

**CITY OF VERGAS
SHORELAND MANAGEMENT ORDINANCE**

SECTION 1.0 STATUTORY AUTHORIZATION AND POLICY

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

1.2 Policy. The uncontrolled use of shorelands of the City of Vergas, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. It is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters 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 delegation of responsibility is hereby recognized by the city of Vergas.

1.3 Amendments. This Ordinance may be amended in whole or in part by the City Council after proper public hearing conducted by the City Council and as provided in Minnesota Statutes.

1.4 Effective Date. This Ordinance as amended shall be in full force and effect on and after May 5, 1992. Construction not completed on May 5, 1992, without a permit, is considered a new construction and shall conform to all requirements of this Ordinance.

SECTION 2.0 GENERAL PROVISIONS AND DEFINITIONS.

2.1 Jurisdiction. The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section 4.0 of this ordinance. Pursuant to Minnesota Regulations Parts 6120.2500-6120.3900, no lake, pond, or flowage less than 10 acres in size is regulated. A body of water created by a private user where there was no previous shoreland may, at the discretion of the city, be exempt from this ordinance.

2.2 Compliance. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

2.3 Enforcement. The Zoning Administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of

variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 3.1 of this ordinance.

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

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

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

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

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

2.6 Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing ordinances, easements, covenants, or deed restrictions. However, where this 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. Where other ordinances impose greater restrictions, the provisions of such other ordinances shall prevail.

2.7 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as 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, shall be measured horizontally.

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

2.712 Bluff. "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 distance for 50 feet or more shall not be considered part of the bluff):

1. Part or all of the feature is located in a shoreland area;
2. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
3. The 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
4. The slope must drain toward the waterbody.

2.713 Bluff Impact Zone. "Bluff impact zone" means a bluff and land located within 20 feet from the top of a bluff.

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

2.715 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.

2.716 Commercial Planned Unit Developments. "Commercial planned unit developments" are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

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

2.718 Commissioner. "Commissioner" means the commissioner of the Department of Natural Resources.

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

2.720 Deck. "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.

2.721 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.