containing the controlled access lot.

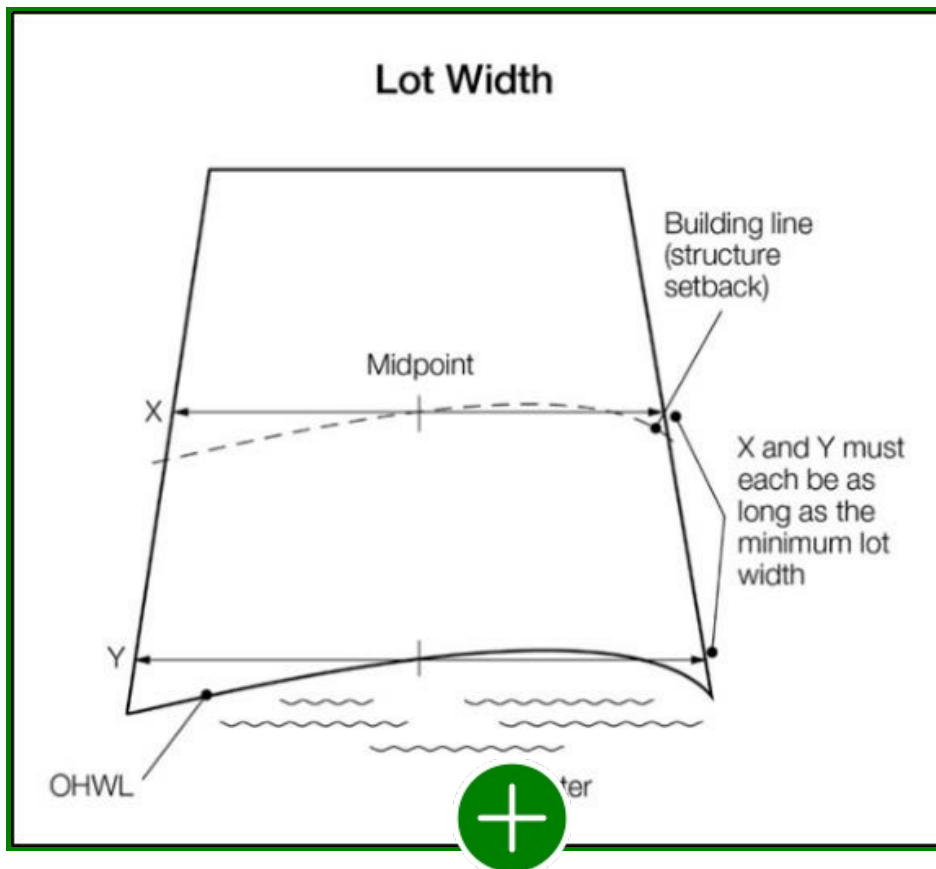
Deck. Means a roofless outdoor space built as an aboveground platform projecting from the wall of a building and is connected by structural supports at grade or by the building structure. A deck shall be considered part of the principal structure if attached to or directly abutting the principal structure, constructed with frost footings and/or greater than 30 inches above grade. A deck is subject to setbacks of the principal structure, as well as the Lowest Floor Elevation requirements in Sec. 22-6-D-3 of this ordinance.

Lot, riparian. Means a lot that directly abuts a body of water.

Lot width. Means for purposes within a Shoreland district, lot width shall mean the minimum distance between:

- a. Side lot lines measured at the midpoint of the building line; and
- b. Side lot lines at the ordinary high water level, if applicable (see Figure 5).

Figure 5. Lot Width



Metallic minerals and peat. "Metallic minerals and peat" has the meaning given under [Minnesota Statutes, Sections 93.44 to 93.51](#).

Nonconformity. Means 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.

Ordinary high water level (OHWL). Means the boundary of public waters and wetlands, and 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.

Patio or Detached Deck. Means a roofless outdoor space constructed from pavement, pavers, stone, decking or other comparable materials that is separate from and does not project from the wall of a building. A patio or detached deck is considered an accessory structure, and is subject to accessory structure setbacks e, as well as the Lowest Floor Elevation requirements in Sec. 22-6-D-3 of this ordinance. A patio shall not be used as a parking space for vehicles.

Permeable Patio and Walkway. Means any patio or walkway designed to facilitate the infiltration of water into the soil. A permeable patio or walkway must be constructed in a way that allows water to channel or absorb in the underlying soil, or into a special storage layer, and not create runoff. Permeable patios and walkways shall be consistent with specifications found in the Minnesota Stormwater Manual and meet the following conditions:

- All materials shall conform to specifications outlined in the Minnesota Pollution Control Agency's Minnesota Stormwater Manual.
- Within a Shoreland district, portions of any permeable patio or walkway exceeding 2% of the total lot area shall count towards the property's impervious surface maximum

Public waters. Means any water as defined in [Minnesota Statutes, Section 103G.005, Subd. 15, 15a.](#)

Residential planned unit development, shoreland. Means a type of residential 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 as cluster subdivisions of dwelling units, residential condominiums, townhouses or apartment buildings. To qualify as a RS-Planned unit development, a development must contain at least five dwelling units or sites.

Resort. "Resort" has the meaning in [Minnesota Statute, Section 103F.227.](#)

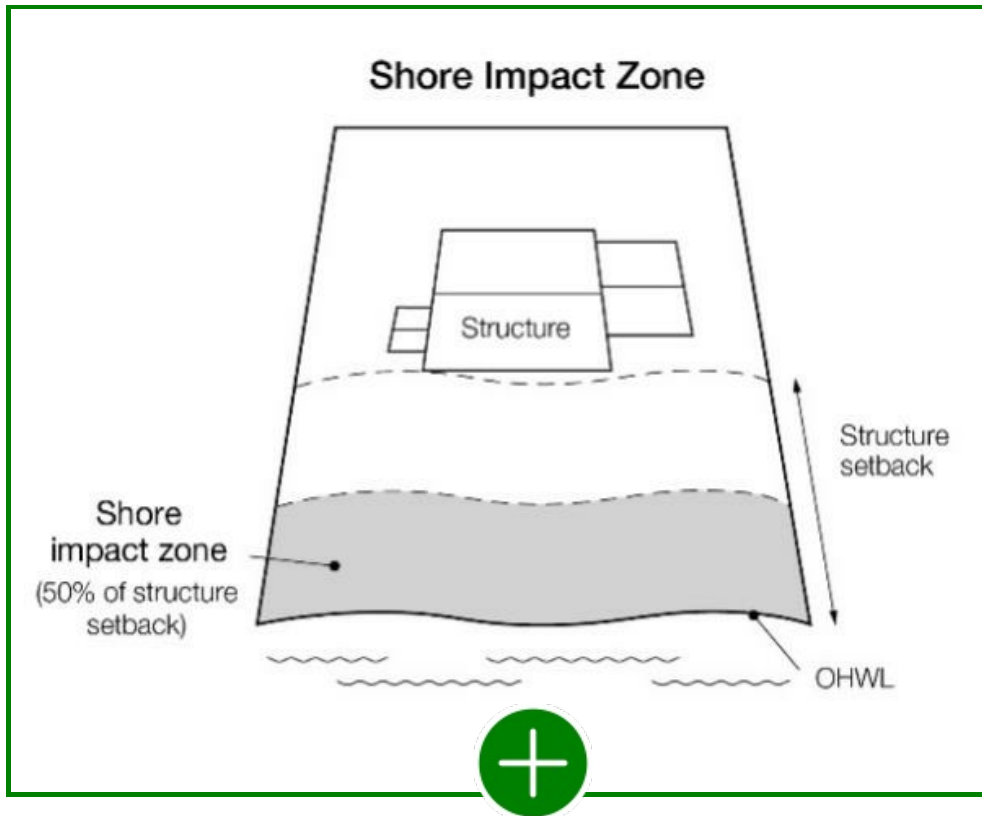
Setback. Means for purposes within a Shoreland district, setback shall mean the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

Sewage treatment system. "Sewage treatment system" has the meaning given under [Minnesota Rules, part 7080.1100, Subp.82.](#)

Sewer system. Means 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.

Shore impact zone. Means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback (see Figure 6).

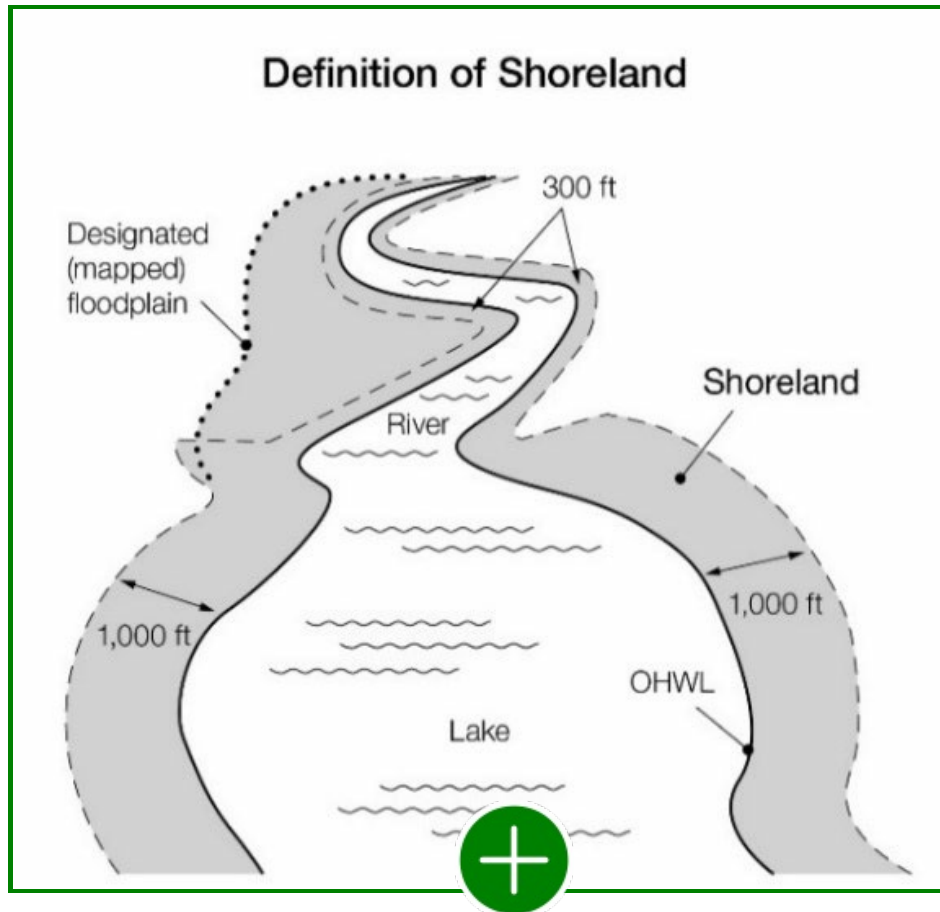
Figure 6. Shore Impact Zone.



Shoreland. Means land located within the following distances from public waters identified in Sec. 22-4-A of this ordinance:

- a. 1,000 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 (see Figure 7)

Figure 7. Definition of Shoreland



Shore recreation facilities. Means swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.

Significant historic site. Means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic 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 or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Steep slopes. Means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

Structure. Means anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.

Subdivision. Means land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

Suitability analysis. Means an evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

Variance. Means for purposes within a Shoreland district, variance means permission to depart from this code when it is determined that the criteria of [Minnesota Statutes Section 462.357 Subd. 6 \(2\)](#) are met.

Water-dependent use. Means the use of land for commercial, industrial or 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 commercial uses typically found in shoreland areas.

Water-oriented accessory structure. Means 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, saunas and patios or detached decks. Boathouses and boat storage structures given the meaning under [Minnesota Statutes, Section 103G.245](#) are not a water-oriented accessory structures

Wetland. “Wetland” has the meaning given under [Minnesota Rule, part 8420.0111](#).

SECTION 5: **ADOPTION** “Sec 22-3 Administration” of the Victoria Zoning Code is hereby *added* as follows:

ADOPTION

Sec 22-3 Administration(*Added*)

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

B. Permits.

1. 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 Sec. 22-8-C of this ordinance.

2. A certificate of compliance, consistent with [Minnesota Rules Chapter 7082.0700 Subp. 3](#), is required whenever a permit or variance of any type is required for any improvement on or use of the property. A sewage treatment system shall be considered compliant if the only deficiency is the system’s improper setback from the ordinary high water.

C. Application materials. Application for permits and other zoning applications such as variances shall be made to the appropriate building, planning or zoning official within the City on the forms provided. The application shall include the information necessary to evaluate how the application complies with the provisions of this ordinance and the suitability for the intended use.

D. Certificate of Zoning Compliance. The designated building, planning or zoning official shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Sec. 22-3-B of this ordinance. 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.

E. Variances. Variances may only be granted in accordance with [Minnesota Statutes Section 462.357](#) (for municipalities) and are subject to the following:

1. A variance may not circumvent the general purposes and intent of this ordinance; and
2. 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.

F. Conditional Uses. All conditional uses in the shoreland area are subject to the requirements of Victoria Zoning Code Section 31 – Conditional Uses, as well as a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions 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;
3. There is adequate water supply and on-site sewage treatment; and
4. 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.

G. Mitigation.

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

- a. Advanced storm water runoff management treatment;
- b. Reducing impervious surfaces;
- c. Increasing setbacks from the ordinary high water level;
- d. Restoration of wetlands in coordination with the local Watershed District or Watershed Management Organization;
- e. Limiting vegetation removal and/or riparian vegetation restoration;
- f. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
- g. Other conditions the city deems necessary.

2. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

H. Nonconformities.

1. All legally established nonconformities within a shoreland as of the date of this ordinance may continue, but will be managed according to Minnesota Statute 462.357 Subd. 1e and Victoria Zoning Code Section 19 – Nonconforming Structures and Uses for alterations, additions and expansions; repair after damage; discontinuance of use; and intensification of use.

2. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Sec. 22-5 to 22-8 of this ordinance. Any deviation from these requirements must be authorized by a variance, with the following exceptions:

a. Additions or expansions to the outside dimensions of an existing nonconforming principal structure located outside of the Shore Impact Zone may be permitted without a variance provided that they:

(1) do not encroach further into the required OHWL setback

(2) do not increase in height beyond 25 feet or the existing building height, whichever is greater

(3) adhere to applicable front, rear and side yard setback standards of the underlying zoning district

(4) do not exceed allowable impervious surface standards. For purposes of this Section, permeable pavement or paver driveways shall not be considered pervious surface, and no variance shall be granted to allow their use to be exempted from impervious surface calculations

(5) include the installation and maintenance of a natural vegetation riparian buffer if one does not already exist. The buffer shall consist of trees, shrubs and low ground cover of native plants and understory consistent with natural cover shorelines in the area, and shall cover a minimum of 80 percent of the property's shoreline at a depth of at least 10 feet inward from the OHWL.

b. Prior to approval of a building permit, the property owner shall submit a plan indicating additional stormwater management initiatives that will be undertaken as part of the addition or expansion. These efforts must be approved the city, installed, and maintained. If a buffer already exists in good condition, this may then include installation of a rain garden, catch basin or swale to reduce runoff into the lake or creek; a significant reduction of impervious surface on the property or other approved stormwater mitigation.

3. Lots of record with an existing non-conforming principal structure that will be removed, or nearly removed (down to the existing foundation) may apply for a variance to maintain the existing non-conformity subject to the following conditions:

a. The variance will not alter the essential character of the neighborhood. Considerations include the height, mass and setback of structures on adjacent lots, presence of vegetation, and visibility from the lake.

b. The principal structure shall not encroach further into the required OHWL setback, and no variance shall be granted for a shoreland setback of less than 50 feet from the OHWL.

c. The required combined (total of both side yards) side yard setback shall be increased by one foot for every one foot that the principal structure encroaches into the OHWL setback required by this ordinance (i.e., a principal structure on a general development lake with a 75-foot setback from the OHWL shall have a combined side yard setback of 45 feet, 20 25) with no individual setback being less than 15 feet.

d. The maximum structure height shall not exceed 25 feet.

e. Adherence to the Lowest Floor Elevation requirements in Sec. 22-6-D-3 of this ordinance.

f. A natural vegetation riparian buffer will be installed and maintained if one does not already exist. The buffer shall consist of trees, shrubs and low ground cover of native plants and understory consistent with natural cover shorelines in the area, and shall cover a minimum of 80 percent of the property's shoreline at a depth of at least 10 feet inward from the OHWL.

g. Prior to approval of a variance, the property owner shall submit a plan indicating additional stormwater management initiatives that will be undertaken as part of the addition or expansion. These efforts must be approved by the city, installed, and maintained. If a buffer already exists in good condition, this may then include installation of a rain garden, catch basin or swale to reduce runoff into the lake or creek; a significant reduction of impervious surface on the property or other approved stormwater mitigation.

h. Other conditions required by the City.

I. Notifications to the Department of Natural Resources and Other Governing Bodies.

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

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

3. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

4. Any request to change the shoreland management classification of public waters within the City of Victoria must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.

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

6. The local Watershed District or Watershed Management Organization shall be notified at time of application or shortly thereafter of any variances, conditional uses, subdivisions or planned unit developments under shoreland management controls to accommodate early coordination and provide an opportunity for feedback.

J. Mandatory EAW. An Environmental Assessment Worksheet (EAW) consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the thresholds of Minnesota Rules, part 4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a.

SECTION 6: **ADOPTION** "Sec 22-4 Shoreland Classification System And Land Uses" of the Victoria Zoning Code is hereby *added* as follows:

ADOPTION

Sec 22-4 Shoreland Classification System And Land Uses(*Added*)

A. Shoreland Classification System.

1. Purpose. To ensure that shoreland development on the public waters of the City of Victoria is regulated consistent with the classifications assigned by the commissioner under

2. The shoreland area for the waterbodies listed in this Section are defined in Sec. 22-2-C of this ordinance and are shown on the map attached to this ordinance.

3. Lakes are classified as follows:

a. General development (GD)

General Development Lake Name	DNR Public Waters I.D. #
<i>Bavaria Lake</i>	<i>10-19 P</i>
<i>Lake Minnetonka</i>	<i>27-133</i>

b. Recreational development (RD)

Recreational Development Lake Name	DNR Public Waters I.D. #
<i>Lake Auburn</i>	<i>10-44 P</i>
<i>Church Lake</i>	<i>10-46 P</i>
<i>Kelzer's Pond</i>	<i>10-47 W</i>
<i>Lake Minnewashta</i>	<i>10-9 P</i>
<i>Parley Lake</i>	<i>10-42 P</i>
<i>Piersons Lake</i>	<i>10-53 P</i>
<i>Schutz Lake</i>	<i>10-18 P</i>
<i>Lake Stieger</i>	<i>10-45 P</i>
<i>Lake Virginia</i>	<i>10-15 P</i>
<i>Wassermann Lake</i>	<i>10-48 P</i>
<i>Zumbra Lake</i>	<i>10-41</i>
<i>unnamed</i>	<i>10-197 W</i>
<i>unnamed</i>	<i>10-201 W</i>

c. Natural environment (NE)

<u>Natural Environment Lake Name</u>	<u>DNR Public Waters I.D. #</u>
<u>Carl Krey Lake</u>	<u>10-50 P</u>
<u>Lunsten Lake</u>	<u>10-43 P</u>
<u>Marsh Lake</u>	<u>10-54 P</u>
<u>Lake St. Joe</u>	<u>10-11 P</u>
<u>Stone Lake</u>	<u>10-56 P</u>
<u>Lake Tamarack</u>	<u>10-10 P</u>
<u>Turbid Lake</u>	<u>10-51 W</u>
<u>unnamed</u>	<u>10-138P</u>
<u>unnamed</u>	<u>10-142P</u>
<u>unnamed</u>	<u>10-49P</u>
<u>unnamed</u>	<u>10-141P</u>
<u>unnamed</u>	<u>10-192P</u>
<u>unnamed</u>	<u>10-138P</u>
<u>unnamed</u>	<u>10-140P</u>
<u>unnamed</u>	<u>10-136P</u>
<u>unnamed</u>	<u>10-135P</u>
<u>unnamed</u>	<u>10-133</u>
<u>unnamed</u>	<u>10-193</u>

4. Rivers, Streams and Tributaries are classified as follows:

a. Tributaries

Legal Description
(1) Outlet and pond extending from the south side of Lake Auburn: From basin 10-197 (S.14, T116N-R24W) to basin 10-44 (S.14, T116N-R24W).
(2) Outlet from Lake Stieger to the east side of Lake Auburn: From basin 10-45 (S.11, T116N-R24W) to basin 10-44 (S.11, T116N-R24W).
(3) Outlet from Zumbra Lake and wetlands, including Sunny Lake, to the northwest side of Lake Stieger: From basin 10-41 (S.11, T116N-R24W) to basin 10-133 (S.11, T116N-R24W).
(4) Outlet from Schutz Lake to Lake Minnetonka: From basin 10-18 (S.1, T116N-R24W) to basin 27-133 (S.1, T116N-R24W).
(5) Outlet from northeast side of Lake Tamarack to Lake Virginia: From basin 10-10 (S.7, T116N-R23W) to basin 10-15 (S.6, T116N-R23W).
(6) Inlet to Lake Virginia from Lake Minnewashta: From basin 10-9 (S.5, T116N-R23W) to basin 10-15 (S.6, T116N-R23W).
(7) Outlet from Lake Virginia to Lake Minnetonka: From basin 10-15 (S.6, T116N-R23W) to basin 27-133 (S.6, T116N-R23W).
(8) Outlet from Stone Lake to Zumbra Lake: From basin 10-56 (S.2, T116N-R24W) to basin 10-41 (S.2, T116N-R24W).
(9) Unnamed tributary to Lake Stieger: From S.13, T116N-R24W to basin 10-45 (S.12, T116N-R24W).
(10) Six Mile Creek: from Piersons Lake to Lundsten (10-43): S27-T116N-R24W to S9-T116N-R24W
(11) Unnamed tributary from Turbid Lake (10-51) to South Lundsten Lake (10-43): S16-T116N-R24W to S9-T116N-R24W).
(12) Unnamed to Minnewashta (10-9): S7-T116N-R23W-S8-T116N-23W

B. Land Uses.

1. Purpose. To identify 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.
2. Shoreland district land uses listed in this Section are regulated as:
 - a. Permitted uses (P). These uses are allowed, provided they are allowed within the underlying zoning district and all standards in this ordinance are followed;
 - b. Conditional uses (C). These uses are allowed through a conditional use permit, or planned unit development process, and must be evaluated according to the criteria in Sec. 22-3-F of this ordinance and Victoria Zoning Code Section 31 – Conditional Uses; and
 - c. Not permitted uses (N). These uses are prohibited.
3. Within the shoreland district, no building or land use shall be allowed unless it is also allowed in the underlying zoning district
4. Land uses for lake classifications and tributaries are found in the table below:

<u>Land Uses</u>	<u>General Development</u>	<u>Recreational Development</u>	<u>Natural Environment</u>	<u>Tributaries</u>
<u>Single-family residential</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Duplex</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Triplex, quad residential</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Residential PUD</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Accessory Dwelling Unit (ADU)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Water-dependent commercial- Accessory to residential PUD</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Commercial</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Controlled Access Lot</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Holding Tank</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Solar Power Facilities (principal land use)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Parks & historic sites</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Public (government or institutional buildings, facilities or structures)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Industrial</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>C</u>
<u>Agricultural: cropland and pasture</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Agricultural feedlots: New</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Agricultural feedlots: Expansion or resumption of existing</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Forest management</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Forest land conversion</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Extractive use</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Mining of metallic minerals and peat</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

SECTION 7: **ADOPTION** “Sec 22-5 Special Land Use Provisions” of the Victoria Zoning Code is hereby *added* as follows:

ADOPTION

Sec 22-5 Special Land Use Provisions(*Added*)

A. Commercial, Industrial, and Public Use Standards.

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

a. The use complies with provisions of Sec. 22-7;

b. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;

c. 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; and

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

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

(2) Signs placed within the shore impact zone are:

(A) No higher than ten feet above the ground, and no greater than 32 square feet in size; and

(B) If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and

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

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

B. Agriculture Use Standards.

1. Buffers.

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

b. Agricultural uses as described in Victoria Zoning Code Section 23 – AG Agricultural District are permitted for Agricultural zoned properties if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district or the Natural Resource Conservation Service, and as approved by the local soil and water conservation district.

2. New animal feedlots and expansion to existing feedlots are not allowed within a shoreland district.

SECTION 8: **ADOPTION** “Sec 22-6 Dimensional And General Performance Standards” of the Victoria Zoning Code is hereby *added* as follows:

ADOPTION

Sec 22-6 Dimensional And General Performance Standards(*Added*)

A. Purpose. To establish dimensional and performance standards that protect shoreland resources from impacts of development.

B. Lot Area and Width Standards. After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements outlined in this Section, subject to the following standards:

1. Only lands above the ordinary high water level can be used to meet lot area and width standards;
2. Setbacks shall be further governed by the local Watershed District's or Watershed Management Organization's floodplain rules;
3. Lot width standards must be met at both the ordinary high water level and at the building line;
4. If the property line roughly parallel to the OHWL of a non-riparian lot is less than 100 feet from the OHWL, that lot shall adhere to riparian lot area and width standards.
5. The lot area dimensions for "Sewer" as noted in the table below can only be used if publicly owned sewer system service is available to the property;
6. Residential subdivisions with dwelling unit densities exceeding those outlined in this Section are allowed only if designed and approved as residential PUDs under Sec. 22-10 of this ordinance;
7. Unsewered parcels shall not be developed for single-family homes in the shoreland zone unless:
 - a. It is a lot of record at the time this ordinance was adopted and contains at least one acre for recreational development and general development lakes, and two acres for natural environment lakes
 - b. The minimum water frontage and lot width at the building line is 270 feet for all lake classifications
 - c. Private sewage treatment systems meet or exceed requirements set forth in chapter 7080 Minnesota Pollution Control Agency Individual Sewage Treatment Systems and other state and city code requirements are met
 - (1) Reconstruction is required for nonconforming systems whenever an expansion or addition of a bedroom or bathroom is proposed or a variance for the property is required. For the purposes 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.
8. Multi-family homes are prohibited for development in unsewered shoreland areas.
9. For purposes of determining lot area and width standards, Developed Lakes are defined as those lakes within the city limits of Victoria as of the adoption of this ordinance, including Bavaria Lake; Lake Minnetonka; Lake Auburn; Church Lake; Kelzer's Pond; Lake Minnewashta; Schutz Lake; Lake Stieger; Lake Virginia; Wassermann Lake; Zumbra Lake; Carl Krey Lake; Lake St. Joe; Sunny Lake; Stone Lake; and Lake Tamarack.
10. For purposes of determining lot area and width standards, Undeveloped Lakes are defined as those lakes currently outside of the city limits of Victoria within the city's future planned growth area including Parley Lake; Piersons Lake; Lunsten Lake; Marsh Lake; and Turbid Lake. Standards of this ordinance shall only apply to those undeveloped lakes upon annexation by the City of Victoria, or upon the City being granted planning and zoning authority for those areas.
11. Developed Lake Minimum Lot Area and Width Standards:
 - a. General development lake - Sewer

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Non-riparian Lot Area (sf)	Non-riparian Lot Width (ft)
Single	40,000	110	21,780	110
Duplex, Triplex or Quad	PUD	PUD	PUD	PUD

b. Recreational development lake - Sewer

<u>Lot Type</u>	<u>Riparian Lot Area (sf)</u>	<u>Riparian Lot Width (ft)</u>	<u>Non-riparian Lot Area (sf)</u>	<u>Non-riparian Lot Width (ft)</u>
<u>Single</u>	43,560	125	20,000	125
<u>Duplex</u>	43,560	135	26,000	135
<u>Triplex or Quad</u>	PUD	PUD	PUD	PUD

c. Natural environment lake - Sewer

<u>Lot Type</u>	<u>Riparian Lot Area (sf)</u>	<u>Riparian Lot Width (ft)</u>	<u>Non-riparian Lot Area (sf)</u>	<u>Non-riparian Lot Width (ft)</u>
<u>Single</u>	43,560	150	20,000	125
<u>Duplex</u>	70,000	225	35,000	220/220
<u>Triplex or Quad</u>	PUD	PUD	PUD	PUD

12. Undeveloped Lake Minimum Lot Area and Width Standards:

a. General development lake - Sewer - N/A

b. Recreational development lake - Sewer

<u>Lot Type</u>	<u>Riparian Lot Area (sf)</u>	<u>Riparian Lot Width (ft)</u>	<u>Non-riparian Lot Area (sf)</u>	<u>Non-riparian Lot Width (ft)</u>
<u>Single</u>	20,000	80	15,000	80
<u>Duplex</u>	35,000	135	26,000	135
<u>Triplex or Quad</u>	PUD	PUD	PUD	PUD

c. Natural environment lake - Sewer

<u>Lot Type</u>	<u>Riparian Lot Area (sf)</u>	<u>Riparian Lot Width (ft)</u>	<u>Non-riparian Lot Area (sf)</u>	<u>Non-riparian Lot Width (ft)</u>
<u>Single</u>	43,560	150	15,000	80
<u>Duplex</u>	70,000	225	35,000	220
<u>Triplex or Quad</u>	PUD	PUD	PUD	PUD

13. Tributaries - Sewer. If within 1,000 feet from the ordinary high water level of a lake or pond, lot area and width shall adhere to the shoreland standards for the lake classification. In all other circumstances, lot area and width shall adhere to underlying zoning regulations.

C. Special Residential Lot Provisions.

1. Subdivisions of triplexes, and quads are conditional uses. For Natural Environment Lakes, they must also meet the following standards:

- a. Each building must be set back at least 200 feet from the ordinary high water level;
- b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
- c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
- d. No more than 25 percent of a lake's shoreline can be in triplex, or quad developments.

2. Accessory structures within a shoreland district will be governed by Victoria Zoning Code Section 18-10 – Accessory Structures with additional conditions as provided in this ordinance. No accessory structure or land use shall be allowed except those permitted in the underlying zoning district, with the following exception:

- a. One (1) water-oriented accessory structure is allowed in addition to the permitted accessory structures in Victoria Zoning Code Section 18-10 – Accessory Structures. The water-oriented accessory structure must be designed, constructed and maintained in accordance with the design and development standards in Sec. 22-7-C of this ordinance.

3. Privately owned controlled access lots will be considered as a conditional use if created as part of a subdivision and in compliance with the following standards and considerations:

- a. The lot must meet the area and width requirements for residential lots, and be suitable for the intended uses of controlled access lots as provided within this Section;
- b. Pursuant to City of Victoria Municipal Code Chapter 28-27 – Waterways, Structure Regulations, no more than one (1) dock shall be permitted and no more than three (3) unoccupied watercraft shall be moored, docked or stored overnight on a controlled access lot.
- c. The lot must be contiguous to the subdivision and jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and
- d. Covenants or other equally effective legal instruments must be developed that:
 - (1) Specify which lot owners have authority to use the access lot;
 - (2) Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
 - (3) Limit the total number of vehicles allowed to be parked and the total number of watercrafts allowed to be continuously moored, docked, or stored over water;
 - (4) Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
 - (5) 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.

4. Access Easements. Easements providing private access to boat docking and mooring facilities on public property are prohibited.

5. One accessory dwelling unit (ADU) may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sec. 22-6-B of this ordinance, provided the ADU meets the standards of Victoria Zoning Code Section 18-10 – Accessory Structures as well as the following standards:

a. For lots exceeding the minimum lot dimensions of duplex lots, the ADU must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit;

b. An ADU must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and

c. An ADU must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

D. Placement, Height, and Design of Structures.

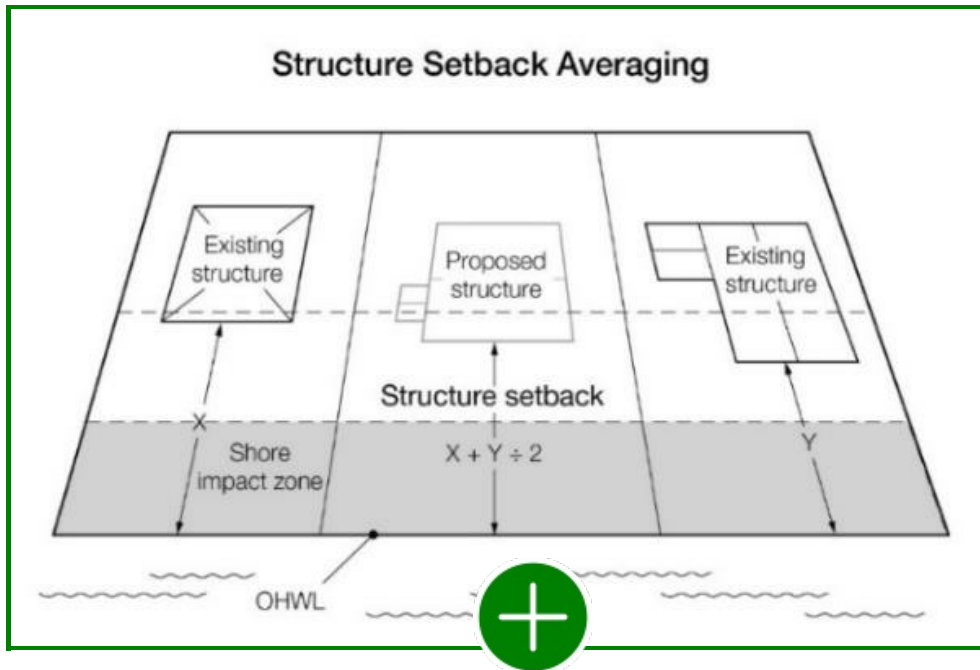
1. OHWL Setback for Structures and Sewage Treatment Systems. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks and comply with the following OHWL setback provisions. The structure setback standards for sewer properties can only be used if publicly owned sewer system service is available to the property. Developed and undeveloped lakes are defined in Section 22-6 of this ordinance.

<u>Waterbody Classification</u>	<u>Structures with No Sewer</u>	<u>Structures with Sewer</u>	<u>Sewage Treatment Systems</u>
<u>Natural Environment Lakes</u>	<u>150</u>	<u>150</u>	<u>150</u>
<u>Recreational Development Lakes (Developed)</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Recreational Development Lakes (Undeveloped)</u>	<u>100</u>	<u>75</u>	<u>100</u>
<u>General Development Lakes</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Tributaries</u>	<u>100</u>	<u>100</u>	<u>100</u>

a. OHWL Setbacks. Structures, impervious surfaces, and sewage treatment systems must meet setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Sec. 22-7-C of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL:

b. Setback averaging. 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 structure is not located in a shore impact zone or in a bluff impact zone (see Figure 8);

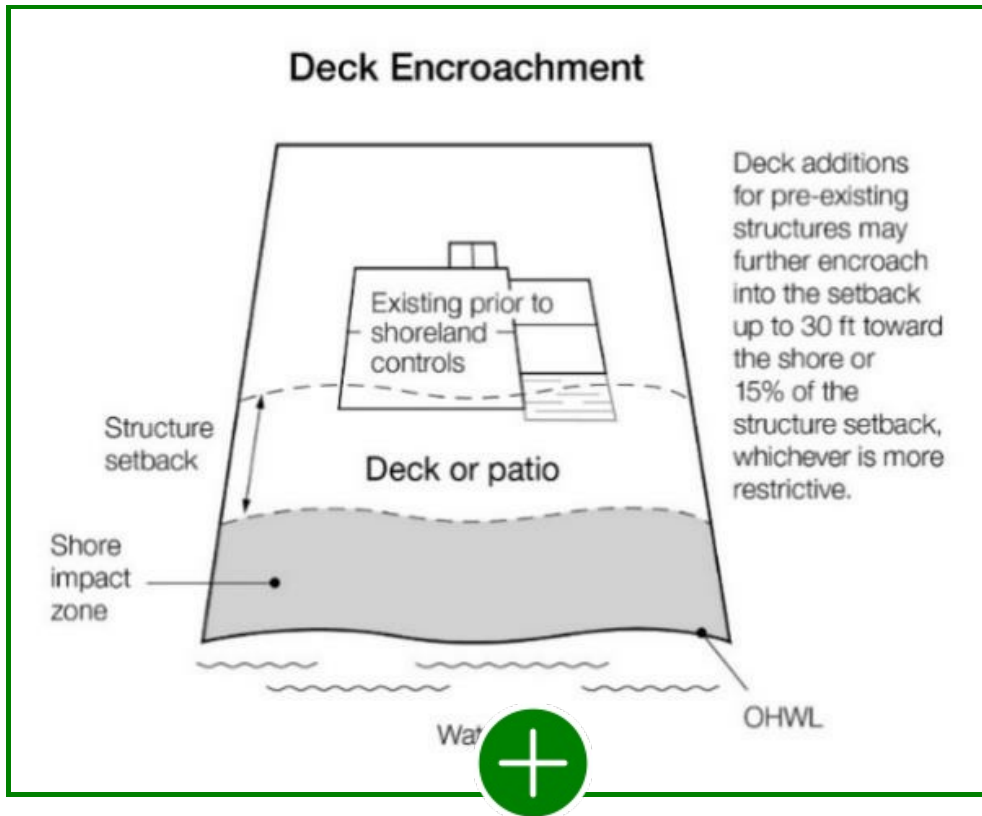
Figure 8. Structure Setback Averaging



c. Setbacks of decks. 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 are met:

- (1) The structure existed on the date the structure setbacks were established;
- (2) 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;
- (3) 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 is no closer than 30 feet from the OHWL, whichever is more restrictive; and
- (4) The deck is not roofed or screened (see Figure 9).

Figure 9. Deck Encroachment



d. Additional structure setbacks. Structures must also meet the following setbacks, regardless of the waterbody classification:

Setback from:	Setback (ft)
Top of bluff	<u>30</u>
Unplatted cemetery	<u>50</u>
Right-of-way line of federal, state, or county highway	<u>50</u>
Right-of-way line of town road, public street, or other roads not classified	<u>30</u>
Setback for one water-oriented accessory structure from ordinary high water level	10
Front yard setback, rear yard setback, side yard setback when OHWL setback is not applicable, and lot depth	See Underlying Zoning

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

2. Height of Structures. All structures in residential districts in cities, except churches and nonresidential agricultural structures, must not exceed 35 feet in height.

3. Lowest Floor Elevation.

a. Determining elevations. Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. 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:

(1) 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 (see Figure 9);

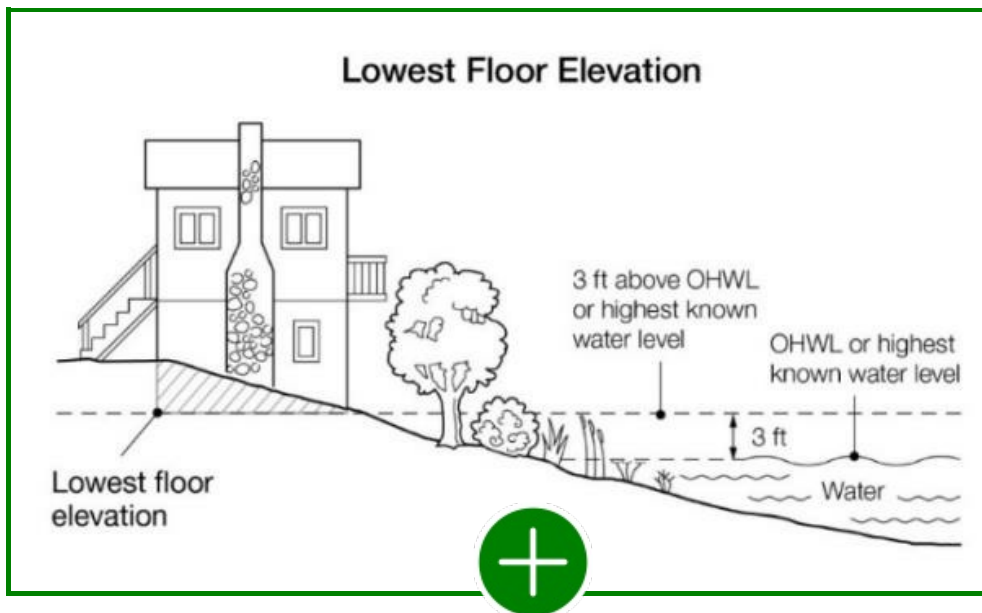
(2) For rivers, streams and tributaries, by placing the lowest floor at least three feet above the highest known flood elevation. If highest known flood elevation is not available, by placing the lowest floor at least three feet above the ordinary high water level (see Figure 10), or by conducting a technical evaluation to establish a flood protection elevation. Technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200.

b. Methods for placement.

(1) In addition to the lowest floor, all service utilities must be elevated or water-tight to the elevation determined in part a.

(2) If the structure is floodproofed, then it must be built to resist hydrostatic pressure through elevation methods such as blocks, pilings, filled stem walls, elevated concrete pad, internally flooded enclosed areas, or through other accepted engineering practices consistent with FEMA technical bulletins 1, 2 and 3.

Figure 10. Lowest Floor Elevation



4. Significant Historic Sites. 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 has been removed and documented in a public repository.

E. Water Supply and Sewage Treatment.

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

2. Sewage treatment. Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with Minnesota Rules, Chapters 7080 - 7081.

SECTION 9: ADOPTION “Sec 22-7 Performance Standards For Public And Private Facilities” of the Victoria Zoning Code is hereby *added* as follows:

ADOPTION

Sec 22-7 Performance Standards For Public And Private Facilities(*Added*)

A. Placement and Design of Roads, Driveways, and Parking Areas. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:

1. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;
2. 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;
3. Private facilities must comply with the grading and filling provisions of Sec. 22-8-C of this ordinance; and
4. For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they 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.

B. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts, and landings must meet the following design requirements:

1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public-space recreational uses, and planned unit developments;
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, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
5. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of sub items 1 to 5 and the requirements of Minnesota Rules, Chapter 1341.

C. Water-oriented Accessory Structures. Each residential lot may have one water-oriented accessory structure if it complies with the following provisions:

1. 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. The structure or facility may include patios or detached decks not exceeding eight feet above grade at any point, or at grade;
2. The structure or facility is not in the Bluff Impact Zone;
3. The setback of the structure or facility from the ordinary high water level must be at least ten feet; 4. The structure is not a boathouse or boat storage structure as defined under [Minnesota Statutes, Section 103G.245](#);
5. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
6. The roof of a water-oriented accessory structure may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;
7. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
8. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and
9. Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Sec. 22-6-D-3 if the structure is designed to accommodate internal flooding, constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
10. Setbacks shall be further governed by the local Watershed District's or Watershed Management Organization's floodplain rules

D. Docks. Docks are permitted pursuant to City of Victoria Municipal Code Chapter 28-27, Waterways, Structure Regulations.

1. Docks on Lake Minnetonka are regulated by the Lake Minnetonka Conservation District and are an exception to City dock regulations pursuant to City of Victoria Municipal Code Chapter 28-27.

SECTION 10: **ADOPTION** “Sec 22-8 Vegetation And Land Alterations” of the Victoria Zoning Code is hereby *added* as follows:

ADOPTION

Sec 22-8 Vegetation And Land Alterations(*Added*)

A. Purpose. Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

B. Vegetation Management.

1. Removal or alteration of vegetation must comply with the provisions of this subsection except for:
 - a. Vegetation alteration necessary for the construction of principal structures and sewage treatment systems under validly issued permits for these facilities

b. The construction of public roads and parking areas if consistent with Sec. 22-7-A of this ordinance

c. Agricultural uses consistent with Sec. 22-5-B of this ordinance

2. Clear Cutting or Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited.

3. Limited cutting and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes is allowed pursuant to provisions of City of Victoria Municipal Code Chapter 105-III Tree Preservation and Replacement to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, and permitted water-oriented accessory structures or facilities, provided that:

a. Priority for tree replacement/restoration is within the same zone (shore impact zone or bluff impact zone) as that of the removal/cutting.

b. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced
c. Existing shading of water surfaces along tributaries is preserved

d. Cutting debris or slash shall be scattered and not mounded on the ground

e. Perennial ground cover is retained, and a maintenance/monitoring plan is established

f. Livestock watering areas, beaches and watercraft access areas are prohibited in bluff impact zones.

4. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

C. Grading, Filling and Erosion Control.

1. Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Sec. 22-7-A of this ordinance.

2. Permit Requirements.

a. Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Sec. 22-8-C-3 of this ordinance must be incorporated into the permit. An erosion control permit from the local Watershed District or Watershed Management Organization may also be required.

b. For all other work, a grading and filling permit is required for:

(1) the movement of more than 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 steep slopes and shore and bluff impact zones.

3. Grading, filling and excavation activities must meet the following standards:

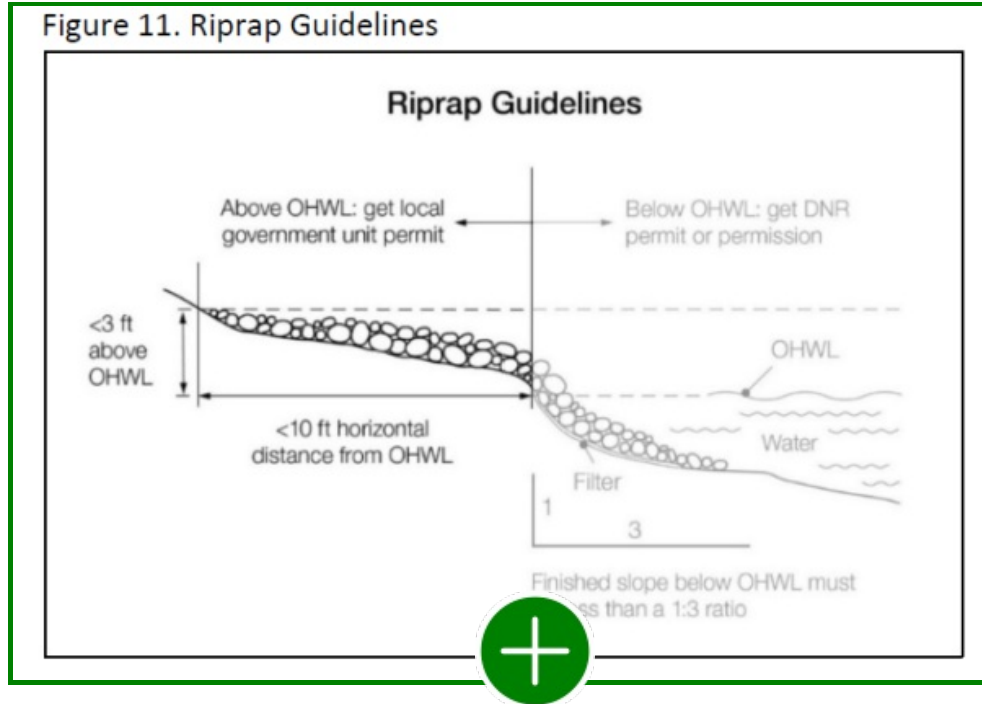
a. Grading or filling of any wetland must meet or exceed the wetland protection standards under [Minnesota Rules, Chapter 8420](#) and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers. Grading, filling and excavation outside of a wetland may also require a permit from the local Watershed District or Watershed Management Organization

b. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by, including on parcels planned for future development at the time of rezoning:

- (1) Limiting the amount and time of bare ground exposure;
- (2) Using temporary ground covers such as mulches or similar materials;
- (3) Establishing permanent, deep-rooted and dense vegetation cover as soon as possible;
- (4) Using sediment traps, vegetated buffer strips or other appropriate techniques;
- (5) Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
- (6) Not placing fill or excavated material in a manner that creates unstable slopes. 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;
- (7) Fill or excavated material must not be placed in bluff impact zones;
- (8) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under [Minnesota Statutes, Section 103G](#);
- (9) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
- (10) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:
 - (A) the finished slope does not exceed three feet horizontal to one-foot vertical;
 - (B) the landward extent of the riprap is within ten feet of the ordinary high water level; and
 - (C) the height of the riprap above the ordinary high water level does not exceed three feet (see Figure 11).

Figure 11. Riprap Guidelines

Figure 11. Riprap Guidelines



(D) meets the requirements and obtains a permit from the local Watershed District or Watershed Management Organization

4. Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with.

D. Stormwater Management.

1. General Standards:

a. When possible, existing natural drainageways, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

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

c. When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must be given to surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

d. Ownership and ongoing maintenance responsibility of stormwater and infiltration basins will be established and documented prior to installation.

e. Must be consistent with the local Watershed District's or Watershed Management Organization's stormwater rules, and the city's MS4 requirements.

2. Specific Standards:

a. Maximum Impervious Surface Coverage

All other zoning districts: 25%

Central Business District: 80%

b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation district or the Minnesota Stormwater Manual, as applicable.

New constructed stormwater outfalls to public waters must be consistent with [Minnesota Rules, part 6115.0231](#).

SECTION 11: ADOPTION “Sec 22-9 Subdivision/Platting Provisions” of the Victoria Zoning Code is hereby *added* as follows:

ADOPTION

Sec 22-9 Subdivision/Platting Provisions(*Added*)

A. Purpose. To ensure that new development minimizes impacts to shoreland resources and is safe and functional.

B. Land suitability. City staff or their designee will conduct a suitability analysis for each proposed subdivision within the shoreland, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

C. Consistency with other controls. Subdivisions shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.

D. Water and Sewer Design Standards.

1. A potable water supply and a sewage treatment system consistent with [Minnesota Rules, Chapters 7080 – 7081](#) must be provided for every lot.

2. Each lot must include at least two soil treatment and dispersal areas that support systems described in [Minnesota Rules, parts 7080.2200 to 7080.223](#) or site conditions described in [part 7081.0270, subparts 3 to 7](#), as applicable.

3. Lots that would require use of holding tanks are subject to a conditional use permit.

E. Information requirements. Developers shall provide the following information to City staff to determine suitability.

1. Topographic contours at two-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics;

2. The surface water features required to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;

3. Adequate soils information to determine suitability for building and 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;

4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

6. 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.

F. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

G. Platting. All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a. and 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.

H. Controlled Access Lots. Controlled access lots within a subdivision must meet or exceed the lot size criteria in Sec. 22-6-C-3 of this ordinance.

SECTION 12: ADOPTION “Sec 22-10 Residential Planned Unit Developments, Shoreland (RS-PUD)” of the Victoria Zoning Code is hereby *added* as follows:

ADOPTION

Sec 22-10 Residential Planned Unit Developments, Shoreland (RS-PUD)(*Added*)

A. Purpose. To provide an opportunity for increased density within a shoreland while protecting and enhancing the natural and scenic qualities of shoreland areas during and after development and redevelopment of residential uses. A RS-PUD shall not be used to circumvent the effectiveness of any natural resource or waterbody protections, and all necessary protections shall be implemented in a manner that is equal to or greater than would result from standard zoning.

B. Types of RS-PUDs Permissible. Residential planned unit developments (RS-PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Sec. 22-6-B of this ordinance is allowed if the standards in this Section are met.

C. Processing of RS-PUDs. Residential planned unit developments in the shoreland district must comply with the provisions of this Section in addition to those standards outlined in the City’s zoning and subdivision regulations. When there is a conflict in requirements, the more stringent of the requirements shall be applied.

D. Application for RS-PUD. An application for RS-PUD shall be carried out pursuant to Victoria Zoning Code Section 32-5 Planned Unit Development Procedure, and will include the following additional provisions:

1. A property owner’s association agreement (for residential PUD’s) with mandatory membership, and consistent with Sec. 22-10-G of this ordinance.

2. Deed restrictions, covenants, permanent easements or other instruments that:

a. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and

b. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Sec. 22-10-G of this ordinance.

E. Density Determination. Proposed new planned unit developments must be evaluated using the following procedures.

1. Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

<u>Waterbody Classification</u>	<u>No Sewer (ft)</u>	<u>Sewer (ft)</u>
<u>General Development Lakes - 1st tier</u>	<u>200</u>	<u>200</u>
<u>General Development Lakes - all other tiers</u>	<u>267</u>	<u>200</u>
<u>Recreational Development Lakes (all tiers)</u>	<u>267</u>	<u>267</u>
<u>Natural Environment Lakes (all tiers)</u>	<u>400</u>	<u>320</u>
<u>All Rivers and Tributaries (all tiers)</u>	<u>300</u>	<u>300</u>

2. Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.

3. Step 3. Determine Base Density:

a. Divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers or tributaries, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width.

b. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.

c. All PUDs with densities at or below the base density must meet the design standards in Sec. 22-10-G26

4. Step 4. Determine if the Site can Accommodate Increased Density:

a. The following increases to the dwelling unit or dwelling site base densities determined in Sec. 22-10-E-3 are allowed if the design criteria in Sec. 22-10-G of this ordinance are satisfied as well as the standards in item b of this Section:

<u>Shoreland Tier</u>	<u>Maximum density increase within each tier (percent)</u>
<u>1st</u>	<u>50</u>
<u>2nd</u>	<u>100</u>
<u>3rd</u>	<u>200</u>
<u>4th</u>	<u>200</u>
<u>5th</u>	<u>200</u>

b. Structure setbacks from the ordinary high water level:

- (1) Are increased to at least 50 percent greater than the minimum setback; or
- (2) The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

G. Design Criteria. All PUDs must meet the following design criteria.

1. General Design Standards.

a. All residential planned unit developments must contain at least five dwelling units or sites.

b. On-site water supply and sewage treatment systems must be centralized and meet the standards in Sec. 22-6-E of this ordinance. Sewage treatment systems must meet the setback standards of Sec. 22-6-D-1 of this ordinance.

c. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.

d. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Sec. 22-6-D (1, 2 & 3) except where otherwise allowed in this Section.

e. Shore recreation facilities:

(1) Must be centralized and located in areas suitable for them based on a suitability analysis.

(2) 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).

(3) 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.

f. 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.

g. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.

h. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Sec. 22-7-C of this ordinance and are centralized.

2. Open Space Requirements.

a. Open space must constitute at least 50 percent of the total project area and must include:

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

(2) Areas containing significant historic sites or unplatted cemeteries

(3) At least 70 percent of the shore impact zone preserved in its natural or existing state

b. Open space may include:

(1) Outdoor park or recreational facilities for use by owners of dwelling units or sites, or by the general public;

(2) Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and

(3) Non-public water wetlands.

c. Open space shall not include:

(1) Dwelling sites or lots, units or structures;

(2) Road rights-of-way or land covered by road surfaces and parking areas;

(3) Land below the OHWL of public waters; and

(4) Commercial facilities or uses.

3. Open Space Maintenance and Administration Requirements.

a. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:

(1) Commercial uses;

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

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

(4) Uncontrolled beaching of watercraft.

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

(1) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;

(2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;

(3) Assessments must be adjustable to accommodate changing conditions; and

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

4. Erosion Control and Stormwater Management.

a. Erosion control plans must be developed and must be consistent with the provisions of Sec. 22-8-C of this ordinance and the local Watershed District or Watershed Management Organization rules. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.


b. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff, and be consistent with the provisions of the local Watershed District or Watershed Management Organization rules

PASSED AND ADOPTED BY THE VICTORIA COUNCIL NOVEMBER 09, 2020.


	AYE	NAY	ABSENT	ABSTAIN
Judy Black, Councilmember	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Tom Gregory, Councilmember	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Deb McMillan, Councilmember	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Tom Vogt, Councilmember	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Tom Funk, Mayor	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Thomas C. Funk, Mayor, Victoria



Cindy Patnode, City Clerk Victoria

