

Section 17. "W" Wetland Systems District

Subd. 1. Purpose. A district relating to lowlands, marshes, wetlands, drainage ways, water bodies, and water courses regulating alteration and development of such lands and providing for the issuance of permits therefor, and specifically to:

A. Reduce danger to the health, safety, and welfare of the residents of Detroit Lakes by protecting surface and ground water supplies from the impairment which results from incompatible land uses and alterations, and by providing safe and sanitary drainage.

B. Restrict and control land development so it will not impede the flow of flood water or cause danger to life or property.

C. Designate suitable land uses that are compatible with the preservation of the natural vegetation and marshes which are a principal factor in the maintenance of constant rates of water flow through the year and which sustain many species of wildlife and plant growth.

D. Regulate runoff of surface waters from developed areas to prevent pollutants such as motor oils, sand, salt, and other foreign materials from being carried directly into the nearest natural stream, lake, or other public or private waters.

E. Regulate the alteration of wetland systems to prevent excessive sediment pollution and to maintain the aesthetic appearance of the wetlands.

F. Prevent the development of structures in areas which adversely affect the public passage and use of creeks, marshes, lowlands, and water courses within the City.

Subd. 2. District Application.

A. The "W" Wetland Systems District shall be applied to and superimposed upon the agricultural-residential, residential, commercial, or industrial district contained herein existing or amended by the text and map of this ordinance. The regulations

and requirements imposed by the "W" Wetland Systems District shall be in addition to floodplain and shoreland and those established for the district which jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.

B. The Wetland Systems District within the City of Detroit Lakes is defined and established to include those areas which include any water course, natural drainage system, water body, or wetland, that may be subject to periodic flooding, overflow, or seasonally high water-tables. The district boundary lines shall be established at the edge of the aforesaid areas as depicted on the Detroit Lakes "wetland systems map". The "wetland systems map" is based upon geographical, hydrological, and surficial geological data obtained from the United States Department of Agriculture Soil Conservation Service and Soil Survey, Becker County, Minnesota. The wetland systems areas indicated on said map are composed of wet soils as defined by the United States Department of Agriculture Soils

Conservation Service. These specific soil groups are characterized as unsuitable for development due to their poor drainage qualities, flooding proneness, poor texture, high water table depth, and general organic content.

Subd. 3. Permitted Uses. The following operations and uses are permitted in the "Wetland Systems District" as a matter of right, subject to any other applicable code, ordinance, or law:

- A. Grazing, farming, nurseries, gardening, and harvesting of crops.
- B. Sustained yield of forestry and tree farms.
- C. Conservation of soil vegetation, water, fish, and wildlife.
- D. Scientific research and educational activities that teach principles of ecology and conservation.
- E. Leisure activities such as hiking, nature studies, canoeing, boating, camping, water skiing, skin diving, horseback riding, field

trails, and general outdoor recreation including play and sporting areas that are inconsistent with the intent of this ordinance.

F. Essential services.

Subd. 4. Prohibited Uses. Except as may hereinafter be conditionally permitted, it shall be unlawful for any person to:

A. Place, deposit, or permit to be deposited debris, fill or any material including structures, into, within, or upon any water body, water course, or wetland, flood-plain, or natural drainage system.

B. Dig, dredge, or in any other way alter or remove any material from water bodies, water courses, wetlands, floodplains, or natural drainage system.

C. Erect structures for human habitation.

D. Create ponds, dam, or relocate any water course, or change the natural drainage system.

E. Clear and/or cut trees or other vegetation.

F. Permanently store materials.

G. Erect signs.

H. Dispose of waste materials, including but not limited to sewage, garbage, rubbish, and other discarded materials.

Subd. 5. Development Regulations.

A. Land owners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any of the wetlands district within the City of Detroit Lakes shall first submit a conditional use permit application as regulated by Section 22, of this ordinance and a plan of development, hereinafter referred to as a "wetlands system impact plan", which will set forth proposed provisions for sediment control, water management, maintenance of landscaped

features, and any additional matters intended to improve or maintain the proposed changes requested by the applicant and affirmatively disclose what, if any change will be made in the natural condition of the earth; including loss or change of earth ground cover, destruction of trees, grade changes and its effect, if any, upon lakes, streams, water courses and marshes, lowlands and wetlands in the area. The plan shall mini-mize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or re-planting of as many trees as possible which are proposed to be removed. The purpose of the wetland systems impact plan shall be to eliminate as much as possible potential pollution, erosion and siltation.

B. High Water Elevation. For lakes, ponds, or flow-ages, no structure, except boat houses, piers and docks, shall be placed at an elevation such that the lowest floor, including basement floor, is less than three (3) feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the Building Inspector.

(Pages 347-356 Reserved for Changes)