

SECTION V

ZONING DISTRICTS AND DISTRICT PROVISIONS

5.1 General

1. The City of East Gull Lake is hereby divided into Zoning Districts as shown on the official Zoning District map, which may be subsequently amended by the procedures of Section 10.4.
2. The boundaries are generally on the center of the streets, on lot lines, on shorelines, on the center of streams or rivers, and following the contour of the land for the Open Zoning District.
3. The following Districts are hereby established:

Open.....	O
Wooded Residential - Low Density	R-1
Residential - Medium Density	R-2
Shoreline Residential - Medium Density	R-3
Commercial Waterfront	CW
Commercial	C
Public Use.....	PU
Recreational	REC
Off-Water Resort Overlay.....	OWROD

4. The lakes and streams in the City have been classified as follows:
 - A. General Development (GD): Gull Lake (11-305), Sylvan Lake (11-304), Ruth Lake (previously known as School Section) (11-211)
 - B. Recreational Development (RD): None
 - C. Natural Environment (NE): Lynch (11-210), Echo (previously known

as Ruth) (11-212), Stephens (11-213), Dade (11-214), Bass (11-215),
All streams and brooks

5. The jurisdiction of this Ordinance shall include the shorelands of all the public waters in the City listed in Sec. 5.1(4).
6. The following provisions apply to all zoning districts:
 - A. All accessory structures or uses require the establishment of a principle structure.
 - B. Agricultural use is prohibited within 50 feet of the OHW.
 - C. There shall be no impervious coverage within 50 feet of the OHW excepts walks and steps on grade less than four feet wide as provided for in this Ordinance.
 - D. Unless specifically allowed, no more than four leases per year, per dwelling are allowed.
 - E. Mobile homes are prohibited.
 - F. Recreational vehicle parks are prohibited.
 - G. Water orientated accessory structures, including boathouses, are prohibited.
7. All uses are considered prohibited unless specifically allowed in this Code, even if they are not listed specifically under excluded uses.
8. Criteria for land use categories:
 - A. Preservation of natural sensitive areas.
 - B. Present ownership and development.
 - C. Shoreland soil types and their engineering capabilities.
 - D. Topographic characteristics.
 - E. Vegetative cover.
 - F. In-water physical characteristics.
 - G. Recreational use of surface water.
 - H. Road and service center accessibility.
 - I. Socio economic development needs of the public.
 - J. Availability of public sewer.
 - K. The necessity to reserve and restore certain areas having significant historical or ecological value.
 - L. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.
 - M. Alternative available for desired land use.
 - N. Prevention of spot zoning.

O. Conformance to the City of East Gull Lake Use Plan.

5.2 Open District. (O) (Corresponds to DNR Special Protection District)

1. Purpose: To establish and maintain a land use District to prevent development from occurring in the environmentally sensitive wetlands and green space whether publicly or privately owned, to enhance wildlife and passive recreation.
2. Permitted Uses. (O)
 - Hiking Trails, Public or Private
 - Vegetation Removal, Select Cutting
3. Conditional Uses. (O)
 - Parks, Playgrounds and Historic Sites
 - Vegetation Removal, Steep Slopes
 - Vegetation Removal, Open Cutting
4. Accessory Uses. (O)
 - None
5. Excluded Uses. (O)
 - Abandoned Building
 - Abandoned Motor Vehicle
 - Principle Structure
 - Accessory Structure
 - Agricultural Use
 - Extractive Use
 - Forest Land Conversion
 - Planned Unit Developments
6. Lot, Use and Density Requirements. (O)
 - The setbacks of the most restrictive adjacent Zoning District shall apply.
7. Mixed Zone Lots. (O)
 - For a lot crossing the Open District boundary into another Zoning District, the minimum lot size shall be the same as the other Zoning District with no area credit given for the Open District area.

5.3 Wooded Residential, Low Density (R-1). (Non-Shoreland)

1. Purpose: To establish and maintain a land use District that is semi-rural in character and to prevent the occurrence of dense urban development while retaining the wooded nature of the land.

2. Permitted Uses. (R-1)
 - Accessory Structure
 - Camping
 - Dwelling, Single Family
 - Hiking Trails, Public or Private
 - Home Occupation, Type I
 - Home Occupation, Type II
 - Manufactured Home
 - One, unlighted identification sign not to exceed 3 square feet
 - Parks, Playgrounds and Historic Sites
 - Swimming Pools
 - Temporary Structure
 - Tennis Courts
 - Vegetation Removal, Select Cutting

3. Conditional Uses. (R-1)
 - Agricultural Use
 - Animal Grooming Facility (as Home Occupation)
 - Animal Husbandry, Domestic
 - Animal Husbandry, Food
 - Accessory Apartment
 - Artist's Studio
 - Bed and Breakfast Dwelling
 - Child Care, Family Home
 - Dwelling, Guest Quarters
 - Duplex
 - Grading greater than 50 cubic yards
 - Municipal Sewage Disposal
 - Nursery
 - PUD, Residential
 - Structures with a footprint area of 6,000 square feet or greater
 - Vegetation Removal, Steep Slopes
 - Vegetation Removal, Open Cutting

4. Accessory Uses. (R-1)
Accessory uses are allowed.

5. Excluded Uses. (R-1)
- Abandoned Building
 - Abandoned Motor Vehicle
 - Animal Boarding Facility
 - Animal Husbandry, Wild
 - Billboard
 - Campground
 - Church
 - Extractive Use
 - Forest Land Conversion
 - Home Occupation, Type III
 - Interval Ownership
 - Junk Yard
 - Outside Storage
 - PUD, Mixed Use
 - Recreational Facilities for Resort Guests
 - Recreational Facilities for General Public
 - Warehousing

6. Lot and Use Requirements. (R-1)

Lot Width - feet, minimum.....	200
Buildable Lot Area - acres, minimum	2.5
Setback, right-of-way, local streets - feet, minimum ..	10
Setback, right-of-way, collector and arterial streets - feet, minimum	30
Setback, side - feet, minimum.....	20
Setback, corner side - feet, minimum.....	40
Setback, sign - feet, minimum.....	1
Maximum impervious coverage.....	10%
Building Height - feet.....	25
Accessory Structure Size – square feet, max, cumulative 1,280 for first 2.5 acres 128 for each additional .5 acres	
Maximum Density	1 unit/2.5 acres
Maximum animal unit per acre.....	0.5

7. Performance Standards. (R-1)

- A. Accessory structures. Accessory structures greater than 1,280 square feet may be constructed through a land use permit if the following is provided:
1. The structure shall be screened with vegetation sufficient to prevent the structure from view on public waters.
 2. The structure shall be setback twice the normal setback distance.
 3. The exterior of the accessory structure shall generally match the exterior color of the principle structure which exists, or proposed to be constructed, upon the property the accessory structure is proposed to be located.
- B. Accessory Buildings. All accessory buildings shall have the same or similar finish as the neighboring homes and be homogeneous in design consistent with Section 6.13 of this Ordinance.

5.4 Residential, Medium, Density (R-2)

1. Purpose: To establish and maintain a medium density land use Zoning District within the shoreland area, which will provide a buffer between wooded residential (R-1) and higher density shoreline residential zones. The R-2 Zoning District does not have lake frontage.

2. Permitted Uses. (R-2)

Accessory Structure

Camping

Dwelling, Single Family

Grading in a shore or bluff impact zone (less than 10 cubic yards)

Hiking Trails, Public or Private

Home Occupation, Type I

Home Occupation, Type II

Manufactured Home

One, unlighted identification sign not to exceed 3 square feet

Parks, Playgrounds and Historic Sites

Temporary Structure

Tennis Courts

Vegetation Removal, Select Cutting

3. Conditional Uses. (R-2)

Agricultural Use

Animal Grooming Facility (as Home Occupation)

Animal Husbandry, Domestic

Animal Husbandry, Food

Accessory Apartment

Artist's Studio

Bed and Breakfast Dwelling

Child Care, Family Home

Duplex

Dwelling, Guest Quarters

Grading in a shore or bluff impact zone (greater than 10 cubic yards but less than 50 cubic yards)

Grading greater than 50 cubic yards outside of shore or bluff impact zone

PUD, Residential

Structures with a footprint area of 6,000 square feet or greater

Swimming Pools

Vegetation Removal, Steep Slopes
Vegetation Removal, Open Cutting

4. Accessory Uses. (R-2)

Accessory uses are allowed.

5. Excluded Uses. (R-2)

- Abandoned Building
- Abandoned Motor Vehicle
- Animal Boarding Facility
- Animal Husbandry, Wild
- Campground
- Church
- Grading in a shore or bluff impact zone (greater than 50 cubic yards)
- Home Occupation, Type III
- Interval Ownership
- Junk Yard
- Outside Storage
- PUD, Mixed Use
- Recreational Facilities for Resort Guests
- Recreational Facilities for General Public

6. Lot and Use Requirements. (R-2)

	<u>GD or RD Lake</u>	<u>NE Lake</u>
Lot Width – feet, minimum	150	200
Buildable Lot Area - square feet, minimum	40,000	80,000
Setback, right-of-way, local streets – feet, minimum	10	10
Setback, right-of-way, collector and arterial streets – feet, minimum	30	30
Setback, side - feet, minimum	20	30
Setback, cornerside – feet, minimum	30	30
Setback, sign - feet, minimum	1	1
Impervious coverage - maximum	20%	15%
Building height - feet, maximum	25	25
Building height, accessory structure - feet, maximum	15	15
Accessory Structure Size – square feet, maximum, cumulative	1,280 for parcels 2.5 acres or less, 128 each additional .5 acres parcel size	1,280 for parcels 2.5 acres or less, 128 each additional .5 acres parcel size
Building above highest known groundwater lot lake level – feet, minimum	3	3
Maximum Density	1 unit/40,000 sq. ft.	1 unit/80,000 sq. ft.

7. Performance Standards. (R-2)

A. Dwelling, Guest Quarters. A dwelling guest quarters or detached accessory apartment must meet the following restrictions:

1. Shall not cover more than 700 square feet of land and must not exceed 15 foot height.
2. Shall be located to reduce it's visibility as viewed from public waters and adjacent shorelands.
3. Shall be screened from adjacent parcels and public waters by vegetation, topographical location, increased setback, color or other methods assuming summer leaf on conditions.

B. Impervious Coverage. Impervious coverage may be increased by 5% through a conditional use permit if the following is provided:

1. A storm water retention plan submitted showing containment of the 5-year, 24-hour storm event on the parcel.
2. Direct runoff of stormwater to adjacent water bodies, including wetlands and adjacent parcels, shall be eliminated through the use of berms or other permanent means.

C. Accessory structures. Accessory structures greater than 1,280 square feet may be constructed through a land use permit if the following is provided:

1. The structure shall be screened with vegetation sufficient to prevent the structure from view on public waters.
2. The structure shall be setback twice the normal setback distance.
3. The exterior of the accessory structure shall generally match the exterior color of the principle structure which exists, or proposed to be constructed, upon the property the accessory structure is proposed to be located.

D. Accessory Buildings. All accessory buildings shall have the same or similar finish as the neighboring homes and be homogeneous in design consistent with Section 6.13 of this Ordinance.

5.5 Shoreline Residential, Medium Density (R-3).

1. Purpose: To establish and maintain a land use District on the shorelines of public waters that is recreational-residential in character with independent sanitary facilities and that is compatible with the natural resources of lakes and streams.

2. Permitted Uses. (R-3)

Accessory Structure

Camping

Dwelling, Single Family

Grading in a shore or bluff impact zone (less than 10 cubic yards) exclusive of perennial ice ridges

Hiking Trails, Public or Private

Home Occupation, Type I

Home Occupation, Type II

Manufactured Home

One, unlighted identification sign not to exceed 3 square feet

Parks, Playgrounds and Historic Sites

Removal of Perennial Ice Ridges

Temporary Structure

Tennis Courts

Vegetation Removal, Select Cutting

3. Conditional Uses. (R-3)

Agricultural Use

Animal Husbandry, Domestic

Bed and Breakfast Dwelling

Child Care, Family Home

Dwelling, Guest Quarters

Duplex

Grading in a shore or bluff impact zone (greater than 10 cubic yards but less than 50 cubic yards)

Grading greater than 50 cubic yards outside of shore or bluff impact zone

PUD, Residential

Structures with a footprint area of 6,000 square feet or greater

Swimming Pools

Vegetation Removal, Bluff or Shore Impact Zone

Vegetation Removal, Steep Slopes

Vegetation Removal, Open Cutting

4. Accessory Uses. (R-3)

Accessory uses are allowed.

5. Excluded Uses. (R-3)

Abandoned Building

Abandoned Motor Vehicle

Animal Boarding Facility

Animal Husbandry, Wild

Campground

Church

Controlled Access Lots

Grading in a shore or bluff impact zone (greater than 50 cubic yards)

Home Occupation, Type III

Interval Ownership

Outside Storage

PUD, Mixed Use

Recreational Facilities for Resort Guests

Recreational Facilities for General Public

Water Oriented Accessory Structures

6. Lot and Use Requirements. (R-3)

	<u>GD Riparian Only</u>	<u>RD, Non-Riparian GD</u>	<u>NE Lake</u>
Lot width at OHW and building line - feet, minimum	100	150	200
Lot width with guest quarters or duplex	180	225	300
Buildable lot area - square feet, minimum	20,000	40,000	80,000
Buildable lot area with guest quarters or duplex - square feet, minimum	40,000	80,000	160,000
Setback, right-of-way, local streets – feet, minimum	10	10	10
Setback, right-of-way, collector and arterial streets – feet, minimum	30	30	30
Setback, OHW – feet, minimum	75	100	200
Setback, bluff – feet, minimum	30	30	30
Setback, side - feet, minimum	10	10	15
Setback, corner side – feet, minimum	30	30	30
Setback, sign - feet, minimum	1	1	1
Impervious coverage – maximum	20%	15%	10%
Building height - feet, maximum	25	25	25
Building height, accessory structure - feet, maximum	15	15	15
Accessory Structure Size – square feet, maximum, cumulative	1,280 for parcels 2.5 acres or less, 128 for each additional .5 acres parcel size	1,280 for parcels 2.5 acres or less, 128 for each additional .5 acres parcel size	1,280 for parcels 2.5 acres or less, 128 for each additional .5 acres parcel size
Building above highest known groundwater or lake level – feet, minimum	3	3	3
Maximum Density	1 unit/20,000 sq. ft.	1 unit/40,000 sq. ft.	1 unit/80,000 sq. ft.
ISTS setback from OHW – feet, minimum	75	75	100

7. Performance Standards. (R-3)

A. Dwelling, Guest Quarters. A dwelling guest quarters must meet the following restrictions:

1. Shall be located along with the principal structure on the smallest lot meeting the above requirements.
2. Shall not cover more than 700 square feet of land and must not exceed 15 foot height.
3. Shall be located to reduce it's visibility as viewed from public waters and adjacent shorelands.
4. Shall be screened from adjacent parcels and public waters by vegetation, topographical location, increased setback, color or other methods assuming summer leaf on conditions.

B. Impervious Coverage. Impervious coverage may be increased by 5% through a conditional use permit if the following is provided:

1. A storm water retention plan showing containment of the 5-year, 24-hour storm event on the parcel.
 2. Direct runoff of stormwater to adjacent water bodies, including wetlands and adjacent parcels, shall be eliminated through the use of berms or other permanent means.
- C. Setback from OHW. On parcels with municipal sanitary sewer service, if a structure exists on either side of a proposed structure, the waterfront setback may be altered without variance to conform to the adjoining setbacks provided that the building site is not in a bluff impact zone or the setback less than 50 feet minimum. If no structure exists on either side, a new structure may encroach up to a 50-foot setback from the OHW.
- D. Decks. For decks added to principal structures constructed prior to July 2, 1990, such use shall be considered a permitted use provided the following shall apply:
1. A thorough evaluation of the property and structure reveals no reasonable location exists for a deck meeting or exceeding the waterfront setback.
 2. The deck encroachment toward the ordinary high water level does not exceed 15% of the existing waterfront setback of the structure or does not encroach closer than 50 feet whichever is more restrictive.
 3. The deck is constructed primarily of wood and is not roofed or screened.
- E. Decks. For properties that presently have no decks, were constructed under permits between 1992 and 1995, and are within the 75-foot lake setback, a deck may be constructed no more than 10 feet into the 75-foot lake setback if all of the following conditions can be met:
1. No deck will be allowed closer than 50 feet.
 2. That this change does not occur on an already existing deck.
 3. That any existing deck does not become enclosed or added on for living space and then a deck allowed into the 75-foot setback.
 4. The possibility of side decks has been eliminated.
 5. The deck shall be the same or greater in length than the width.
 6. Onsite septic system must be at the rear of property or 75 feet from the OHW.
 7. Plantings of shrubs to provide thorough screening must be placed in front of deck.
 8. Each request will be presented to the Planning Commission before a

permit is issued.

- F. New Decks. A deck less than 3 feet high or a patio on grade may be constructed in conjunction with a new principal structure as a permitted use provided the front yard setback is decreased no more than 8 feet below normal. The deck shall not be roofed or screened in, but may have railings.

- G. 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 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.
 - 2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area.
 - 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 landing 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, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with.

- H. Fertilizer and Pesticides. Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation or both.

- I. Duplexes. On Natural Environment lakes, subdivisions of duplexes must also meet the following standards:
 - 1. Each building must meet setback at least 200 feet from the Ordinary

High Water Mark.

2. Each building must have common sewage treatment and water systems that serve both units in the building.
3. Watercraft docking facilities for each lot must be centralized in location and serve all dwelling units in the subdivision.
4. No more than 25% of lake shoreline can be in duplex development.

- J. Docks. The landward end of all docks must meet a 10 foot setback from the nearest lot line. Docks must be placed so that no portion of the dock, including “L” extensions or additions, and no accessory or ancillary structures or equipment (including mooring buoys, boat lifts, shore trackers or swimming platforms), extends across the projection of the setback from the lot line into the lake. Docks must also be placed so as not to block access from an adjacent property to open water. The storage of all docks, and all watercraft or water oriented items shall also be subject to this property setback rule.

Notwithstanding any provision of this section to the contrary, the 10-foot setback for docks shall not apply to the extent necessary to allow ingress or egress of a pre-existing boat house.

This Ordinance shall apply to the use, maintenance and installation of any dock and accessory or ancillary structures or equipment at any time.

- K. Riprap. The City of East Gull Lake encourages the use of riprap only as a last resort to control shoreline erosion. Other methods should be used, including the planting of native, deep rooted vegetation. If riprap has been found to be the only tool available, riprap installation shall have the following standards:

1. Gradation. A well-graded mixture of rock sizes should be used instead of one uniform size.
2. Quality of stone. Riprap must be durable so that freeze/thaw cycles do not decompose it in a shore time; most igneous stones such as granite have suitable durability.
2. Riprap depth. The thickness of riprap layers should be at least 2 times the maximum stone diameter.
3. Vegetation.
 - a. Existing vegetation on the shoreline and in the water should be maintained without disturbance.

- b. All bare soil on the slope above the riprap should be stabilized with seed and mulch, or sod.
 - c. Wooded, deep rooted vegetation should be planted among the riprap to help stabilize and create wildlife habitat.
 - 4. Filter material. Filter material is usually required between riprap and the underlying soil surface to prevent soil from moving through the riprap; a filter cloth material or a layer of gravel is usually used for the filter.
 - a. Leaching Protection. Leaching can be controlled by installing a riprap gradation small enough to act as a filter against the channel base material, or a protective filter can be installed between the riprap and the base material.
 - b. Riprap Limits. The riprap should extend for a maximum flow depth, or to a point where vegetation will be satisfactory to control erosion.
 - c. Curves. Riprap should extend to five times the bottom width upstream and downstream of the beginning and ending of the curve as well as the entire curved section.
 - d. Riprap Size. The size of riprap to be installed depends on site-specific conditions.
 - e. Riprap Prohibitions. Slopes on which riprap is used to stabilize shorelines shall be no steeper than 2:1.
 - 5. Maintenance. Inspections should be made of all sites immediately after the first rainfall following installation of riprap. This is particularly important in areas where riprap that is displaced during the storm would impact culverts. Thereafter, rippapped sites should be checked following large storms, especially those which are near or exceed the storm frequency used in the design. Displaced riprap should be removed from its downstream location and new riprap placed according to the specifications above.

- L. Perennial Ice Ridges. If ice ridges occur annually, the property owner shall restore the shoreline every year. Removal or grading of an ice ridge must not disturb emergent aquatic vegetation, unless authorized by an aquatic plant management permit from the DNR's Division of Fisheries. No permit is required if:
 - 1. The ice ridge resulted from ice action within the last year.
 - 2. The total length of shoreline zone to be affected does not exceed 200 feet.

3. All ice ridge material that is composed of muck, clay, or organic sediment is deposited and stabilized at an upland site above the ordinary high water level of any public water.
4. All ice ridge material that is composed of sand or gravel is removed or graded to conform to the original cross-section and alignment of the lakebed, with a finished surface at or below the ordinary high water level.
5. No additional excavation or placement of fill material occurs on the site.
6. All exposed areas are immediately stabilized as needed to prevent erosion and sedimentation.
7. Local zoning officials, the watershed district, if applicable, and the soil and water conservation district are given seven days' prior notice.

M. Accessory structures. Accessory structures greater than 1,280 square feet may be constructed through a land use permit if the following is provided:

1. The structure shall be screened with vegetation sufficient to prevent the structure from view on public waters.
2. The structure shall be setback twice the normal setback distance.
3. The exterior of the accessory structure shall generally match the exterior color of the principle structure which exists, or proposed to be constructed, upon the property the accessory structure is proposed to be located.

N. Accessory Buildings. All accessory buildings shall have the same or similar finish as the neighboring homes and be homogeneous in design consistent with Section 6.13 of this Ordinance.

5.6 Commercial Waterfront District (C-W)

1. Purpose: To establish and maintain a commercial, recreationally orientated land use District within the shoreland area comprised of resorts, restaurants, marinas and similar water oriented uses with independent sanitary facilities and that is compatible with the natural resources of lakes and streams.

2. Permitted Uses. (C-W)

- Accessory Structure
- Campground
- Child Care, Center
- Grading in a shore or bluff impact zone (less than 10 cubic yards)
- Hiking Trails, Public or Private
- Temporary Structure
- Vegetation Removal, Select Cutting
- Beach
- Camping
- Church
- Duplex
- Dwelling, Single Family
- Grading in a shore or bluff impact zone (greater than 10 cubic yards but less than 50 cubic yards)
- Grading greater than 50 cubic yards outside of shore or bluff impact zone
- Parks, Playgrounds and Historic Sites
- Public Buildings
- Recreational Facilities for Resort Guests
- Recreational Facilities for General Public
- Restaurant/Bar
- Retail Sales
- Swimming Pools
- Tennis Courts
- Weekly Rental or more than 4 leases per year of any dwelling

3. Conditional Uses. (C-W)

- Bed and Breakfast Dwelling
- Interval Ownership
- Marinas
- PUD, Commercial
- PUD, Mixed Use

Vegetation Removal, Bluff or Shore Impact Zone
 Vegetation Removal, Steep Slopes
 Vegetation Removal, Open Cutting
 Waterslide

4. Accessory Uses. (C-W)

Controlled Access Lot
 On-sale Liquor Sales (requires liquor license only, no land-use permit required)
 On-site Signs

5. Excluded Uses. (C-W)

Billboard
 Grading in a shore or bluff impact zone (greater than 50 cubic yards, not including beach maintenance)
 PUD, Residential
 Warehousing, Commercial

6. Lot and Use Requirements. (C-W)

	<u>GD Lake</u>	<u>RD Lake</u>	<u>NE Lake</u>
Lot width at OHW and building line - feet, minimum	300	300	300
Lot area - acres, minimum	10	10	10
Setback, right-of-way – feet, minimum	30	30	30
Setback, OHW – feet, minimum	75	100	200
Setback, bluff – feet, minimum	30	30	30
Setback, side - feet, minimum	20	20	30
Setback, parking – feet, minimum	10	10	10
Distance between buildings – feet, minimum	20	20	20
Setback, sign (except OHW) - feet, minimum	1	1	1
Setback, sign from OHW	75	100	200
Impervious coverage – maximum	25%	25%	20%
Building height - feet, maximum	25	25	25
Building above highest known groundwater or lake level – feet, minimum	3	3	3
Maximum Density	See Commercial PUD Special Provisions		
ISTS setback from OHW – feet, minimum	75	75	100

7. Performance Standards. (C-W)

A. Screening. Visual screening is required in exterior setback area.

- B. Buildings. Four unit or larger buildings or buildings open to public shall meet the requirements of the Uniform Building Code and be designed by a registered architect. Multi-unit buildings shall have a one- hour fire rating on all party walls and floors shall be designed to a 45 decibel rating between units. The architect shall certify to this requirement.

- C. Setback from OHW. On parcels with municipal sanitary sewer service, if a structure exists on either side of a proposed structure, the waterfront setback may be altered without variance to conform to the adjoining setbacks provided that the building site is not in a bluff impact zone or the setback less than 50 feet minimum. If no structure exists on either side, a new structure may encroach up to a 50-foot setback from the OHW.

- D. Centralization of Mooring Facilities. 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.

- 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 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.
 - 2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area.
 - 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 landing 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, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with.

- F. Fertilizer and Pesticides. Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation or both.
- G. Impervious Surface Replacement. Parcels that exceed the maximum allowed impervious surface may construct additional impervious surfaces if the overall impervious coverage is reduced on a 2:1 removal/construction ratio.

5.7 Commercial District (C). (May not include shoreland)

1. Purpose: To establish and maintain a land use district for commercial purposes, with independent sanitary facilities, which can provide goods and services needed locally for the residents of the community.

2. Permitted Uses. (C)

Hiking Trails, Public or Private
Temporary Structure
Vegetation Removal, Select Cutting

3. Conditional Uses. (C)

Airport, Public or Private
Animal Boarding Facility
Animal Grooming Facility
Artist's Studio
Child Care, Center
Church
Extractive Use
Gas Station
Grading greater than 50 cubic yards outside of shore or bluff impact zone
Group Care Facility
Interval Ownership
Nursery
Nursing Home
Parks, Playgrounds and Historic Sites
Professional Buildings
Public Buildings
Public Maintenance Facilities
PUD, Commercial
PUD, Mixed Use
Recreational Facilities for Resort Guests
Recreational Facilities for General Public
Restaurant/Bar
Swimming Pools
Tennis Courts
Vegetation Removal, Clear Cutting
Vegetation Removal, Open Cutting
Vegetation Removal, Steep Slopes

Warehousing
Weekly Rental or more than 4 leases per year of any dwelling

4. Accessory Uses. (C)

Accessory Structure
On-sale Liquor Sales
On-site Signs
Outside Storage
Retail Sales

5. Excluded Uses. (C)

Auto Storage Yard
Billboard
Dwelling, Single Family
Junk Yard
PUD, Residential

6. Lot and Use Requirements. (C)

Impervious surface coverage - maximum.....	25%
Setback, right-of-way - feet.....	60
Setback, parking from lot line - feet.....	30
Setback, side - feet.....	30
Setback, rear - feet.....	30
Building height - feet, maximum.....	25
Building above highest known groundwater.....	3
Minimum lot size - square feet.....	40,000
Onsite sign setback - feet.....	1
Density, maximum.....	see Commercial PUD Special Provisions

7. Performance Standards. (C)

- A. Impervious Coverage. Impervious coverage may be increased by up to 15% through a conditional use permit if the following is provided:
1. A storm water retention plan showing containment of the 5-year, 24-hour storm event on the parcel.
 2. Direct runoff of stormwater to adjacent water bodies, including wetlands and adjacent parcels, shall be eliminated through the use of berms or other permanent means.

- B. Compatibility of Structures. All structures shall be compatible with

the surrounding neighborhood. Structures shall contain earth tone colors or natural wood or brick exterior.

- C. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light nuisances or any other nuisances. Use shall not generate peak hourly traffic counts of more than 20% of the total traffic count or hourly traffic counts of more than 10% for all non peak hour times.
- D. Parking. Adequate off-street parking shall be provided. On-street parking is not allowed under any circumstances.
- E. Screening. All sites shall be heavily landscaped to provide 100% screening to adjacent residential parcels and over 50% screening from the road or any non-residential parcel. Percentages shall be determined by amount of structure that can be seen during leaf-on conditions. A landscaping and screening plan must be submitted and approved by the Planning Commission with each conditional use permit.
- F. Lighting. Lighting shall be minimal. Lighting shall be downward directional and shall be compatible with the surrounding development. Lights approved with signs must be turned off at the close of business each day.
- G. Fire Lanes. Fire lanes shall remain unobstructed at all times.

5.8 Public Use. (PU)

1. Purpose: To establish and maintain a land use district that is either publicly owned for public buildings and public facilities or managed by a non-profit organization uniquely focused on utilizing the City's recreational features to serve the disadvantaged.

2. Permitted Uses. (PU)

Grading in a Shore or Bluff Impact Zone (less than 10 cubic yards)
Hiking Trails, Public or Private
Parks, Playgrounds and Historical Sites
Public Buildings
Public Maintenance Facilities
Temporary Structure
Vegetation Removal, Select Cutting

3. Conditional Uses. (PU)

Accessory Structure
Airport, Public or Private
Beach
Campground
Camping
Church
Duplex
Extractive Use
Forest Land Conversion
Grading in a shore or bluff impact zone (greater than 10 cubic yards but less than 50 cubic yards)
Grading greater than 50 cubic yards outside of a shore or bluff impact zone
Group Care Facility (non-profit)
Municipal Sewage Facility
Nursing Home (non-profit)
PUD, Commercial (non-profit)
Swimming Pools
Tennis Courts
Vegetation Removal, Clear Cutting
Vegetation Removal, Open Cutting
Vegetation Removal, Steep Slopes

- 4. Accessory Uses. (PU)
 - On-site Sign
 - Outside Storage

- 5. Excluded Uses. (PU)
 - Billboards
 - Dwelling, Single Family
 - Grading greater than 50 cubic yards inside of a shore or bluff impact zone

- 6. Lot and Use Requirements. (PU)
 - Lot width – feet, minimum.....100
 - Minimum lot size - square feet.....20,000
 - Impervious surface coverage - maximum.....25%
 - Setback, right-of-way - feet.....35
 - Setback, side - feet.....15
 - Setback, rear - feet.....35
 - Building height - feet, maximum.....25
 - Building above highest known groundwater.....3
 - Onsite sign setback - feet.....1
 - Density, units/acre, maximum.....
 -See Commercial PUD Special Provisions

5.9 Recreational. (REC)

1. Purpose: To establish and maintain a land use district for existing uses of land or for land properly suited for recreational development that is semi-rural in character, that allows public and private recreation facilities and accessory uses, that promotes and maintains aesthetics in areas that serve as a transitional zoning district between residential uses and commercial uses.

2. Permitted Uses. (REC)

Grading in a Shore or Bluff Impact Zone (less than 10 cubic yards)
Hiking Trails, Public or Private
Public Buildings
Temporary Structure
Vegetation Removal, Select Cutting

3. Conditional Uses. (REC)

Archery Range
Ball Fields.
Beach
Commercial Riding Stables
Forest Land Conversion
Golf Course
Golf Driving Range
Grading in a shore or bluff impact zone (greater than 10 cubic yards but less than 50 cubic yards)
Grading greater than 50 cubic yards outside of a shore or bluff impact zone
Ice Skating Rinks
Parks, Playgrounds and Historical Sites
Swimming Pool
Tennis Courts
Vegetation Removal, Bluff or Shore Impact Zone
Vegetation Removal, Clear Cutting
Vegetation Removal, Open Cutting
Vegetation Removal, Steep Slopes

4. Accessory Uses. (REC)

Accessory Structure
Child Care, Center
On-sale Liquor Sales

- On-site Sign
- Outside Storage
- Recreational Facilities for Resort Guests
- Recreational Facilities for General Public
- Restaurants/Bars
- Retail Sales

5. Excluded Uses. (REC)

- Billboards
- Campground
- Camping
- Dwelling, Single Family
- Extractive Use
- Grading greater than 50 cubic yards inside of a shore or bluff impact zone
- Interval Ownership
- Hotel/Motel
- PUD's
- Warehousing

6. Lot and Use Requirements. (REC)

- Lot Width - feet, minimum..... 300
- Lot area - acres, minimum 10
- Setback, road - feet, minimum..... 75
- Setback, side - feet, minimum..... 30
- Setback, corner side - feet, minimum..... 40
- Setback, sign - feet, minimum..... 1
- Impervious Coverage, Maximum..... 15%
- Building Height - feet, maximum..... 40
- Building above highest known groundwater, feet..... 3

7. Performance Standards. (REC)

- A. Compatibility of Structures. All structures shall be compatible with the surrounding neighborhood. Structures shall contain earth tone colors or natural wood or brick exterior.
- B. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light nuisances or any other nuisances.

- C. Parking. Adequate off-street parking shall be provided. On-street parking is not allowed under any circumstances.
- D. Screening. All sites shall be heavily landscaped to provide 100% screening of structures to adjacent residential parcels and over 50% screening from the road or any non-residential parcel. Percentages shall be determined by amount of structure that can be seen during leaf-on conditions. A landscaping and screening plan must be submitted and approved by the Planning Commission with each conditional use permit.
- E. Lighting. Lighting shall be minimal. Lighting shall be downward directional and shall be compatible with the surrounding development. Signs approved with lights must be turned off at the close of business each day.

5.10 Off-Water Resort Overlay District (OWROD)

1. General.

- A. Purpose: To establish and maintain an overlay land use district which will provide for the development of resorts which will add to the recreational character of the City. To provide for sufficient utilities and resort development that is consistent with the natural environmental amenities of the community. All development under this section shall be a “Common Interest Community” as defined by Minnesota Statutes 515B.
- B. Definitions. For the purposes of this ordinance, the following terms are defined.
 - a. Arterial Roadway. For the purposes of this Section, arterial roadway shall be defined as County-State Aid Highways 18, 70 and 77.
 - b. Off-Water Resort. An area with attached or unattached units which are made available for lease, sale or rental, with areas of common ownership managed through an association.
 - c. Rental and Rental Unit. Any unit or portion thereof, made available for occupancy for a fee.
 - d. Unit. A single structure or portion thereof, which includes a toilet facility, shower or bath facility, and a bedroom.
- C. Permitted Uses. (OWROD):
 - Interval Ownership Units
 - Common Interest Plats
 - Vacation or Recreation-oriented Rental Units

2. Suitability. The following conditions must be found to exist by the City for a parcel to be determined as suitable for the OWROD:

- A. Location of the parcel in proximity to a recreational facility. The parcel must abut a recreational facility on at least 25% of its perimeter. A recreational facility includes at least one of the following:
 - a. Golf Course
 - b. Public Pool
 - c. Public Park Larger than 10 Acres in Total Area
 - d. Any property designated as Recreational Zoning District; and
- B. Location of the parcel in proximity to shoreline. The parcel shall not be located within 300 feet of any body of water identified under Section 5.1(4) of this ordinance.
- C. Size of the parcel. At a minimum, the total land area of the parcel shall be 20 acres; and

- D. The subject parcel shall abut an arterial roadway, or shall have the ability to obtain dedicated access through an adjacent parcel.
3. Review Criteria. The following shall be reviewed by the City in considering a parcel for rezoning to the OWROD, in addition to any other applicable review criteria.
- A. Physical and aesthetic impacts of increased density; and
 - B. Level of current development in the area; and
 - C. Amounts and ownership of existing lands;
4. Design Criteria. The design criteria for projects considered under the OWROD, shall conform to the design criteria established under Section 7.1(3) of the Zoning and Subdivision Ordinance of the City of East Gull Lake.
- A. Minimum Size. Off-Water Resorts shall contain a minimum of three units or sites.
 - B. Buffer. A 50-foot vegetative buffer will be maintained or established along the boundary of the Off-Water Resort. There shall be no units or impervious coverage within this buffer with the exception of access roads or utilities. The buffer will serve to screen the adjacent parcels and the lake, where applicable, from the units within the Off-Water Resort. The screening will contain both low growing (e.g. brush) and high growing (e.g. trees) vegetation. Adjacent parcels and the lake, where applicable, shall be a minimum of 50% screened, as measured by the Planning and Zoning Administrator, from the adjacent parcel or the lake during leaf-on conditions. An earthen berm may be used where, in the opinion of the Planning Commission, the existing vegetation cannot be enhanced to meet the 50% screening criteria. Use of a berm shall not preclude the maintaining of a 50-foot buffer or the installation of screening as part of the berm.
 - C. Open Space. At least 15% of the total project area must be preserved in open space.
 - 1. Open space shall be left in its natural state, to the extent feasible. Any alterations to open space shall be shown on a landscaping plan presented to the Zoning Administrator and contain native plant species as identified by the Minnesota Department of Natural Resources.
 - 2. Dwelling units or sites, road right-of-way, land covered by road surfaces, parking areas, stormwater basins, collection and treatment areas, structures and landscaped areas which are routinely maintained are developed areas and shall not be included in the computation of minimum open space.

3. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
4. The 50-foot buffer shall be included as open space, minus areas used as accesses.
5. Where a wildlife corridor is present, open space shall be designed to include the corridor.
6. The appearance of open space areas shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means acceptable to the City.

D. Common Space. At least 50% of the project must be included as common space.

1. Open space shall be counted as common space.
2. Common space may include any outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.
3. Common space may include areas used for stormwater retention or management and areas used for sanitary sewer collection or disposal. Where common space includes sanitary sewage treatment systems, the use of the space shall be restricted where necessary to avoid adverse impacts on the systems.
4. Common space must not include commercial facilities or uses, but shall not contain water-oriented facilities or access to public waters identified under Section 5.1(4) of this ordinance.
5. The appearance and use of common space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means acceptable to the City.

E. Stormwater management.

1. All Off-Water Resorts must develop and maintain a stormwater management plan indefinitely.
2. Capacities of existing drainage ways shall be maintained.
3. Unless specifically allowed by the City, inlets and outlets to adjacent parcels shall be maintained. Flows from outlets shall be maintained unless allowed by the City.
4. All Off-Water Resorts shall contain the 100-year, 24-hour storm event within the development.

5. Runoff from the parcel shall not be concentrated unless part of a City stormwater management plan.
- F. Sanitary sewer and water supply standards.
1. All units within the Off-Water Resort must be connected to publicly owned water supply and sewer systems, when available.
 2. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
 3. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
- G. Erosion control.
1. All Off-Water Resorts must develop and maintain an erosion control throughout construction activities.
 2. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other techniques must be used to minimize erosion.
 3. Steps shall be taken to insure that disturbed ground is restored or stabilized as soon as possible after being disturbed.
- H. Exterior lighting. All exterior lighting shall be directed downward. Lighting shall not illuminate adjacent parcels, either directly or indirectly.
- I. Parking requirements. All Off-Water Resort development shall incorporate the design requirements of Section 6.10 of this ordinance. In the event a unit is made available for rent, one parking space shall be provided on site for each rental unit. Overflow parking shall be provided
- J. Association required. Any Off-Water Resort shall be managed through the creation of a management association consistent with the requirements of Minnesota Statute 515B.
- K. Building standards. Units must be clustered in one or more groups and located on suitable areas of the development. All structures within a Off-Water Resort must meet the minimum standards:
1. All dwellings of 2 units or larger shall be designed by an architect.
 2. New multifamily building shall have fire rated party walls and floors as is required by the IBC.
 3. New multi-family buildings shall have the decibel rating between units as required by the IBC.
 4. Water systems must be winterized.

5. Parking and driving areas must be paved.
 6. All buildings shall be earth tone in color and shall be designed, constructed and positioned to be compatible, in color, character and mass, with the surrounding land use.
- L. Impervious Surfaces: All impervious surfaces within any single project area shall be limited to a cumulative maximum of 25%.
5. Resort Development.
- A. Base Density. The maximum base density shall be 2 dwelling units per acre. Each unit may provide up to four bedrooms to be made available for rental.
 - B. Density Increases. There shall be no density increases granted as a result of use of the OWROD.