

SECTION 1070 - S, SHORELAND DISTRICT

1070.01 **PURPOSE.** The intent of this section is to reduce the effects of overcrowding, to prevent pollution of waters of the community, to minimize flood damages, to maintain property values and to maintain natural characteristics of shorelands and adjacent water areas by controlling lot sizes, placement of structures on lots and alteration of shoreland.

1070.02 **STATUTORY AUTHORIZATION.** This section is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

1070.03 **SHORELAND DISTRICTS.** The shorelands within the City of Tonka Bay are hereby designated as shoreland districts and the requirements set forth in this section shall govern development and other activities within these districts. The classification of the shoreland areas shall govern the use, alteration and development of these areas according to said classification as per Minnesota Regulations NR 82-84.

1070.04 **DISTRICT APPLICATION.** The S District shall be applied to and superimposed upon all base zoning districts as contained herein as existing or amended by the Zoning Ordinance text and official Zoning Map. For the purpose of this Ordinance, base zoning district means the zoning districts listed in Sections 1016-1026 of the Zoning Ordinance. The regulations and requirements imposed by the S District shall be in addition to those established for the base zoning districts which jointly apply. Under the joint application of standards, the more restrictive requirements shall apply.

1070.05 **BOUNDARIES.** The Shoreland District shall encompass all properties within the City of Tonka Bay. *(adopted 12/13/07)*

1070.06 **SHORELAND CLASSIFICATION SYSTEM.** The surface waters affected by this section and which require controlled development of their shoreland (Shoreland District) are shown on the map designated as the official “Zoning Map of the City of Tonka Bay” which is properly approved and made a part of this section and filed with the Zoning Administrator. Surface waters generally greater than ten (10) acres and given an identification number by the State of Minnesota are defined in Section 1071 of this Code and listed below.

Subd. 1. Lake Classification System.

GENERAL DEVELOPMENT LAKES:

DNR Identification Number	Name
27-133	Lake Minnetonka

1070.07 **ALLOWABLE LAND USES.** The land uses allowable for the Shoreland Overlay District shall follow the permitted, accessory, and conditional use designations as

defined and outlined in the base zoning districts, found in Sections 1016-1026 of the Zoning Ordinance, as may be amended, referred to as the Tonka Bay Zoning Ordinance and shall be properly delineated on the official Zoning Map for the shorelands of Tonka Bay. These land use districts are in conformance with the criteria specified in Minnesota Regulations, Part 6120.3200, Subd. 3.

1070.08 MINIMUM LOT SIZE AND WIDTH.

Subd. 1. Lot and Setback Standards. Subject to the other more restrictive limitations which may be imposed by this Ordinance, the following minimum requirements shall be observed in the following zoning districts which are overlaid by the Shoreland District.

a. Residential (R-1A, R-1B, R-2A, R-2B, R-3, R-4).

Riparian	Area	Width
Single	15,000	75
Duplex	26,000	100
Triplex	38,000	125
Quad	49,000	150

Non-Riparian	Area	Width
Single	10,000	75
Duplex	17,500	100
Triplex	25,000	125
Quad	32,500	150

1. Only land above the ordinary high water level of public waters can be used to meet lot area standards.
2. Lot width standards shall be met at both the ordinary high water level and at the building line.
3. Lots developed with five (5) or more dwelling units require approval of a planned unit development conditional use in accordance with Section 1070.15 of this Ordinance.

b. Commercial (C-1, C-2). See Sections 1023 and 1024 of the Zoning Ordinance.

1070.09 MINIMUM SETBACK REQUIREMENT. The following chart sets forth the minimum setback standards within the Shoreland Overlay District.

Subd. 1. Ordinary High Water Mark. Fifty (50) feet or as regulated in Section 1011.03.5.d. of the Zoning Ordinance.

Subd. 2. Side Yard Setbacks. (Subject to individual district requirements.)

Subd. 3. Additional Structure Setbacks.

a. Top of Bluff	30 feet
b. Right-of-way Line of Federal, State or County Highway	30 feet
c. Right-of-way Line of Public Base Street or Other Roads or Streets	(Subject to individual zoning district requirements)
d. Bluff Impact Zones	Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.

1070.10 BUILDING/STRUCTURE HEIGHT. No structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet, whichever is less.

1070.11 IMPERVIOUS SURFACE COVERAGE.

Subd. 1. Allowable Coverage.

- a. Impervious surface coverage for lots in all zoning districts shall not exceed twenty-five (25) percent of the lot area, except as provided below:
 1. Where appropriate and where structures and practices are in place for the treatment of storm water runoff and/or prevent storm water from directly entering a public water, impervious surface coverage may be allowed to exceed twenty-five (25) percent to a maximum of thirty-five (35) percent on any one site with approval of the City Engineer and City Administrator.
 2. Where appropriate and where structures and practices are in place for the treatment of storm water, impervious surface coverage of between thirty-six (36) percent to forty-five (45) percent may be allowed provided a shoreland impact plan/ conditional use permit is submitted and approved as provided for in Section 1070.16 of this Ordinance.
 3. Where appropriate and where structures and practices are in place for the treatment of storm water, impervious surface coverage of forty-six (46) percent and over may be allowed provided a shoreland impact plan/conditional use permit and variance are submitted and approved as provided for in Section 1070.16 and Section 1070.17 of this Ordinance.

Subd. 2. Treatment Measures. Measures for the treatment of storm water runoff

and/or prevention of storm water from directly entering a public water include such appurtenances as sediment basins (debris basins, desilting basins, or silt traps), installation of debris guards and microsilt basins on storm sewer inlets, oil skimming devices, etc.

Subd. 3. Limitations. No impervious surface coverage shall be placed, located or constructed within fifty (50) feet of the ordinary high water level, except for stairways, lifts and landings as allowed for in Section 1070.12 of this Ordinance.

1070.12. DESIGN CRITERIA FOR STRUCTURES.

Subd. 1. Placement and Design of Structures.

- a. When more than one setback applies to a site, structures and facilities shall be located to meet all setbacks. Setback requirements shall follow the requirements of Section 1011.03.5.D of the Zoning Ordinance.
- b. High Water Elevations. Structures shall be placed in accordance with the regulations set forth in Section 1040 of this Code.

Subd. 2. 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 shall meet the following design requirements:

- a. Stairways and lifts shall not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open space recreational properties, and planned unit developments.
- b. Landings for stairways and lifts 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 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.
- e. Stairways, lifts, 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.
- f. 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 a. and e. are complied with in addition to the requirements of Minnesota Regulations,

Chapter 1340.

Subd. 3. Steep Slopes. The Zoning Administrator shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures, or other improvements on steep slopes of twelve (12) percent or greater. When determined necessary, 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.

Subd. 4. Significant Historical Sites. No Structure may be placed on a significant historical site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository. (MN rules 6120.3300 subd. 3, E.)

1070.13 SHORELAND ALTERATIONS. Alterations of vegetation and topography shall be regulated to prevent erosion into public waters, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

Subd. 1. Vegetation Alterations.

- a. Vegetation alteration necessary for the construction of structures and the construction of roads and parking areas regulated by Section 1070.13.3 of this Ordinance are exempt from the vegetation alteration standards that follow.
- 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.
 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, and access paths provided that:
 - a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
 - b) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

Subd. 2. Topographic Alterations/Grading and Filling.

- a. Grading and filling and excavations necessary for the construction of structures and driveways under construction permits for these facilities shall not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section shall be incorporated into the issuance of permits for construction of structures and driveways.
- b. Public roads and parking areas are regulated by Section 1070.13.3 of this Ordinance.
- c. Notwithstanding items a. and b. above, a grading and filling permit shall 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; and
 2. The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
- d. The following considerations and conditions shall be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
 1. Grading or filling in any type 2, 3, 4, 5, 6, 7 or 8 wetland shall be in accordance with the Minnesota Wetland Conservation Act of 1991, Minnesota Laws, Chapter 354 and 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.
 - f) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

* This evaluation shall require the applicant to provide appropriate documentation of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal

agencies such as the Minnehaha Creek Watershed District, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.

2. 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.
 3. Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover shall be established as soon as possible.
 4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used.
 5. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.
 6. Fill or excavated material shall not be placed in a manner that creates an unstable slope.
 7. Plans to place fill or excavated material on steep slopes shall be reviewed by qualified professionals for continued slope stability and shall not create finished slopes of thirty (30) percent or greater.
 8. Fill or excavated material shall not be placed in bluff impact zones.
 9. Any alterations below the ordinary high water level of public waters shall first be authorized by the Commissioner under Minnesota Statutes, Section 103G.245.
 10. Alterations of topography shall 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 (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.
- e. Connections to Public Waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be controlled by local shoreland controls. Permission for

excavations may be given only after the Commissioner has approved the proposed connection to public waters.

Subd. 3. Placement and Design of Roads, Driveways and Parking Areas.

- a. Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation shall 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 the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- b. Roads, driveways, and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones. If no reasonable replacement exists, they may be placed within these areas, and shall be designed to minimize adverse impacts.
- c. 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 sub-part are met. For private facilities, the grading and filling provisions of Section 1070.13.2 of this Ordinance shall be met.

Subd. 4. Storm Water Management. All development within the Shoreland Overlay District shall be consistent with the following general and specific standards:

a. General Standards.

1. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain storm water 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 with facilities or methods used to retain sediment on the site.
3. When development density, topography features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

b. Specific Standards.

1. When constructed facilities are used for storm water management, documentation shall be provided by a qualified registered engineer that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
2. New constructed storm water outfalls to public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

1070.14 **NON-CONFORMITIES.** All legally established non-conformities as of the date of this section may continue but they shall be managed according to applicable State Statutes and Section 1011.01 and Section 1011.02 of the Zoning Ordinance for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards shall also apply in shoreland areas:

Subd. 1. Construction of Non-Conforming Lots of Record. Lots of record in the office of the County Recorder on the date of enactment of this section that do not meet the requirements of Sections 1017-1026 of the Zoning Ordinance and Section 1070.08 of this Ordinance shall be authorized only in conformance with Section 1011.01 of the Zoning Ordinance.

Subd. 2. Additions/Expansions to Non-Conforming Structures.

- a. All additions or expansions to the outside dimensions of an existing non-conforming structure must meet the setback height, and other requirements of Section 1011.01 of the Zoning Ordinance and Section 1070.09 and 1070.10 of this Ordinance. Any deviation from these requirements may be authorized by a variance pursuant to Section 1004 of the Zoning Ordinance.
- b. Deck additions not meeting the required setback from the ordinary high water level shall be authorized only by variance pursuant to Sections 1004 of the Zoning Ordinance.

1070.15 **RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD).** Residential planned unit development conditional uses are allowed for new projects on undeveloped land, redevelopment of previous built sites. Residential planned unit development shall comply with the following criteria:

Subd. 1. Residential planned unit development shall be processed as a conditional use in accordance with Section 1006 of the Zoning Ordinance.

Subd. 2. Application for a residential planned unit development shall follow the guidelines in Section 1006 of the Zoning Ordinance.

Subd. 3. Site “Suitable Area” Evaluation. Proposed residential planned unit developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Sections 1070.05.4 and 1070.05.6 of this Ordinance.

- a. The development parcel shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions

	<u>Feet</u>
General Development Lakes - First Tier	200
General Development Lakes - Second and Additional Tiers	200

- b. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land before the ordinary high water level of public waters. This suitable area and the proposed development are then subjected to the planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

Subd. 4. PUD Density Evaluation. The procedures for determining the “base” density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the water body, but shall not be transferred to any other tier closer.

Subd. 5. PUD “Base” Density Evaluation. The suitable area within each tier is divided by the single residential lot size standard for lakes. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Section 1070.15.7 of this Ordinance.

Subd. 6. Density Increase Multipliers.

- a. Increases to the dwelling unit or dwelling site base densities previously determined are allowed if the dimensional standards in Section 1070.08 of this Ordinance are met or exceeded and the design criteria in Section 1070.15.7 of this Ordinance are satisfied. The allowable density increases in item b. below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty (50) percent greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least twenty-five (25) percent greater than the minimum setback.
- b. Allowable dwelling unit or dwelling site increases for residential planned unit

development:

DENSITY EVALUATION TIERS	MAXIMUM DENSITY INCREASE WITHIN EACH TIER (PERCENT)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

Subd. 7. Maintenance and Design Criteria.

- a. Before final approval of a residential planned unit development, adequate provisions shall be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

- b. Open Space Preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long term preservation and maintenance of open space. The instruments shall include all of the following protections:
 - 1. Commercial use prohibited.
 - 2. Vegetation and topographic alterations other than routine maintenance prohibited.
 - 3. Construction of additional buildings or storage of vehicles and other materials prohibited.
 - 4. Uncontrolled beaching of watercraft prohibited.

Subd. 8. Open Space Requirements. Planned unit developments shall contain open space meeting the following criteria:

- a. At least thirty (30) percent of the total development area shall be preserved as open space.

- b. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, driveways, parking areas, or structures are developed areas and shall not be included in the computation of minimum open space.

- c. Open space shall include areas with physical characteristics unsuitable for development in their natural state and areas containing significant historic sites.

- d. The appearance of open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equal effective and permanent means.
- e. The shore impact zone, based on normal structure setbacks, shall be included as open space. For residential PUDs, at least seventy (70) percent of the shore impact area of new developments shall be preserved in its natural or existing state.

Subd. 9. Erosion Control and Storm Water Management. Erosion control and storm water management for the PUD shall be in compliance with Section 1070.13.2 and Section 1070.13.4 of this Ordinance.

Subd. 10. Centralization and Design of Facilities. Centralization and design of facilities and structures shall be done according to the following standards:

- a. Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation about the surface water features, and maximum height.

Setbacks from the ordinary high water level shall be increased in accordance with Section 1070.16.3 of this Ordinance for developments with density increases.

- b. Structures, parking areas, and other facilities shall 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. Vegetative and topographic screening shall be preserved, if existing, or may be required to be provided.
- c. Accessory structures and facilities shall meet the required principal structure setback and shall be centralized.

1070.16 SHORELAND IMPACT PLAN/CONDITIONAL USE PERMIT.

Subd. 1. Shoreland Impact Plan. Except for situations listed below, landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within the Shoreland District within the City of Tonka Bay shall first submit a conditional use permit application as regulated by Section 1003 of the Zoning Ordinance and a plan of development, hereinafter referred to as “Shoreland Impact Plan”, which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth

proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the Shoreland Impact Plan shall be to eliminate potential pollution, erosion and siltation.

Subd. 2. Flexibility. Where strict conformity with provisions of this section is not possible, the requirements specified herein may be exceeded subject to a conditional use permit and shoreland impact plan set forth in this section and with approval by the Minnehaha Creek Watershed District and the City Engineer were applicable.

Subd. 3. Conditions. All conditional use permits for consideration under this section shall be subject to the following conditions:

- a. The projects shall be analyzed to determine the impact of impervious surfaces, storm water runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.
- b. Storm water treatment measures including, but not limited to, sediment basin (debris basins), desilting basins or silt traps, installation of debris guards, and micro-silt basins on storm water inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and Minnehaha Creek Watershed District on projects where applicable.
- c. Projects shall be analyzed by the City in terms of provisions for maintenance and enhancement of landscape features, change in the natural condition of the soil, removal of trees, grade courses and marshes. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting as many trees as possible which are proposed to be removed.
- d. Projects shall be analyzed by the City in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.
- e. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in this Ordinance.
- f. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning districts for which the project is proposed.
- g. All projects shall be in conformance with the Shoreland Management Plan,

Comprehensive Plan, and Zoning and Subdivision Ordinances of the City of Tonka Bay.

- h. All projects shall be subject to the review by the Minnehaha Creek Watershed District and the City Engineer.

1070.17 VARIANCES.

Subd. 1. Provisions. Variances shall only be granted in accordance with Minnesota Statutes, Chapter 462, as applicable and with Section 1004 of the Zoning Ordinance.

Subd. 2. Board of Adjustment and Appeals. The Board of Adjustment and Appeals shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 1070.19 of this Ordinance shall also include the Board of Adjustment and Appeals' summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

1070.18 SUBDIVISION/PLATTING PROVISIONS.

Subd. 1. Land Suitability. Each lot created through subdivision, including planned unit developments authorized under Section 1070.15 of this Ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by Tonka Bay shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply, near shore aquatic conditions unsuitable for water based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

Subd. 2. Consistency with Other Controls. Subdivisions must conform to all provisions for subdivision, as found in Section 1030 of this Code. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for the intended purpose.

Subd. 3. Information Requirements. Sufficient information must be submitted by the applicant for the City to make a determination of land suitability. The information shall include the provisions found in Section 1030 of this Code, Subdivision Regulations, and the following:

- a. Topographic contours from survey maps showing limiting site characteristics.
- b. The surface water features required in Minnesota Statutes, Section 505.02, Subd. 1, to be shown on plats.
- c. Information regarding adequacy of domestic water supply, extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods of controlling storm water runoff and erosion, both during and after construction activities.
- d. Location of 100 year floodplain areas and floodway districts from existing adopted maps or data.
- e. A line or contour representing the ordinary high water level, the “toe” and the “top” of the bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

Subd. 4. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of storm water and significant wetlands.

1070.19 NOTIFICATION TO THE DEPARTMENT OF NATURAL RESOURCES.

Subd. 1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses resulting from controls of Section 1070 of this Ordinance must be sent to the Commissioner or the Commissioner’s designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plans must include copies of the subdivision/plat.

Subd. 2. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under this Shoreland Ordinance must be sent to the Commissioner or the Commissioner’s designated representative and postmarked within ten (10) days of final action.