

CITY OF EAST GULL LAKE
COUNTY OF CASS
STATE OF MINNESOTA

ORDINANCE AMENDMENT 2025-01

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE RELATING TO IMPERVOUS SURFACE FOR PARCELS BISECTED BY A ROAD FOR THE CITY OF EAST GULL LAKE, COUNTY OF CASS, STATE OF MINNESOTA

The City Council of the City of East Gull Lake Ordains:

Section 1. Section 8.4-3.6 of the East Gull Lake Zoning Ordinance is hereby amended to add the underlined language and to delete the strikethrough language as follows:

~~Lots that are divided by a street in the R-3 zoning district, within the City of East Gull Lake, shall be considered buildable without a Conditional Use permit.~~

~~6. When a lot is divided by a street (property owner is unable to use that portion of their parcel due to the street) in the R-3 zoning district, the maximum impervious coverage shall not exceed 20% for the riparian portion of the lot and the maximum impervious coverage shall not exceed 5% for the non-riparian portion of the lot providing all setbacks, sanitary provisions for well and sewage disposal can be met.~~

~~Total maximum riparian/non-riparian is 20% impervious for the entire lot.~~

~~Property owner could split the parcel as long as have a minimum of 20,000 square feet per newly created parcel.~~

Section 2. Section 8.4-5.6 of the East Gull Lake Zoning Ordinance is hereby amended to add the underlined language and to delete the strikethrough language as follows:

~~8.4-5.6 **VACANT LOTS OF RECORD:** (Conforming or non-conforming to size requirements—bisected by a road)~~

~~1. Lake side of road (riparian)~~

~~a. 20% Impervious will be changed to 80% Green Space~~

~~b. 25% Impervious will be changed to 75% Green Space with a storm water management plan handling 25-year/24-hour storm on site~~

~~2. Portion across road from lake (non-riparian)~~

- a. -20% Impervious will be changed to 80% Green Space
- b. -25% Impervious will be changed to 75% Green Space with a storm water management plan handling 25-year/24-hour storm on site

VACANT LOTS OF RECORD: (Conforming or non-conforming to size requirements—bisected by a road)

1. Lake side of road (riparian)

- a. 20% Impervious will be changed to 80% Green Space
- b. 25% Impervious will be changed to 75% Green Space with a storm water management plan handling 25-year/24-hour storm on site

2. Portion across road from lake (non-riparian) —

- a. 20% Impervious will be changed to 80% Green Space
- b. 25% Impervious will be changed to 75% Green Space with a storm water management plan handling 25-year/24-hour storm on site

DEVELOPED LOTS OF RECORD (Riparian):

1. Lake side — (currently meeting impervious coverage requirements)

- a. 20% Impervious will be changed to 80% Green Space
- b. 25% Impervious will be changed to 75% Green Space with a storm water management plan handling 25-year/24-hour storm on site

2. Lake side — (currently do not meet impervious coverage requirements)

- a. Existing impervious coverage must be reduced by 10% of the total ($41.6\% * 10\% = 4.16\%$).
- b. Porous surfaces must be used to reduce total impervious remaining to 25% ($41.6\% - 4.16\% = 37.44\%$; $37.44\% - 25\% = 12.44\%$ must change to porous surfaces)
- c. Storm water management plan must be implemented to retain runoff from a 25-year storm.

PROPOSED POROUS PAVING SURFACES ORDINANCE

1. Implementation of this ordinance will not alter the basic requirement to maintain a minimum of 80% green space (75% green space, with an approved storm water plan) on all lots that currently comply with the ordinance. This ordinance is primarily for those existing developed lots which do not conform to the current requirements and very special lots of record wherein strict compliance to the existing ordinance is impractical.

2. All plans for porous paving surfaces must be constructed in accordance with plans meeting the criteria outlined and designed by a registered engineer.

3. All porous paving surfaces plans must be submitted to, reviewed, and approved by the City. The submittal of plans shall include all calculations needed to verify the plans meet the ordinance requirements.

4. All owners of lots of record, with impervious surfaces in excess of the current requirements, who wish to redevelop the property (i.e. Make major alterations to the

structure, remove and replace the structures, etc.) may utilize an approved plan for a porous paving system which captures the runoff from the impervious surfaces and treats it prior to discharge to the water bodies, OR they may reduce the impervious coverage to the current ordinance requirements as part of the redevelopment.

5. All owners of lots of record, with impervious surfaces which meet the current requirements, are encouraged to utilize best management practices (BMP's), including porous paving surfaces, but will not be allowed to decrease the percentage of green space below the requirements outlined in item 1 above, or conversely, increase the amount of impervious surface above that allowed under the current ordinance.

6. All owners of lots of record, that are non-conforming for size and undeveloped, must make every effort to conform to all requirements of the ordinances, are encouraged to utilize BMP's, including porous paving systems, and will be reviewed on a case by case basis. Such review will include the property physical characteristics, the neighborhood existing structures, size of the proposed structure, and anything else believed pertinent by the PC.

REQUIREMENTS OF THE POROUS PAVING SYSTEM PLAN/CONSTRUCTION

1. All plans for porous paving surfaces must be constructed in accordance with plans designed by a registered engineer.

2. Existing impervious coverage must be reduced by ten (10) percent of the total impervious surfaces existing (i.e. If a lot has 43% impervious, the reduction must be $43 * 10\% = 4.3\%$. This leaves 38.7% impervious, an excess of 13.7% over the current maximum of 25%):

3. The remaining excess impervious surface, plus a safety factor of 25%, must be converted to a porous paving system(s) capturing, and treating, all the runoff from all of the impervious surfaces (including building roofs) prior to discharge to a public water body (i.e. $[43\% - 4.3\% - 25\%] + 25\% * [43\% - 4.3\% - 25\%] = 17.125\%$):

4. The collection, storage, and treatment portion of the system(s) must have the capacity to address the runoff from a 25 year/24-hour storm frequency for all of the impervious surfaces (including building roofs):

5. The plan shall detail how runoff from the various slopes of a roof or separated structure will be captured and brought to the storage and treatment "chamber(s)". A roof plan is required to verify drainage:

6. The plan shall provide for the surfaces to be sufficiently porous, or sloped to an inlet structure with the capacity, to accept the rainfall intensity of a 25-year/24-hour storm frequency (i.e. porous pavers may be sloped to an interior drain discharging to the storage "chamber").

7. The plan shall include a maintenance program to ensure continued operation. Said maintenance plan shall include provisions to ensure the repairs are made in conformance to the original design of the system.

8. Approval of the plan shall be recorded with the property for the protection of the owners and future owners.

9. Upon completion of construction, the design engineer shall certify that construction was in accordance with the approved plan and the landowner shall provide an as-built survey of the construction, together with photos taken throughout the installation to verify compliance with the plan.

Section 3. Section 8.5-5.7B of the East Gull Lake Zoning Ordinance is hereby amended to add the underlined language and to delete the strikethrough language as follows:

Section 8.5-5.7B. Impervious Coverage. Impervious coverage may be increased by 5% through a Conditional Use permit if the following is provided:

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

~~When a lot is divided by a street (Property owner is unable to use that portion of their parcel due to the street) in a R-3 zoning district, the maximum impervious coverage shall not exceed 20% for the riparian portion of the lot and the maximum impervious coverage shall not exceed 5% for the non-riparian portion of the lot providing all setback, sanitary provision for well and sewage disposal can be met.~~

For residential riparian parcels bisected by a public road whose bisection results in a portion of the parcel being unbuildable due to setback requirements, or the presence of wetlands, flood plain, or bluffs as defined in this Ordinance, a landowner may use up to 20,000 square feet of their total parcel size, excluding the public road pavement and dedicated right of way or roadway easement or if there is no easement or right of way, 30' centered on the centerline of the paved road, for the purpose of computing impervious surface. For purposes of this section, unbuildable would mean that a detached garage of 600 square feet cannot be placed on the site without the need of variance.

This provision does not apply to parcels bisected by a public road that has a parcel size of maintains a minimum of contiguous 20,000 square feet or greater of buildable land on either or on both sides of the road.

Section 4. Section 8.5-7.O of the East Gull Lake Zoning Ordinance is hereby amended to add the underlined language and to delete the strikethrough language as follows:

~~Section 8.5-7.O Lots that are divided by a street in the R-3 zoning district, within the City of East Gull Lake, shall be considered buildable without a Conditional Use Permit.~~

~~Total maximum riparian/non-riparian is 20% impervious for the entire lot.~~

~~Impervious coverage may be increased by 5% through a Land Use Permit if the following is provided:~~

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

~~Property owner could split the parcel as long as have a minimum of 20,000 square feet per newly created parcel.~~

The Amendment shall be in full force and effective immediately following its passage and publication.

Approved by the East Gull Lake City Council the 4th day of March, 2025


Mayor

Attest:



City Administrator