

**CHAPTER 908            “W”, WETLANDS OVERLAY DISTRICT**

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**908.010      Purpose**

The purpose of this Chapter is to recognize, preserve and protect the environmental, aesthetic and hydrologic functions of the city's wetlands by regulating the use of wetlands and their adjacent properties. These functions include, but are not limited to, sediment control, pollution control, filtration, fish and wildlife habitat and aquifer recharge.

**908.020      Intent**

The intent of this Chapter is to protect wetlands to the maximum extent possible while allowing a reasonable use of the property. This Chapter adopts the regulations and standards of the Wetland Conservation Act of 1991 (WCA), Laws of Minnesota 1991, chapter 354, as amended, and the rules adopted pursuant to the WCA.

**908.030      Applicability**

This ordinance shall apply to new development or redevelopment. New development, for the purposes of this Chapter includes any subdivision that creates a new lot that has no principal use on it or construction of a principal use on an existing vacant parcel of land. Redevelopment means removal or renovation of the principal structure such that use of more than 50 percent of its market value and reconstruction on the same property. This requirement does not apply to reconstruction due to fire, wind or vandalism. The City may also require buffers and setbacks as part of a variance, conditional use permit or site plan review.

**908.040      Wetland Delineation**

A wetland delineation must be completed according to the most current U.S. Corps of Engineers methodology and be completed by a qualified professional. The delineation shall be approved by the City’s designated official prior to: property improvements, plat approval and/or wetland permit.

**908.050      Lowest Floor Elevation**

The lowest floor elevation of buildings shall be a minimum of 2 feet above the ordinary high-water level of the wetland or the outlet elevation, whichever is higher. If sufficient data on known high water levels is not available, the elevation of the line of permanent aquatic vegetation shall be used as the estimated high-water elevation.

**908.060 Retention in a Natural State**

To the extent possible, all wetlands, including marshlands and swamps shall be retained in their natural state to serve as a storm water runoff basin and also as a wildlife habitat. Organic and other waste which would normally be disposed of at a solid waste disposal site or which would normally be discharged into a sewage disposal system or sewer shall not be directly or indirectly discharged to the wetland.

**908.070 On-Site Sewage Systems**

No part of any sewage disposal system requiring on-land or in-ground disposal of waste shall be located closer than 150 feet to the ordinary high-water level unless it is proven by the applicant that no effluent will immediately or gradually reach the wetland because of existing physical characteristics of the site or the system.

**908.080 Buffers**

- A. A buffer, which shall contain a continuous dense layer of primarily native perennial vegetation, including grasses, forbs, shrubs, and/or trees, shall be provided adjacent to all wetlands.
- B. Buffer width is based on the size of the wetland, and is measured from the delineated wetland boundary outward. Minimum buffer width shall be as follows:

<u>Wetland Size</u>	<u>Buffer Width</u>
0-5 acres	10 feet
Greater than 5	20 feet

- C. Permitted uses and activities within buffers are as follows:
  - 1. Restoration of native vegetation;
  - 2. Nature preserves;
  - 3. Public boardwalks, bridges and trails;
  - 4. Ponding and drainage facilities, as required by the City;
  - 5. Environmental monitoring or control facilities;
  - 6. Public utilities, including maintenance activities; and
  - 7. Structures that the city determines will protect the wetland from erosion or provide weed control.
- D. Buffers shall be protected by prohibiting the following uses and activities within buffer areas:
  - 1. Placement of structures or building, except as provided in Section H (2) above;
  - 2. Paving;
  - 3. Dumping, including organic or other waste that would normally be disposed of at a solid waste disposal site or which would normally be discharged into a sewage disposal system or sewer;
  - 4. Yard waste disposal;
  - 5. Filling; and
  - 6. Mowing or cutting of vegetation, except when permitted as invasive vegetation management.

E. Signs for Wetland Buffers

All wetland buffers shall be marked by signs placed at the buffer edge.

1. Sign Location

Buffer signs shall be placed at every other lot corner or as approved by the City Engineer. Proposed buffer sign locations shall be shown on a grading or site plan, which shall be submitted to the City Engineer for approval.

2. Sign Design

In order to ensure consistency in buffer sign design, the developer or property owner shall order buffer signs from the City of Little Canada. It shall be the responsibility of the developer or property owner to install wetland buffer signs and to pay all costs associated with construction of the signs.

3. Buffer Sign Installation

Once obtained from the City of Little Canada, wetland buffer signs shall be installed as follows:

- a. The sign shall be bolted or screwed to a four-inch square treated or cedar post or green steel post installed to a height of four feet above grade and set at least 42 inches into the ground.
- b. The printed side of the sign shall face the development side of the property.

**908.090 Setback from Wetland Buffer**

- A. All buildings (principal or accessory) and structures, except as provided elsewhere in this subdivision, must be set back at minimum of 20 feet from the outer wetland buffer line. Exceptions to the setback requirement include play structures, uncovered porches, decks, patio slabs, open terraces, stairways, and walkways, which shall be allowed to extend up to 10 feet into the required buffer.
- B. Parking areas and driveways must be setback a minimum of 10 feet from the outer wetland buffer line.
- C. A wetland buffer setback is not required for overhead utility poles and lines that are less than 2 feet in diameter, underground utility lines and distribution equipment, light poles, traffic signals, traffic regulatory signs, wetland buffer signs, mailboxes, and other equipment that provides an essential public service.
- D. A wetland buffer setback is not required for fences or retaining walls.
- E. An existing improvement meeting the required setback from a wetland buffer area is considered legal nonconforming if at a later date a new wetland delineation or implemented wetland buffer results in the improvement being closer than the required setback from the new wetland buffer location.

**908.010 Dedication to City**

All land areas containing wetlands and the required wetland buffer shall be dedicated as a conservation easement or platted as an outlot and deeded to the City to become part of the stormwater management system.