

CITY OF MAHTOMEDI, WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 2021-33

AN ORDINANCE AMENDING MAHTOMEDI CITY CODE CHAPTER 11, SECTION 11.36 RELATED TO CERTAIN SETBACKS AND SHORELAND ALTERATIONS

THE CITY COUNCIL OF THE CITY OF MAHTOMEDI HEREBY ORDAINS AS FOLLOWS:

Section One. Amendment. Chapter 11, Section 11.01, 11.36 of the Mahtomedi City Code is hereby amended as follows. The struck-out text shows the deleted wording and the underlined text shows the language added to the code:

11.01, 11.36, E Zoning and Water Supply / Sanitary Provisions

2. Placement, Design, and Height of Structures.

- a. Placement of Structures on Lots. When more than one setback applies to a site structures and facilities shall be located to meet all setbacks. 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 ordinary high water level provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:
(1) Structure and on – site sewage system setbacks (in feet) from ordinary high water level.

Table 11.36 – H: Structure and On – Site Sewage System Setbacks (ft)
Table with 4 columns: Classes of Public Waters, Structures (Unsewered, Sewered), Sewage Treatment System. Rows include Natural Environment, Recreational Development, and General Development.

- (2) Top of Bluff. All structures shall be a minimum of thirty (30) feet from the top of a bluff, regardless of the classification of the waterbody.
(3) Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.
(4) Commercial Uses Without Water – Oriented Needs. Commercial uses without water – oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall be substantially screened from view from the water by vegetation or topography, assuming summer, leaf – on conditions.

b. Design Criteria for Structures.

- (3) Stairways, Lifts, Walks, Trails and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access to shore areas. All accesses shall meet the following design requirements:
 - (a) Stairways, walks, trails, and lifts shall not exceed four (4) feet in width on residential lots. Six (6) foot stairways may be used for commercial properties, public open – space recreational properties, and planned unit development;
 - (b) Landings on residential lots shall not exceed thirty –two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open – space recreational properties, and planned unit developments;
 - (c) Canopies or roofs are not allowed on stairways, lifts, or landings;
 - (d) Stairways, lifts, walks, trails, and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf – on conditions, whenever practical; and
 - (e) Facilities such as ramps, lifts, or mobility paths for persons with disabilities are also allowed for achieving access to shore area, provided that the dimensional and performance standards of items (1) to (5) above are complied with in addition to the requirements of *Minnesota Regulations, Chapter 1340*.
 - (f) Construction of any of the above facilities shall require the issuance of a Zoning Permit.
3. **Shoreland Alterations.** Alterations of vegetation and topography shall be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.
 - a. Vegetation Alterations. Vegetation and tree removal or alteration within shore and bluff impact zones and on steep slopes over eighteen percent (18%) shall be subject to the following standards:
 - (1) Clear – cutting trees and shrubs is prohibited.
 - (2) Limited clearing, pruning, and trimming of trees and shrubs to provide a view from principal sites and to accommodate the placement of permitted stairways and landings, access paths, beach and watercraft access areas and water – oriented accessory structures or facilities may be permitted provided that:
 - (a) Large openings in the overhead forest canopy are not created. The area of post-cutting canopy coverage must be eighty percent (80%) or more of the pre – cutting canopy coverage.
 - (b) The topping of trees is prohibited unless they are under overhead utility lines.
 - (c) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf – on conditions, is not substantially reduced.
 - (3) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
 - (4) Any retaining wall to be located within the shore impact zone shall be constructed of natural materials and be subject to review and approval by the City Engineer.
 - (5) The entirety of the shore impact zone shall be pervious, with the exception of permitted stairways, lifts, walks, trails, landings or water-oriented accessory structures.

(6) A landscape plan shall be submitted with a Zoning Permit application prior to commencement of any work to demonstrate compliance with the above standards.

b. Topographic Alterations / Grading and Filling.

(1) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction or building permits for these facilities do not require the issuance of a separate grading and filling permit or a conditional use permit. A grading and filling permit shall be required for the movement of more than ten (10) cubic yards of material.

Section Two. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Passed in regular session of the City Council of the City of Mahtomedi on the 19th day of October, 2021.

Motion for adoption by: Brainerd

Seconded by: Charlesworth

Ayes: Brainerd, Charlesworth, Ledermann, Marshall, Schneeweis

Nays: None

Abstained: None

Absent: None

CITY OF MAHTOMEDI

By _____

Judson Marshall, Mayor

Attest:

By: Jerene Rogers, City Clerk

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