

# CHAPTER 25: ZONING

## ARTICLE 17. WETLAND DISTRICT

### Sec. 25-128 Intent and Purpose.

It is the intent and purpose of this Chapter to promote the public health, safety, and welfare by providing for the preservation, protection, proper maintenance, and use of the City's wetlands, water bodies, and watercourses. These objectives are intended to be accomplished by protecting the water retention and discharge capability, minimizing damage due to flooding and storm sewer run-off, and protecting the purity, utility and ecological functions of the City's wetlands, water bodies, water courses, and the land features critically linked to their natural functions.

### Sec. 25-129 Findings of Fact.

A substantial part of the land area of the City has a high water table. The wetlands, water bodies, and water courses within the City are subject to periodic water inundation which results in loss of property, health and safety hazards, disruption of commerce and governmental services, pollution of downstream lands and water bodies, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

### Sec. 25-130 Statutory Authorization.

The Legislature of the State of Minnesota has, in Minnesota Statutes Chapter 104 and Chapter 368.01, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses.

### Sec. 25-131 Interpretation.

- (a) In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
- (b) The approximate boundaries of the Wetland District are indicated on the Official Zoning Map of the City of Oakdale. However, the exact determination of the boundaries of the Wetland Preservation Area District and the Wetland Fringe Area will be made by the City Council based upon the recommendation of the Public Works Director/City Engineer Community Development Director. In formulating their recommendation, the Public Works Director/City Engineer and Planner will rely upon a topographic survey of the site in question proposed at the landowner's expense by a Registered Land Surveyor. This survey shall indicate topographic contours at a minimum interval of two (2) feet. Any other available descriptive data may also be employed in this determination as well as a field inspection of the site.
- (c) Land area adjacent to but outside of the Wetland District (Preservation Area plus Fringe Area), shall be understood to be in the adjacent Zoning District. If uncertainty exists as to the zoning of such land, a determination of that zoning shall be made by the City Council.

- (d) Persons contesting the location of the District boundaries shall be given a reasonable opportunity to present their case to the City Council and to submit technical evidence.

**Sec. 25-132 Warning and Disclaimer of Liability.**

This Chapter does not imply that areas outside of the Wetland District or land uses permitted within that District will be free from flooding or flood damages. The Chapter does not create liability on the part of the City of Oakdale or any officer or employee of the City for any flood damage that may result from reliance on this Chapter or any administrative decision made under it.

**Sec. 25-133 Establishment of Zoning District.**

The Wetland District is divided into the following two Sub-Districts: Wetland Preservation Area and Wetland Fringe Area.

- (a) **Wetland Preservation Area:** The Wetland Preservation Area is defined as those land areas lying below elevations as determined by the City Engineer to enforce the intent of this Article.
- (b) **Wetland Fringe Area:** The Wetland Fringe Area is defined as those land areas between the Wetland Preservation Area and an elevation two (2) feet above that area. The City Council, in its review of the particular development proposal, may extend the boundaries of the Wetland Fringe Area to include land areas above the defined elevation for this zone if, in its judgment, any of the following natural characteristics are present to an extent which, if developed upon, would adversely affect the natural hydrologic functioning of the wetlands within the adjacent Wetland Preservation Area: slopes steeper than 15%, soils of poor building potential, water courses.

**Sec. 25-134 Uses Within the Wetland District.**

- (a) **Special Uses within the Wetland Preservation Area:** If, through good site and engineering designs, a single-family residential development can be created which is compatible and harmonious with the natural features and functions of the Wetland Preservation Area land areas and with surrounding land uses, then a request for a Special Use Permit may be approved by the City Council for a single-family residence. The approval of such request by the City Council shall require a finding that:
  - (1) The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, or wooded areas, but will preserve and incorporate such features into the development's site design; and
  - (2) The development will not reduce the natural water retention and discharge capacity of any watercourse or wetland nor increase the rate and/or volume of water run-off from such locations; and
  - (3) The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements; and
  - (4) The soil and subsoil conditions are suitable for excavation and site preparation and the drainage is designed to prevent erosion and environmentally deleterious surface run-off of water; and

- (5) Adequate assurances have been received so that the clearing of the site of top soil, trees, and other natural features prior to commencement of building operations will occur only to the most limited extent possible.

**Sec. 25-135 Permitted Uses Within the Wetland Fringe Area.**

**(a) Permitted Uses:**

- (1) Single-family residences connected to public sanitary sewer.
- (2) Agriculture and its necessary buildings and structures but not including feedlots.
- (3) Nurseries, tree farms, and greenhouses.
- (4) Recreational facilities as follows:
  - a) Athletic fields, parks, and playgrounds;
  - b) Golf clubs

**(b) Accessory Use:**

- (1) Private garages.
- (2) Greenhouses related to private residential use.
- (3) Tool houses, sheds, and other similar buildings for the storage of domestic supplies.
- (4) Privately owned swimming pools and tennis courts for the use and convenience of the residents.
- (5) Signs as prescribed by the City Sign Ordinance.

**Sec. 25-136 Requirements on Lot Area, Lot Dimension, and Lot Coverage.**

**(a) Required Lot Area:**

USE	MINIMUM LOT AREA:
Single-Family residence with public sanitary sewer	16,000 square feet
Other permitted uses	Lot area to be dictated by building area, parking requirements, required lot dimensions, and setbacks.

**(b) Minimum Lot Dimensions:**

USE	MIN. LOT WIDTH AREA	MIN. LOT DEPTH
Single Family residence	75 feet	110 feet
All other uses	300 feet	240 feet

- (c) Lot Coverage. Not more than 20% of the lot, parcel, or tract of land shall be covered by structure or impervious surfaces.

**Sec. 25-137 Requirements on Setbacks, Yards, and Heights.**

All requirements of the R-1 District on setbacks, yards, and heights shall apply.

**Sec. 25-138 Minimum Elevation of Structures.**

The lowest level of any structure permitted in the Wetland Fringe Area shall be no lower than either:

- (a) An elevation two (2) feet higher than the edge of the Wetland Preservation Area as defined in Section 25-133, or
- (b) Four (4) feet above the elevation of the water table, whichever is higher.

**Sec. 25-139 Dredging and Filling.**

- (a) The maximum extent of filling which may be permitted in any Wetland District land shall be determined by flood storage and nutrient stripping capacity requirements for the wetland district.
- (b) Dredging may be allowed only when not detrimental to the wetland watershed, and when allowed must be accomplished in the following manner:
  - (1) Dredging shall be located so as to maximize the activity in the areas of minimum vegetation.
  - (2) Dredging activities shall not significantly change the water flow characteristics.
  - (3) The size of the dredged area shall be limited to the absolute minimum.
  - (4) Disposal of the dredged material shall not result in a significant change in the current of flow and destruction of vegetation or in pollution of water.

**Sec. 25-140 to 25-150 Reserved.**