

**CITY OF CHASKA  
ORDINANCE 2023-1031**

**WHEREAS**, staff recommends the Shoreland Management ordinance be amended.

**NOW THEREFORE**, be it ordained by the Council of the City of Chaska, in the State of Minnesota, as follows:

**SECTION 1:        AMENDMENT** “15.24.020 Designation Of Types Of Land Use” of the City of Chaska Zoning Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

15.24.020 Designation Of Types Of Land Use

- A. *Shoreland Management Classification.* In order to guide the wise development and utilization of shorelands of protected waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, certain protected waters in the City have been given a shoreland management classification.

These protected waters of the City have been classified by the Commissioner of Natural Resources as follows:

<b>Natural Environment</b>	<b>DNR I.D. #</b>
Chaska Lake	10-4
Courthouse Lake	10-5

<b>General Development</b>	<b>OHWB</b>	<b>DNR I.D. #</b>
Hazeltine Lake	916.8	10-14
Lake Bavaria	972.7	10-19
West Chaska Creek		N/A
East Chaska Creek		N/A

- B. *Shoreland Overlay District.* The shorelands of the City of Chaska are hereby designated as a Shoreland Overlay District. The purpose of the Shoreland Overlay District is to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of these protected waters of the City.

1. *Permitted Uses.* All permitted uses allowed and regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the Official Zoning Map of the City.
2. *Conditional Uses.* All conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the Official Zoning Map of the City and as required by CZO 15.24.040.
3. *Substandard Uses.* Any uses of shorelands in existence prior to the date of enactment of this Ordinance which are permitted within the applicable zoning district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this Ordinance are substandard uses. Substandard uses, including substandard sanitary facilities, shall be allowed to continue. However, any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.
4. *Prohibited Uses.* Any uses which are not Permitted or Conditional Uses as regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the Official Zoning Map of the City are prohibited.

AFTER AMENDMENT

15.24.020 Designation Of Types Of Land Use

- A. *Shoreland Management Classification.* In order to guide the wise development and utilization of shorelands of protected waters for the preservation of water quality, natural characteristics, economic values, and the general health, safety and welfare, certain protected waters in the City have been given a shoreland management classification.

These protected waters of the City have been classified by the Commissioner of Natural Resources as follows:

Natural Environment	DNR I.D. #
Chaska Lake	10000-400
Courthouse Lake	10000-500

General Development	OHWL	DNR I.D. #
Hazeltine Lake	916.8	1000-1400
Lake Bavaria	972.7	1000-1900
<del>West Chaska Creek</del>		<del>N/A</del>
<del>East Chaska Creek</del>		<del>N/A</del>

Tributary	DNR I.D.	From	To
<u>Assumption Creek</u>	<u>M-055-017</u>	<u>34-116-23</u>	<u>34-116-2</u>
East Chaska Creek	<u>M-055-018</u>		
<u>West Chaska Creek</u>	<u>M-055-020</u>		
<u>Unnamed Creek</u>	<u>M-055-020-001</u>	<u>6-115-23</u>	<u>6-115-23</u>
<u>Unnamed Stream</u>	<u>M-055-018-006</u>	<u>19-116-23</u>	<u>20-116-23</u>

Agricultural	From	To
Minnesota River	9-115-23	<u>3-115-23</u>

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3. *Substandard Uses.* Any uses of shorelands in existence prior to the date of enactment of this Ordinance which are permitted within the applicable zoning district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this Ordinance are substandard uses. Substandard uses, including substandard sanitary facilities, shall be allowed to continue. However, any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.
4. *Prohibited Uses.* Any uses which are not Permitted or Conditional Uses as regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the Official Zoning Map of the City are prohibited.

**SECTION 2:            AMENDMENT** “15.24.030 Zoning Provisions” of the City of Chaska Zoning Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.24.030 Zoning Provisions

A. *Standards - All Shorelands.* The following standards shall apply to all shorelands of the protected waters listed in CZO 15.24.020 within the City. Where the requirements of the underlying zoning district as shown on the Official Zoning Map are more restrictive than those set forth herein, then the more restrictive standards shall apply:

	NATURAL ENVIRONMENT WATERS	RECREATIONAL DEVELOPMENT WATERS	GENERAL DEVELOPMENT WATERS
<b>1. Unsewered Areas</b>			
Lot Area (in square feet)	80,000	40,000	20,000
Water frontage and lot width at building line (in feet)	200	150	100
Structure setback from Ordinary High Water Mark (in feet)	200	100	75
Structure setback from roads and highways	50: Federal, State, or County 30: Municipal or Private		
Structure height limitation (in feet)		35	
Maximum lot area covered by impervious surface (in %)	30	30	30
Sewage system setback from Ordinary High Water Mark (in feet)	150	75	50
<b>2. Sewered Areas</b>			
Lot Area (in square feet)			
Water front lots	40,000	20,000	15,000
Other lots	20,000	15,000	10,000
Water frontage and lot width at building line (in feet)	125	75	75
Structure setback from Ordinary High Water Mark (in feet)	150	75	50

B. *Substandard Lots.*

1. *Lots of Record.*

a. Lots of record in the office of the County Register of Deeds prior to March 4, 1985 which do not meet the requirements of paragraph A may be allowed as building sites, provided:

- (1) Such use is permitted in the zoning district.
- (2) The lot is in separate ownership from abutting lands, and
- (3) All other sanitary and dimensional requirements of this shoreland ordinance are complied with insofar as practical.

b. The minimum size and length of water frontage for substandard lots of record shall be:

9,000 square feet with 75 feet frontage

C. *Roads And Parking Areas.* Roads and parking areas shall be located to retard the runoff of surface waters and nutrients in accordance with the following criteria:

1. *Setbacks - Roads/Parking Areas.* Where feasible and practical, all roads and parking areas shall meet the setback requirements established for structures in paragraph A.
2. *Minimum Setbacks - High Water Mark.* In no instance shall these impervious surfaces be placed less than 50 feet from the ordinary high water mark.
3. *Screening - Parking Areas.* Natural vegetation or other natural materials shall be used to screen parking areas when viewed from the water.

D. *Elevation Of Lowest Floor.*

1. *Elevation Consistency/Flood Plain Management.* Structures shall be placed at an elevation consistent with the City's flood plain management controls.
2. *Lowest Floor Elevation Determination.* In areas not regulated by flood plain management controls, the elevation to which the lowest floor, including basements, is to be placed shall be determined as follows:

a. For lakes, ponds, and flowages by:

- (1) An evaluation of available flood information and consistent with Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota; or
- (2) Placing the lowest floor at a level at least three feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the ordinary high water mark shall be used.

b. For rivers and streams, by an evaluation of available flood information and consistent with Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota.

E. *Exceptions To Structure Setback Requirements.*

1. *Exceptions from Setbacks.* Setback requirements from the ordinary high water mark shall not apply to piers and docks. Location of piers and docks shall be controlled by applicable state and local regulations.
2. *Developed/Undeveloped Lots/Minimum Setback.* On undeveloped shoreland lots that have two (2) adjacent lots with existing principal structures on both such adjacent lots, any new residential structure may be set back the average

setback of the adjacent structures from the ordinary high water mark or 50 feet, whichever is greater, provided all other provisions of the shoreland overlay district are complied with.

AFTER AMENDMENT

15.24.030 Zoning Provisions

A. *Standards - All Shorelands.* The following standards shall apply to all shorelands of the protected waters listed in CZO 15.24.020 within the City. Where the requirements of the underlying zoning district as shown on the Official Zoning Map are more restrictive than those set forth herein, then the more restrictive standards shall apply:

	NATURA L ENVIRO NMENT WATERS	RECREA TIONAL DEVELO PMENT WATERS	GENERA L DEVELO PMENT WATERS	<u>TRIBUTA RY WATERC OURSES</u>	<u>AGRICUL TURAL WATERCO URSES</u>
<b>1. Unsewered Areas</b>					
Lot Area (in square feet)	80,000	40,000	20,000		
Water frontage and lot width at building line (in feet)	200	150	100	<u>100</u>	<u>150</u>
Structure setback from Ordinary High Water Mark (in feet)	200	100	75	<u>100</u>	<u>100</u>
Structure setback from roads and highways	50: Federal, State, or County 30: Municipal or Private				
Structure height limitation (in feet)		35			
Maximum lot area covered by impervious surface (in %)	30	30	30		
Sewage system setback from Ordinary High	150	75	50	<u>75</u>	<u>75</u>

Water Mark (in feet)					
<b>2. Sewered Areas</b>					
Lot Area (in square feet)					
Water front lots	40,000	20,000	15,000		
Other lots	20,000	15,000	10,000		
Water frontage and lot width at building line (in feet)	125	75	75	<u>75</u>	<u>150</u>
Structure setback from Ordinary High Water Mark (in feet)	150	75	50	<u>50</u>	<u>50</u>

B. *Substandard Lots.*

1. *Lots of Record.*

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- (2) The lot is in separate ownership from abutting lands, and
- (3) All other sanitary and dimensional requirements of this shoreland ordinance are complied with insofar as practical.

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PASSED AND ADOPTED BY THE CITY OF CHASKA COUNCIL

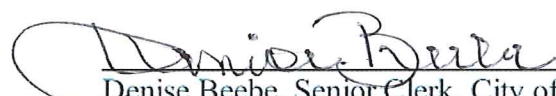
February 27, 2023

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Grau	<u>X</u>	_____	_____	_____
Councilmember Hatfield	<u>X</u>	_____	_____	_____
Councilmember Huang	<u>X</u>	_____	_____	_____
Councilmember Hubbard	<u>X</u>	_____	_____	_____
Mayor Windschitl	_____	_____	<u>X</u>	_____

Presiding Officer

Attest

  
 \_\_\_\_\_  
 Mike Huang, Mayor Pro Tem,  
 City of Chaska

  
 \_\_\_\_\_  
 Denise Beebe, Senior Clerk, City of  
 Chaska