~~**4.6.1 Bluff Impact Zones**~~

4.6.1 Lot Area & Width Standards

A. After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in this section, subject to the following standards:

1. Only lands above the ordinary high water level can be used to meet lot area and width standards.
2. Lot width standards must be met at both the ordinary high water level and at the building line.
3. Residential subdivisions with dwelling unit densities exceeding those listed below are allowed only if designed and approved as residential PUDs under section 10.17 and processed as Conditional Use Permits in accordance with section 11.5 of this ordinance.
4. All lots created must have area available for a minimum of two soil treatment and dispersal areas that are able to fit on a lot configuration meeting the single lot size requirements as described below, unless approved as part of a PUD or cluster development.

B. **Minimum Lot Area and Width Standards**

Shoreland Zoning District	Type of Dwelling Unit	Riparian Lots		Nonriparian Lots	
		Area	Width	Area	Width
S-GD	Single	20,000 sq ft	100 ft	40,000 sq ft	150 ft
	Duplex	40,000 sq ft	180 ft	80,000 sq ft	265 ft
	2 Standalone Dwelling Units	40,000 sq ft	200 ft	80,000 sq ft	300 ft
	Triplex	60,000 sq ft	260 ft	120,000 sq ft	375 ft
	3 Standalone Dwelling Units	60,000 sq ft	300 ft	120,000 sq ft	450 ft
	Quad	80,000 sq ft	340 ft	160,000 sq ft	490 ft
	4 Standalone Dwelling Units	80,000 sq ft	400 ft	160,000 sq ft	600 ft
S-RD	Single	40,000 sq ft	150 ft	40,000 sq ft	150 ft
	Duplex	80,000 sq ft	225 ft	80,000 sq ft	265 ft
	2 Standalone Dwelling Units	80,000 sq ft	300 ft	80,000 sq ft	300 ft
	Triplex	120,000 sq ft	300 ft	120,000 sq ft	375 ft

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Shoreland Zoning District	Type of Dwelling Unit	Riparian Lots		Nonriparian Lots	
		Area	Width	Area	Width
	3 Standalone Dwelling Units	120,000 sq ft	450 ft	120,000 sq ft	450 ft
	Quad	160,000 sq ft	375 ft	160,000 sq ft	490 ft
	4 Standalone Dwelling Units	160,000 sq ft	600 ft	160,000 sq ft	600 ft
S-NE	Single	80,000 sq ft	200 ft	80,000 sq ft	200 ft
	Duplex	120,000 sq ft	300 ft	160,000 sq ft	400 ft
	2 Standalone Dwelling Units	120,000 sq ft	400 ft	160,000 sq ft	400 ft
	Triplex	160,000 sq ft	400 ft	240,000 sq ft	600 ft
	3 Standalone Dwelling Units	160,000 sq ft	600 ft	240,000 sq ft	600 ft
	Quad	200,000 sq ft	500 ft	320,000 sq ft	800 ft
	4 Standalone Dwelling Units	200,000 sq ft	800 ft	320,000 sq ft	800 ft
S-RS	Single	3 acres	250 ft	3 acres	250 ft
	Duplex		375 ft		375 ft
	2 Standalone Dwelling Units		500 ft		500 ft
	Triplex		500 ft		500 ft
	3 Standalone Dwelling Units		750 ft		750 ft
	Quad		625 ft		625 ft
	4 Standalone Dwelling Units		1,000 ft		1,000 ft

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

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4.6.2 Lots of Record:

A. Shoreland ~~L~~lots of record are those lots which existed in the County Recorder's office prior to April 5, 1972. Development of such lots may be allowed as a building site without variances from lot size requirements, only if it is consistent with Minnesota Statutes, Chapter 394, Section 394.36, Subdivision 5, and provided that:

1. All structure and septic system setback distance requirements can be met;
2. A Type I sewage treatment system consistent with Minnesota Rules, Chapter 7080, can be installed or the lot is connected to a public sewer; and
3. The impervious surface coverage does not exceed 25 percent of the lot.

~~, which are located in a shoreland district and which do not meet the requirements of this section may be allowed as building sites provided:~~

4. ~~Such use is permitted in the zoning district;~~
5. ~~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.~~
6. ~~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 lines or the road right-of-way is 5 ft.

~~4.6.3 Decks:~~

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

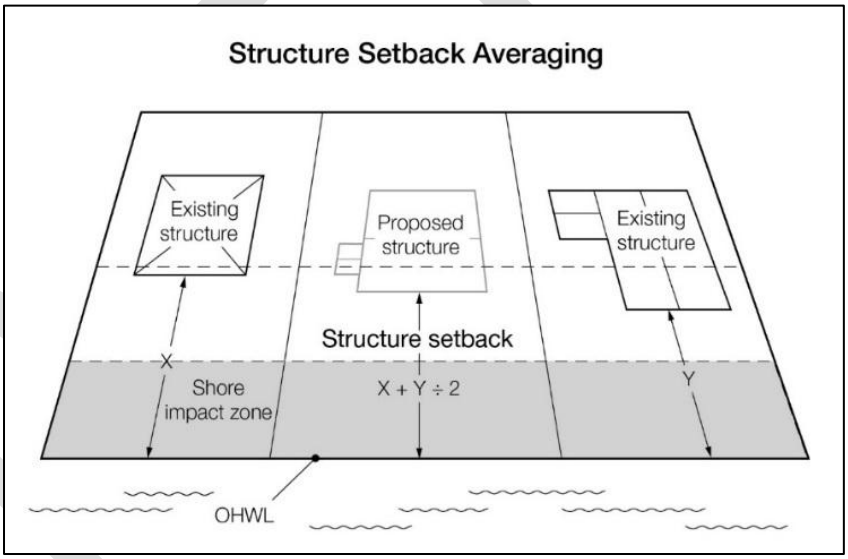
A. **Placement of Structures and Subsurface Sewage Treatment Systems on Lots**

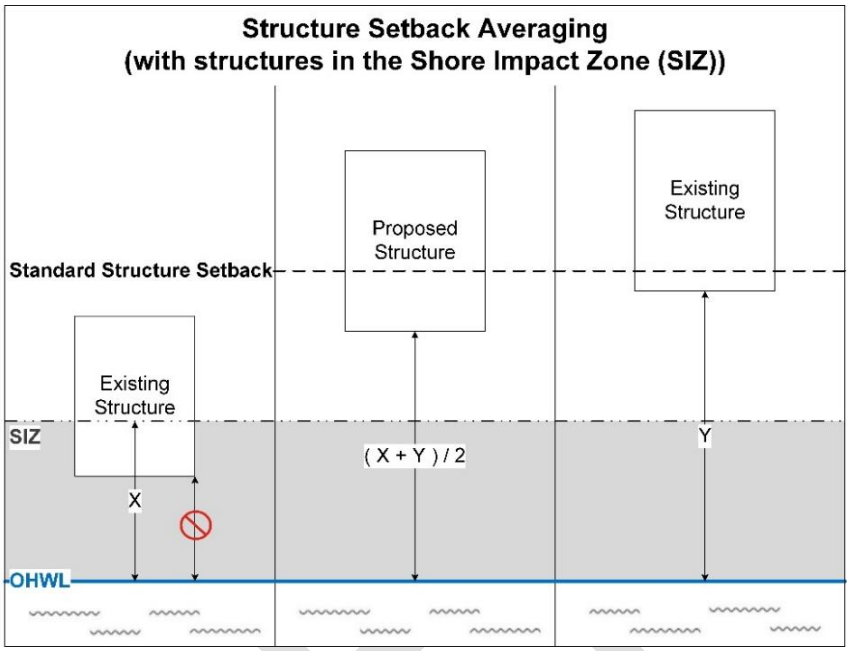
When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following provisions:

1. **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	SSTS Setback from OHWL
S-GD	75 ft	50 ft
S-RD	100 ft	75 ft
S-NE	200 ft	150 ft
S-RS	150 ft	100 ft

2. **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. **Setbacks of Decks:** ~~The 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~~ Decks may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met:

   a. The residential structure existed prior to the ~~For lots that were not developed prior to~~ adoption of ~~this~~ the Pope County Shoreland Management O~~o~~rdinance **(April 5, 1972)**~~, full setback requirements shall apply to decks~~;

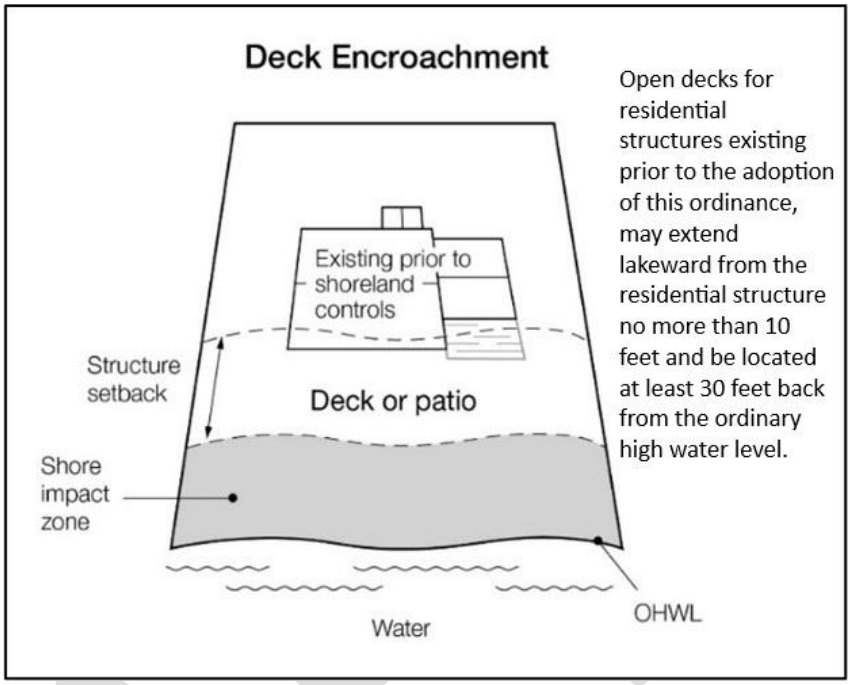
   b. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding ordinary high water level setback of the structure;

   c. There is no roof or other enclosure over the open deck other than normal roof overhang of 3 ft. or less on structures;

   d. The open deck meets other setback requirements;

   e. 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

   f. The deck does not constitute any enclosed area either above or below the floor.



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

Setback from:	Setback
Top of Bluff	30 ft
Side Yard	10 ft
Unplatted cemetery	50 ft
Right-of-way line of federal, state, or county highway	50 ft
Right-of-way line of town road, public street, other legal roads or streets not classified	40 ft
Feedlot Perimeter to Residential Structure	500 ft

5. **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.

6. **Bluff Impact Zones:** Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

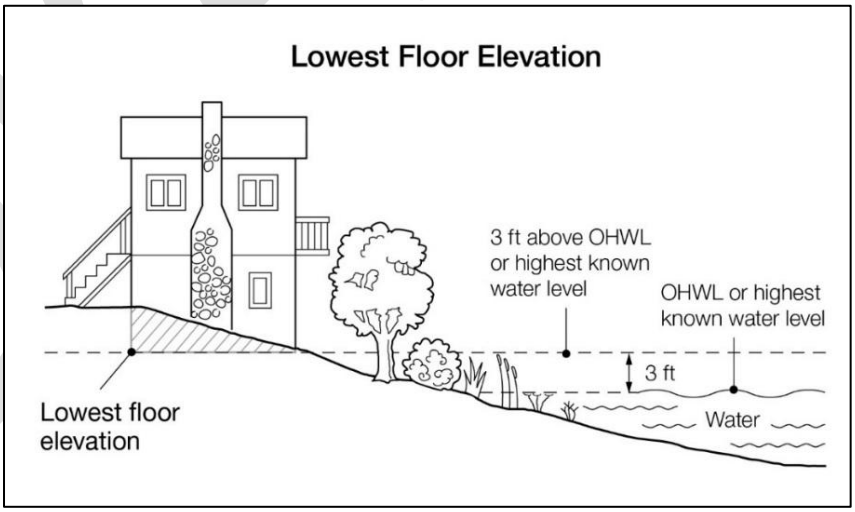
B. **Height of Structures:** All structures ~~in residential districts~~, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

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).



~~**4.6.4 Density Restrictions:**~~

4.6.4 Controlled Access Lots ~~and Easements~~ ~~*(AS AMENDED 3 July 2007)*~~

A. **Purpose.** To ~~manage~~ regulate private access to public waters so as to prevent 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.**~~ Controlled ~~A~~access lots, or parcels of land that provide access to public waters for owners of riparian or nonriparian lots ~~within subdivisions~~, may be allowed with ~~where the~~ local government approval, either through the subdivision process as specified in Section 10.25 of this Ordinance, or a conditional use permit. ~~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,~~ Controlled access lots shall meet or exceed the following standards:

1. ~~These access lots shall also comply with all of the dimensional standards under the ordinance.~~
2. A controlled access lot~~s~~ 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.
3. Controlled ~~A~~access lots shall meet or exceed the shoreland vegetation buffer standards and have a vegetation management plan approved by the local government.
4. The lot must meet the area and width requirements for residential lots as specified for the particular shoreland district.
5. Where more than six subdivision lots are served, the width of the controlled access lot shall be increased by 25 percent for each additional subdivision lot in excess of six served.
6. The impervious surface coverage for controlled access lots must not exceed 12 percent of lot area, and stormwater management shall meet all relative standards.
7. Permitted activities may include watercraft launching, loading, beaching, mooring, or docking, but shall not include residential or commercial uses.
8. A controlled access lot will be limited to a single mooring facility with continuous watercraft mooring limited to one watercraft per lot served.
9. The use of recreational vehicles and overnight camping is prohibited on controlled access lots.

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10. One (1) storage structure shall be allowed per controlled access lot, subject to Section 4.6.13. The following storage structure uses are prohibited: commercial uses and residential uses including, any structure with a dwelling unit.
11. ~~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.~~
12. 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.
13. The controlled access lot~~s~~ must be jointly owned by all ~~of those~~ owners/purchasers of lots (riparian and non-riparian) ~~lots~~ having rights of usage of the access lot and be governed by an owner's association.
14. Covenants or other equally effective legal instruments must be developed that:
    a. Specify which lot owners have authority to use the access lot;
    b. Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
    c. Identify what activities are **not** allowed including but not limited to, overnight camping and storage of vehicles, renting out of the site, etc.
    d. Limit the total number of vehicles allowed to be parked and the total number of watercrafts allowed to be continuously moored, docked, or stored over water;
    e. Require all parking areas, storage buildings, and other facilitates to be screened by vegetation or topography as much as practical from view of the public water, assuming summer, leaf-on conditions.
15. ~~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.~~
    ~~a) A single dock and boat launching ramp may be permitted and no owner shall own an individual dock.~~
    ~~b) Boating facilities must be located adjacent to the deepest water available.~~
    ~~c) Continuous boat mooring shall be limited to one watercraft per lot served.~~
    ~~d) The covenants shall also specify which activities, such as swimming, sunbathing, and picnicking, shall be allowed on the access lot.~~
    ~~e) These activities shall not conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners.~~
16. ~~The owner's association shall enforce covenants.~~

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~~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.~~

4.6.5 Guest Cottage & Guest Quarters

A. Guest Cottage

One guest cottage may be permitted on lots meeting or exceeding the duplex lot area and width dimensions according to this Ordinance, provided the following standards are met:

1. The guest cottage shall meet all requirements, including impervious surface standards, setbacks, adequate septic system capacity or ability to connect to the city sewer system.
2. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit;
3. A guest cottage, including any attached covered structures, must not cover more than 700 square feet of land surface, must be one story and must not exceed 15 feet in height. ~~Basements are prohibited.~~
4. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
5. Existing boathouses and other detached accessory structures which do not comply with the minimum structure setback standards shall not be converted to a guest cottage.

B. Guest Quarters

One guest quarter per lot shall be permitted provided the following standards are met:

1. Guest quarters shall meet all requirements, including but not limited to adequate septic system capacity or ability to connect to the city sewer system.
2. May be located in a detached accessory structure (i.e., garage), but cannot be a standalone structure.
3. The area dedicated as Guest Quarters must be smaller in area than the uninhabited space, such that it is clearly evident that the Guest Quarters is not the primary use of the building.
4. Guest quarters shall not exceed 700 square feet in size, regardless of the size of the accessory structure wherein they are located.
5. Existing boathouses and other detached accessory structures which do not comply with the minimum structure setback standards shall not be converted to a guest quarters.

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~~**4.6.5 Placement, Height, and Design of Structures**~~

4.6.6 Shoreland Administration

The purpose of this section is to identify shoreland administrative provisions to ensure the ordinance is administered consistent with its purpose.

A. **Variances.** Variances may only be granted in accordance with *Minnesota Statutes, Section 394.27*, are subject to Section 11.6 of this Ordinance, and may not circumvent the general purposes and intent of this ordinance.

B. **Conditional Uses.** All conditional uses in the shoreland area are also subject to Section 11.5 of this Ordinance, as well as a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
2. The visibility of structures and other facilities as viewed from public waters is limited;
3. There is adequate water supply and on-site sewage treatment; and
4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.

C. **Mitigation.**

1. In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:
   a. Storm water runoff;
   b. Reducing impervious surfaces, in conformance with Section 10.24;
   c. Increasing setbacks from the ordinary high water level;
   d. Restoration of wetlands;
   e. Limiting vegetation removal and/or riparian vegetation restoration;
   f. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
   g. For properties with existing sewage treatment systems, a certificate of compliance, consistent with *Minnesota Rules Chapter 7082.0700 Subp. 3*, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.
   h. Other conditions the zoning authority deems necessary.

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2. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

D. **Nonconformities.**

1. All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to *Minnesota Statutes, Sections 394.36 Subd. 5* and this Ordinance for alterations and additions; repair after damage; discontinuance of use; and intensification of use.

2. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, lowest floor elevations, and other requirements of this ordinance. Any deviation from these requirements must be authorized by a variance.

E. **Notifications to the Department of Natural Resources.**

1. All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules.

2. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

3. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

4. Any request to change the shoreland management classification of public waters within Pope County must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by *Minnesota Rules, part 6120.3000, subp.4.*

5. Any request to reduce the boundaries of shorelands of public waters within Pope County must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

F. **Mandatory EAW.** An Environmental Assessment Worksheet consistent with *Minnesota Rules, Chapter 4410* must be prepared for projects meeting the thresholds of *Minnesota Rules, part 4410.4300.*

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~~**4.6.7 Lots of Record:**~~

4.6.7 Impervious Surface

~~In addition to the listed requirements,~~ No lot shall be covered by more ~~than twenty-five (25) per cent with~~ impervious surface than as shown in the table below. ~~The County may vary the lot size pursuant to DNR standards where the lot is served by a public sewer system.~~

Table 1: Impervious Surface Standard

Zoning District	Maximum Impervious Surface
Shoreland-General Development*	25%
Shoreland-Recreational Development*	
Shoreland-Rivers & Streams*	
Shoreland-Natural Environment*	20%

~~*No part of any lot less than thirty (30) feet wide, or on which there is easement or right-of-way for public or private travel, shall be used in computing minimum lot area.~~

4.6.8 Reserved for Future Use

4.6.9 Reserved for Future Use

~~10.8 GUEST COTTAGES & GUEST QUARTERS~~

~~10.10 IMPERVIOUS SURFACE:~~

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