

**SECTION 4. SHORELAND DISTRICTS**

**4.1 SHORELAND DISTRICT BOUNDARIES (S-GD, S-RD, S-NE, S-RS):**

**4.1.1** The boundaries of the shoreland management districts defined in this ordinance are hereby established at 1,000 feet from the ordinary high water mark of a lake, pond or flowage & 500 feet from a river or stream or the landward extent of a floodplain designated by ordinance of all public waters in pope county.

**4.1.2** Shoreland areas shown on the official zoning map on file in the office of the pope county zoning administrator’s office are the controlling authority regarding location of boundaries.

**4.1.3** The classification of each area surrounding each public body of water is hereby established according to the document entitled “Public Waters Classification of Pope County” as shown below.

**4.1.4 Public Waters Classification for Pope County**

**1. General Development Lakes**

Lake No. Lake Name  
61-130 Minnewaska

61-2	East Johanna (Rocky Mountain)	61-31	East Ellen (Ellen)
61-3	Round	61-32	Alice
61-4	Crook	61-33	West Ellen (Ellen)
61-5		61-34	Simon
61-6	Johanna	61-35	
61-7		61-36	Nilson

**2. Recreational Development Lakes**

Lake No. Lake Name  
61-23 Grove  
61-37 Linka  
61-41 Scandinavian  
61-64 Amelia  
61-67 Villard  
61-72 Gilchrist  
61-78 Reno  
61-111 Pelican  
61-112 Shallow Pond

61-8		61-38	
61-10	Johnson (Kittelston)	61-39	(Magnus)
61-11		61-40	
61-12		61-42	
61-13		61-43	Goose
61-14	Tracey Slough	61-44	Johnson (Fish)
61-15		61-45	
61-16		61-46	
61-17		61-47	Sather
61-18	Krantz	61-48	Round
61-19	Mud	61-49	
61-20	Lincoln	61-50	
61-21		61-51	Swenoda
61-22	Eckert	61-52	
61-24	McCloud	61-53	(Anderson)
61-25	Swan	61-54	Anderson

**3. Natural Environment Lakes**

Lake No. Lake Name  
61-1

61-26		61-57	
61-27		61-58	
61-29	Westport	61-59	
61-30	Burroughs	61-60	Marlu (Marloo)

61-61		61-116	McClellan (Mike,	61-166	
61-62	State		McLean's)	61-167	
61-63		61-118	Lair	61-168	
61-65		61-119		61-169	
61-66	Leven	61-120	Horse	61-170	Larson
61-68		61-121		61-171	Mitmoen
61-69	Rice	61-122	Ann	61-172	
61-70		61-123	John	61-173	Anderson
61-71		61-124	Frederick	61-174	
61-73		61-125		61-175	
61-75	Lee	61-126	Mud	61-176	
61-76	Camp	61-127		61-178	
61-77		61-128	Strandness (Victoria)	61-179	
61-79		61-129		61-180	Emily
61-80	Hanson (Woodpecker)	61-131	Diamond	61-181	
61-81		61-132	Thoralsen	61-182	
61-82	Kolstad	61-133	(Gundar)	61-183	Pike
61-83		61-134	Paulson	61-184	Erickson
61-84		61-135		61-185	Hoff
61-85	(Gustad)	61-136		61-186	
61-86	Rasmuson	61-137		61-187	
61-87		61-138		61-188	
61-88		61-139	Benson	61-189	
61-89	Anderson	61-140		61-190	
61-90	(Coats)	61-142	Swan	61-191	Payne Hagen
61-91		61-143		61-192	
61-92	Hoff (Helga)	61-144		61-193	
61-93		61-145		61-194	Danielson Slough (Cyrus)
61-94		61-146		61-195	
61-95	Steenerson	61-147		61-196	
61-96	Gilbertson	61-148		61-197	
61-97	Benson (Ben)	61-149	Signalness (Mountain)	61-198	
61-98	Jennum	61-150		61-199	McIver
61-99	Mary	61-151		61-200	Lybeck
61-100	Celia	61-152		61-201	Christopherson
61-101	Nelson	61-153		61-202	
61-102		61-154		61-203	Osterberg
61-103		61-155		61-204	Wicklund (Abrahamson)
61-105	Helle (Dalager, Lee)	61-156	Wallin (Wollan)	61-205	Shopper
61-106	Edwards	61-158		61-206	
61-107		61-159	(Hiram)	61-207	Rosby
61-108	White Star (Star)	61-160		61-208	
61-109		61-161		61-209	
61-110	(Refuge)	61-162	Malmedahl	61-210	
61-113		61-163		61-211	Irgen(s)
61-114	Fosse (Resolution 200709)	61-164	Jorgenson	61-212	Belgum
61-115		61-165		61-213	

61-214		<u>Lake No.</u>	<u>Lake Name</u>	75-46	Charlotte
61-215		73-294	Grass (Stearns Co)	76-51	(Swift Co)
61-216	Otter	34-356	(Kandiyohi Co)	76-72	Camp (Swift Co)
		34-357	Crook (Scanning) (Kandiyohi Co)	* (Lake names in parenthesis indicate a name obtained from a source other than Bulletin No. 25)	
<b>Boundary Lakes - mostly in another county</b>		75-1	(Stevens Co)		
		75-2	Cyrus (Stevens Co)		
		75-3	(Stevens Co)		

#### 4.1.5 River Classifications for Pope County

CLASS	RIVER	FROM	TO
• A	Chippewa *[public ditch that is altered natural watercourse]	Border of Stevens and Pope Counties	Center, Sec.21, T123N, R40W
• A	East Branch Chippewa	Outlet of Amelia L. in Sec. 2, T125N, R37W	County Road bridge in Sec. 14, T124N, R37W
• T	East Branch Chippewa	County Road bridge in Sec. 14, T124N, R37W	Inlet of Gilchrist L. in Sec. 7, T123N, R37W
• A	East Branch Chippewa	Outlet of Gilchrist L. in Sec. 17, T123N, R37W	Border of Swift and Pope Counties
• T	North Fork Crow *[public ditch that is altered natural watercourse]		
• Tr	All other non-classified watercourses as shown on county protected waters inventory map and list.		

**KEY**

**T** = Transition: Mixture of cultivated, pasture and forested lands.

**A** = Agricultural: Intensively cultivated areas.

**Tr** = Tributary: All other rivers in the Protected (Public) Waters Inventory.

**4.1.6** The following maps on file in the office of the Planning and Zoning Administrator may also be used to interpret shoreland boundaries. Nothing in this statement shall be construed to mean that other maps of greater accuracy or detail cannot be used for such purposes: Westport, Leven, Reno, Ben Wade, Nora, New Prairie, White Bear Lake, Minnewaska, Glenwood, Grove Lake, Bangor, Chippewa Falls, Barsness, Blue Mounds, Walden, Hoff, Langhei, Rolling Forks, Gilchrist, Lake Johanna Watershed Map of Pope County, Minnesota Department of Highways (1951).

## 4.2 SHORELAND - GENERAL DEVELOPMENT DISTRICT (S-GD):

### 4.2.1 Permitted Uses:

- A. Single family seasonal and year-round residential uses.
- B. Agricultural uses, subject to Section 10.3.
- C. Parks and playgrounds.
- D. Public accesses, publicly owned.
- E. Home occupations meeting Section 10.9 requirements.
- F. Existing golf courses and other similar commercial recreational facilities characterized by significant open or green space.
- G. Antennae when mounted on a rooftop or along a building or other structure.
- H. Water-oriented accessory structure or Facility. *(AS AMENDED 19 June 2018)*
- I. One vacation rental unit per parcel which meet 10.30.3.2.a. requirements. *(AS AMENDED 7 July 2020)*
- J. Accessory Solar Energy Systems: Residential/Personal, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

### 4.2.2 Conditional Uses:

- A. Planned Unit Developments
- B. Campgrounds, resorts, motels and vacation rental properties (subject to Section 10.30.3.2.b). *(AS AMENDED 7 July 2020)*
- C. Commercial.
- D. Duplexes, triplex and quad dwellings.
- E. Industrial uses for which it is necessary to locate within shoreland, provided that all storage within 500 feet of a public right-of-way or public water shall be completely enclosed in buildings or effectively screened by appropriate landscaping and a solid wall or fence that is no less than eight (8) feet in height.
- F. Manufactured Home Park provided the criteria found in Section 10.13 are met.
- G. Churches, chapels, temples, synagogues and public meeting places.
- H. Golf courses and other similar commercial recreational facilities characterized by significant open or green space.
- I. Towers, subject to the standards at Section 10.5.
- J. Controlled Access
- K. Extractive Use. *(AS AMENDED 19 June 2018)*
- L. Solar Energy Systems: Solar Garden or Farm, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

**4.2.3 Minimum Lot Area/Width in Square Feet:**

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490

**4.2.4 Setbacks:**

- A. **Structure Setbacks:** 75 feet from Ordinary High Water Level  
*(see exception as noted in Section 4.6.17)*
- B. **On-Site Sewage System Setbacks:** 50 feet from Ordinary High Water Level
- C. **Top of Bluff:** 30 feet
- D. **Side Yard Setback:** 10 Feet
- E. **Unplatted cemetery:** 50 Feet
- F. **Right-of-way line of federal, state or county highway:** 50 Feet
- G. **Right-of-way line of town road, public street, other legal roads or streets not classified:** 40 Feet
- H. **Reciprocal Feedlot Setbacks:** These setbacks apply to new structures or uses and do not apply to modifications of additions to established uses. Residential structures which serve farm property upon which feedlots are located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and a residential use greater than the provisions governing setbacks in the general districts as set forth below.

<u>Structure or Use</u>	<u>Setback from</u>	<u>Setback</u>
Single Residence	Feedlot perimeter	500 Feet
Duplex	Feedlot perimeter	500 Feet
Triplex	Feedlot perimeter	500 Feet
Quad	Feedlot perimeter	500 Feet

**4.3 SHORELAND - RECREATIONAL DEVELOPMENT DISTRICT (S-RD):**

**4.3.1 Permitted Uses:**

- A. Single family seasonal and year-round residential uses.
- B. Agricultural uses, subject to Section 10.3.
- C. Parks and playgrounds.
- D. Home occupations, subject to Section 10.9.
- E. Antennae when mounted on a rooftop or along a building or other structure
- F. Water-oriented accessory structure or Facility. *(AS AMENDED 19 June 2018)*
- G. One vacation rental unit per parcel which meet 10.30.3.2.a. requirements. *(AS AMENDED 7 July 2020)*
- H. Accessory Solar Energy Systems: Residential/Personal, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

**4.3.2 Conditional Uses:**

- A. Planned Unit Developments.
- B. Commercial.
- C. Campgrounds, resorts, motels, and vacation rental properties (subject to Section 10.30.3.2.b). *(AS AMENDED 7 July 2020)*
- D. Duplexes, triplex and quad dwellings.
- E. Public accesses and controlled accesses.
- F. Churches, chapels, temples, synagogues and public meeting places.
- G. Golf courses and other similar commercial recreational facilities characterized by significant open or green space.
- H. Towers, subject to the standards at Section 10.5.
- I. Extractive Use. *(AS AMENDED 19 June 2018)*
- J. Solar Energy Systems: Solar Garden or Farm, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

**4.3.3 Minimum Lot Requirements/Width in square feet:**

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	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

**4.3.4 Setbacks:**

- A. **Structure Setbacks:** 100 feet from Ordinary High Water Level  
*(see exception as noted in Section 4.6.17)*
- B. **On-Site Sewage System Setbacks:** 75 feet from Ordinary High Water Level
- C. **Top of Bluff:** 30 feet
- D. **Side Yard Setback:** 10 Feet
- E. **Unplatted cemetery:** 50 Feet
- F. **Right-of-way line of federal, state, or county highway:** 50 Feet
- G. **Right-of-way line of town road, public street, other legal roads or streets not classified:** 40 Feet
- H. **Reciprocal Feedlot Setbacks:** These setbacks apply to new structures or uses and do not apply to modifications of additions to established use. Residential structures which serve farm property upon which feedlots are located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and a residential use greater than the provisions governing setbacks in the general districts as set forth below.

<u>Structure or Use</u>	<u>Setback from</u>	<u>Setback</u>
Single Residence	Feedlot perimeter	500 Feet
Duplex	Feedlot perimeter	500 Feet
Triplex	Feedlot perimeter	500 Feet
Quad	Feedlot perimeter	500 Feet

**4.4 SHORELAND - NATURAL ENVIRONMENT DISTRICT (S-NE):**

**4.4.1 Permitted Uses:**

- A. Single family seasonal and year-round residential use.
- B. Agricultural uses, subject to Section 10.3.
- C. Home occupations, subject to Section 10.9.
- D. Antennae when mounted on a rooftop or along a building or other structure.
- E. Water-oriented accessory structure or Facility. *(AS AMENDED 19 June 2018)*
- F. Accessory Solar Energy Systems: Residential/Personal, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

**4.4.2 Conditional Uses:**

- A. Parks and playgrounds.
- B. Planned Unit Development.
- C. Public accesses and controlled accesses.
- D. Duplex, triplex and quad dwellings.
- E. Towers, subject to the standards at Section 10.5.
- F. Commercial (limited to small scale manufacturing, processing and servicing businesses). *(AS AMENDED 18 July 2017)*
- G. Public/Semipublic/Private recreational facilities characterized by significant open or green space (examples: golf courses, shooting ranges, hunting preserves). *(AS AMENDED 19 June 2018)*
- H. Extractive Use. *(AS AMENDED 19 June 2018)*
- I. Solar Energy Systems: Solar Garden or Farm, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

**4.4.3 Minimum Lot Area/Width in square feet:**

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	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



**4.4.4 Setbacks:**

- A. **Structure Setbacks:** 200 feet from Ordinary High Water Level  
*(see exception as noted in Section 4.6.17)*
- B. **On-Site Sewage System Setbacks:** 150 feet from Ordinary High Water Level
- C. **Top of Bluff:** 30 feet
- D. **Side Yard Setback:** 10 Feet
- E. **Unplatted cemetery:** 50 Feet
- F. **Right-of-way line of federal, state, or county highway:** 50 Feet
- G. **Right-of-way line of town road, public street, other legal roads or streets not classified:** 40 Feet
- H. **Vegetative Buffer Setback:** 50 Feet maintained from the Ordinary High Water Level
- I. **Reciprocal Feedlot Setbacks:** These setbacks apply to new structures or uses and do not apply to modifications of additions to established uses. Residential structures which serve farm property upon which feedlots are located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and a residential use greater than the provisions governing setbacks in the general districts as set forth below.

<u>Structure or Use</u>	<u>Setback from</u>	<u>Setback</u>
Single Residence	Feedlot perimeter	500 Feet
Duplex	Feedlot perimeter	500 Feet
Triplex	Feedlot perimeter	500 Feet
Quad	Feedlot perimeter	500 Feet

**4.5 SHORELAND - RIVERS AND STREAMS DISTRICT (S-RS):**

**4.5.1 Purpose:**

This district includes river classifications of transition, agricultural and tributary: lands surrounding all rivers and streams classified as shoreland shall fall in this district.

**4.5.2 Minimum Lot Width Standards:**

There are no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad residential developments for the river/stream classifications are:

	<u>Transition</u>	<u>Agricultural/Tributary</u>
Single	250 Feet	150 Feet
Duplex	375 Feet	225 Feet
Triplex	500 Feet	300 Feet
Quad	625 Feet	375 Feet

**4.5.3 Setbacks: *(AS AMENDED 3 July 2007)***

- A. **Structure Setbacks:** 150 Feet from Ordinary High Water Level
  - 1. Transition: 150 Feet from Ordinary High Water Level
  - 2. Agricultural/Tributary: 150 Feet from Ordinary High Water Level
- B. **On-Site Sewage System Setbacks:** 100 feet from Ordinary High Water Level
  - 1. Transition: 100 Feet from Ordinary High Water Level
  - 2. Agricultural/Tributary: 100 Feet from Ordinary High Water Level
- C. **Top of Bluff:** 30 Feet
- D. **Side Yard Setback:** 10 Feet
- E. **Unplatted cemetery:** 50 Feet
- F. **Right-of-way line of federal, state, or county highway:** 50 Feet
- G. **Right-of-way line of town road, public street, other legal roads or streets not classified:** 40 Feet
- H. **Vegetative Buffer Setback:** 50 Feet maintained from the Ordinary High Water Level
- I. **Reciprocal Feedlot Setbacks:** These setbacks apply to new structures or uses and do not apply to modifications of additions to established uses. Residential structures which serve farm property upon which feedlots are located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and a residential use greater than the provisions governing setbacks in the general districts as set forth below.

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<u>Structure or Use</u>	<u>Setback from</u>	<u>Setback</u>
Single Residence	Feedlot perimeter	500 Feet
Duplex	Feedlot perimeter	500 Feet
Triplex	Feedlot perimeter	500 Feet
Quad	Feedlot perimeter	500 Feet

## 4.6 SHORELAND DISTRICT REGULATIONS:

*The following shall apply to the following districts: S-GD, S-RD, S-NE, S-RS*

### 4.6.1 Bluff Impact Zones

Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

### 4.6.2 Access Lots and Easements *(AS AMENDED 3 July 2007)*

- A. **Purpose.** To manage water surface crowding, to reduce fish and wildlife disturbance, to prevent pollution of surface water by suspension of sediment, to maintain property values, and to maintain natural characteristics of shorelands, shoreland controls must regulate access to public waters.
- B. **Access lots.** Access lots, or parcels of land that provide access to public waters for owners of riparian lots within subdivisions, may be allowed where the local government determines that direct riparian access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat. Access lots that provide riparian access for owners of nonriparian lots or parcels shall be prohibited. Where allowed by local governments, access lots shall meet or exceed the following standards:
1. Access lots shall be governed by a covenant recorded on the title of every lot or parcel of land allowed to use the access lot. These access lots shall also comply with all of the dimensional standards under the ordinance. Where more than six subdivision lots are served, the width of the access lot shall be increased by 25 percent for each additional subdivision lot in excess of six served.
  2. Access lots must be jointly owned by all of those purchasers of riparian lots having rights of usage of the access lot and governed by an owner's association.
  3. Access lots shall be suitable in their natural state for the intended activities. All facilities shall be centralized and located in areas suitable for them. Evaluation of suitability shall include, but is not limited to, consideration of land slope, water depth, aquatic and shoreland vegetation, the presence of important fish and wildlife habitat, soils, depth to groundwater and other relevant factors.
  4. Permitted activities may include watercraft launching, loading, beaching, mooring, or docking, but shall not include residential or commercial uses. A single dock and boat launching ramp may be permitted and no owner shall own an individual dock. Boating facilities must be located adjacent to the deepest water available. Continuous boat mooring shall be limited to one watercraft per lot served.

5. Covenants governing access lots shall limit the total number of vehicles allowed to be parked, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. All parking areas, storage buildings, and other facilities should be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions. The covenants shall also specify which activities, such as swimming, sunbathing, and picnicking, shall be allowed on the access lot. These activities shall not conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. The owner's association shall enforce covenants.
  6. Access lots shall meet or exceed the shoreland vegetation buffer standards and have a vegetation management plan approved by the local government.
  7. The impervious surface coverage for access lots must not exceed 12 percent of lot area, and stormwater management shall meet all relative standards.
- C. **Controlled access lots.** Controlled access lots, or any lot, tract or parcel of land, however designated or described, intended to be used to provide accesses to public waters for owners of nonriparian lots, shall be restricted to having a single dock, no permanent watercraft, no loading or unloading of watercraft from lot and no structures on the access lot.

#### **4.6.3 Decks:**

The Zoning Administrator may issue a Land Use Permit for an open deck that does not meet structural setback from lake requirements if the following is met: There is no roof or other enclosure over the open deck other than normal roof overhang of 3 ft. or less on structures; the open deck meets other setback requirements; the open deck extends lakeward from dwelling no more than 10 ft. and is at least 30 ft. back from ordinary high water mark; and the deck does not constitute any enclosed area either above or below the floor. For lots that were not developed prior to adoption of this ordinance (**April 5, 1972**), full setback requirements shall apply to decks.

#### **4.6.4 Density Restrictions:**

Residential subdivisions with dwelling unit densities exceeding those in the tables can only be allowed if designed and approved as residential planned unit developments under this ordinance. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.

**4.6.5 Placement, Height, and Design of Structures *(AS AMENDED 1 June 2021)***

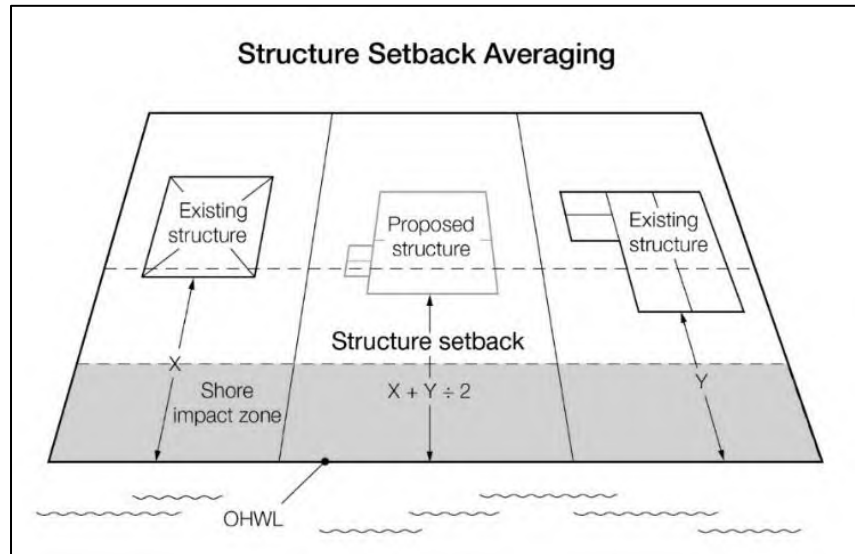
**A. Placement of Structures and Subsurface Sewage Treatment Systems on Lots**

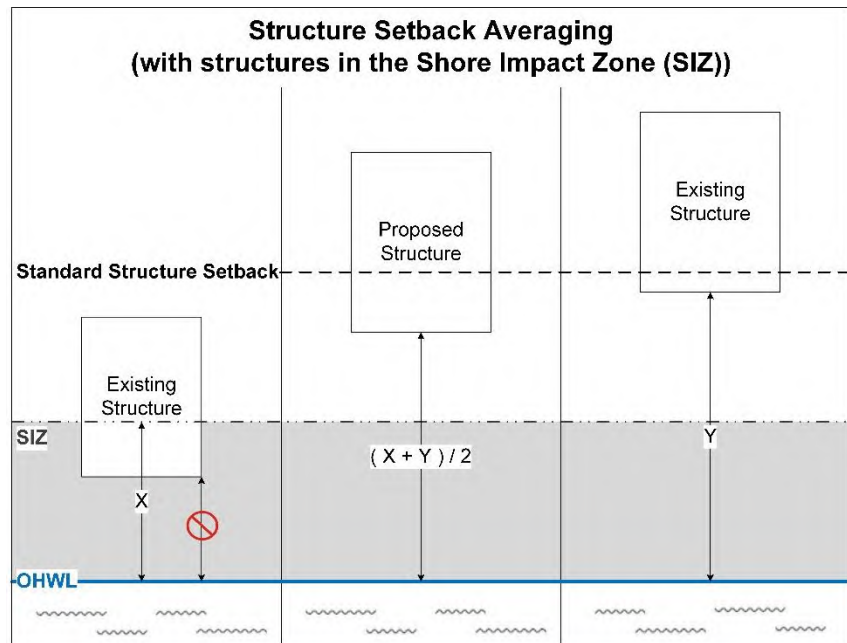
When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following provisions:

- OHWL Setbacks:** Structures, and subsurface sewage treatment systems (SSTS) must meet the following setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure, designed in accordance with Section 4.6.17 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL:

Zoning District	Structure Setback from OHWL (feet)	SSTS Setback from OHWL (feet)
S-GD	75	50
S-RD	100	75
S-NE	200	150
S-RS	150	100

- Setback averaging:** 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 from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone. In reference to the following diagram however, neither x nor y may be a number less than the shore impact zone.



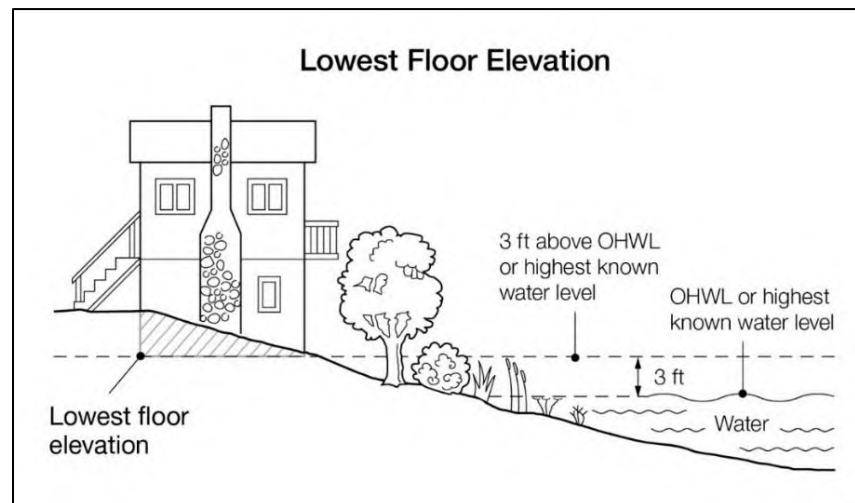


3. **Additional structure setbacks:** Structures must also meet the following setbacks, regardless of the waterbody classification:

Setback from:	Setback (feet)
Top of Bluff	30
Side Yard	10
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, other legal roads or streets not classified	40

- B. **Height of Structures:** All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

- C. **Lowest Floor Elevation:** Structures must be placed in accordance with any floodplain regulations applicable to the site. 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:
1. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
  2. For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
  3. If the structure is floodproofed instead of elevated under items 1 and 2 above, then it must be floodproofed in accordance with Minnesota Rules, part 6120.5900 Subp. 3 (D).



#### 4.6.6 Reserved for Future Use



**4.6.7 Lots of Record:**

- A. Lots of record in the County Recorder's office prior to April 5, 1972, which are located in a shoreland district and which do not meet the requirements of this section may be allowed as building sites provided:
1. Such use is permitted in the zoning district;
  2. The lot is in separate ownership from abutting lands at all times since it became substandard. If, they are in a group of two or more contiguous lots under the same ownership, and an individual lot does not meet the requirements of this ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development.
  3. All sanitary, dimensional and setback requirements of this ordinance are complied with.
- B. For parcels of less than 10,000 square foot area with existing development, which are located in a shoreland district and which were parcels of record prior to April 5, 1972 the following shall apply:
1. The minimum structure setback from State or County Highway right-of-way is 25 ft.;
  2. The minimum structure setback from other roads and streets is 20 ft.;
  3. The minimum structure setback from side lot property line is 5 ft.;
  4. The minimum sewage system setback from property line is 5 ft.

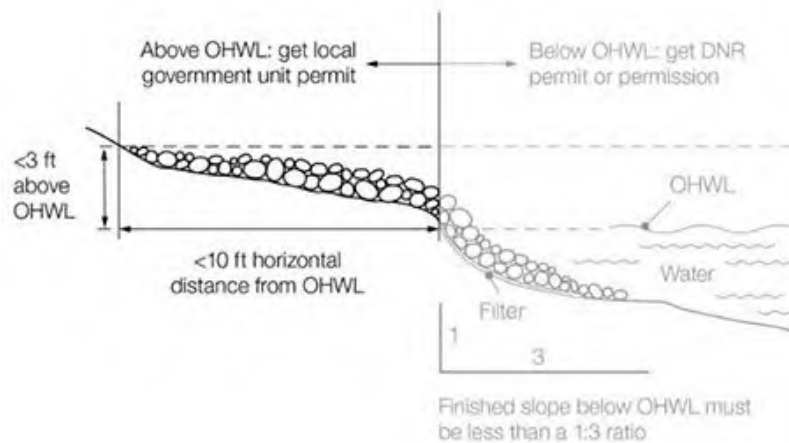
**4.6.8 Reserved for Future Use****4.6.9 Reserved for Future Use**

**4.6.10 Shoreland Alterations: (AS AMENDED 1 June 2021)**

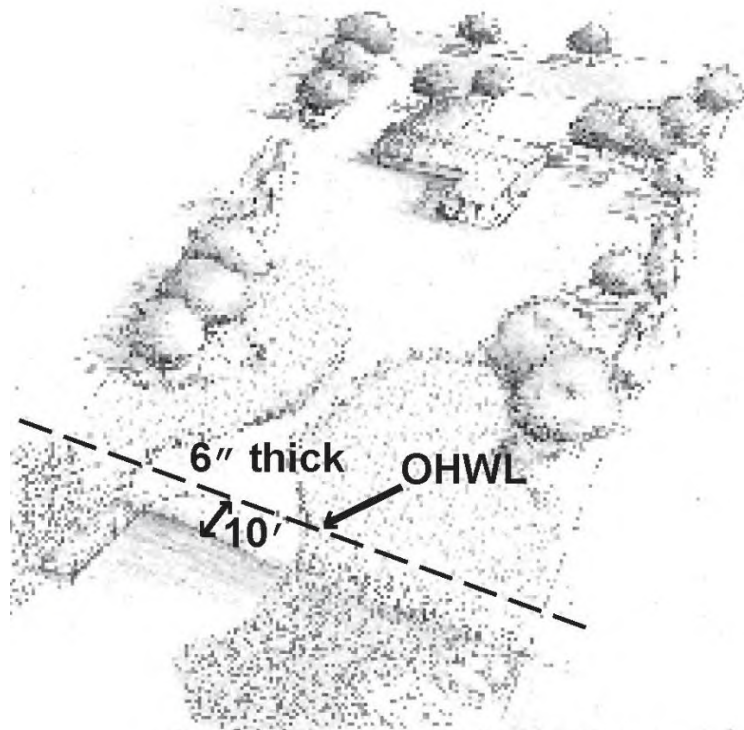
- A. **Grading and filling** involving more than 50 cubic yards within the shore or bluff impact zones or any alteration of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water must be authorized by a Conditional Use Permit. This shall be meant to include any gravel pit operation, or retaining wall which is adjacent to or below the ordinary high water level (OHWL); extensive filling, excavating or landscaping or any activity such as irrigation or drainage which might have an impact upon the public water. Also to be included is construction or re-construction of any road or street within shoreland areas, which has not been reviewed in the Subdivision Controls process except for the construction or re-construction of public roads and parking areas if consistent with Minnesota Rules 6120.3300 Subpart 5. In granting a Conditional Use Permit for shoreland alterations the following conditions shall be met:
1. The smallest amount of bare ground is exposed for as short a time as feasible.
  2. Temporary ground cover such as mulch is used and permanent cover such as sod is planted.
  3. Diversions, silting basins, terraces and other methods to trap sediment are used.
  4. Fill is stabilized according to accepted engineering standards.
  5. Fill will not restrict a floodway or destroy the storage capacity of a flood plain.
  6. An **Erosion Control Plan** pursuant to Section 10.4 is in place for shoreland alterations of greater than 1,500 square yards.
  7. Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater.
  8. Fill or excavated material must not be placed in bluff impact zones.
  9. Any alterations below the OHWL of public waters must first be authorized by the MN DNR Commissioner under Minnesota Statutes, Section 103G or subsequent regulations.
  10. Alterations of topography are only allowed if they do not adversely affect adjacent or nearby properties, water quality or lakeshore stability.
- B. **Administratively Issued Permit:**
1. Shoreland alterations of a smaller scale in which the total amount of fill being deposited or dirt being moved is more than ten (10) cubic yards may be approved by the Administrator upon issuance of Shoreland Alteration Permit.
  2. The fee for such permit shall be according to the fee schedule resolution of the Board of Commissioners and if refused by the Administrator, the applicant may apply for Conditional Use Permit if desired.
  3. Conditional requirements may be attached to this permit at the discretion of the Administrator.

4. Work which changes a shoreline or steep slope adjacent to a shoreline under authority of Shoreland Alteration Permit shall be limited to a working face width of 25 feet except for in the case of natural rock rip-rap.
5. Installation of natural rock rip-rap is allowed only where there is a demonstrated need to stop existing erosion or to restore an eroded shoreline. Shoreland Alteration Permit authorizing natural rock rip-rapping shall require:
  - a. Only natural rock free of debris, averaging 6 to 30 inches in diameter, may be used; concrete is not allowed.
  - b. A filter of crushed rock, gravel or filter fabric material underneath the natural rock rip-rap.
  - c. The finished slope of the natural rock rip-rap does not exceed three (3) feet horizontal to one (1) foot vertical.
  - d. The landward extent of the rip-rap is within ten (10) feet of the OHWL.
  - e. The height of the rip-rap above the OHWL does not exceed three (3) feet.
  - f. Rip-rap waterward of the OHWL must follow MN DNR *Shoreline Alterations: Riprap* information sheet guidance or subsequent guidelines.
  - g. The rip-rap area must not be more than two hundred (200) lineal feet of shoreline.

### Riprap Guidelines



6. A Shoreland Alteration Permit authorizing a beach sand blanket shall conform to the following:
  - a. The sand or gravel layer may be:
    - i. Up to six (6) inches thick;
    - ii. Up to fifty (50) feet wide along the shoreline or half the width of the lot, whichever is less; and
    - iii. Does not extend more than ten (10) feet waterward of the OHWL.



Based on an illustration by Roxanna Esparza.

- b. No plant barrier or liner (i.e., filter fabric or plastic) is installed underneath the beach sand.
- c. Emergent aquatic vegetation is not covered, unless authorized by a MN DNR aquatic plant management permit.

**C. Vegetation Management:**

1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
2. Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling unit and 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, 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. Existing shading of water surfaces along lakes and rivers is preserved where practicable;
  - c. Cutting debris or slash shall be scattered and not mounded on the ground; and
  - d. Perennial ground cover is retained.

**D. Exceptions**

The shoreland alterations sections as stated above shall not apply for the following cases:

1. Excavation of a walk-out for a basement, provided that the walk-out excavation is shown on the Land Use Permit, that the excavation extends no further than thirty (30) feet toward the lake and is no wider than the main living portion of the house, and that the excavation is no deeper than eight (8) feet below the original grade.
2. Normal site preparation for construction activity occurring within 30 feet of structure wall(s) is a permitted use once the Land Use Permit is issued.
3. Removal of natural vegetation will be allowed for normal construction as authorized by a Land Use Permit or Sewer Permit, provided that the removal of vegetation shall not extend lakeward any further than thirty (30) feet from the house.
4. To allow a view corridor of the lake, it shall be permissible to clear-cut a twenty-five (25) foot wide strip from the house to the lake if a Land Use Permit has been issued. The remainder of the natural vegetation shall be sufficiently left to provide cover to screen cars, dwellings and other structures.
5. Removal of invasive species, trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards.
6. Natural rock rip-rap repair if the conditions outlined in the MN DNR *Shoreline Alterations: Riprap* information sheet, or subsequent guidelines, are followed.
7. Grading or removal of an ice ridge within one year of said occurrence if the conditions outlined in the MN DNR *Shoreline Alterations: Ice Ridges* information sheet, or subsequent guidelines, are followed.

#### **4.6.11 Stairway, 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 feet in width on residential lots. Wider stairways may be used for, public open-space recreational properties, and planned unit developments;
- B. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 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 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; and
- 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 Minnesota Regulations, Chapter 1340.

#### **4.6.12 Standards for Commercial, Industrial, Public, and Semipublic Uses.**

**A. Description:**

Surface water-oriented commercial uses and industrial, public, or semipublic 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.

**B. Requirements:**

Those with water-oriented needs must meet the following standards:

1. In addition to meeting impervious coverage limits, stormwater management requirements, setbacks, and other zoning standards presented elsewhere, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
2. 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.

3. 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:
  - a. 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.
  - b. 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 or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters or adjacent properties.
  - c. 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.

#### **4.6.13 Steel Buildings, Pole Structures, and Other Dwellings: *(AS AMENDED 6 April 2021)***

- A. **Lots smaller than five acres:** The following uses, by their nature, are not necessarily typical on smaller lot developments and thus pose a potential for conflict with more traditional lot uses and development which may exist or which may develop in the immediate neighborhood. Typical arguments against such uses are devaluation of adjacent property values, cluttered or unsightly development and incompatibility of uses. The purpose of this section is to allow for public review of the following uses that may be proposed on parcels of less than five acres in size to minimize the potential conflicts of incompatible development, and to determine if they can or cannot be allowed.
1. Locating of accessory structures larger than 1100 square feet or with side wall height exceeding twelve (12) feet shall be by Conditional Use.
  2. Placement of residential structures less than 20 ft. wide over more than 25% of the residential structure area shall be by Conditional Use.
  3. Placement of any used accessory structure of greater than 200 square feet in area which is to be moved onto a lot shall be by Conditional Use.
  4. In allowing the types of structures regulated by this section, the Planning Commission findings shall determine that the proposed structure will not look out-of-place in comparison with other structures of the same neighborhood (within 500 feet), will not tend to cause devaluation of adjacent properties, will not create a use that is incompatible with existing uses of the neighborhood. A temporary permit for a period of up to a three year duration may be allowed even if the findings do not meet those described above

#### **4.6.14 Reserved for Future Use**

#### **4.6.15 Subdivision Standards on Natural Environment Lakes:**

On natural environment lakes, subdivisions of duplexes, triplexes, and quads must also meet the following standards:

- A. Each building must be set back at least 200 feet from the ordinary high water level.
- B. Each building must have common sewage treatment and water systems that serve all dwelling units in the building.
- C. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building.
- D. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.

#### **4.6.16 Reserved for Future Use**



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**4.6.17 Water-Oriented Accessory Structures or Facilities. (AS AMENDED 19 June 2018)**

Each lot may have one water-oriented accessory structure or facility if it complies with the following provisions:

- A. The structure or facility cannot occupy an area greater than 250 square feet.
- B. Structure must not exceed ten feet in height;
- C. For structures that have side walls that do not exceed four feet in height, they must be located at least ten feet from the ordinary high water level;
- D. For structures that have side walls that exceed four feet in height, they must not be located in the shore impact zone except in instances where a steep slope (18%) impedes that location and then it may be located at least ten feet from the ordinary high water level;
- E. The structure or facilities may not be located in the Bluff Impact Zone;
- F. The structure is not a boathouse or boat storage structure as defined under Minnesota Statutes, Section 103G.245;
- G. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
- H. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.