
City Code, Chapter 7E: SHORELAND MANAGEMENT REGULATIONS

CHAPTER 7E
SHORELAND MANAGEMENT REGULATIONS

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ARTICLE I
TITLE, AUTHORITY, JURISDICTION, APPLICATION AND INTERPRETATION

SECTION 7E-100. TITLE. This chapter shall be known and may be cited as the “City of Columbus Shoreland Management Ordinance”, and as referred to herein as this Ordinance.

SECTION 7E-110. STATUTORY AUTHORITY. This Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F and 462, and Minnesota Rules, Parts 6120.2500 – 6120.3900.

SECTION 7E-120. JURISDICTION. The provisions of this ordinance apply to the shorelands of all public waters located in the City of Columbus, Minnesota, as identified in Article IV of this Ordinance. The shoreland boundary shall extend one thousand (1000) feet from affected lakes and three hundred (300) feet from affected rivers and streams.

SECTION 7E-130. APPLICATION. The provisions of this Ordinance are applied in addition to all other chapters of the Columbus City Code. The underlying zoning districts, dimensional standards, use provisions and all other regulations in Chapter 7A (Columbus Zoning Ordinance) shall remain in effect, except as modified in this Ordinance. When provisions in this Ordinance are in conflict with any other chapters of the Columbus City Code, the stricter provisions shall apply.

SECTION 7E-140. INTERPRETATION. The provisions of Section 7A-200 of the City Code regarding the interpretation of words, terms, and phrases shall apply to this Ordinance.

SECTION 7E-150. SEVERABILITY. Should any section, subsection, paragraph, subparagraph, clause, word, or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE II
DEFINITIONS

SECTION 7E-200. DEFINITIONS. The following words and phrases shall have the following meanings:

1. **Accessory Structure or Facility.** “Accessory structure” or “Facility” means any building or improvement on the same lot and subordinate to a principal use which, because of the

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nature of its use, can reasonably be located at or greater than normal structure setbacks.

2. **Accessory Use.** “Accessory Use” means a use on the same lot and subordinate to the principal use.

3. **Animal Feedlot.** “Animal feedlot” means a lot or building or a group of lots or buildings intended for the confined feeding, breeding, raising or holding of animals.

4. **Bluff.** “Bluff” means a topographic feature such as a hill, cliff, or embankment, exclusive of any area with an average slope of less than 18 percent over a distance for 50 feet or more, which has the following characteristics:

- A. Park 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 waterbody;
- 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 waterbody.

5. **Bluff Impact Zone.** “Bluff impact zone” means a bluff and land located within 20 feet from the top of a bluff.

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

7. **Building Line.** “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.

8. **Commercial Planned Unit Development.** “Commercial planned unit development” means a type of development characterized by a unified site design, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, and a mix of structure types and land uses. These developments may be commercial enterprises, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

9. **Commercial Use.** “Commercial use” means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods and services.

10. **Conditional Use.** “Conditional use” means a special use permitted within a District other than a principally permitted use, requiring a Conditional Use Permit and approval of the City Council.

11. **Deck.** “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 ground.

12. **Duplex, Triplex, and Quad.** “Duplex,” triplex,” and “quad” means a dwelling structure on a single lot, having two, three and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

13. **Dwelling Site.** “Dwelling site” means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

14. **Dwelling Unit.** “Dwelling unit” means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

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15. **Extractive Use.** “Extractive use” means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.
16. **Hardship.** “Hardship” means the same as the definition contained in Minnesota Statutes, Chapter 462.
17. **Height of Building.** “Height of building” means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
18. **Industrial Use.** “Industrial use” means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
19. **Intensive Vegetation Clearing.** “Intensive vegetation clearing” means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
20. **Lawn Area.** “Lawn area” means that portion of a lot required for the proper location and construction of a soil treatment system.
21. **Lot.** “Lot” means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
22. **Lot Width.** “Lot width” means the shortest distance between lot lines measured at the midpoint of the building line.
23. **Nonconformity.** “Nonconformity” means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.
24. **Ordinary High Water Level.** “Ordinary high water level” 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.
25. **Planned Unit Development.** “Planned unit development” means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and 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 commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
26. **Public Waters.** “Public waters” means any waters as defined in Minnesota Statutes, section 103G.005, subdivision 15, which are at least 25 acres in size.

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27. **Residential Planned Unit Development.** “Residential planned unit development” means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites, and usually involving clustering of these units or sites to provide areas of common open space, density increases for exclusive residential uses.
28. **Semipublic Use.** “Semipublic use” means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
29. **Sensitive Resource Management.** “Sensitive resource management” means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
30. **Setback.** “Setback” means 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.
31. **Sewage Treatment System.** “Sewage treatment system” or “individual sewage treatment system” (ISTS) means a septic tank and soil absorption system or other individual sewage treatment system.
32. **Sewer System.** “Sewer system” means pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conveying municipal sewage or industrial waste or other wastes to a point of ultimate disposal.
33. **Shore Impact Zone.** “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.
34. **Shoreland.** “Shoreland” means land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated on a river or stream, whichever is greater.
35. **Significant Historic Site.** “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 provision of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it has been 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.
36. **Steep Slope.** “Steep slope” 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, 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 that are not bluffs.

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37. **Structure.** “Structure” means any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
38. **Subdivision.** “Subdivision” means land that is divided for the purpose of sale, rent, or lease, including planned unit developments.
39. **Surface Water-Oriented Commercial Use.** “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 conductance of business (e.g., marinas, resorts, and restaurants with transient docking facilities).
40. **Toe of The Bluff.** “Toe of the bluff” means the lower point of a 50-foot segment with an average slope exceeding 18 percent.
41. **Top of The Bluff.** “Top of the bluff” means the higher point of a 50-foot segment with an average slope exceeding 18 percent.
42. **Water-Oriented Accessory Structure or Facility.** “Water-oriented accessory structure or facility” 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 a surface water feature, reasonably needs to be located closer to the public waters than the normal structure setback (e.g., boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks).
43. **Wetland.** “Wetland” means a surface water feature classified as a wetland in Minnesota Statutes and Minnesota Rules.

ARTICLE III **GENERAL PROVISIONS**

SECTION 7E-300. ADMINISTRATION. This Ordinance shall be administered by the City of Columbus Zoning Administrator or the assignee of the Zoning Administrator.

SECTION 7E-310. COMPLIANCE. The requirement for permits or site plan review; use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Ordinance.

SECTION 7E-320. CONDITIONS. Conditions required by the City on a permit, variance, or other approval shall be deemed minimum conditions. Failure to complete or adhere to all conditions shall be considered a violation of this Ordinance and subject to the administrative and enforcement provisions set forth in this Ordinance.

SECTION 7E-330. INTERPRETATION AND APPLICATION. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes or Rules.

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SECTION 7E-340. ABROGATION AND STRICTER PROVISIONS. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Ordinance is in conflict with other City ordinances, the stricter provisions shall prevail.

SECTION 7E-350. NONCONFORMITIES. All legally established nonconformities as of the date of this ordinance may continue, but they will be managed in compliance with this ordinance for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards in this section shall also apply.

A. Construction on Nonconforming Lots of Records.

1. Lots of record recorded in the office of the Anoka County Recorder prior to July 1, 1972 that do not meet the requirements of this Ordinance may be allowed as building sites without variances from lot size requirements 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, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this Ordinance the lot must not be considered as a separate parcel of land 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 Ordinance as much as possible.

2. Lots of record recorded in the office of the County Recorder on or after July 1, 1972 that do not meet the requirements of this Ordinance may be allowed as building sites without variances from lot size or ordinary high water level setback requirements provided the use is permitted in the zoning district, was created compliant with official controls in effect at the time, and sewage treatment and all other setback requirements of this ordinance are met. Structure placement on such lots shall comply, in so far as practicable as determined by the Zoning Administrator, with the ordinary high water level setback requirements of this ordinance.

3. If a variance from setback requirements must be obtained before any use, sewage treatment system, or building permit can be issued for the lot, the board of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

B. Additions and Expansions to Nonconforming Structures.

1. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Article V of this ordinance.

2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria standards are met:

(a) The structure existed on the date the structure setbacks were established.

(b) A Zoning Administrator evaluation of the property and structure reveals no alternative location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

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(c) The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive.

(d) The deck is not enclosed, roofed, or screened.

C. Nonconforming Sewage Treatment Systems. A sewage treatment system not meeting the requirements of Article V of this Ordinance is non-conforming and must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall be considered conforming if the only deficiency in meeting the requirements of Article V of this Ordinance is the sewage treatment system's improper setback from the ordinary high water level. Sewage systems installed according to shoreland management standards in effect at the time of installation may be considered conforming unless the system is determined to be failing, or the system uses a cesspool, leaching pit, seepage pit, or other deep disposal method. Nonconforming sewage treatment systems are also required to be in conformance with all operating standards required in the Columbus City Code at the time a property is sold or transferred to another party.

SECTION 7E-360. SUBDIVISION OF LAND. The subdivision of land within shoreland areas shall conform to all regulations of the Columbus Subdivision Ordinance (Chapter 8 of the City Code).

ARTICLE IV
SHORELAND CLASSIFICATIONS

SECTION 7E-400. SHORELAND CLASSIFICATION AND LAND USES

A. Shoreland Classification. The public waters of the City of Columbus are classified as follows:

1. Natural Environment Lakes

| DNR ID No. | Name | Section, Township and Range |
|-------------------|-------------|------------------------------------|
| 2-2 | Higgins | Sec. 1, T.32 & Sec. 36 T.33: R.22 |
| 2-15 | Rondeau | Sec. 34, T.32 R.22 |
| 2-16 | Howard | Sec. 13, 14 & 24; T.32; R.22 |
| 2-17 | Columbus | Sec. 23 & 22; T.32; R.22 |
| 2-19 | Crossways | Sec. 27 & 34; T.32; R.22 |
| 2-30 | -- | Sec. 27 & 28; T.33; R.22 |
| 2-31 | -- | Sec. 27 & 32; T.33; R.22 |
| 2-32 | Little Coon | Sec. 19 & 32; T.33; R.22 |
| 2-250 | -- | Sec. 17 & 20; T.32; R.22 |
| 82-168 | Mud | Sec. 13; T.32; R.22 |

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2. General Development Lakes

| DNR ID No. | Name | Section, Township and Range |
|-------------------|-------------|------------------------------------|
| 2-42 | Coon | Sec. 30; T.33; R.22 |

3. Tributary Rivers and Streams

| River/Stream | From | | | To | | |
|---------------------|-------------|----------|-------|-----------|----------|-------|
| | Section | Township | Range | Section | Township | Range |
| Coon Creek | 19 | 32 | 22 | 7 | 32 | 22 |
| Rice Creek | 14 | 32 | 22 | 35 | 32 | 22 |
| Sunrise River | 35 | 33 | 22 | 24 | 33 | 22 |

B. Allowable Land Uses. Permitted uses, conditional uses, and interim uses shall conform to the underlying zoning district in which public waters are located.

**ARTICLE V
DIMENSIONAL AND PERFORMANCE STANDARDS**

SECTION 7E-500 DIMENSIONAL STANDARDS.

- A. Lot Area and Width. The required lot area and lot width for all allowed uses shall meet the minimum dimensional standards in the underlying zoning district in which the uses are located, except as modified in this Article. A lot must meet lot width standards at both the ordinary high water level and at the building line.
- B. Residential Density. The maximum allowable residential density shall meet the maximum allowable residential density in the underlying zoning district in which the uses are located, except as modified in this Article.
- C. Property Line Setbacks. The minimum setback requirements for principal and accessory structures shall meet the minimum setback requirements in the underlying zoning district in which the uses are located, except as modified in this Article.
- D. Ordinary High Water Level (OHWL) Setbacks. The setback requirements for principal structures, accessory structures (except permitted water-oriented structures), and sewage treatment systems from the ordinary high water level are as follows:

| Classification | Unsewered Structures | Sewage Systems | Sewered Structures |
|-----------------------|-----------------------------|-----------------------|---------------------------|
| Natural Environment | 150 feet | 150 feet | 150 feet |
| General Development | 75 feet | 75 feet | 50 feet |
| Rivers and Streams* | 100 feet | 75 feet | 50 feet |

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* the top of the bank of the channel of watercourses is the OHWL

E. Bluff Setback. Principal structures, accessory structures, and sewage treatment systems shall be setback a minimum of thirty (30) feet from the top of all bluffs.

F. Structure Height. The maximum height limitations for structures shall meet the maximum height limitations in the underlying zoning district in which the uses are located, except as modified in this Article.

G. Floor Area Ratio. The maximum floor area ratio for structures shall meet the maximum floor area ratio in the underlying zoning district in which the uses are located, except as modified in this Article.

H. Lot Coverage. The maximum lot coverage for all uses shall not exceed twenty-five percent (25%), except in instances where the City Engineer has certified urban stormwater management systems may accommodate higher lot coverages.

I. Bluff Impact Zone. Structures and accessory facilities, except permitted stairways, landings, and water-oriented structures, shall not be placed within bluff impact zones.

SECTION 7E-510. PERFORMANCE STANDARDS**A. Design Criteria for Structures.**

1. Structures must be constructed in accordance with the provisions of the Floodplain Management Ordinance (Chapter 7F of the City Code). In those areas not covered by the Flood Plain Management Ordinance, the elevation of flood proofing or the lowest floor, including basement, shall comply with the following:

(a) The lowest floor shall be above the highest known ground water level, three feet above the ordinary high water level, or one foot above the flood of record, whichever is higher. In those instances where sufficient data on known high water elevation are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation. The lowest floor shall also be three feet above any mottled or saturated soil. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected and the stabilized fill elevation approved by the Zoning Administrator.

(b) Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the required flood protection elevation, electrical and mechanical equipment is placed above this elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

2. Each riparian lot may have one water-oriented accessory structure not meeting the normal structure setback in Article V of this ordinance if this water-oriented accessory structure complies with the following provisions:

(a) The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point.

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- (b) The setback of the structure or facility from the ordinary high water level must be at least ten feet.
 - (c) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.
 - (d) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
 - (e) The structure of facility must not be designed or used for human habitation and must not contain water supply, plumbing fixtures, or sewage treatment facilities.
 - 3. Access up and down bluffs and steep slopes to shore areas shall be by stairways and lifts. Stairways and lifts must meet the following design requirements:
 - (a) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be allowed by conditional use permit for commercial properties, public and semi-public open-space recreational properties, and planned unit developments.
 - (b) Landings for stairways and lifts on residential lots must not exceed 32 square feet in areas. Landings larger than 32 square feet may be allowed by conditional use permit for commercial properties, public and semi-public open-space, recreational properties, and planned unit developments.
 - (c) Canopies or roofs are not allowed on stairways, lifts, or landings. 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.
 - (d) 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.
 - 4. The Zoning Administrator shall evaluate possible soil erosion impacts and development visibility from public waters before issuance of a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, by the Zoning Administrator, conditions shall be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
 - 5. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.
 - 6. Buildings and places of public assembly, or additions thereto, shall not, after August 27, 1991, be constructed closer to a pipeline than the boundary of the pipeline easement as provided in Minnesota Rules Parts 7535.0100-7535.0500.
- B. Shoreland Alternations. Alterations of vegetation and of topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.
- 1. Vegetation alterations:

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(a) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 5.05 of this ordinance are exempt from the vegetation alteration standards set forth in section 5.04 A.2.

(b) Removal or alteration of vegetation, is allowed subject to the following standards:

(1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district, or other qualified agent, and approved by the Zoning Administrator.

(2) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, 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, leaf-on conditions, is not substantially reduced.

2) Along rivers and streams, existing shading of water surfaces shall be preserved.

3) The foregoing provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

2. Topographic Alterations:

(a) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under construction permits issued for these facilities do not require the issuance of a separate grading and filling permit. However, such grading and filling shall comply with the grading and filling standards in this section.

(b) Roads and parking areas as regulated in Section 7E-510C.

(c) Notwithstanding Items (a) and (b) above, a grading and filling permit will be required for:

1) The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones.

2) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

(d) All grading, filling, and/or excavations shall comply with the following requirements:

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- 1) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland shall be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:
 - a) Sediment and pollutant trapping and retention;
 - b) Storage of surface runoff to prevent or reduce flood damage;
 - c) Fish and wildlife habitat;
 - d) Recreational use;
 - e) Shoreline or bank stabilization; and
 - f) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
 - 2) The applicant shall be responsible for the obtaining of any permits, reviews, or approvals required by other local, state, or federal agencies.
 - 3) Alterations shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
 - 4) Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
 - 5) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used.
 - 6) Altered areas shall be stabilized to acceptable erosion control standards consistent with Minnesota Pollution Control Agency's "Best Management Practices."
 - 7) Fill or excavated material shall not be placed in a manner that creates an unstable slope.
 - 8) Plans to place fill or excavated material on steep slopes shall be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater.
 - 9) Fill or excavated material must not be placed in bluff impact zones.
 - 10) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
 - 11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
- C. Roads, Driveways, and Parking Areas. The following shall apply to the placement and design of roads, driveways, and parking areas:

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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. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with all City Standards.
 3. Private and public 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.
 4. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of this Ordinance shall also be met.
- D. Sewer and Water Systems. All public and private sewer and water systems shall be consistent with the requirements of Chapter 14 of the City Code.
- E. Stormwater Management. Stormwater management shall be consistent with the requirements of Chapter 7D of the City Code. In general, the following storm water management standards shall apply:
1. When possible, existing natural drainageways, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 2. Development shall be planned 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 shall be stabilized and protected as soon as possible and facilities or methods used which will retain sediment on the site.
 3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds shall be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
 4. Impervious surface coverage of lots must not exceed 25 percent of the lot area, except as otherwise provided in this Chapter.
 5. When constructed facilities are used for stormwater management, documentation must be provided to the Zoning Administrator by a qualified individual that they are designed and installed consistent with the field office technical guide of the Soil and Water Conservation District.
 6. Stormwater outfalls to public waters, constructed after the effective date of this ordinance, shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge to the public water.
- F. Commercial, Industrial, Public, and Semipublic Use Standards.
1. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on

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parcels or lots with frontage on public waters and shall comply with the following standards:

- (a) The use must be designed to incorporate topographic and vegetative screening of parking areas and structures.
- (b) Uses that require short-term watercraft mooring for patrons must be centralized and designed to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
- (c) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - (1) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
 - (2) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They shall only convey the location and name of the establishment and the general types of goods or services available. The signs shall not contain other detailed information such as product brands and prices, shall not be located higher than ten feet above the ground, and shall not exceed 32 square feet in size. If illuminated by artificial lights, the lights shall be shielded or directed to prevent illumination out across public waters.
 - (3) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

2. Uses without water-oriented needs shall be located on lots or parcels without public water frontage, or, if located on lots or parcels with public water frontage, shall either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by topography or vegetation, assuming summer, leaf-on conditions.

G. Agriculture Use Standards.

1. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under a conservation plan approved by the Zoning Administrator. The shore impact zone for permitted agricultural land uses shall be 50 feet.
2. Animal feedlots shall meet the following standards:
 - (a) New feedlots shall not be located in the shoreland of watercourses or in bluff impact zones and shall meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins.

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(b) Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

H. Extractive Use Standards.

1. An extractive use site development and reclamation plan shall be developed, approved, and followed over the course of operation of the site. The plan shall address, at a minimum, dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetative and topographic alterations. It shall all identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and shall clearly explain how the site will be reclaimed after extractive activities are terminated.

2. Processing machinery shall be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

ARTICLE VI
ADMINISTRATION

SECTION 7E-600. ADMINISTRATION. The Zoning Administrator or assignee shall be responsible for the administration and enforcement of this Ordinance.

SECTION 7E-610. PERMIT REQUIRED.

A. No person, firm or corporation shall construct, alter, or move any structure or part thereof, without first securing a building permit from the Building Official. For purposes of this Ordinance, a structure shall not be considered altered unless the outside dimensions of the structure are changed. In computing the cost of alteration and/or construction the market value of the material used shall be the basis for determining cost.

B. No person, firm or corporation shall install, alter, repair or extend any sewage treatment or disposal system without first obtaining a permit from the Building Official for the specific installation, alteration, repair or extension.

C. No person, firm, or corporation shall conduct any grading, filling, mining, or extraction, except as may be exempted this Ordinance, without first obtaining a permit from the Building Official for such activity.

D. Application for a permit shall be made to the Building Official on the forms provided. The application shall include all information considered necessary by the Zoning Administrator to determine compliance with this ordinance.

E. A building permit shall not be required to erect docks, piers, and prefabricated utility/storage sheds, or other structures not exceeding 120 square feet in area.

SECTION 7E-620. CERTIFICATES OF OCCUPANCY AND COMPLIANCE.

A. A certificate of occupancy shall be obtained from the Building Official before any building erected or structurally altered is occupied or used or the use of any such building is altered.

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B. A certificate of compliance shall be obtained from the Building Official before any permitted individual sewage treatment system installation, alteration, repair, or extension is used.

SECTION 7E-630. VARIANCE FROM STANDARDS. Any party wishing to appeal an administrative decision or request a variance from the standards of this Ordinance shall follow the procedures prescribed in Chapter 7A Article V Columbus Zoning Ordinance. Notice of the public hearing and decision for all appeals and variances must be forwarded to the Commissioner of Natural Resources.

SECTION 7E-640. CONDITIONAL USES. The Conditional Use Permit procedures and requirements for this Ordinance shall be the same as those prescribed in Chapter 7A Article V Columbus Zoning Ordinance.

SECTION 7E-650. INTERIM USES. The Interim Use Permit procedures and requirements for this Ordinance shall be the same as those prescribed in Chapter 7A Article V Columbus Zoning Ordinance.

SECTION 7E-660. AMENDMENTS. The Interim Use Permit procedures and requirements for this Ordinance shall be same as those prescribed in Chapter 7A Article V Columbus Zoning Ordinance.

SECTION 7E-670. NOTIFICATION. All notices of public hearings to consider applications for variances, rezoning, ordinance amendments, subdivision or plat, planned unit development or conditional uses under shoreland management controls must be sent to the commissioner of the Department of Natural Resources or the commissioner's designated representative at least ten (10) days before the date of the public hearing. Notices of public hearings to consider subdivisions or plats must include copies of the subdivision or plat.

[§ 7E-6600, added by Ord. No. 18-05, effective March 21, 2019.]

ARTICLE VII **ENFORCEMENT**

SECTION 7E-700. ADMINISTRATIVE REMEDY. Whenever any construction or installation is being done contrary to the provisions of this ordinance, the work shall be stopped when written notice is served on any persons engaged in the doing or causing such work to be done or when such notice is posted at the construction/installation site. The Zoning Administrator may, in writing, suspend or revoke a permit issued in error or on the basis of incorrect information supplied, or for violation of any other provisions of this Ordinance.

SECTION 7E-710. CIVIL REMEDY. In the event of a violation of this Ordinance, the City may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct or abate such violations or threatened violations, and the City Attorney may institute such action.

SECTION 7E-720. CRIMINAL REMEDY. Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make

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any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each day that a violation continues shall constitute a separate offense.

ARTICLE VIII
EFFECTIVE DATE

SECTION 7E-800. EFFECTIVE DATE. This Ordinance shall be effective on March 1, 2007 upon its passage and publication according to law.

History of ordinances affecting the text of Chapter 7E:

*Chapter 7E – Shoreland Management Regulations added to City Code by Ord. No. 07-02, effective March 1, 2007.
Ord. No. 18-05, effective March 21, 2019.*
