

3.13 Zoning Administrator. The Vergas City Council shall from time to time appoint a Zoning Administrator to administer this ordinance. The person appointed need not be a resident of the City of Vergas, and shall serve under the control and at the discretion of the City Council until he or she resigns, is removed, or a successor is appointed by the City Council. The City Council hereby delegates to the Zoning Administrator the following duties and responsibilities:

- A. Issue Site Permits and inspect building location following notification by applicant.
- B. Administer the terms of this Ordinance subject to any required approval of the City Council.
- C. Keep necessary records.
- D. May issue Conditional Use Permits for grading and filling projects, of not more than 300 cubic yards, for landscaping purposes. The Zoning Administrator may require an onsite inspection prior to issuing such a permit.
- E. Where structures exist on the adjoining lots on both sides of a proposed building site, water and road setbacks may be altered without a variance to conform to the adjoining setbacks ("string test"), provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

3.2 Certificate of Zoning Compliance. The zoning administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Subdivision 1, above. 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 and shall be punishable as provided in Section 2.3 of this ordinance.

3.3 Conditional Uses. See Section 5.7 for Ordinance provisions relating to Conditional Uses.

3.4 Variances.

3.41 General Provisions. Variances may only be granted in accordance with Minnesota Statutes, Chapter 462. A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the city council must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

3.42 Application, Notice and Hearing. The applicant for a variance shall file an application in the office of the Zoning Administrator not less than twenty (20) days prior to the next scheduled meeting of the City Council and pay a fee as set

forth in the Fee Schedule when the application is filed. Each application for variance shall be accompanied by a scale drawing of the area under consideration showing the location of any existing structures and any proposed structures. The drawing shall also indicate all setback distances in feet. In addition, the applicant must provide the property's fire or lake association number when available. In absence of such number, detailed directions to the property must be provided with the application.

A. Within three days of making an application for a variance the applicant shall stake the area under consideration and post the applicant's name and address in a clearly visible location on the property.

B. The Zoning Administrator shall refer the application to the City Council and give the notices required by Section 3.5.

C. The City Council shall consider the application at its next regular meeting at which time is available, following compliance with the notice requirements above specified.

3.43 Sewage Treatment. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require nonconforming sewage treatment systems to be abandoned, and replaced by connection to the city sewer system. Reconstruction or replacement of an existing non-conforming sewage treatment system may be allowed only by variance.

3.44 Nonconforming uses on lots of record may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement, establishment or expansion is consistent with existing uses in the area.

3.5 Notifications to the Department of Natural Resources and Property Owners.

3.51 Conditional Use Permit Applications. Written notice of each hearing on a conditional use permit application shall be sent to property owners of record within one quarter (1/4) mile of the affected property or to owners of the ten properties nearest the affected property, whichever will provide the greater number of owners. The written notice provided for the above shall be given not less than fourteen (14) days prior to the date the City Council will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings.

3.52 Variance Applications. Written notice of each hearing on a variance application shall be sent to property owners of record within five hundred (500) feet of the affected property. Written notice shall also be sent to the Commissioner. The written notice provided for the above shall be given not less than fourteen (14) days prior to the date the City Council will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings.

3.53 Amendments. Written notice of each hearing for consideration of amendment(s) to the existing controls shall be sent to the Commissioner. This written notice shall be given not less than fourteen (14) days prior to the hearing at which the amendment(s) will be considered.

3.54 Plats. Written notice of each hearing on a proposed plat shall be sent to the property owners of record within one-half (1/2) mile of a proposed plat. Written notice shall also be sent to the Commissioner (must include a copy of the proposed subdivision). The written notice provided for the above shall be given not less than fourteen (14) days prior to the date the City Council will consider said plat, although failure of any property owner to receive such notification shall not invalidate the proceedings.

3.55 A copy of approved amendments and plats and final decisions granting Variances or Conditional Uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked within ten days of final action.

SECTION 4.0 SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS

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

4.11 The shoreland area for the waterbodies listed in sections 4.12 and 4.13 below, shall be as defined in Section 2.744 and as shown on the Official Zoning Map.

4.12 Lakes:

<u>1. Recreational Development Lakes</u>	<u>Protected Waters Inven. ID#</u>
Long Lake	
Loon Lake	56-523
<u>2. General Development Lakes</u>	<u>Protected Waters Inven. ID#</u>
Lawrence	56-555

4.2 Land Use District Descriptions.

4.21 Criteria For Designation. The land use districts in Section 4.22, below, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies and objectives of the comprehensive land use plan when available and the following criteria, considerations and objections:

A. General Considerations and Criteria for All Land Uses:

1. preservation of natural areas;
2. present ownership and development of shoreland areas;
3. shoreland soil types and their engineering capabilities;
4. topographic characteristics;
5. vegetative cover;
6. in-water physical characteristics, values and constraints;
7. recreational use of the surface water;
8. road and service center accessibility;
9. socioeconomic development needs and plans as they involve water and related land resources;
10. the land requirements of industry which, by its nature, requires location in shoreland areas; and
11. the necessity to preserve and restore certain areas having significant historical or ecological value.

B. Factors and Criteria for Planned Unit Developments:

1. existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
2. physical and aesthetic impacts of increased density;
3. suitability of lands for the planned unit development approach;
4. level of current development in the area; and
5. amounts and types of ownership of undeveloped lands.

4.22 Land Use District Descriptions. The land use districts provided below, and the allowable land uses therein for the given classifications of waterbodies, shall be properly delineated on the Official Zoning Map for the shorelands of this community. These land use districts are in conformance with the criteria specified in Minnesota Regulation, part 6120.3200, Subp. 3:

A. Land Use Districts for Lakes:

General
Development
Lakes
(Lawrence)

Recreational
Development
Lakes
(Long & Loon)

**1. Special Protection District
Uses (Agricultural Districts)**

Forest Management	P	P
Agricultural: Crop land and Pasture	P	P
Agricultural Feedlots	C	C
Parks, Playgrounds, Churches, Schools & Historic Sites	C	C
Single Residential	C	C
Duplex, Triplex and Quad Residential	C	C
Planned Unit Developments	C	C

*As accessory to a residential planned unit development

** Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 8.0 of this ordinance are satisfied.

4.23 Use and Upgrading of Inconsistent Land Use Districts.

A. The land use districts adopted in Ordinances not specifically dealing with shoreland, as they apply to shoreland areas, and their delineated boundaries on the Official Zoning Map, may not be consistent with the land use district designation criteria specified in Section 4.22, above. These inconsistent land use district designations may continue until revisions are proposed to change either the land use district designation within an existing land use district boundary shown on the Official Zoning Map or to modify the boundary of an existing land use district shown on the Official Zoning Map.

B. When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply:

1. For Lakes. When a revision to a land use district designation on a lake is considered, the land use district boundaries and use provisions therein for all the shoreland areas within the jurisdiction of this ordinance on said lake must be revised to make them substantially compatible with the framework in Sections 4.21 and 4.22, above, except that nonconforming uses on lots of record with the Otter Tail County Recorder may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement establishment or expansion is consistent with existing uses in the area.

C. When an interpretation question arises about whether a specific land use fits within a given "use" category, the interpretation shall be made by the City Council. When a question arises as to whether a land use district's boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the City Council.

D. When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating

information for the specific parcel in question. The City Council will direct the Zoning Administrator to provide such additional information for this waterbody as is necessary to satisfy Items A and B, above.

E. The City Council must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on said waterbody, are consistent with the enumerated criteria and use provisions of Section 4.2.

SECTION 5.0 ZONING AND WATER SUPPLY/SANITARY PROVISIONS

5.1 Lot Area and Width Standards. The lot area (in square feet) and lot widths standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this ordinance for the lake and river/stream classifications are set forth in this subdivision.

5.11 Unsewered Lake Lots

A. Recreational Development: (Long & Loon Lakes)

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	40,000 ✓	150	40,000	150
Duplex	80,000	225	80,000	225
Triplex	120,000	300	120,000	300
Quad	160,000	375	160,000	375

B. General Development: (Lawrence Lake)

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	225
Triplex	120,000	300	120,000	300
Quad	160,000	375	160,000	375

5.12 Sewered Lake Lots:

A. Recreational Development: (Long & Loon Lakes)

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	20,000	75	15,000	75
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245