

WACONIA PLANNING COMMISSION MEETING AGENDA



**Thursday, September 3, 2026
6:30 PM**

VISION STATEMENT

A thriving, connected community with deep roots: a great place to live for a lifetime.

MISSION STATEMENT

A city that leads, serves, and governs to enhance the quality of life for all community members.

**CHAIR: CHAD GENZ
MEMBER: JOE POLUNC
MEMBER: BRUCE PAULSEN
MEMBER: DARYL PETERSON
MEMBER: JACOB WECKMAN
ALTERNATE: SIMON MALINSKI**

**NOTE: TO ENSURE THAT YOU ARE PRESENT FOR ITEMS OF INTEREST,
PLEASE BE PRESENT AT 6:30 P.M.**

Those with items on the agenda should reach out to their staff contact. Others who wish to participate in the meeting, please contact the Community Development Director at 952-442-3106 or lbraaten@waconiamn.gov to make certain that you are called upon during the meeting.

- 1. CALL MEETING TO ORDER AND ROLL CALL**
- 2. ADOPT AGENDA**
- 3. APPROVAL OF MINUTES**
 - 1) August 6, 2026 Planning Commission Meeting Minutes**
- 4. NEW BUSINESS**
 - 1) PUBLIC HEARING – After the Fact Variance – 301 Oak Street South**

Open Public Hearing
Close Public Hearing

Motion recommending approval/denial of the three variances requested by the applicant to allow the existing garage to be located 9.8 feet from the rear lot line versus the 10 ft. minimum setback required; to be located 14.1 feet from 3rd Street where a 15-foot minimum setback is required; and to allow 36% hardcover on the

property where a maximum of 35% is allowed within the R-2 Single-Family Residential Zoning District.

2) PUBLIC HEARING – Variance - 441 Olive Street South

Open Public Hearing

Close Public Hearing

Motion recommending approval/denial of a variance to reduce the required 15-foot street-side setback from Fifth Street to approximately 6.2 feet, to allow construction of a new detached garage at the property located at 441 Olive Street South.

3) PUBLIC HEARING – Amend Section 900.06.7 Shoreland Overlay District

Open public hearing

Close public hearing

Recommend approval or denial of the proposed amendment to allow riparian properties, subdivided prior to January 1, 1976, up to 30% hardcover by right if certain conditions are met on the subject property.

5. OLD BUSINESS

6. OTHER

1) Staff Update

7. ADJOURN



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	September 3, 2026		
Item Name:	3.1. August 6, 2026 Planning Commission Meeting Minutes		
Originating Dept:	Community Development		
Presented By:			
Previous Council Action:	None		
Item Type:			
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED: Approve the August 6, 2026, Planning Commission Minutes EXPLANATION OF AGENDA ITEM: Approve the August 6, 2026, Planning Commission Minutes ATTACHMENTS: 1. August 6, 2026, Planning Commission Meeting			
FINANCIAL IMPLICATIONS: Funding Sources & Uses: Budget Information: _____ Budgeted _____ Non-Budgeted _____ Amendment Required		ADVISORY BOARD RECOMMENDATIONS: Planning Commission: _____ Park Board: _____ Personnel Committee: _____ Other: More sample text. _____	

CITY OF WACONIA
AUGUST 6, 2026

1. CALL MEETING TO ORDER AND ROLL CALL

Pursuant to due call and notice thereof, the meeting of the Planning Commission of the City of Waconia was called to order by Commissioner Chair Genz at 6:30 PM.

The following Commissioners were present: Planning Commission Member Genz, Planning Commission Member Polunc, Planning Commission Member Paulsen, Planning Commission Member Peterson, Planning Commission Member Weckman

The following Commissioners were absent:

The following Commissioners were present but not voting: Planning Commission Member Simon Malinski

2. ADOPT AGENDA

No Changes to the agenda.

Commissioner Paulsen to adopt the agenda, seconded by Commissioner Weckman.

MOTION CARRIED.

3. APPROVAL OF MINUTES

Motion made by Commissioner Weckman to approve the July 9, 2026, minutes. Seconded by Commissioner Paulsen.

MOTION CARRIED

1) July 9, 2026, Planning Commission Minutes

4. NEW BUSINESS

No New Business

5. OLD BUSINESS

1) Amend Chapter 541 — Housing Ordinance for Rental Property

Sahal presented an overview of the Housing Ordinance for Rental Property after a successful work session on this topic.

A motion by Commissioner Genz to approve the drafted regulations to include no long-term rental buffers, grandfathering of existing short-term rentals, annual inspection to include no warranty by the city of the applicable laws, house rules and 1-year rental record. Seconded by Commissioner Polunc. All in favor voted Aye.

MOTION CARRIED

This item will be brought to the City Council with recommendations along with creating a draft of house rules and good neighbor elements.

6. OTHER

1) Staff Update

Braaten updated the Commission on the following items:

1. Update on the several changes approved by the City Council to the cannabis buffers in relation to the ordinance amendment submitted by Charlie Levine. They include reducing the park buffer and measuring the school buffer based on a structure-to-structure measurement. Micro cannabis retail can now be located in the B-1 Business District and is allowed as a conditional use permit.
2. City Council approved the bid packet for the Water Treatment Plant.
3. The building permit has been submitted for the restaurant "Olive and Elm", which will be located in the front-facing space on Olive Street at the Wilford.
4. There have been 118 New Home permits so far this year.
5. The September 6, 2026, Planning Commission Meeting will consist of two residential variances and a discussion regarding the conditional approval language for the Shoreland Flexibility Ordinance, which the DNR has conditionally approved.
6. Braaten mentioned a farewell to Nicole Meyer for her retirement from the City of Waconia and a welcome to the new Finance Director, Joel Merry.
7. Two new developments that will be starting this year are Elm Creek Ridge and Woodland Trail.

7. ADJOURN

A motion was made by Commissioner Weckman to adjourn the meeting. Seconded by Commissioner Peterson.

MOTION CARRIED.



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	September 3, 2026
Item Name:	4.1. PUBLIC HEARING – After the Fact Variance – 301 Oak Street South
Originating Dept:	Community Development
Presented By:	Lane Braaten
Previous Council Action: November 6, 2025 - Recommended Approval of the three variances requested by the applicant to allow the existing garage to be located 9.8 feet from the rear lot line versus the 10 ft. minimum setback required; to be located 14.1 feet from 3rd Street where a 15-foot minimum setback is required; and to allow 41% hardcover on the property.	
Item Type:	Regular Session
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED: Open Public Hearing Close Public Hearing Motion recommending approval/denial of the three variances requested by the applicant to allow the existing garage to be located 9.8 feet from the rear lot line versus the 10 ft. minimum setback required; to be located 14.1 feet from 3rd Street where a 15-foot minimum setback is required; and to allow 36% hardcover on the property where a maximum of 35% is allowed within the R-2 Single-Family Residential Zoning District. EXPLANATION OF AGENDA ITEM: <u>BACKGROUND:</u> Applicants/Owners: Elizabeth Smieja Address: 301 Oak St S PID# 755020100 Zoning: R-2 Single-Family Residential District The applicant received the initial variance approval on November 18th, 2025, which allowed for the placement of the detached garage at reduced setbacks and a variance to exceed the 35% hardcover maximum if the stormwater mitigation plan proposed was installed and the maintenance agreement for said improvement recorded against the property. <u>REQUEST:</u> The applicant is requesting three variances for the property, which include placement of the garage at reduced setbacks, which is the same as before and to allow 36% hardcover on the parcel vs. the 35% maximum allowed in the R-2, Single Family Residential District. In summary, the request is all the same, but the applicant does not want to mitigate the hardcover and instead has reduced it to 36%. The Planning Commission is reviewing all of the variances again as the conditions of the original approval were not met and therefore, the previous approval is void. Specifically, the first variance proposed is to allow the existing garage to be located 9.8 feet from the rear lot line versus the 10 ft. minimum setback required. The second variance proposed	

is to allow the garage to be located 14.1 feet from 3rd Street versus the 15-foot minimum setback required. The third variance proposed is to allow 36% hardcover on the subject property versus the 35% maximum allowed in R-2 Single-Family Residential Zoning District.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05.3 R-2 Single-Family Residential District, Subd. 7.e Minimum yards
2. Section 900.12- Administration, Enforcement and Procedures, Subd. 4 Variances
3. Sec. 900.12. - Administration, enforcement and procedures, Subd. 12. Legal nonconforming uses.

VARIANCE REVIEW CRITERIA:

Waconia City Code Section 900.12 Subd. 4 and Minnesota State Statute 462.357, Subd. 6 establishes criteria to be considered when contemplating the issuance of a Variance in terms of "practical difficulty" as follows: "Variance shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the intent of the variances are consistent with the Comprehensive Plan." So a City evaluating a Variance application should make findings as to:

1. Is the Variance in harmony with the purpose and intent of the ordinance
2. Is the Variance consistent with the Comprehensive Plan?
3. Does the proposal put the property to use in a reasonable manner?
4. Are there unique circumstances to the property not created by the landowner?
5. Will the Variance, if granted, alter the essential character of the locality?

State Statute specifically notes that economic considerations alone cannot create a practical difficulty. Whereas, practical difficulties exist only when the three statutory factors are met (1. Reasonableness, 2. Uniqueness, and 3. Essential character)

VARIANCE ANALYSIS:

The applicant is requesting a revision of the previously approved variance and stormwater condition for the property. Since the original approval, the applicant has removed several areas of hard cover, including the sidewalk between the house and garage, concrete along the east and rear sides of the garage, and the temporary shed. These changes reduced the total hard cover from approximately 41% to 36%.

The property is now much closer to meeting the City's 35% maximum hard cover requirement for the R-2 zoning district. The applicant is asking that the previously required stormwater mitigation plan no longer be required because of this reduction and the cost of completing the approved plan. At this time, the applicant has not submitted a new stormwater mitigation plan.

Because the stormwater mitigation plan was a condition of the original approval, choosing not to complete that condition changes the basis of the previous approval. Therefore, the applicant is requesting approval of the variances again, including the rear-yard setback, street-side setback, and hard cover variance.

PLANNING CONSIDERATIONS:

1. Minnesota State Statute Sec. 394.27 Subd. 7. states: " The board of adjustment may

impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance."

2. The rebuilt garage encroaches slightly on the required setbacks, being located 9.8 feet from the rear lot line where 10 feet is required and 14.1 feet from 3rd Street, where 15 feet is required. As a point of clarification, the garage was reconstructed in a similar location to the previous garage, but the application/property owner did not pull a building permit for the project, which is why the garage on the site remains half finished. The Building Official placed a stop work order on the project when we became aware of the situation.
3. The Building Official inspected the structure and indicated that the structure appeared to meet building code requirements and ultimately approved the submittal of a formal building permit application, with all accompanying information. The building permit cannot be issued until all requested variances have been approved and the conditions of approval are met, which is what brings this application back in front of the Planning Commission and City Council for review.
4. The total impervious area on the site is 3,115 square feet (36%), which exceeds the 3,020 square feet (35%) allowed. At this time, the applicant has not submitted a new stormwater mitigation plan and is requesting the Planning Commission and Council approve the project based on the reduction from 41% to 36% (see attached applicant comments).
5. The former property was granted a variance in 1995 for the detached garage to be located as close as three feet to the interior side lot line. The variance stated that this was to allow a large maple tree in the rear yard to be preserved. The variance was approved without any conditions. The variance site plan did show that the garage would meet the 10 ft. setback from the alley and the 15 ft. setback from the 3rd Street East road right-of-way.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on August 20th, 2026, and posted at Waconia City Hall. Individual notices were mailed to all property owners within 350 feet of the subject parcel. As of the date and time of this report, the city has received no public comment regarding the proposed variance.

RECOMMENDATION:

The Planning Commission should hold the required public hearing, review the Variance application submitted by Elizabeth Smeija based upon the Variance Criteria stated above, and the information provided and make a recommendation to the City Council. Upon a formal recommendation by the Planning Commission, this application will be forwarded to the City Council for review at their September 21st meeting.

ATTACHMENTS:

1. Location Map
2. Application Narrative
3. Certificate of Survey Existing Conditions
4. Hardcover calculations 08-21-2026

FINANCIAL IMPLICATIONS:	ADVISORY BOARD RECOMMENDATIONS:
Funding Sources & Uses:	Planning Commission:
Budget Information:	Park Board:
_____ Budgeted	Personnel Committee:
_____ Non-Budgeted	Other: More sample text.
_____ Amendment Required	



City of Waconia

201 Vine Street South, Waconia, MN 55387

Landscape_8x11

August 2026



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135
www.waconia.org

VARIANCE

APPLICANT INFORMATION

1. Owner's Name: Gary + Sharon Smieja + Son Smieja
2. Address of Property: 301 Oak St S
3. Legal Description: TWP 116, R16-025 SEC 24
4. Applicant's Name: Elizabeth Smieja
5. Mailing Address: 4039 Hallgren Ct Excelsior MN 55331
6. Daytime Phone(s): 952-406-1759
7. Email Address: Elkunze182@gmail.com

The City will distribute copies & appropriate information to applicant via email

OFFICE USE ONLY

Date Received: _____

Fee: \$ _____

Receipt #: _____



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135

VARIANCE APPLICATION

1. Present Zoning: R-2 Single Family Residential
2. Existing use of Property: Residential
3. Has request for a variance on this property been sought previously? If so, when? yes in the
beginning of 2016. all 4 Variances were approved w/
stormwater plan - cannot afford plan.

IMPORTANT

Subd. 4. Variances

A. No variance shall be granted to allow a use not permitted under the terms of this Ordinance in the district involved. In granting a variance the Board may prescribe appropriate conditions in conformity with this Ordinance. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this Ordinance. A variance shall not be granted by the Board unless it conforms to the following standards:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and do not result from the actions of the petitioner.
2. Literal interpretation of the provisions of this Ordinance would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
4. The proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
5. FINANCIAL SAVINGS WILL NOT CONSTITUTE A HARDSHIP.

THE FOLLOWING INFORMATION MUST BE FURNISHED IN ORDER TO PROCESS THE APPLICATION

1. A letter from the applicant(s) which should address the following:
 - Explain (in detail) the variance you are requesting (giving distances where appropriate).
 - Conditions or peculiar difficulties to the structure or land, which makes a variance necessary.
 - Why do you feel a variance should be granted in this instance?
2. Payment of application fee (\$250 residential; \$350 non-residential)
 - After-the-fact application fee (\$750 residential; \$1,050 non-residential)
3. Residential applications requiring the submittal of a stormwater plan shall submit a \$150 non-refundable stormwater plan review fee.
4. Non-residential variance requests are required to submit an escrow payment in the amount of \$1,000.00.

****Additional information may be requested by staff, based on the proposal. Additional consulting review fees may apply, such as civil engineering and legal counsel.**

5. Certificate of Survey with north arrow indicating existing structures and proposed additions or modification to structures.
6. Show all distances of buildings and structures from property lines.
7. Show any unique features to property associated with variance request (i.e. trees, ravines, steep slopes, etc.).
8. Stormwater Plan for all properties located within the Shoreland Overlay District and for all properties that currently exceed, or propose to exceed, the hardcover maximum identified in the applicable zoning district.

The Planning Commission may or may not hold a public hearing on the request (based on the amount of the variance requested). The Planning Commission should make a recommendation to the City Council within sixty (60) days. If they do not, the City Council may proceed without the Planning Commission's recommendation.

The City Council may approve, approve with conditions, or deny the variance. If a variance is denied the applicant cannot resubmit a variance request for that same property until six (6) months has lapsed. If a variance is approved, it should be made use of within one (1) year or it will become void.

A violation of any condition set forth in the granting of the variance shall be a violation of the zoning ordinance and automatically terminate the variance.

Applicant's Signature: _____

Date: 7-27-26

Printed Name: _____

Elizabeth Smieja

Property Owner Signature: _____

Date: 7-27-26

Gary Smieja (POA)

Printed Name: _____

Gary Smieja

I am writing to request a revision to our previously approved stormwater management plan. Since the original approval, we have reduced the amount of hard cover on the property by more than 5%, bringing the total hard cover to just over the City's allowable 35% threshold, but still under 36%. As part of this reduction, we have removed the sidewalk located between the house and garage, the concrete along the east side of the garage, the concrete behind the garage, and the temporary shed.

Based on these changes, we respectfully ask the City to reconsider the stormwater requirements associated with the property. At this time, we are unable to afford the installation of the approved stormwater plan. Had I known from the outset that the cost of compliance would amount to several thousand dollars, I would not have pursued the approval request, as the expense is simply not a financially feasible option for our family.

Additionally, I would like to note that, with the exception of the temporary shed, all of the hard-covered surfaces on the property existed prior to our purchase of the home. Because these improvements were preexisting, I feel that the existing hard cover should not have needed to be removed in the first place. Given the substantial reduction already made and the minimal remaining variance above the 35% threshold, I respectfully request that the City approve a revision to the stormwater plan requirements.

We would also like to emphasize our commitment to completing the garage project in a manner that is consistent with city guidelines. All the siding materials have already been purchased, and the initial inspection of the project was favorable. We take pride in our property and are looking forward to completing the garage as soon as possible. Our goal is to ensure the finished project enhances the appearance and value of the property.

Thank you for your time and consideration. I appreciate your review of this request and look forward to discussing a reasonable resolution.

I have also included our previous letter with the original variance request.

Thank you

Elizabeth Smieja

To Whom it may concern,

I am writing on behalf of my family regarding our home. We are asking for consideration on 3 variances for property 301 Oak St. S. Since the fire destroyed our garage, life has become increasingly difficult for us. My father has since been diagnosed with Lewy body dementia, and my mother is also struggling with memory issues. Granting these variances would not only restore what we lost but would also provide a sense of stability and comfort for our family as we navigate these difficult circumstances. We deeply appreciate your time and consideration as we ask for these variances.

The property is zoned R-2 single-family residential. The first variance being the garage that needed to be rebuilt after the fire, and it was constructed 9.8 feet from the rear lot line rather than the required 10-foot setback. Second, the garage is located 14.1 feet from 3rd Street rather than the required 15 feet. Third, the overall hardcover on the property which is currently 41% hardcover, and we are allowed 35% hardcover. The garage variance is a difference of .2ft overhanging into the rear yard setback. The new garage meets the 5 ft. side yard setback. The hardcover was all preexisting prior to the purchase of the home except for a temporary shed that was put up after the garage fire. The shed will be removed from the property once the garage is completed.

Based on our conversation with City staff it is our understanding that State Statute establishes criteria to be considered when reviewing variances. I have included the criteria below and responses to each based on our project.

1. Is the Variance in *harmony* with the purposes and intent of the ordinance? See below
2. Is the Variance *consistent* with the Comprehensive Plan? See below
3. Does the proposal put the property to use in a *reasonable* manner? See below
4. Are there *unique circumstances* to the property not created by the landowner? See below
5. Will the Variance, if granted, alter the *essential character* of the locality? See below

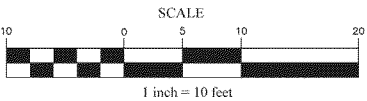
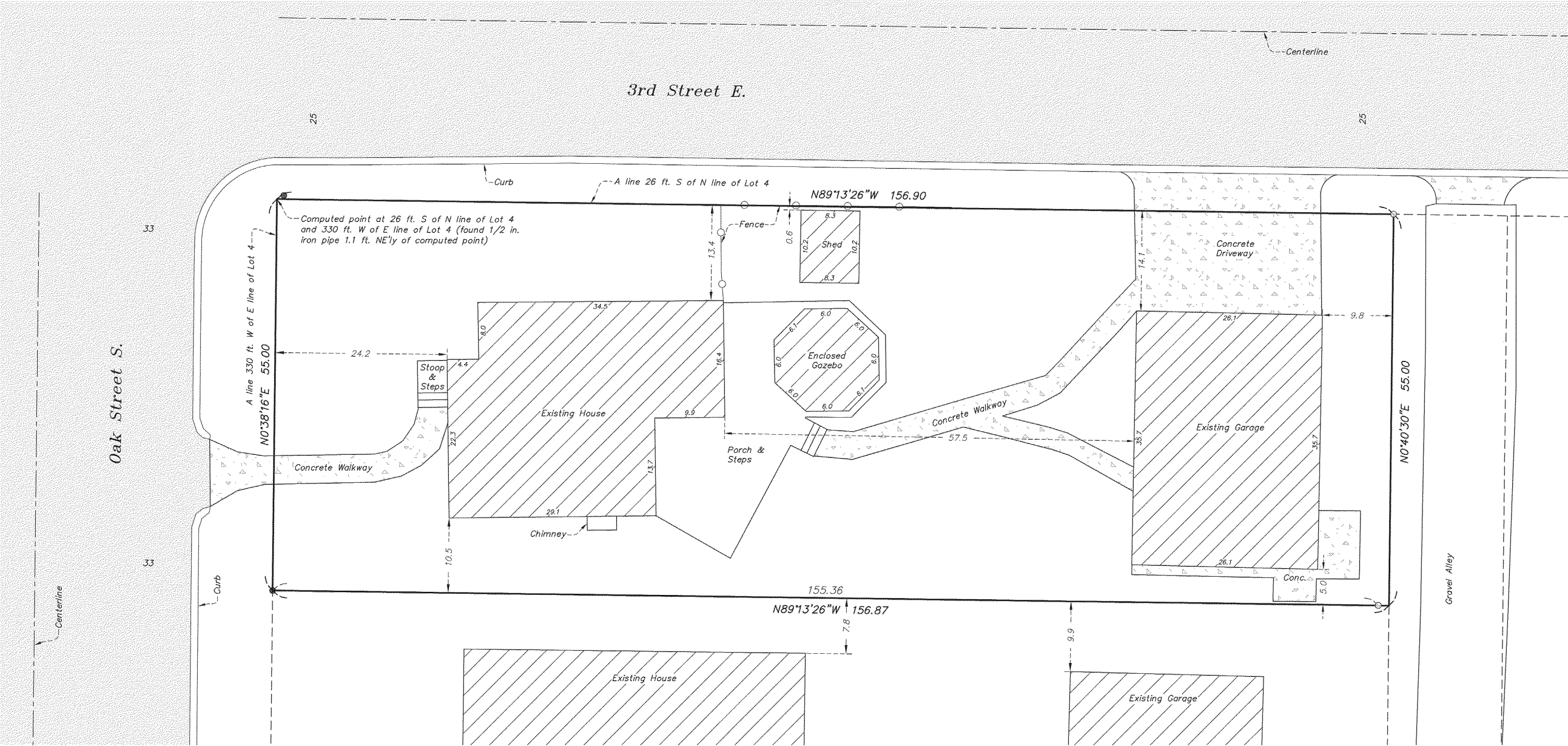
State Statute specifically notes that economic considerations alone cannot create a practical difficulty. Whereas practical difficulties exist only when the three statutory factors are met (1. Reasonableness, 2. Uniqueness, and 3. Essential character).

We think this variance request is reasonable as this is a residential property, which we are putting to a residential use. Additionally, there are other garages in the area in similar locations and of similar sizes. Finally, most of the hardcover on site was existing prior to our purchase of the property, but we plan to mitigate it based on our stormwater plan to comply with City Code requirements. Without the approval of this variance request we will have to remove the garage, which would be detrimental to the use of the property, especially in the winter months.

Thank you,
The Smieja Family

Certificate of Survey

Prepared for:
Elizabeth Kunze



Boundary Description (supplied by client)
Beginning at a point 26 feet South of the North line of Lot 4, VOLKENANT'S SECOND ADDITION TO THE VILLAGE OF WACONIA, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Carver County, Minnesota and 330 feet West of the East line of said Lot 4; thence South parallel to the East line of said Lot 4 and Lot 5 of said Addition, a distance of 55 feet; thence East, parallel to the North line of said Lot 5, 157 feet; thence North 55 feet to a point 26 feet South of the North line of said Lot 4; thence West to the place of beginning, Carver County, Minnesota.

Existing Hardcover (sq. ft.)	
House	1,005
Porch & Steps	467
Shed	27
Enclosed Gazebo	175
Chimney	8
Garage	933
Conc. Walkways	359
Conc.	111
Conc. Driveway	370
	3,539

Parcel Area = 8,629
Total Hardcover = 41.0%

- Legend
- Found Iron Monument
 - Set Iron Monument (LS 48328)

Site Address:
301 Oak Street S.
Waconia, MN 55387

Bearings based on Carver County Coordinate System.



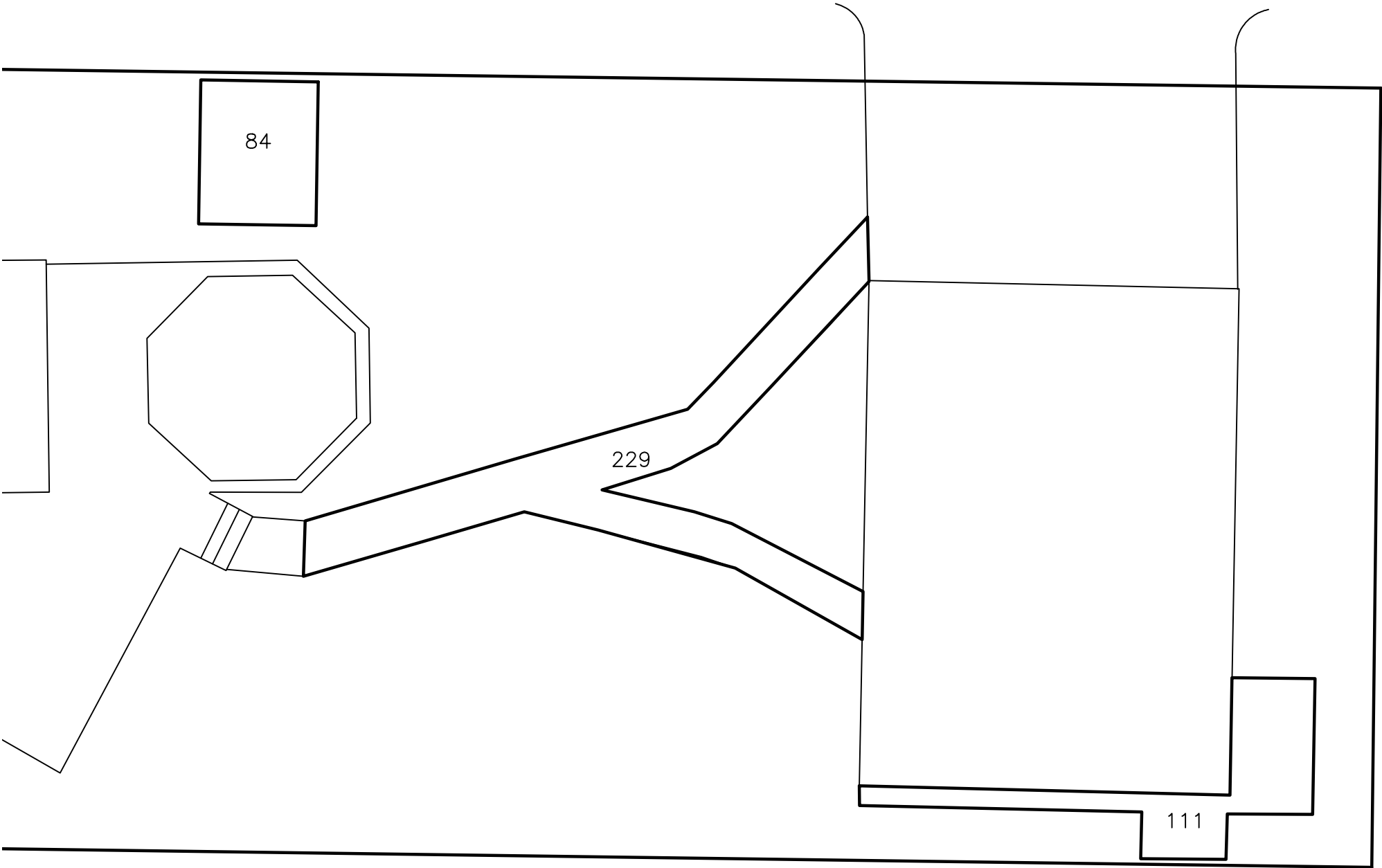
763-972-3221 8997 Co. Rd. 13 SE
www.schoborgland.com Delano, MN 55328

I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Kelly L. Brouwer
Kelly L. Brouwer

Date: November 7, 2024 Registration No. 48328

Job Number: 8946
Survey Date: 9/4/19, 11/5/24
Drawing Name: Smieja-11-05-24.dwg
Drawn by: KLB
Revisions: 11/7/24 (Hardcover)





REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	September 3, 2026
Item Name:	4.2. PUBLIC HEARING – Variance - 441 Olive Street South
Originating Dept:	Community Development
Presented By:	Lane Braaten
Previous Council Action:	
Item Type:	Regular Session

RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED:

Open Public Hearing

Close Public Hearing

Motion recommending approval/denial of a variance to reduce the required 15-foot street-side setback from Fifth Street to approximately 6.2 feet, to allow construction of a new detached garage at the property located at 441 Olive Street South.

EXPLANATION OF AGENDA ITEM:

BACKGROUND

Applicant/Owner: Taylor Zallek

Address: 441 Olive Street S

PID#: 755030240

Zoning: R-2 Single-Family Residential District

REQUEST:

The applicant is requesting a variance to reduce the required 15-foot street-side setback from Fifth Street to approximately 6.2 feet, measured to the garage wall. The proposed 624 sq. ft. detached garage will be accessed from the existing alley, eliminating the current driveway access from Fifth Street. The applicant states that the project complies with all other applicable setback requirements and will remain within the City's maximum allowable 35% hardcover limit, as demonstrated on the accompanying Certificate of Survey.

The applicant states that the corner-lot configuration, mature trees, and existing grade changes create unique site constraints. The requested 6.2-foot setback is intended to minimize grading and preserve mature trees while allowing reasonable use of the property.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05.3 R-2 Single-Family Residential District, Subd. 7.e - Minimum yards
2. Section 900.12- Administration, Enforcement and Procedures, Subd. 4 - Variances
3. Sec. 900.09. - Off-street parking, loading, and access regulations. Subd. 3. Traffic access regulations.

VARIANCE REVIEW CRITERIA:

Waconia City Code Section 900.12 Subd. 4 and Minnesota State Statute 462.357, Subd. 6 establishes criteria to be considered when contemplating the issuance of a Variance in terms of "practical difficulty" as follows: "Variance shall only be permitted when they are in harmony

with the general purposes and intent of the ordinance and when the intent of the variances are consistent with the Comprehensive Plan." So a City evaluating a Variance application should make findings as to:

1. Is the Variance in harmony with the purpose and intent of the ordinance?
2. Is the Variance consistent with the Comprehensive Plan?
3. Does the proposal put the property to use in a reasonable manner?
4. Are there unique circumstances to the property not created by the landowner?
5. Will the Variance, if granted, alter the essential character of the locality?

State Statute specifically notes that economic considerations alone cannot create a practical difficulty. Whereas, practical difficulties exist only when the three statutory factors are met (1. Reasonableness, 2. Uniqueness, and 3. Essential character)

VARIANCE ANALYSIS:

The subject property is a corner parcel with frontage on both Olive Street and Fifth Street. The applicant proposes to construct a new detached garage with access from the existing alley. The proposed garage would be located approximately 6.2 feet from Fifth Street, requiring a variance from the required 15-foot minimum setback.

The applicant states that the corner-lot configuration creates additional setback constraints compared to an interior residential lot. The proposed building area also contains established mature trees and existing grade changes. Maintaining the required 15-foot Fifth Street setback would require relocating the garage farther into the property, which the applicant indicates would result in additional grading and removal of mature trees.

The applicant has designed the proposed garage to comply with other applicable zoning requirements and has indicated that the property will remain within the City's maximum allowable 35% hardcover limit with the proposed removals. The proposed garage would utilize the existing alley for access and eliminate the current driveway connection to Fifth Street.

PLANNING CONSIDERATIONS:

1. Minnesota State Statute Sec. 394.27, Subd. 7 states: "The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance."
2. The proposed detached garage would have an approximately 6.2-foot setback from Fifth Street, compared to the required 15-foot street-side setback.
3. The proposed garage would be accessed from the existing alley, eliminating the current driveway connection to Fifth Street.
4. The applicant states that the proposal will remain within the City's maximum allowable 35% hardcover limit with the proposed removals and will comply with all other applicable setback requirements.
5. The existing detached garage is non-conforming in location being positioned nearly upon the adjacent property lines at what appears to be a zero lot line setback.
6. Attached are the Public Services Directors' comments having no issues with the change of access.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on August 20th, 2026, and posted at Waconia City Hall. Individual notices were mailed to all property owners within 350 feet of the subject parcel. As of the date and time of this report, the city has received no public comment regarding the proposed variance.

RECOMMENDATION:

The Planning Commission should hold the required public hearing, review the Variance application submitted by Taylor Zallek based upon the Variance Criteria stated above, and the information provided and make a recommendation to the City Council. Upon a formal recommendation by the Planning Commission, this application will be forwarded to the City Council for review at their September 21st meeting.

If the Planning Commission chooses to recommend approval, staff recommend including the following conditions:

1. All applicable permits are applied for by the applicant with all supporting documentation and issues prior to the start of construction.
2. The existing driveway access from Fifth Street shall be removed and the curb restored to City standards, subject to review and approval by the City Engineer or Public Works Department.
3. The existing gravel parking area, accessed via the alley, shall be removed and replaced with a minimum of 6 inches of topsoil and seeded or sodded all the way out to the improved section of the adjacent gravel alley.

ATTACHMENTS:

1. Location Map
2. 441 Olive Street South Variance Request
3. 441 Olive Street South Survey

FINANCIAL IMPLICATIONS:	ADVISORY BOARD RECOMMENDATIONS:
Funding Sources & Uses:	Planning Commission:
Budget Information:	Park Board:
_____ Budgeted	Personnel Committee:
_____ Non-Budgeted	Other: More sample text.
_____ Amendment Required	



City of Waconia

201 Vine Street South, Waconia, MN 55387

Landscape_8x11

August 2026

Taylor Zallek
441 Olive Street S
Waconia, MN 55387

Re: Variance Request – Fifth Street Setback

To the Waconia Planning Commission and City Council,

I respectfully request a variance to reduce the required 15-foot setback from Fifth Street to approximately 6.2 feet, measured to the garage wall, to allow construction of a new detached garage at my property. The proposed garage will be accessed from the existing alley, eliminating the current driveway access from Fifth Street. The project complies with all other applicable setback requirements and remains within the City's maximum allowable 35% hardcover limit, as shown on the accompanying Certificate of Survey.

This variance is necessary because of the unique physical characteristics of the property. The lot is a corner parcel with frontage on both Olive Street and Fifth Street, resulting in setback constraints that are more restrictive than those experienced by many interior lots. In addition, the proposed building area contains established mature trees and existing grade changes. Strict compliance with the 15-foot Fifth Street setback would require shifting the garage farther into the property, resulting in substantially greater grading and the removal of mature trees that contribute to the character and environmental value of the site. The requested 6.2-foot setback is the minimum reduction necessary to accommodate the proposed garage while preserving the existing mature trees and avoiding excessive grading.

The requested variance represents the minimum relief necessary to make reasonable use of the property. The garage size and location have been designed to comply with all other zoning requirements, and only the Fifth Street setback requires relief. The proposal will not increase lot coverage beyond what is permitted, will not adversely affect neighboring properties, and will not impair light, air, or public safety. Because the garage will be accessed from the alley, the project will also eliminate the existing driveway connection to Fifth Street, reducing vehicle conflicts along the street and improving the overall site layout.

Granting this variance would not provide a special privilege unavailable to similar properties but would instead accommodate the unique conditions of this corner lot while allowing a reasonable residential improvement. The requested variance preserves mature trees, minimizes unnecessary site disturbance, and maintains compliance with all other applicable zoning standards. For these reasons, I respectfully request approval of the variance.

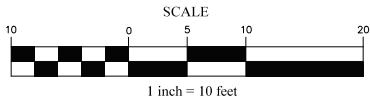
Thank you for your time and consideration.

Sincerely,

Taylor Zallek

Certificate of Survey

Prepared for:
Taylor Zallek



- Legend**
- Set Iron Monument (LS 48328)
 - ⊗ Set Nail
 - AC Air Conditioner
 - EW WW Egress/Window Well

Site:
441 Olive Street S
Waconia, MN 55387

Boundary Description (per Doc. No A785885)
Lot 6, Block 5, VOLKENTANT'S THIRD ADDITION TO
THE VILLAGE OF WACONIA, Carver County, Minnesota.

Existing Hardcover	(sq. ft.)	Proposed Hardcover	(sq. ft.)
House	1,023	House	1,023
Egress/Window Wells	25	Egress/Window Wells	25
Stoop & Steps	36	Stoop & Steps	36
Gazebo	122	Gazebo	122
Existing Building	105	Existing Building	105
Building (to be removed)	250	Proposed Garage	624
Gravel Parking Area	447	Proposed Driveway	341
Concrete	117	Proposed Walkway	75
	2,125	Concrete	117
			2,468

Parcel Area = 7,850 sq. ft.

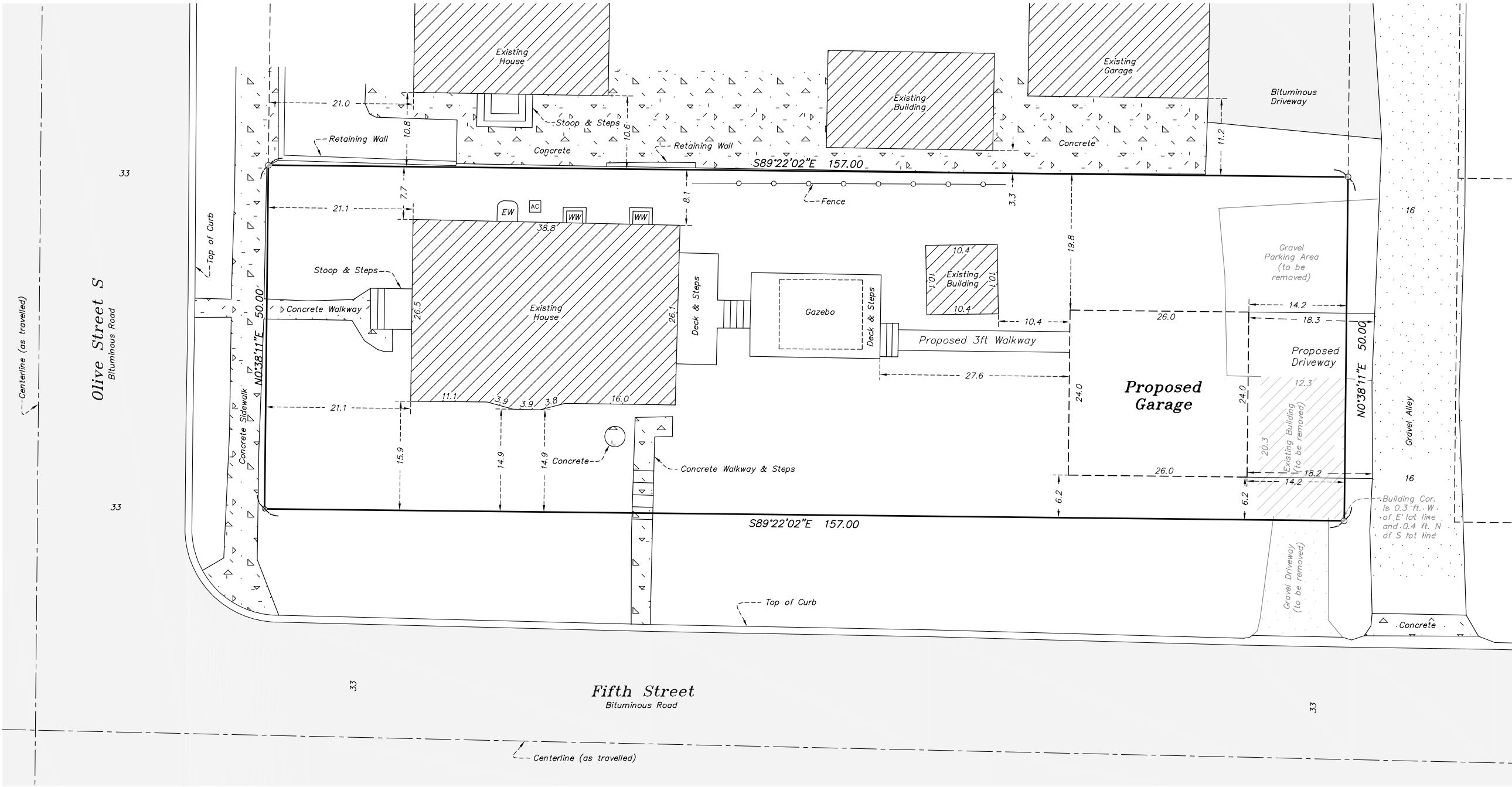
Total Hardcover = 27.1%

Note: Rear deck/steps are not included in hardcover calculations

Parcel Area = 7,850 sq. ft.

Total Hardcover = 31.4%

Note: Rear deck/steps are not included in hardcover calculations



**SCHOBORG
LAND SERVICES
INC.**

763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Kelly L. Brouwer
Kelly L. Brouwer

Date: August 3, 2026 Registration No. 48328

Job Number:	10063
Survey Date:	05/13/26
Drawing Name:	Zallek.dwg
Drawn by:	SKH
Revisions:	7/21/26 (driveway)
	7/22/26 (walkway)
	8/03/26 (remove deck/steps from calcs)

Bearings based on Carver County Coordinate System.



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	September 3, 2026
Item Name:	4.3. PUBLIC HEARING – Amend Section 900.06.7 Shoreland Overlay District
Originating Dept:	Community Development
Presented By:	Lane Braaten
Previous Council Action:	
Item Type:	Regular Session
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED: Open public hearing Close public hearing Recommend approval or denial of the proposed amendment to allow riparian properties, subdivided prior to January 1, 1976, up to 30% hardcover by right if certain conditions are met on the subject property.	
EXPLANATION OF AGENDA ITEM:	
<u>BACKGROUND:</u> Over the past handful of years, the Planning Commission and City Council have inquired about allowing some flexibility in the 25% hardcover maximum within the Shoreland Overlay District. The comments stemmed from the number of similar variance requests made by riparian lot owners as they tried to renovate and/or rebuild on parcels which were very limited in lot area and therefore very restrictive when attempting to meet the required 25% hardcover maximum. Staff have been working with both the DNR and the Planning Commission to draft an ordinance amendment that would allow some flexibility in the hardcover while also protecting Lake Waconia. Based on the feedback and direction of these groups staff has drafted the attached ordinance amendment for review and consideration.	
<u>APPLICABLE ORDINANCE PROVISIONS:</u> 1. Section 900.06.7. – Shoreland Overlay District	
<u>DEFINITIONS:</u> <i>Ordinary High Water Level (OHWL)</i> means the boundary of public waters and wetlands and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. <i>Riparian Lot</i> means a piece of property that directly touches or abuts the bank or shore of a public water body like a lake, river, or stream. <i>Shore impact zone</i> means land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.	

Shoreland means land located within the following distances from public water: One thousand (1,000) feet from the ordinary high water level of a lake, pond or flowage; and three hundred (300) feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

ORDINANCE AMENDMENT ANALYSIS:

1. The DNR will allow some flexibility for parcels located within the shoreland area if they were subdivided/created prior to January 1st, 1976. Generally speaking, this date would include the properties located in the Harms Lake View Terrace residential development and the residential properties located along Lake Street on the south shore of Lake Waconia.
2. The Planning Commission, after some discussion, directed staff to concentrate and provide language for those lots directly adjacent to Lake Waconia/Burandt Lake, etc. (i.e. riparian lots). The proposed language would allow hardcover flexibility for riparian lots platted prior to January 1st, 1976.
3. Currently, the City Code allows a maximum of 25% impervious surface/hardcover for all properties located with the Shoreland Overlay District, which is within 1,000 ft. of a lake or within 300 ft. of a river/stream. The proposed language would allow riparian lots 30% hardcover by right if all conditions of the language are met. The adoption of this language and allowing this additional flexibility would allow staff to review and approve the hardcover increase without the need for a variance.
4. In summary, the 30% hardcover standard would be allowed for applicable parcels if the following are met:
 - a. Restoration of the shore impact zone – which would include a plan, a conservation easement over the area, and a maintenance agreement, all of which would have to be recorded against the property.
 - b. Stormwater mitigation plan and maintenance agreement which would also be recorded against the property.
5. The current Shoreland Overlay District ordinance language does not include a definition for access path. The proposed language defines access path to clarify expectations related to improvements allowed within the shore impact zone.
6. As a point of clarification this ordinance amendment would exempt our downtown commercial parcels (i.e. property zoned B-2 and B-3) from the 25% hardcover maximum. Nearly half of our downtown is located within the Shoreland Overlay District.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on August 20th, 2026, and posted at Waconia City Hall. To date no public hearing comments have been received.

RECOMMENDATION:

The Planning Commission is required to hold a public hearing to discuss the proposed draft ordinance language. The Planning Commission should review the attached information and make a recommendation to the City Council, which would be considered at their upcoming meeting on September 21st, 2026.

ATTACHMENTS:

1. Shoreland Overlay District REDLINED
2. Shoreland Flexibility Ordinance Public Hearing
3. SIZ and Access Path Image Example

FINANCIAL IMPLICATIONS:	ADVISORY BOARD RECOMMENDATIONS:
Funding Sources & Uses:	Planning Commission:
Budget Information:	Park Board:
_____ Budgeted	Personnel Committee:
_____ Non-Budgeted	Other: More sample text.
_____ Amendment Required	

Sec. 900.06.7. Shoreland overlay district.

- A. *Scope.* The shoreland area shall include all land within one thousand (1,000) feet of the ordinary high water mark of a protected water of ten (10) acres or more, within three hundred (300) feet of a river or stream, or the landward extent of a flood plain on such a river or stream, whichever is greater.
- B. *Authorization and purpose.* The Shoreland Overlay District is adopted pursuant to the authorization contained in the Laws of Minnesota 1973, Chapter 379 and in furtherance of the policies declared in Minn. Stat. 1976, chs. 104, 105, 116 and 462.

The uncontrolled use of shorelands of the City of Waconia affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to the municipalities of the state to regulate the subdivision, use and development of the shorelands of public waters, and thus preserve and enhance the quality of surface waters, preserve the economic and natural environmental values of shorelands and provide for the wise utilization of waters and related land resources. This responsibility is hereby recognized by the City of Waconia.

- C. *Definitions.* For purposes of the Shoreland Overlay District Ordinance, certain terms or words used herein shall be interpreted as follows: The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

Access Path means a dedicated and approved route which allows for access on a riparian property across a vegetative buffer and conservation easement between the principal structure and the OHWL of a public water. The access path shall not exceed 12 feet in width and may include trails, stairways, and beach sand blankets (if applicable). The access path shall not be bifurcated and shall be continuous from ingress to egress. Vegetation clearing within the defined access path in an approved plan is allowed except that significant trees, as defined in the City Code, shall not be removed.

Accessory structure or use means any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

Bluff means a topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

- a. Part or all of the feature is located in a shoreland area.
- b. The slope rises at least twenty-five (25) feet above the ordinary high water level of the waterbody.
- c. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater.
- d. The slope must drain toward the waterbody. An area with an average slope of less than eighteen (18) percent over a distance of fifty (50) feet or more shall not be considered part of the bluff.

Bluff impact zone means a bluff and land located within twenty (20) feet from the top of the bluff.

Boathouse means a structure used solely for the storage of boats or boating equipment.

Building line means a line parallel to a lot line or the ordinary highwater level at the required setback beyond which a structure may not extend.

Commercial planned unit development means uses that provide transient, short term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service oriented activities are commercial planned unit developments.

Commercial use means the principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.

Commissioner shall mean the commissioner of the department of natural resources.

Conditional use means a use as defined in Minnesota Statutes, Chapter 394.

Deck means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground.

Duplex, triplex and quad means a dwelling structure on a single lot, having two, three (3) and four (4) units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

Dwelling site means a designated location for residential use by one (1) or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling unit means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one (1) or more persons, including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.

Extractive use means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

Forest land conversion means the clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

Guest cottage means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Hardship means the same as that term is defined in Minn. Stat. ch. 394.

Height of building means the vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

Industrial use means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Intensive vegetation clearing means the complete removal of trees or shrubs in a contiguous patch, strip, row or block.

Lot means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.

Lot width means the shortest distance between lot lines measured at the midpoint of the building line.

Nonconformity means the same as that term is defined in Minn. Stat. ch. 394.

Ordinary high water level means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from

predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.

Planned unit development means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease and also usually involving clustering of these units or sites to provide areas of common open space, density increases and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Public waters means any waters as defined in Minn. Stat. § 103, subd. 14 and 15. However, no lake or pond, or flowage of less than ten (10) acres in size and no river or stream having a total drainage area less than two (2) square miles shall be regulated for the purposes of these regulations. A body of water created by private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commissioner of Natural Resources shall be exempt from the provisions of these regulations. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner of Natural Resources. The official size of lakes, ponds, or flowages shall be the areas listed in the Division of Waters' Bulletin 25, AN INVENTORY OF MINNESOTA LAKES, or in the event that lakes, pond or flowages are not listed therein, official determination of size and physical limits shall be made by the Commissioner of Natural Resources in cooperation with the municipality.

Residential planned unit development means a use where the nature of residency is non-transient and the major primary focus of the development is not service oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five (5) dwelling units or sites.

Semi-public use means the use of a land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive resource management means the preservation and management of areas unsuitable for development in their natural stage due to constraints such as shallow soils over groundwater to bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.

Setback means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line or other facility.

Sewage treatment system means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated within this Code.

Sewer system means pipelines, or conduits, pumping stations, and force main, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore impact zone land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.

Shoreland means land located within the following distances from public water: One thousand (1,000) feet from the ordinary high water level of a lake, pond or flowage; and three hundred (300) feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream,

whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

Significant historic site means any archaeological site, standing structure or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Steep slope means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Structure means any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles and other supporting facilities.

Subdivision means land that is divided for the purpose of sale, rent, or lease, including planned unit development.

Surface water-oriented commercial use means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

Toe of the bluff means the lower point of a fifty-foot segment with an average slope exceeding eighteen (18) percent.

Top of the bluff means the higher point of a fifty-foot segment with an average slope exceeding eighteen (18) percent.

Variance means the same as that term is defined or described in Minn. Stat. ch. 394.

Water-oriented accessory structure or facility means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples include boathouses, gazebos, screen houses, fish houses, pump houses and detached decks.

Wetland means a surface water feature classified as a wetland in the United States Fish and Wildlife Circular No. 39 (1971 Edition), which is hereby incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

- D. *Shoreland management classification system.* 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, protected waters in and around the city have been given shoreland management classifications.

The public waters and watercourses of the city have been classified by the commissioner of natural resources as follows:

Public Waters				
Name	DNR Number	Acres	OHWL	Shoreland Classification
Waconia	10-59P	3,196	963.1	General Development
Burandt	10-84P	177	959.8	Recreational Development
Hilks	10-85P	39	961.3	Natural Environment
Reitz	10-52P	101	937.8	Natural Environment
Unnamed	10-60P	116	Estimated ¹	Natural Environment

¹ Unnamed Public Water 10-60P is a sloping wetland and its OHWL does not correspond to one elevation. The estimated OHWL of this Public Water is subject to DNR approval.

Watercourses			
Name	Location	OHWL ¹	Shoreland Classification
Unnamed to Burandt Lake	From Lake Waconia Burandt Lake	Edge of bank of channel	Tributary
Unnamed from Burandt Lake	From Burandt Lake to areas south of Burandt Lake	Edge of bank of channel	Tributary

- E. *Zoning provisions.* The following standards shall apply to all shoreland areas of the protected waters listed in this section and shown on the official zoning map of the City of Waconia. Shoreland Overlay Districts are shown on the official zoning map. If a conflict appears between these standards and those set within the ordinance, the most restrictive shall apply (lot = single-family dwellings):

1a. *Natural environment lakes, no sewer.*

Residential Type	Riparian Lots		Non-Riparian Lots	
	Area (sq. ft.)	Width (ft.)	Area (sq. ft.)	Width (ft.)
Single-Family	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

1b. *Recreational development lakes, no sewer.*

Residential Type	Riparian Lots		Non-Riparian Lots	
	Area (sq. ft.)	Width (ft.)	Area (sq. ft.)	Width (ft.)

Single-Family	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490

1c. General development lakes, no sewer.

Residential Type	Riparian Lots		Non-Riparian Lots	
	Area (sq. ft.)	Width (ft.)	Area (sq. ft.)	Width (ft.)
Single-Family	20,000	100	40,000	100
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490

2a. Natural development lakes, sewerred.

Residential Type	Riparian Lots		Non-Riparian Lots ¹	
	Area (sq. ft.)	Width (ft.)	Area (sq. ft.)	Width (ft.)
Single-Family	40,000	200	20,000	125
Duplex	70,000	225	35,000	200
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

¹ Where a 75-foot buffer, as measured from and perpendicular to the OHWL, has been protected by a perpetual conservation easement or dedicated to the city, the minimum lot area for sewerred non-riparian lots in the shoreland district of Public Water 10-60P shall be the same as the underlying zoning district.

2b. Residential development lakes, sewerred.

Residential Type	Riparian Lots		Non-Riparian Lots	
	Area (sq. ft.)	Width (ft.)	Area (sq. ft.)	Width (ft.)
Single-Family	20,000	75	15,000	75
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

2c. General development lakes, sewerred.

Residential Type	Riparian Lots		Non-Riparian Lots	
	Area (sq. ft.)	Width (ft.)	Area (sq. ft.)	Width (ft.)
Single-Family	15,000	75	10,500	75

Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245

3a. *Setbacks and impacts zones.*

	Structure Setback from		Shoreland Impact Zone	
Lake Class	OHWL (feet)		(feet)	
	Unsewered	Sewered	Unsewered	Sewered
Natural Environment	150	150	75	75
Recreational Development	100	75	50	37.5
General Development	75	50	37.5	25

Lake Class	Septic System Setback from OHWL (feet)
Natural Environment	100
Recreational Development	75
General Development	50

3b. The following additional structure setbacks apply, regardless of the classification of waterbody:

Setback from:	Setback in feet:
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state or county highway	50
Right-of-way line of public streets	25

4. *Tributary watercourses.*

Parameter	Requirement (feet)
Lot Width	75 feet
Sewered Structure Setback	50 feet
Unsewered Structure Setback	100 feet
Impact Zone	25 feet
Septic System Setback	75 feet

5. Exceptions to structure setback standards in section E (above) are allowable where structures exist on the adjoining lots on both sides of a proposed building site. Structure setbacks may be

altered without a variance to conform to the adjoining setbacks provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

6. Local shoreland controls must regulate placement of structures in relation to high water elevation. Where state-approved, local floodplain management controls exist, structures must be placed at an elevation consistent with the controls. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
 - a. For lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher.
 - b. Water oriented accessory structures may have the lowest floor placed lower than the elevation determined above if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
7. *Bluff impact zones.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
8. *Steep slopes.* Local government officials must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must 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.
9. *Accessory structures and facilities.* Each residential lot may have one (1) water-oriented accessory structure or facility that can be located closer to the public waters than the structure setback if all of the following standards are met:
 - a. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than two hundred fifty (250) square feet. Detached decks must not exceed eight (8) feet above grade at any point.
 - b. The setback of the structure or facility from the ordinary high water level must be at least twenty-five (25) feet.
 - c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.
 - d. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
 - e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
 - f. On general development and recreational development lakes, water oriented accessory structures used solely for watercraft storage, and including storage of related boating and water oriented sporting equipment, may occupy an area up to three hundred (300) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

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10. *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:
 - a. Stairways and lifts must 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 must 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 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.
 - 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 subitems (a) to (e) are complied with in addition to the requirements of chapter 1340.
 11. *Decks.* Except as provided in item 7 above, decks must meet the structure setback standards. Decks that do not meet setback requirements from public waters may be allowed without a variance to be added to structures existing on the date the shoreland structure setbacks were established by ordinance, if all of the following criteria and standards are met:
 - a. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - b. The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing shoreline setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive; and
 - c. The deck is constructed primarily of wood, and is not roofed or screened.

F. *Shoreland alterations.*

1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
2. Limited clearing of trees and shrubs and cutting, pruning and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas and permitted water-oriented accessory structures or facilities, as well as providing a view to the water from the principal dwelling site, in shore and bluff impact zones and on steep slopes is allowed, 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. Along rivers, existing shading of water surfaces is preserved; and
 - c. The above provisions are not applicable to the removal of trees, limbs or branches that are dead, diseased, or pose safety hazards.

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3. Use of fertilizer and pesticides in the shoreland management district must be done in a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both.
 4. Grading or filling: Before any grading or filling activities take place on steep slopes or within shore or bluff impact zones involving the movement of more than ten (10) cubic yards of material or anywhere else in a shoreland area involving movement of more than fifty (50) cubic yards of material, it must be established by local official permit issuance that all of the following conditions will be met. The following conditions must also be considered during subdivision, variance, building permit, and other conditional use permit reviews:
 - a. Before authorizing any grading or filling activity in any type 2 through 8 wetland, local officials must consider how extensively the proposed activity would affect the following functional qualities of the wetland:
 - 1) Sediment and pollutant trapping and retention;
 - 2) Storage of surface runoff to prevent or reduce flood damage;
 - 3) Fish and wildlife habitat;
 - 4) Recreational use;
 - 5) Shoreline or bank stabilization; or
 - 6) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews or approvals by other local, state or federal agencies such as a watershed district, the Minnesota Department of Natural Resources or the United States Corps of Engineers.

- b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
- c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
- d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
- e. Altered areas must 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.
- f. Fill or excavated material must not be placed in bluff impact zones.
- g. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103.
- h. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
- i. 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.

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5. *Connection to public waters.* Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons and harbors must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.
 6. *Placement of roads, driveways, parking areas.* Public and private roads, driveways and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They must be 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.
 - a. Roads, driveways and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.
 - b. 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 in this subpart are met. For private facilities, the grading and filling provisions of this section must be met.
- G. *Stormwater management.*
1. When possible, existing natural drainageways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.
 2. Development must 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 must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 3. When development density, topographic features and soil and vegetation conditions are not sufficient to adequately handle stormwater 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 must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.
 4. Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area, except as follow:
 - a. Riparian lots zoned R-1 Single Family Residential District, R-2 Single Family Residential District and R-4, Mixed Residential District which were platted prior to January 1, 1976, shall be allowed up to 30 percent impervious surface coverage with after receiving an Increased Impervious Surface Permit according to this Section. Non-riparian properties zoned B-2, General Business District and B-3, Central Business District shall be developed consistent with the impervious surface standards identified in the respective sections of City Code.
 - b. An application for an Increased Impervious Surface Permit shall be made on the forms provided by the City and shall be accompanied by the required fee. An application shall contain the following materials:
 - 1) Certificate of Survey. The Certificate of Survey for the proposed project that shall include existing and proposed impervious surface calculations, all

applicable setbacks, and any unique features relevant to the proposed project.

2) Shore Impact Zone Restoration and Maintenance Plan which shall show:

a. Shoreland Restoration

1. All existing impervious surfaces shall be removed from the shore impact zone area, except for those improvements located within a conforming Access Path. The shore impact zone restoration shall consist of trees, shrubs, and low ground cover of native plants and understory consistent with natural cover of shorelines in the area.
2. Riprap shall only be allowed to correct areas with documented active erosion or restore documented eroded shoreline, verified by City. Further, riprap shall only be allowed in areas that cannot be corrected through bioengineering measures. Native plants shall be installed in conjunction with the riprap either within the riprap or a continuous buffer adjacent to the riprap.

b. Vegetative Buffer. A vegetative buffer shall cover the entire shore impact zone except the allowed Access Path, provided however that if the City determines that the full area of vegetative buffer required is not feasible, any areas not included must be addressed with alternative methods of surface water management as provided in the following paragraph.

c. Surface Water Management Plan. Whether required by the preceding paragraph or not, each application shall also include a surface water management plan designed to treat and manage the Water Quality Volume created by any impervious surfaces in excess of 25 percent of the lot area. Water Quality Volume for determining volume of stormwater management features required shall be calculated according to the requirements of the Minnesota Pollution Control stormwater control regulations and the regulations of the Carver County Water Management Organization Agency's (or their successor agencies with regulatory authority over the City's stormwater management practices). If two or more agencies with applicable regulations have differing Water Quality Volume calculation formulae, the regulation with the formula requiring higher treatment volume capacity shall apply. The surface water treatment features in the stormwater management plan shall be designed to treat the calculated amount of Water Quality Volume created by the proposed excess impervious area. The vegetative buffer area may be incorporated as a component of the surface water management plan requirement.

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- d. Such other measures the City Engineer determines necessary to accommodate the additional stormwater runoff from the excess impervious surface under the City's engineering guidelines and applicable Best Management Practices (BMPs).
 - 3) Project Plans on a scaled survey shall show the design of stormwater management measures, which may include native vegetative buffers, rain gardens, rain barrels, and infiltration/biofiltration basins/swales.
 - 4) Erosion and Sediment Control Plan
 - 5) Additional information required by City Staff upon initial review of the application such as Hydrologic and Hydraulic Modeling plans where necessary to understand impacts of increased runoff on the parcel.
- c. Every Increased Impervious Surface Permit is subject to the following additional standards and requirements:
- 1) Changes in stormwater runoff shall not cause adverse impacts to adjacent and downstream infrastructure.
 - 2) All stormwater runoff management measures installed pursuant to an approved Increased Impervious Surface Permit shall meet the City's engineering guidelines and applicable BMPs to surface water or stormwater runoff that are implemented by the City or promulgated by any federal, state, local agency with applicable jurisdiction.
 - 3) Stormwater runoff management measures installed shall be privately owned and shall require an Operations and Maintenance Agreement acceptable to the City to be recorded with the Carver County Recorder's office.
 - 4) Vegetative buffer areas and the restored shore impact zone shall be protected and registered by the landowner in a conservation easement, in a form approved by the City, filed with the Carver County Recorder. Monuments including survey monuments and easement signage shall be installed at the easement boundary. A copy of the conservation easement shall be delivered to the City of Waconia no later than thirty (30 DAYS) after it is recorded with the County Recorder's office.
 - 5) All vegetation restoration shown in the restoration plan shall be approved by the City and inspected after installation to determine compliance.
 - 6) Retaining walls in the shore impact zone are allowed only to correct an existing erosion hazard that cannot be addressed with vegetative erosion controls or riprap meeting the standards of this Ordinance. Any retaining walls must be the minimum size necessary to control erosion and any walls four (4) feet or greater in height must be designed by a licensed engineer.
 - 7) An as-built survey shall be provided and approved by the City of Waconia upon project completion within thirty (30 DAYS).

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- d. Upon receipt of a complete application for an Increased Impervious Surface Permit, City Staff will review the application and either approve, deny, or request additional information from the applicant. If the application is approved, City Staff will issue an Increased Impervious Surface Permit with conditions that all of the requirements of this chapter must be met, including post-installation inspection, submitting as-built surveys, and recorded documents.
 - 5. When constructed facilities are used for stormwater management, they must be designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
 - 6. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- H. *Sanitary provisions.*
- 1. *Water supply.* Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
 - a. Private wells must be located, constructed, maintained and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.
 - 2. *Sewage treatment.* Any premises used for human occupancy must be provided with an adequate method of sewage treatment.
 - a. Publicly-owned sewer systems must be used where available.
 - b. All private sewage treatment systems must meet or exceed applicable rules of the Minnesota Pollution Control Agency, specifically chapter 7080 for individual sewage treatment systems, and any applicable local government standards.
 - c. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the zoning provisions specified in this chapter.
 - d. The city and DNR will implement programs to identify and upgrade sewage treatment systems that are inconsistent with the sewage treatment system design criteria identified in item (b) above, exclusive of the appropriate setback from the ordinary high water levels. These programs must require reconstruction of existing nonconforming sewage systems whenever a permit or variance of any type is required for any improvement on, or use of, the property.
 - e. In addition, a notification and educational program will be implemented that is oriented toward convincing property owners to evaluate their sewage systems and voluntarily upgrade the sewage treatment system if nonconforming.
- I. *Standards for commercial, industrial, public and semi-public uses.*
- 1. Surface water-oriented commercial uses and industrial, public or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions. Those with water-oriented needs must meet the following standards:

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- a. In addition to meeting impervious coverage limits, setbacks and other zoning standards within this code, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - b. 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.
 - c. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - 1) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
 - 2) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods and services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten (10) feet above the ground and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
 - 3) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

J. *Agricultural use standards.*

- 1. The shore impact zone for parcels with permitted agricultural uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.
- 2. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service.
- 3. Animal feedlots as defined by the Minnesota Pollution Control Agency, where allowed by zoning district designations, must be reviewed as conditional uses and must meet the following standards:
 - a. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of three hundred (300) feet from the ordinary high water level of all public waters basins.
 - b. Modifications or expansions to existing feedlots that are located within three hundred (300) feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
 - c. A certificate of compliance, interim permit or animal feedlot permit must be obtained by the owner or operator of an animal feedlot.

K. *Extractive use standards.*

1. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
2. An extractive use site development and restoration plan must be developed, approved by the city and DNR and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation and anticipated vegetation and topographic alterations. It must also identify action to be taken during operation to mitigate adverse environmental impacts, particularly erosion and must clearly explain how the site will be rehabilitated after extractive activities end.

L. *Subdivision provisions.*

1. *Land suitability.* Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government 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 or sewage treatment capabilities, 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.
2. *Platting.* All subdivisions that create five or more lots or parcels that are two and one-half (2½) acres or less in size must be processed by local governments as plats in accordance with Minnesota Statutes, Chapter 505. Local governments must not record parcels or issue building or sewage permits for lots created after enactment of official controls under parts 6120.2500 to 6120.3900 that are not part of officially approved subdivisions.
3. *Consistency with other controls.* Subdivisions must conform to all other official controls adopted by local governments under parts 6120.2500 to 6120.3900. Local governments must not approve subdivisions that are designed so variances from one (1) or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, subdivisions must not be approved by local governments unless domestic water supply is available and soil absorption sewage treatment can be provided for every lot. A lot shall meet the minimum lot size and include a minimum contiguous lawn area that is free of limiting factors (location and type of water supply, soil type, depth to groundwater or impervious layer, slope, flooding potential and other limiting factors), sufficient for the construction of two (2) standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
4. Information to be included for subdivision review shall include at least the following:
 - a. Topographic contours at ten-foot intervals or less from the U.S. Geological Survey maps or more accurate sources, showing limiting site characteristics;
 - b. The surface water features required in Minn. Stat. § 505.02, subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
 - c. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 - d. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near shore aquatic conditions, including depths, types of

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- bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities; and
- e. Location of 100-year flood plain areas from existing maps or data.
5. *Dedications.* If local governments require land or easement dedications, they must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- M. *Planned unit development.* The city incorporates part 6120.3800 titled planned unit development into their Shoreland Overlay Ordinance.
- N. *Administration.*
1. *Administration and enforcement.* Local governments must provide for the administration and enforcement of their shoreland management controls by establishing permit procedures for building construction, installation of sewage treatment systems, and grading and filling.
 2. *Variances.* Variances may only be granted in accordance with Minn. Stat. ch. 394 or 462, as applicable. They may not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, boards of adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether the properties are used seasonally or year-round, whether variances are being requested solely on the basis of economic considerations and the characteristics of development on adjacent properties.
 3. *Conditional uses.* In addition to any existing standards local governments may have reviewing conditional uses, the following standards must be incorporated into local controls and used for reviewing conditional uses located in shoreland areas:
 - a. A thorough evaluation of the topographic, vegetation, and soils condition on the site to ensure: Prevention of soil erosion or other possible pollution of public waters, both during and after construction; limiting visibility of structures and other facilities as viewed from public waters; and adequacy of the site for water supply and on-site sewage treatment.
 - b. An assessment of the types, uses and numbers of watercraft that the project will generate in relation to the suitability of public waters to safely accommodate these watercraft.

Local governments may impose conditions when granting conditional use permits that specify: Increased setbacks from public waters; vegetation allowed to be removed or required to be established; sewage treatment system location, design or use; location, design and use requirements for watercraft launching or docking and for vehicular parking; structure or other facility design, use and location; phasing of construction; and other conditions considered necessary by the local unit of government.
 4. *Nonconformities.* Local governments must require upgrading or replacement of any existing, on-site sewage treatment system identified as a nonconformity under a program established under part 6120.3400. Systems installed according to all applicable local shoreland management standards adopted under Minn. Stat. § 105.485, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods or systems with less soil

treatment area separation above groundwater than required by chapter 7080, shall be considered nonconforming.

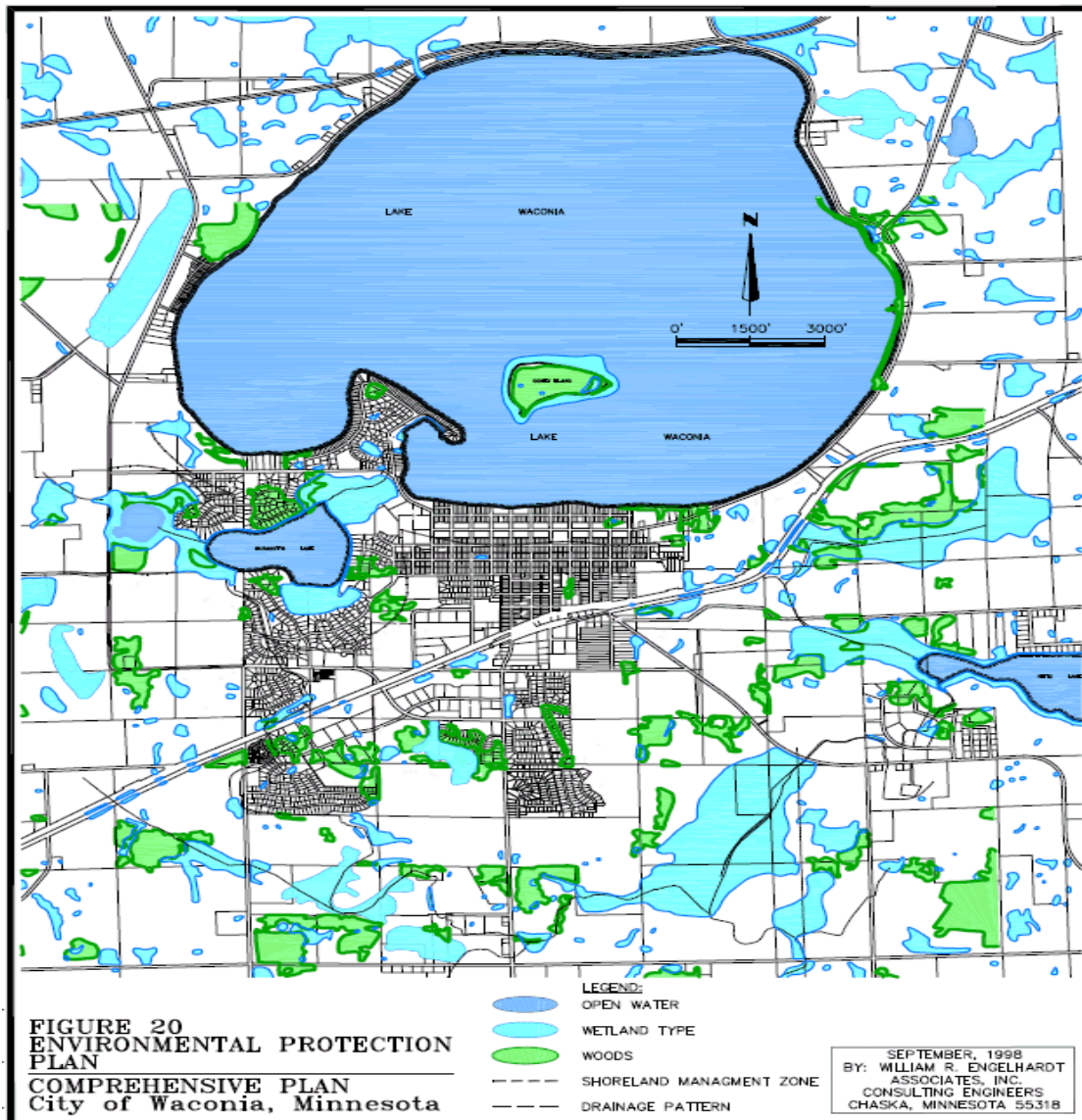
- a. All nonconformities other than on-site sewage treatment systems must be managed according to applicable state statutes and local government official controls.

5. *Notification procedures.*

- a. Copies of all notices of any public hearings to consider variances, amendments or conditional uses under local shoreland management controls 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 plats must include copies of the plats.
- b. A copy of approved amendments and plats and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of final action.

6. **Permits required.** A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by section F of this chapter. Application for a permit shall be made to the zoning officer on the forms provided. The application shall include the necessary information so that the zoning officer can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system shall be reconstructed or replaced in accordance with the provisions of this chapter.



CITY OF WACONIA, MN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Waconia, MN, will hold a public hearing on September 3rd, 2026, at 6:30 p.m., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to review and consider ordinance amendments related to the Shoreland Overlay District.

Specifically, the Minnesota DNR allows cities to provide some flexibility in shoreland rules and regulations if the parcels in question were established prior to January 1st, 1976. The proposed amendments would allow residential riparian parcels platted prior to 1976 to exceed the 25% hardcover maximum with the submittal and approval of a stormwater plan and the restoration of the shore impact zone on the subject parcel. The maximum hardcover allowed, if all requirements are met, would be 30%. The amendment also exempts properties zoned B-2, General Business District and B-3, General Business District located within the Shoreland Overlay District from hardcover requirements.

Pertinent information pertaining to this request is available at City Hall. Interested persons may submit written or oral comments pertaining to this matter any time prior to the hearing, or at the hearing on September 3rd, 2026. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

Mail/in person: Attention: Lane Braaten, 201 South Vine Street, Waconia, MN 55387
Email: lbraaten@waconiamn.gov

By: WACONIA PLANNING COMMISSION
ATTEST: Lane Braaten, Community Development Director

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