

**SECTION 13. LE SUEUR COUNTY SHORELAND MANAGEMENT**

**SECTION 13.1 SHORELAND STANDARDS**

**SUBDIVISION 1. STATUTORY AUTHORIZATION AND POLICY**

A. STATUTORY AUTHORIZATION

This Section regarding the regulation of shoreland is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394, as amended from time to time.

B. POLICY

The uncontrolled use of shorelands of Le Sueur County, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the divisions, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Le Sueur County.

**SUBDIVISION 2. GENERAL PROVISIONS AND DEFINITIONS**

A. SHORELAND

The land located within the following distances from public waters:

1. One thousand (1,000) feet from the ordinary high water level of a lake, pond or flowage.
2. Three hundred (300) feet from a river or stream, or the landward extent of a flood plain designated by this Ordinance on such a river or stream, whichever is greater.
3. The practical limits of shorelands may be less than the statutory limits wherever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

## B. JURISDICTION

The provisions of this Section shall apply to the shorelands of the public water bodies as classified in this Section. Pursuant to Minnesota Regulations, Parts 6120.2500-6120.3900, no lake, pond, or flowage less than twenty five (25) acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this Section.

## C. COMPLIANCE

The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Section and other applicable regulations.

## D. ENFORCEMENT

The Department is responsible for the administration and enforcement of this Section. Any violation of the provisions of this Section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this Section can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Section.

## E. INTERPRETATION

In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

## F. SEVERABILITY

In any subdivision, clause, provision, or portion of this Section is adjudged unconstitutional or invalid by a court of competent jurisdiction; the remainder of this Section shall not be affected thereby.

## G. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail. All other ordinances inconsistent with this Section are hereby repealed to the extent of the inconsistency only.

## H. INJUNCTIVE RELIEF

The Department upon certification by the Board of County Commissioners, shall have the authority to petition the District Court for injunctive relief against continued violations of any of the provisions of this Section.

## I. DEFINITIONS

See Section 4, of this Ordinance for definitions.

## **SUBDIVISION 3. ADMINISTRATION**

### A. PERMITS REQUIRED

1. A permit is required for the construction of any structure, structure additions, or enclosure of existing decks, (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, vegetative alteration, and those grading, excavating or filling activities not exempted by this Section. Freestanding accessory structures less than or equal to one hundred (100) square feet in area and less than or equal to ten (10) feet high do not require a permit, but shall meet all setback requirements and all other provisions as required by this Section.
2. Application for a permit shall be made to the Department on the forms provided. The application shall include the necessary information so that the Department can determine the site's suitability for the intended use and that a complying sewage treatment system will be provided.
3. A permit authorizing any of the activities stated in this Section shall stipulate that an identified failed sewage treatment system, as defined by Section 17, shall be reconstructed or replaced in accordance with the provisions of this Section and this Ordinance.

### B. VARIANCES

1. Variances may only be granted in accordance with the standards in Minnesota Statutes, Chapter 394. A variance may not circumvent the general purposes and intent of this Section. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether future sewage treatment system site location is available on the properties before additional development is approved, whether the property is used seasonally or year-round, whether the Variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

2. The Board of Adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. 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 required in this Ordinance shall also include the Board of Adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
3. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property.

C. NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES

1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
2. A copy of approved amendments and subdivision/plats, and final decisions granting 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.

**SUBDIVISION 4. SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS**

A. SHORELAND CLASSIFICATION SYSTEMS

1. The public waters of Le Sueur County have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Public Waters Inventory Map for Le Sueur County, Minnesota.
2. **Definition of Shoreland terminology.** The shoreland area for the water bodies listed in this Section shall be defined in Section 4, of this Ordinance and as shown on the Official Zoning Map.
3. **Public Waters, Lakes**

<b>a. <u>Natural Environment Lakes (NE)</u></b>	<b><u>Inventory I.D. #</u></b>
Querums (Quiram's) Slough	40-3
Goose	40-8
Sunfish	40-9
Dora	40-10
Mabel	40-11
----	40-12
Diamond	40-13

<u>Natural Environment Lakes (NE) cont.</u>	<u>Inventory I.D. #</u>
Sabre	40-14
Rice	40-16
Borer	40-19
Mud	40-26
Sanborn	40-27
Pepin	40-28
Eggert	40-29
Dietz	40-30
Cherry	40-35
Rice	40-37
----	40-38
Roemhildts	40-39
----	40-41
Steele	40-44
Fish	40-51
Perch	40-54
Swains	40-55
Round	40-59
Tustin	40-61
Sander's Slough	40-62
----	40-64
----	40-67
Sleepy Eye	40-68
----	40-69
Hecort's Marsh	40-70
Goose	40-72
Bossuot	40-73
Mud	40-74
Hackridge	40-77
Mary	40-78
Beiser	40-81
----	40-82
Mud	40-83
Tyler	40-84
Sautter	40-87
Renneberg	40-88
Sheas	40-90
School	40-91
Harriman Slough	40-93
Thomas	40-95
----	40-96
----	40-97
----	40-98

<u>Natural Environment Lakes (NE) cont.</u>	<u>Inventory I.D. #</u>
----	40-99
----	40-100
----	40-102
Henry	40-104
Silver	40-106
Savidge	40-107
South Goldsmith	40-108
Scotch	40-109
Huoy	40-110
Dog	40-112
Rice	40-114
Ely	40-116
Emily	40-118
North Goldsmith	40-120
Plaza	40-121
Spring	40-123
----	40-125
----	40-126
----	40-128
----	40-152
----	40-159

b. **Recreational Development Lakes (RD)Inventory I.D. #**

Horseshoe	40-1
Upper Sakatah	40-2
Greenleaf	40-20
Tetonka	40-31
Gorman	40-32
Volney	40-33
Rays	40-56
Frances	40-57
German	40-63
Clear	40-79
Jefferson	40-92
Washington	40-117
Emily	40-124

- c. **Boundary Lakes.** The following lakes are listed in the Division of Waters, Soils and Minerals Bulletin No. 25 within Waseca County and have shorelands in Le Sueur County.

<u>Waseca County Lake</u>	<u>Inventory I.D #</u>
Lily (NE)	81-67
Elysian (RD)	81-95

4. **Public Waters, Rivers and Streams.** These rivers and streams are public watercourses in Le Sueur County and are shown on the Public Waters Inventory Map for Le Sueur County, a copy of which is hereby adopted by reference and as amended from time to time.

		<u>From</u>			<u>To</u>	
	Sec	Twp	Rng	Sec	Twp	Rng
<b>a. Agricultural Rivers</b>						
Minnesota River (MNR)	13	109	27	28	110	26
	10	111	26	25	112	26
Cannon River (CR)	12	110	23	27	109	23
<b>b. Transitional Rivers</b>						
Minnesota River (MNR)	28	110	26	10	111	26
	25	112	26	2	112	26
<b>c. Tributary Streams</b>						
Unnamed to MNR	17	109	26	17	109	26
	18	109	26	18	109	26
Shanaska Creek (CD#67)	12	109	26	28	110	26
Unnamed to Lake Washington	16	109	25	17	109	25
Pauls Creek	14	110	26	10	110	26
Unnamed to MNR	24	110	26	10	110	26
Unnamed Tributary to Unnamed MNR Tributary	11	110	26	11	110	26
Unnamed Tributary to Unnamed MNR Tributary	11	110	26	12	110	26
Cherry Creek (CC)	25	110	25	27	110	25
	21	110	25	17	110	25
	1	110	26	33	111	26
Unnamed to Scotch Lake	24	110	25	23	110	25
Unnamed to CC	27	110	25	27	110	25
Unnamed to CC	17	110	25	7	110	25
Unnamed to MNR	1	110	26	15	111	26
Le Sueur Creek (CD #23)	30	111	24	25	112	26
Unnamed to LSC	3	110	24	28	111	24
Unnamed Tributary (CD #51)	7	110	24	6	110	24
Unnamed to LSC (CD #60)	34	111	25	29	111	25
Unnamed to Unnamed	9	110	25	33	111	25
Unnamed to LSC	15	111	25	19	111	25
Unnamed to LSC	5	111	25	6	111	25
Forest Prairie Creek (FPC)	20	112	24	36	112	26
Unnamed Tributary	10	111	24	3	111	24

<b>Tributary Streams cont.</b>	<b>Sec</b>	<b>Twp</b>	<b>Rng</b>	<b>Sec</b>	<b>Twp</b>	<b>Rng</b>
Unnamed to FPC	23	112	25	23	112	25
Unnamed to FPC	3	111	25	28	112	25
Unnamed to MNR	8	112	25	7	112	25
Unnamed to Raven Stream	10	112	24	2	112	24
Unnamed to Raven Stream	5	112	23	5	112	23
Unnamed to Tributary	3	112	23	3	112	23
Sand Creek	11	112	23	1	112	23
Unnamed Tributary	33	112	23	33	112	23
Unnamed to Unnamed	33	112	23	33	112	23
Unnamed to Lake Pepin	32	112	23	32	112	23
Unnamed to Lake Sanborn	4	109	24	4	109	24
Unnamed from Sanborn to Rice Lake	35	112	23	2	111	23
Unnamed to Rice Lake	1	111	23	1	111	23
Unnamed to CR	10	110	23	11	110	23
Unnamed to Lake Dora	24	111	23	25	111	23
Unnamed to Gorman Lake	12	110	24	6	110	23
Little Cannon River	25	110	23	25	110	23
Unnamed Tributary	35	110	24	31	110	23
Unnamed to Lake Jefferson	14	109	25	12	109	25
Unnamed to German Lake	5	109	24	5	109	24
Unnamed to German Lake	33	110	24	4	109	24
Unnamed to Lake Sanborn	4	109	24	4	109	24
White Water Creek	34	109	23	26	109	23
Waterville Creek	36	109	23	27	109	23

## B. LAND USE DISTRICT DESCRIPTIONS

### 1. Criteria for Designation

The shoreland districts in this Ordinance, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the comprehensive land use plan and the following criteria, considerations, and objectives:

### 2. General Considerations and Criteria for All Land Uses

- a. Preservation of natural areas.
- b. Present ownership and development of shoreland areas.
- c. Shoreland soil types and their engineering capabilities.
- d. Topographic characteristics.

- e. Vegetative cover.
- f. In-water physical characteristics, values, and constraints.
- g. Recreational use of the surface water.
- h. Road and service center accessibility.
- i. Socioeconomic development needs and plans as they involve water and related land resources.
- j. The land requirements of industry which, by its nature, requires location in shoreland areas.
- k. The necessity to preserve and restore certain areas having significant historical or ecological value.
- l. The ability of the use to be compatible or separated by distance or screening from adjacent land.
- m. The potential impact of the proposed use on groundwater, surface water, and air quality.

### **3. Factors and Criteria for Planned Unit Developments**

- a. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments.
- b. Physical and aesthetic impacts of increased density.
- c. Suitability of lands for the planned unit development approach.
- d. Level of current development in the area.
- e. Amounts and types of ownership of undeveloped lands.

### **4. Shoreland District Descriptions**

- a. The land use districts provided below, and the allowable land uses therein for the given classifications of water bodies, shall be properly delineated on the Official Zoning Map for shorelands of this community. These shoreland districts are in conformance with the criteria specified in Minnesota Regulation, Part 6120.3200, Subp. 3.

- b. The intent of the **Special Protection (SP) District** is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare of all public waters in the unincorporated areas of the County. Further, the purpose of this district is to manage areas unsuitable for development due to wet soils, steep slopes or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.
- c. The intent of the **Recreational Residential (RR) District** is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.
- d. The intent of the **Recreational Commercial (RC) District** is to provide suitable locations for, and to encourage the development of, water orientated commercial recreation facilities in those areas of Le Sueur County which benefit the recreational needs of both residents and tourists, to avoid land use conflicts with residential areas and restrict incompatible commercial and industrial uses.

**SUBDIVISION 5. DESIGN CRITERIA, SHORELAND ALTERATIONS AND SPECIAL PROVISIONS**

A. DESIGN CRITERIA

1. **Subdivisions**

- a. Platted subdivisions with dwelling unit densities exceeding those specified in Sections 13.1 & 13.2 may only be allowed if designed and approved as residential planned unit developments under this Section.
- b. Only land above the ordinary high water level of public waters may be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the setback line.
- c. Subdivisions of duplexes, triplexes, and quads on Recreational Development Lakes must also meet the following standards:
  - 1. Each structure must be set back at least one hundred (100) feet from the ordinary high water level.
  - 2. Each structure must have common sewage treatment and water systems in one (1) location and serve all dwelling units in the structure.

3. Watercraft docking facilities for each lot must be centralized in one (1) location and serve all dwelling units in the structure.
4. No more than twenty five (25) percent of a lake's shoreline can be in duplex, triplex, or quad developments.

## 2. **Guest Cottages**

- a. One (1) guest cottage may be allowed as a Conditional Use per lot.
  1. A guest cottage shall not be permitted on Lots that exceed the maximum allowed impervious surface coverage limit.
- b. The lot shall meet or exceed the minimum width, depth, area and buildable lot requirements for a duplex, where allowed by this ordinance.
- c. A guest cottage shall be a stand-alone structure.
  1. A guest cottage shall not cover more than seven hundred (700) square feet of land surface and shall not exceed fifteen (15) feet in height.
  2. A guest cottage shall not contain more than one bathroom, one kitchen (with or without an eating area), one utility room, two bedrooms, and one living/multi-purpose room.
  3. A guest cottage shall not contain laundry facilities.
- d. A guest cottage shall be served by the same driveway and access that serves the principle dwelling.
- e. 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.
- f. A guest cottage shall not be subdivided nor otherwise segregated in ownership from the principal single-family dwelling.

## 3. **Controlled Access Lots**

- a. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of lots within subdivisions are permissible.
- b. The lot must meet the width and size requirements for residential lots and be suitable for the intended uses of controlled access lots.

- c. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table for lot frontage requirements:

<u>Ratio of lake size/shore length to acres/mile</u>	<u>Required increase in frontage percentage</u>
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

- d. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.
- e. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed.
1. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking.
  2. The covenants must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking.
  3. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lots to minimize topographic and vegetation alterations.
  4. The covenants must also require all parking areas, storage structures, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

#### 4. High Water Elevations

- a. 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 (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is greater.
2. For rivers and streams there are three possible approaches.
  - a. Place the lowest floor at least three (3) feet above the flood of record, if data are available.
  - b. If data are not available, place the lowest floor at least three (3) feet above the ordinary high water level.
  - c. Or, by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection evaluation. Under all three approaches, technical evaluations must be done by an engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 of Minnesota Regulations, as amended from time to time, governing the management of flood plain areas.
  - d. If more than one (1) approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.
- b. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

## **5. Water-oriented Accessory Structures**

- a. Each lot may have one (1) water-oriented accessory structure.
- b. Water-oriented accessory structures shall not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The maximum width of the structure shall not exceed twenty (20) feet, and the structure shall be oriented in a manner where the smaller side shall be parallel to the lake. Detached decks shall not exceed eight (8) feet above grade at any point.
- c. The setback of the structure from the ordinary high water level shall be at least ten (10) feet.
- d. The water-oriented accessory structure shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.

- e. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.
- f. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
- g. For conforming lots, all water orientated accessory structures shall be set back fifteen (15) feet from side yard property lines.
- h. For non-conforming Lots of Record, all water orientated accessory structures shall be set back ten (10) feet from side yard property lines.
- i. A water-oriented accessory structure shall not be located on or within the bluff or bluff impact zone.
- j. Boardwalks shall be considered part of the water-oriented accessory structure and shall be no wider than four (4) feet at any point.
- k. As an alternative for recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
- l. Any accessory structures not meeting the above criteria, shall meet or exceed the applicable accessory structure standards.

#### **6. Stairways, Lifts, Landings and Paths**

- a. Stairways, lifts and paths must not exceed four (4) feet in width on residential lots. One (1) wider stairway may be used, up to six (6) feet, for commercial properties, public open-space recreational properties, and planned unit developments.
- b. Landings for stairways and lifts on residential lots must not exceed thirty two (32) square feet in area. One (1) larger landing may be used, up to ninety six (96) square feet, for commercial properties, public open-space recreational properties, and planned unit developments.
- c. Canopies or roofs are not allowed.
- d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

- e. Stairways, lifts, landings and paths 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 persons with physical disabilities are also allowed for achieving access to shore areas, provided the dimensional and performance standards set forth herein are complied with in addition to the requirements of Minnesota Regulations, Chapter 1341 as amended from time to time.

**7. Retaining Walls**

Retaining walls are allowed only to correct an existing erosion hazard that cannot be addressed with vegetative erosion controls or riprap. If there is an existing retaining wall(s), the other measures mentioned above, should be taken into account prior to replacement. Wall height as it pertains to this section is measured from the bottom of the retaining material to the top of the cap as measured from the highest point of the wall and shall include the height of all components constituting the wall. Cumulative height means the combined height of any wall or series of walls required to retain a single slope.

A row of boulders, more than thirty (30) inches in diameter, shall be considered a retaining wall.

**a. Permitted Use**

- 1. Retaining walls located outside the shore impact zone; three (3) feet in height or less; length not to exceed 25% of the width of the subject property as measured parallel to the configuration of the shoreline; or on slopes less than twelve (12) percent.
- 2. Land Alteration Permit is required as approved by the Department.
- 3. Scaled site plan with 2-foot contours depicting existing topography. As-Built upon completion.
- 4. Inconspicuous location and vegetative screening as viewed from the water, assuming summer, leaf-on conditions. Vegetative screening shall consist of healthy plant materials at least eighteen (18) inches in height at the time of planting. Plantings that have died shall be replaced within the current or next growing season.

b. Interim Use

1. Retaining walls located within the shore impact zone.
2. Retaining walls located outside the shore impact zone, but greater than three (3) feet in height or having a length greater than twenty five (25) percent of the width of the subject property as measured parallel to the configuration of the shoreline.
3. Retaining walls located on steep slopes.
4. Retaining walls located within the bluff and bluff impact zone; regardless of height or length. Additionally, any retaining walls located within a bluff or bluff impact zone shall be designed and certified by an engineer.
5. A proposal for retaining walls with the above shall include the following:
  - a. Scaled site plan with 2-foot contours depicting existing topography, As-Built upon completion. As-Built and site plan must be completed by a surveyor or engineer.
  - b. Be proposed in an inconspicuous location with vegetative screening as viewed from the water, assuming summer, leaf-on conditions.
6. A conditional use permit may be issued notwithstanding the requirements of items 1-5 above, where there is a demonstrated need to stop or restore an existing erosion hazard and no other alternative exists.

**8. Significant Historic Sites**

No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been received and documented in a public repository.

**9. Steep Slopes**

The Department will evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions will be attached to issued permits 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.

## 10. Impervious Surface

- a. Impervious surface coverage of lots shall not exceed twenty five (25) percent of the lot area.
- b. Surface area of a lot physically separated by a public or private road right-of-way or access shall not be included for the purposes of the impervious surface calculation.
- c. A Land Alteration Permit shall be required, as approved by the Department, for projects creating impervious surface including but not limited to driveways, patios, and sidewalks, as follows:

<u>Acreage</u>	<u>Impervious Surface Project</u>
1. Lots less than one (1) acre	32 square feet
2. Lots one (1) acre to 1.99 acres	100 square feet

- d. A maximum of 100 square feet of impervious surface may be allowed in the shore impact zone, with an approved Land Alteration Permit. All approved impervious surfaces in a shore impact zone shall have a minimum setback of ten (10) feet from the OHWL. This setback requirement shall not include retaining walls, stairways, lifts, landings, and paths.
- e. Direct drainage away from the lake and into pervious, grassed yards through site grading, rain gutters and downspouts shall be implemented for stormwater management.
- f. Constructed facilities used for stormwater management shall be designed and installed consistent with the field office technical guide of the NRCS or the Agency Stormwater Manual. Accepted practices including but not limited to, gutters, rain gardens, grassed swales, permeable pavers, bio retention basins, underground storage, rain barrels and vegetated buffers.
- g. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge in accordance with Best Management Practices.
- h. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- i. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized in accordance with the approved Erosion and Sediment Control Plan.

- j. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
- k. When constructed facilities are used for stormwater management they must be designed and installed consistent with the field office technical guide of the County SWCD office and NRCS office.

## B. SHORELAND ALTERATIONS

1. Alterations of vegetation and topography will be regulated per Minnesota Rule 6120.3300, Subpart 4, to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.
2. **Vegetation Alterations.**
  - a. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in this Section, is allowed by permit subject to the following standards:
    - b. Intensive clearing as defined by this Ordinance shall be prohibited on steep slopes or in shore and bluff impact zones. Intensive clearing outside of these areas may be allowed if consistent with the forest management standards of this Ordinance.
    - c. Vegetation alterations located within a shore or bluff impact zone are subject to the following standards:
      1. Vegetation alterations within the shore or bluff impact zones may be allowed with a Land Alteration Permit as approved by the Department.
      2. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
      3. Removal of trees, shrubs, limbs or branches shall not be allowed other than those that are invasive species, dead, diseased or pose a safety hazard.
        - a) Dead trees or shrubs which provided substantial screening of structures, vehicles or other facilities as viewed from the water, assuming summer, leaf-on conditions, must be replaced.
      4. Pruning and trimming of the lower branches of trees is allowed to provide a view of the lake from the lower story windows of the principal structure.

5. Trimming and/or removal of trees is allowed if in connection with another permitted use.
- d. Vegetation alterations located between the shore or bluff impact zone and the required structure setback line.
1. Removal of up to twenty five (25) percent of the trees and up to fifty (50) percent of the shrubs is allowed.
  2. Except as provided in item 1 above, removal of trees, shrubs, limbs or branches shall not be allowed other than those that are invasive species, dead, diseased or pose a safety hazard.
  3. Pruning and trimming of the lower branches of trees is allowed to provide a view of the lake from the lower story windows of the principal structure.
  4. Trimming and/or removal of trees is allowed if in connection with another permitted use.
- e. Planting of native trees, shrubs, establishing vegetated buffers, and maintaining vegetated shorelines is encouraged on all riparian lots within the County as a method to minimize and mitigate the impacts of stormwater runoff, erosion, and nutrient enrichment on the County's water resources.
1. Planting of native vegetation shall require a land alteration permit approved by the Department prior to establishment. The department may require a plant list and Operation and Maintenance (O & M) plan with the Land Alteration Permit.
- f. All vegetative alterations are subject to the following conditions.
1. Exposed bare soil shall be covered with mulch or similar materials within twenty four (24) hours.
  2. A permanent vegetation cover shall be established within fourteen (14) days of completion of the project through a re-vegetation plan as approved by the Department.
  3. Removal of vegetation shall not be greater than twelve (12) feet in width in any contiguous strip.
  4. Screening of structures or other improvements, including but not limited to parking areas as viewed from the water, assuming summer, leaf-on conditions, shall not be substantially reduced.
  5. Along rivers, existing shading of water surfaces must be preserved.

6. All cutting shall be by hand at ground level. Topsoil shall not be disturbed and the root system must remain in place.
  7. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Soil and Water Conservation District and the Natural Resource Conservation Service.
  8. In considering a request for vegetation alterations, including the establishment of a view corridor, the Department may take into account the predevelopment vegetation, natural openings, surrounding vegetation patterns and density, previous vegetative alterations, slope, soil type, the location and extent of adjacent view corridors, the adjacent body of water and other information it deems necessary and pertinent to the request.
- g. Burning of yard waste is prohibited within the shore and bluff impact zones or on steep slopes.
  - h. Fertilizers used for lawn maintenance shall have a zero (0) percent phosphorus content level.
  - i. The use of pesticides is prohibited within fifty (50) feet of the OHWL or the shore impact zone, whichever is greater, except programs supported by County, State, or Federal agencies.

### **3. Topographic Alterations/Grading, Excavating or Filling**

- a. All grading, excavating or filling activities, including but not limited to, rock, sand and gravel, shall comply with all applicable standards in this Ordinance.
- b. In no case shall cutting and filling be allowed for the purpose of establishing a site for the erection of a structure. Limited grading, excavating or filling activities necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading, excavating or filling permit. However, the grading, excavating or filling standards in this Ordinance must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- c. The following considerations and conditions must be adhered to during the issuance of construction permits, grading, excavating or filling permits, conditional use permits, variances and subdivision approvals:
  1. Fill or excavated material shall not be placed in the bluff impact zone or within the bluff.
  2. Any alterations below the ordinary high water level of public waters shall be authorized by the Commissioner under Minnesota Statutes, Section 103G.245.

3. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
4. Filling or excavation activities to create walk-out basements shall not be allowed within shore or bluff impact zones.
5. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland shall be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:
  - a. Sediment and pollutant trapping and retention.
  - b. Storage of surface runoff to prevent or reduce flood damage.
  - c. Fish and wildlife habitat.
  - d. Recreational use.
  - e. Shoreline or bank stabilization,
  - f. Noteworthiness, including special qualities such as historic significance, critical habitat for-endangered plants and animals, or others.
  - g. This evaluation must also include a determination of whether the wetland alteration being proposed complies with the Minnesota Wetland Conservation Act, as amended or requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.
6. Alterations shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
7. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
8. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used for any development of one (1) acre or larger. Guidelines for sediment control contained within the Board of Water and Soil Resources' "Minnesota Construction Site Erosion and Sediment Control Planning Handbook" should be utilized.
9. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the County SWCD and the United States Natural Resource Conservation Service.

10. Fill or excavated material must not be placed in a manner that creates an unstable slope.
  11. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals as approved by the Department for continued slope stability and must not create finished slopes of thirty (30) percent or greater.
- d. Public roads and parking areas as regulated by this Ordinance.
  - e. Excavations where the intended purpose is a connection to public waters, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

#### **4. Placement and Design of Roads, Driveways, and Parking Areas**

- a. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual as approved by the Department that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the County SWCD, or other applicable technical materials.
- b. Roads, driveways, and parking areas must not be placed within bluff and shore impact zones.
- c. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones with a conditional use permit, provided the vegetation screening and erosion control conditions are met and must be designed to minimize adverse impacts.
- d. For private facilities, the grading, excavating or filling provisions of this Ordinance must be met.

#### **5. Riprap**

- a. Land Alteration Permit approved by the Department is required.
- b. Riprap is allowed only where there is a demonstrated need to stop existing erosion or to restore an eroded shoreline. Erosion shall to be verified by Department staff either through a site visit or photos.
- c. Only natural rock, excluding limestone and similar erosive materials, free of debris that may cause pollution or siltation, shall be used.

- d. Rock riprap cannot average less than six (6) inches or more than thirty (30) inches in diameter.
- e. A filter of crushed rock, gravel, excluding limestone or other erosive materials, or filter fabric material shall be placed underneath the rock riprap.
- f. The minimum finished slope for the entire project (above and below the OHWL) shall not be steeper than three (3) to one (1), as measured horizontal to vertical.
- g. The landward extent of the riprap shall be within six (6) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level shall not exceed three (3) feet.
- h. The riprap shall conform to the natural alignment of the shore.
- i. Live cuttings, plant plugs, or other native vegetation plantings shall be installed in conjunction with the installment of riprap. The native vegetation can be installed as a continuous buffer or within the rock riprap. If the Department determines the proposed native vegetation plantings are not sufficient, a condition may be required as part of the permit or land alteration plan requiring additional plantings.
- j. For lakes, the riprapped area shall be two hundred (200) linear feet or less of shoreline along lakes and wetlands.
- k. For streams, the riprapped area shall be less than five (5) times the average width of the affected watercourse.
- l. The site must not be a posted fish spawning area or designated trout stream.
- m. Any activity below the ordinary high water level shall meet all DNR standards
- n. Installation shall follow DNR guidance and standards of this Ordinance.

6. **Beach Sand Blanket**

Only clean sand, free of organic or toxic materials and washed so it is free of fine particles, shall be used.

- a. Land Alteration Permit approved by the Department is required.
- b. The sand or gravel layer, excluding limestone or other erosive materials, may be up to six (6) inches thick; up to fifty (50) feet wide along the shoreline or one-half (1/2) the width of the lot, whichever is less; and does not extend more than ten (10) feet onto the property.
- c. No plant barrier, liner or filter fabric material shall be placed underneath the beach sand blanket.

- d. Installation of a beach blanket may be repeated once at the same location but shall not exceed the amount of sand and dimensions of the original approved sand blanket.
- e. The beach blanket shall not cover emergent aquatic vegetation, unless authorized by an Aquatic Plant Management Permit through the DNR Fisheries office.
- f. Beach sand blanket shall meet all grading, filling and excavating standards as regulated by this Ordinance.
- g. Any activity below the ordinary high water level shall meet all DNR standards.
- h. A water diversion structure must be installed upslope of the proposed beach sand blanket when slopes are greater than five (5) percent.
- i. As an alternative to a sand beach blanket, a sand recreational area may be installed with an approved Land Alteration Permit and would include the following conditions:
  - 1. The sand recreational area may be up to six (6) inches thick; up to fifty (50) feet wide along the shoreline or one-half (1/2) the width of the lot, whichever is less; and does not extend more than fifteen (15) feet onto to the property.
  - 2. The boundary of the sand recreational area is enclosed so the sand cannot freely spread beyond its defined border.
  - 3. The defined border of the sand recreational area shall be a minimum of twenty (20) feet from the OHWL.
  - 4. A vegetated buffer shall be installed between the sand recreational area and the OHWL.
  - 5. The required vegetative buffer shall have a minimum width of ten (10) feet.

## **7. Rain Gardens**

- a. Land Alteration Permit approved by the Department is required.
- b. Constructed rain gardens shall be designed and installed consistent with the field office technical guide of the County SWCD or the Agency Stormwater Manual.
- c. Set back no less than ten (10) feet from structures with foundations or basements.
- d. Set back no less than ten (10) feet from a sewage tank and twenty (20) feet from a septic drainfield.
- e. Shall not be located on slopes twelve (12) percent or greater.

- f. Shall not be located within fifty (50) feet of the top of a bluff.
- g. Shall not be located within twenty (20) feet of the toe of a bluff.

## **8. Riparian and Streambank Stabilization**

- a. Constructed riparian and streambank stabilization projects shall be designed and installed consistent with the field office technical guide of the NRCS, County SWCD office, or an engineer.
- b. Is allowed only where there is a demonstrated need to stop existing erosion along unstable sensitive topography such as steep slopes, bluffs, rivers, and streams to help prevent or reduce erosion. Erosion needs to be verified by Department staff either through a site visit or photos.
- c. Standards related to rock size, type, erosion control methods, vegetated practices, and dimensions shall follow the regulations listed in the NRCS Code 580 - Streambank and Shoreline Protection.

## **9. Bluff Stabilization**

- a. Constructed bluff stabilization projects shall be designed and installed consistent with the field office technical guide of the NRCS, County SWCD office, or an engineer.
- b. Is allowed only where there is a demonstrated need to stop existing erosion along unstable sensitive topography such as steep slopes, bluffs, rivers, and streams to help prevent reduce erosion. Erosion needs to be verified by Department staff either through a site visit or photos.
- c. Standards related to rock size, type, erosion control methods, vegetated practices, and dimensions shall follow the regulations listed in the NRCS Code 580 - Streambank and Shoreline Protection and Code 584 – Channel Bed Stabilization.

## **10. Ice Ridge Alteration**

- a. A Land Alteration Permit is required for any ice ridge alteration if the proposed activity does not exceed the grading, excavating, and filling requirements of this Ordinance. If the proposed activity exceeds the grading, excavating, and filling requirements of this Ordinance, a Conditional Use Permit is required.
- b. Erosion control measures shall be installed in accordance with the approved Erosion and Sediment Control Plan. Once grading and excavating activities are completed, the project area shall be vegetated.
- c. All disturbed materials shall be graded landward or removed from the site.

- d. Alterations are allowed for ice ridges that resulted from ice action within the last calendar year. An ice ridge created prior to the last year, shall not be corrected. Landowners will need to provide proof of ice ridge forming within the last year either through aerials or photographs.
- e. Ice ridge alterations shall not exceed two hundred (200) linear feet.
- f. Any unrelated grading, excavating, and/or filling activities may require additional permits.
- g. Any alteration below the OHWL shall require approval from the DNR.

## **11. Stormwater Management**

### **a. General standards**

- 1. When possible, existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.
- 2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected in accordance with the approved Erosion and Sediment Control Plan.
- 3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities. Developments with a total disturbed surface of five (5) acres or greater must have a stormwater control plan as required by the Agency. Developments with one (1) acre or more of impervious surface shall meet the applicable standards of this Ordinance.

### **b. Specific standards**

- 1. Impervious surface coverage of lots must not exceed twenty five (25) percent of the lot area.
- 2. When constructed facilities are used for stormwater management, documentation must be provided by an engineer stating the facility is designed and installed consistent with the field office technical guide of the County SWCD or the Minnesota Stormwater Manual, as applicable.

3. Newly constructed stormwater outfalls to public waters must be consistent with MN Rules, part 6115.0231.

## C. SPECIAL PROVISIONS

### 1. **Commercial, Public and Semipublic Uses**

- a. Surface water-oriented uses that need to have access to and use of public waters may be located on parcels or lots with frontage on public waters, and must meet the following standards:
  1. In addition to meeting all other zoning standards in this section, 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 or 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 sign and lighting standards of this Ordinance.

### 2. **Agricultural Uses**

- a. Agricultural uses are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the County SWCD or the United States Natural Resource Conservation Service.
- b. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.

### 3. **Conditional Uses**

The following additional evaluation criteria and conditions apply to conditional uses within shoreland areas:

- a. **Evaluation criteria.** A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made 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. The site is adequate for water supply and on-site sewage treatment.
  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 this watercraft.
- b. **Conditions attached to Conditional Use Permits.** The Board of County Commissioners, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
1. Increased setbacks from the ordinary high water level.
  2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
  3. Special provisions for the location, design, and use of structures, sewage treatment system, watercraft, launching and docking areas, and vehicle parking areas.
  4. Requirements that additional vegetation be planted.
  5. Requirements that accessory structures be moved or removed.

#### **SUBDIVISION 6. NONCONFORMITIES**

- A. See Section 24 of this Ordinance for further non-conformity requirements.
- B. All legally established nonconformities as of June 18, 1996 may continue, but they will be managed according to applicable state statutes, rules, and other regulations of this County for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use, except that the following standards will also apply in shoreland areas.
1. In accordance with Minnesota State Statute 394.36, as amended from time to time, the following shall apply to existing Nonconforming Lots in Shoreland Areas.
    - a. This subdivision applies to shoreland lots of record in the office of the County Recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. The County shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas with the following regulations:

- b. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
  - 1. All structure and septic system setback distance requirements can be met.
  - 2. A Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer.
  - 3. The impervious surface coverage does not exceed twenty five (25) percent of the lot.
- c. In a group of two (2) or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
  - 1. The lot must be at least sixty six (66) percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120.
  - 2. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls.
  - 3. Impervious surface coverage must not exceed twenty five (25) percent of each lot.
  - 4. Development of the lot must be consistent with an adopted comprehensive plan.
- d. A lot subject to paragraph (c) not meeting the requirements of paragraph (c) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
- e. Notwithstanding paragraph (c), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.

- f. In evaluating all variances, zoning permit applications, or conditional use requests, the Department shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- g. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage system requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

## **SECTION 13.2 SPECIAL PROTECTION (SP) DISTRICT**

### **SUBDIVISION 1. PURPOSE**

Lands within this Zoning District include shoreland areas adjacent to Recreational Development (RD) and Natural Environment (NE) lakes, agricultural and transitional rivers and tributary streams where agriculture or open space is the predominant use. The water feature needs protection from development and agriculture uses should utilize best management practices that prevent or reduce nonpoint source pollution to surface or groundwater. Housing density should be the same as in the Agriculture (A) District. Dwellings, livestock production and other intense land uses should be kept to a minimum. However, transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), providing that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of record shall be exempt from density standards.

### **SUBDIVISION 2. PERMITTED USES**

The following uses shall be permitted within the Special Protection (SP) District:

- A. Agriculture, including crop production and pasturing utilizing agricultural best management practices.
- B. Existing feedlots as of June 18, 1996.
- C. Accessory structures within existing building sites.
- D. Sensitive resource management of nature areas, hiking trails, wildlife preserves, or designated official wetland areas and forest preserves owned or operated by governmental agencies.
- E. Forest management outside shore and bluff impact zones.
- F. One (1) single-family dwelling per existing building site, Lot of Record or quarter-quarter section.

- G. Non-Commercial Wind Energy Conversion System.
- H. Retaining walls as described in Subdivision 5 of this Section.
- I. Riprap projects that follow Ordinance requirements.
- J. Small Capacity Rain Garden.
- K. Small Solar Energy System.
- L. Stairways, lifts, and landings either constructed above the ground on posts or pilings and resulting in less than or equal to three (3) cubic yards of disturbance in a bluff area, with an approved Land Alteration Permit.
- M. Projects that are considered best management and/or soil bioengineering practices which are designed and installed consistent with the field office technical guide of NRCS.
- N. DNR, County SWCD, or NRCS Projects. Public projects that are a part of an approved Department of Natural Resources Project, or that are funded by and overseen by the Soil and Water Conservation District, or Natural Resource Conservation Service. Engineering plans, designs, reports, and other information must be provided with the Land Alteration Permit.
- O. Ice Ridge Repair with an approved Land Alteration Permit.
- P. Sand Beach Blanket with an approved Land Alteration Permit.
- Q. Sand Recreation Area with an approved Land Alteration Permit.
- R. Emergency Stabilization. Emergency Stabilization measures, generally temporary in nature and normally requiring a Conditional Use Permit, to prevent imminent erosion or property damage after the failure of an erosion control device. Permanent repair or replacement of erosion control devices may still require a Conditional Use Permit.
  - 1. Requires a Land Alteration Permit.
- S. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or less of material that is not in connection with another permitted use, or within a shore impact zone involving the movement of less than ten (10) cubic yards of material, including but not limited to, rock, sand, and gravel. Activities associated with the maintenance or improvement of public roads are exempt.

*(TABLE ON NEXT PAGE)*

Permitted Use	Permitted Use with Land Alteration(s) Permit	Land Alteration (s) Permit Requirements
<5 cubic yards within Bluff and Shore Impact Zones	5-10 cubic yards within Bluff and Shore Impact Zones	Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.
<25 cubic yards outside Bluff and Shore Impact Zones	25-50 cubic yards outside Bluff and Shore Impact Zones	<p><b><u>Parcels &lt; 5 acres:</u></b> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b><u>Parcels 5-20 acres:</u></b> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b><u>Parcels &gt; 20 acres:</u></b> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p>

**SUBDIVISION 3. ADMINISTRATIVE SPECIAL USES**

The following uses may be allowed in the Special Protection (SP) District with the issuance of an Administrative Special Use Permit:

- A. One (1) temporary dwelling per lot that will be occupied for one (1) year or less.
- B. Transfer of Development Rights.
- C. Driveway construction and associated land preparation prior to issuance of a zoning permit.
- D. Temporary uses on private property by a township, city, county, the state or persons engaged in a construction project for a township, city, county, or the state
- E. Home Occupations, Level I.
- F. Special Event which is open to or accessible by the general public, on any parcel(s) of land. Events exceeding one (1) but less than four (4) requests per year.

G. Cannabis Delivery Service.

H. Cannabis Special Event which is open to or accessible by the general public, on any parcel(s) of land. Events of one (1) but less than four (4) requests per year.

#### **SUBDIVISION 4. INTERIM USES**

The following uses may be permitted in the Special Protection (SP) District as Interim Uses:

A. Home Occupations, Level II.

B. Mineral Extraction.

C. Retaining walls located within the shore impact zone or greater than three feet in height or greater than twenty five (25) feet in length as measured parallel to the configuration of the shoreline or on steep slopes.

D. Riprap projects that exceed Ordinance requirements.

E. One (1) temporary dwelling per lot that will be occupied for one (1) year or more.

F. Bed and Breakfast Inns.

G. Short-Term Private Lodging Rental.

H. Cannabis Cultivation.

I. Cannabis Special Event which is open to or accessible by the general public, on any parcel(s) of land. Events exceeding three (3) requests per year or exceeding two (2) days in length.

J. Special Event which is open to or accessible by the general public, on any parcel(s) of land. Events exceeding three (3) requests per year or exceeding three (3) days in length.

K. Short-Term Private Lodging Rental.

L. Grading, excavating or filling activities within the bluff.

M. Grading, excavating or filling activities, excluding small capacity rain gardens, involving the movement of more than fifty (50) cubic yards of material that is not in connection with another permitted use, or within shore or bluff impact zones involving the movement of more than ten (10) cubic yards of material, including but not limited to, rock, sand, and gravel. Activities associated with the maintenance or improvement of public roads are exempt.

*(TABLE ON NEXT PAGE)*

<b>Interim Use</b>	<b>Interim Use Requirements</b>
>10 cubic yards within Bluff and Shore Impact Zones	<p>Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b>Site Plan(s) and As-Built completed by a surveyor or engineer.</b></p>
>50 cubic yards outside Bluff and Shore Impact Zones	<p><b><u>Parcels &lt; 5 acres:</u></b> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b><u>Parcels 5-20 ac:</u></b> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b><u>Parcels &gt; 20 ac:</u></b> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b>Site Plan(s) and As-Built completed by a surveyor or engineer.</b></p>

**SUBDIVISION 5. CONDITIONAL USES**

The following uses may be permitted in the Special Protection (SP) District as Conditional Uses:

- A. Any permitted use where the Department determines the proposed project has the potential for an adverse environmental impact, including but not limited to erosion, sedimentation, stormwater impacts or pollution of surface waters.
- B. Expansion of an existing feedlot up to a total of five hundred (500) animal units.
- C. Water supply tanks or buildings, reservoirs, commercial wells, gas regulator stations, electric substations or transmission lines greater than 35kV, railroad right-of-way, but not including railroad yards, public sewage treatment facilities and other similar essential public utility and service structures.
- D. Parks, recreational areas and historic sites.
- E. Forest management within the shore and bluff impact zones.

F. Commercial Wind Energy Conversion System.

G. Large Capacity Rain Garden.

**SUBDIVISION 6. PERMITTED ACCESSORY USES AND STANDARDS**

The following uses shall be permitted accessory uses within the Special Protection (SP) District.

**A. ACCESSORY STRUCTURES**

1. In the Special Protection (SP) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

<b>Lot Size</b>	<b>Maximum Structure Area</b>	<b>Maximum Structure Height</b>
Less than 1 acre	2,000 square feet	20 feet
1-1.99 acres	3,600 square feet	20 feet
2-4.99 acres	4,000 square feet	25 feet

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
3. The lowest floor elevation for all accessory structures shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.
4. No residential accessory structure or use shall be constructed or developed on a lot prior to construction of the principal dwelling.
5. Structures used for the storage of agricultural equipment or used for other agricultural purposes may be allowed on parcels of ten (10) or more acres being used as Agricultural Land.
6. Grading, Excavating, and Filling to create a walk-out basement shall be prohibited for all structures other than a primary dwelling.
7. One (1) utility shed, with an area less than or equal to one hundred (100) square feet and a height of less than or equal to ten (10) feet, can be constructed or placed on a lot prior to construction of a principal dwelling.
  - a. The purpose of this shed shall be limited to the storage of the landowner's personal property related to maintenance of the land and/or recreation.
  - b. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

- c. The construction or placement of the shed shall not require the issuance of a zoning permit but shall be required to meet all applicable structure setbacks.

## B. SWIMMING POOL. PERMANENT

1. No pool shall be located within ten (10) feet of a septic tank.
2. No pool shall be located within twenty (20) feet of a septic drain field.
3. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
4. No pool shall be located within any private or public utility, walkway, drainage, or other easement.
5. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.
6. A barrier of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled by a self-latching gate.
  - a. Pools equipped with a lockable safety cover complying with ASTM F 1346 safety specifications shall be exempt from the barrier requirement.

## C. HEIGHT AND SEPARATION REGULATIONS

1. For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining documentation of approval from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.
2. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
3. An accessory structure shall not be closer than five (5) feet to any other structure on the subject or neighboring property.
  - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
  - b. Grain Bins, Grain Legs, and all other components of a Grain Handling System (as determined by the County Zoning Administrator) shall be exempt from meeting this standard when measured from one another. These structures shall be required to meet this standard when measured from all structures determined to not be a part of the Grain Handling System.

#### D. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

E. Other accessory uses customarily incidental to the uses permitted in Section 13.1.

### **SUBDIVISION 7. DIMENSIONAL REGULATIONS**

#### A. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than eighty five (85) feet from the right-of-way of State-Federal trunk arterials, expressways and State collector arterials.
2. There shall be a front yard setback of not less than seventy five (75) feet from the right-of-way of County highways.
3. There shall be a front yard setback of not less than sixty five (65) feet from a township or any other public or private right-of-way.
4. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
5. All components of an onsite Subsurface Sewage Treatment System (SSTS) shall be ten (10) feet from all road right-of-ways.
6. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right-of-way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
7. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.
8. On nonconforming Lots of Record, accessory structures with a door six (6) feet wide or greater which faces any road right-of-way shall be set back a minimum of twenty five (25) feet. All other accessory structures shall be set back a minimum of ten (10) feet from the road right-of-way.

#### B. SIDE YARD SETBACKS

1. All structures shall have a side yard setback of not less than fifty (50) feet.
2. For conforming lots, all water orientated accessory structures shall be set back fifteen (15) feet from side yard property lines.

3. For nonconforming Lots of Record, all water orientated accessory structures shall be set back ten (10) feet from side yard property lines.

**C. REAR YARD SETBACKS**

All structures shall have a rear yard setback of not less than fifty (50) feet.

**D. ORDINARY HIGH WATER LEVEL (OHWL) SETBACKS**

1. Structure and Subsurface Sewage Treatment System (SSTS) setbacks from Ordinary High Water Level (OHWL).

<u>Classification</u>	<b>Structure</b>	<b>SSTS</b>
NE Lake	250 feet	200 feet
RD Lake	150 feet	100 feet
Rivers/Streams	150 feet	100 feet

2. A new dwelling constructed on a nonconforming Lot of Record may have a reduced OHWL setback with the following restrictions:
  - a. There shall be an existing dwelling located on each side of the lot.
  - b. The new dwelling shall not be located closer to the OHWL than the existing dwellings located on the adjacent, or at least one-half of the required set back whichever is greater.
  - c. The structure is not located in a shore impact zone or in a bluff impact zone.
3. A new dwelling constructed on a nonconforming Lot of Record may have a reduced OHWL setback if one of the adjacent lots is vacant with the following restrictions:
  - a. There shall be an existing dwelling located on one side of the lot.
  - b. The setback for the Lot of Record shall be the setback of the dwelling on the adjacent lot plus one half (1/2) the difference between the setback of the adjacent dwelling and the setback required by the Ordinance.
  - c. The structure is not located in a shore impact zone or in a bluff impact zone.
4. One (1) water-oriented accessory structure designed in accordance with this Section shall be set back a minimum distance of ten (10) feet from the ordinary high water level.
5. No expansion or modification of existing feedlots shall result in encroachment closer to the ordinary high water level than the existing setback or three hundred (300) feet, whichever is greater.

## E. BLUFF SETBACKS

1. All structures shall be set back from the top and/or toe of the bluff:
  - a. Thirty (30) feet for bluffs with slopes eighteen (18) to thirty (30) percent.
  - b. Fifty (50) feet for bluffs with slopes greater than thirty (30) percent.
  - c. **Existing Building Sites**. All structures shall be set back thirty (30) feet from the top or toe of the bluff.
2. SSTS shall be set back thirty (30) feet from the top or toe of the bluff.
  - a. For an existing dwelling, SSTS upgrade and/or replacement tank(s):
    1. Shall be exempt from bluff setback.
    2. May be located within the bluff impact zone.
    3. Shall not be located within the bluff.
3. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
5. All stormwater ponds, swales, basins, or other soil saturation type features shall be set back a minimum of fifty (50) feet from the top of the bluff.
6. Fencing shall not be placed in the bluff.

## F. WETLAND SETBACKS

All structures shall be set back a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

## G. ADDITIONAL SETBACKS

1. When more than one (1) set back applies to a site, structures must be located to meet all setbacks.
2. All structures shall be set back fifty (50) feet from a cemetery.



I. LOT AREA, WIDTH & DEPTH

1. Lot standards for all single-family dwelling lots in sewerred and unsewerred, riparian and nonriparian lots.
2. **Lakes.** On Natural Environment (NE) and Recreational Development (RD) Lakes the minimum lot area (in square feet) and minimum lot width at the setback line from the ordinary high water level (OHWL) and road right-of-way and depth standards (in feet) shall be as follows:

	<u>Area</u>	<u>Width</u>	<u>Depth</u>
a. NE Lake	217,800	400	400
b. RD Lake	80,000	200	320
3. **Rivers.** On rivers, or streams classified as Agricultural, Transitional or Tributary the minimum lot area (in square feet) and minimum lot width and depth standards (in feet) shall be the same as on a Natural Environment Lake.
4. Impervious surface of lots must not exceed twenty five (25) percent of the lot area.

J. HEIGHT

For parcels greater than five (5) acres, there shall be a maximum height limitation of thirty five (35) feet on all residential structures. Any other nonresidential structure shall have a maximum height of one hundred fifty (150) feet. Any structure including but not limited to a tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.

K. BUILDABLE LOT STANDARDS

1. A conforming lot, recorded with the County Recorder, and which has frontage on an improved and maintained public or private road, shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to twenty five (25) percent of the required lot area of which shall not include any of the following:
  - a. Area below the Ordinary High Water Level (OHWL).
  - b. Bluff.
  - c. Floodplain.
  - d. Principle Structure Setbacks.
  - e. Wetland.

2. An undeveloped legal non-conforming lot, legally recorded with the County Recorder, which has frontage on an improved and maintained public or private road, or recorded easement shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to ten (10) percent of the required lot area and shall not include the following:
  - a. Area below the Ordinary High Water Level (OHWL).
  - b. Area that meets the County's definition for a Bluff.
  - c. Floodplain.
  - d. Structure Setbacks.
  - e. Wetland
3. All lots created after January 23, 1996 must have a minimum of two (2) soil treatment and dispersal areas that can support Type 1 systems as described in Minnesota Rules, Chapters 7080 through 7083, as amended from time to time.
4. Lots of Record that are substandard in area must conform to all other applicable regulations to qualify for placement of a dwelling.

## **SUBDIVISION 8. DWELLING STANDARDS**

### **A. PROHIBITED DWELLINGS**

No garage, tent, trailer, or accessory structure shall at any time be used as a dwelling.

### **B. DWELLING REGULATIONS**

1. No more than one (1) dwelling shall be placed on a lot except in the cases of temporary dwellings.
2. All dwellings shall be affixed to a permanent foundation, frost footings or frost piers extending a minimum of 42 inches below grade. Manufactured homes shall be anchored according to the requirements of the manufacturer.
3. The minimum dwelling width excluding porches, decks, or other similar attachments shall be twenty (20) feet except in the cases of temporary dwellings.
4. All dwellings shall include at least one (1) bathroom sink, one (1) toilet, one (1) kitchen sink, and one (1) bathtub or shower to meet basic requirements of sanitation and personal hygiene, connected to municipal sewer or subsurface soil treatment system that conforms with the sewage treatment regulations of this Ordinance. No zoning permits will be issued for new dwellings prior to sewage treatment system approval.

5. Manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date, a Federal seal in accordance with HUD CFR 3280 Construction Standards.
6. All dwellings shall have a minimum of seven hundred sixty (760) square feet of floor area on the ground floor.
7. Dwellings shall not exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.
8. For all dwellings the lowest floor elevation shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.
9. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
10. All dwellings shall include heating facilities capable of maintaining a temperature of 70 degrees Fahrenheit (21 degrees Celsius) at a point three feet above the floor.
11. All dwellings shall include a potable drinking water supply from a well, individual or shared, which meets the requirements of the County's water supply well ordinance.
12. All dwellings shall include a source of electricity meeting the requirements of, and approved by, the Minnesota State Board of Electricity.
13. The footprint or foundation area of an attached garage shall not exceed 125% of the footprint or foundation area of the related dwelling.
14. Occupancy. Residential buildings shall not be occupied until such residential building is connected to a source of potable drinking water, required sanitary facilities have been installed and connected to approved sewage treatment facilities, heating facilities are operational, and the electrical installation has received final approval from the Minnesota State Board of Electricity.

#### **SUBDIVISION 9. ACCESS DRIVES, ACCESS AND SERVICE ROADS**

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.

- B. Access drives shall be constructed and maintained to meet all of the following:
  - 1. A minimum driving surface width of fourteen (14) feet.
  - 2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
  - 3. Base material depth sufficient to support access by emergency vehicles.
  - 4. Unobstructed width of not less than twenty (20) feet.
  - 5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet in length shall provide a minimum turn-around area of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. All roads serving more than two (2) lots or parcels with dwellings shall be built to township road specifications or at least sixty six (66) feet wide with a minimum driving surface width of twenty four (24) feet.
- G. Access drives shall not be located within the bluff or shore impact zones.

## **SUBDIVISION 10. GENERAL REGULATIONS**

### **A. STORAGE OF MATERIALS**

- 1. All materials and equipment shall be stored within a structure or fully screened so as not to be visible from adjoining properties, except for the following:
  - a. Recreational equipment.
  - b. Laundry drying equipment.
  - c. Off-street parking of licensed passenger vehicles and pickup trucks.
  - d. Boats and unoccupied travel trailers, less than twenty (20) feet in length, are permissible if stored in the rear yard more than ten (10) feet from the property line.
- 2. No underground gasoline storage shall be permitted.

3. All land uses and development shall follow all other applicable regulations of this Ordinance.

## B. FENCING

### 1. **Setbacks**

- a. All fencing shall have a front yard setback of not less than ten (10) feet from a road right-of-way.
- b. Fencing shall not be placed within the bluff and shore impact zones.
- c. Fencing shall not be placed within the bluff.

### 2. **Height**

- a. Fencing located within any side and/or rear yard shall have a maximum height of eight (8) feet.
- b. Fencing located within any front yard shall have a maximum height of four (4) feet.

- C. All land uses and development shall follow all other applicable regulations of this Ordinance.

## **SECTION 13.3 RECREATIONAL RESIDENTIAL (RR) DISTRICT**

### **SUBDIVISION 1. PURPOSE**

A District, adjacent to Recreational Development (RD) and Natural Environment (NE) lakes, to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this District to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses may be allowed.

### **SUBDIVISION 2. PERMITTED USES**

The following uses shall be permitted within the Recreational Residential (RR) District:

- A. Sensitive resource management, of nature areas, hiking trails, wildlife preserves, or designated official wetland areas.
- B. One (1) single-family dwelling per existing building site, Lot of Record, platted lot or parcel.
- C. Agriculture, including crop production and pasturing utilizing agricultural best management practices, existing feedlots as of June 18, 1996, and accessory structures within existing building sites.

- D. Forest management outside shore and bluff impact zones.
- E. Retaining walls as described in Subdivision 5 of this Section.
- F. Riprap projects that meet Ordinance requirements.
- G. Small Capacity Rain Garden.
- H. Small Solar Energy System.
- I. Stairways, lifts, and landings either constructed above the ground on posts or pilings and resulting in less than or equal to three (3) cubic yards of disturbance in a bluff area, with an approved Land Alteration Permit.
- J. Projects that are considered best management and/or soil bioengineering practices which are designed and installed consistent with the field office technical guide of NRCS.
- K. DNR, County SWCD, or NRCS Projects. Public projects that are a part of an approved Department of Natural Resources Project, or that are funded by and overseen by the Soil and Water Conservation District, or Natural Resource Conservation Service. Engineering plans, designs, reports, and other information must be provided with the land alteration permit.
- L. Emergency Stabilization. Emergency Stabilization measures, generally temporary in nature and normally requiring a Conditional Use Permit, to prevent imminent erosion or property damage after the failure of an erosion control device. Permanent repair or replacement of erosion control devices may still require a Conditional Use Permit.
  - 1. Requires a Land Alteration Permit.
- M. Ice Ridge Repair with an approved Land Alteration Permit.
- N. Sand Beach Blanket with an approved Land Alteration Permit.
- O. Sand Recreation Area with an approved Land Alteration Permit.
- P. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or less of material that is not in connection with another permitted use, or within a shore impact zone involving the movement of less than ten (10) cubic yards of material including but not limited to, rock, sand, and gravel. Activities associated with the maintenance or improvement of public roads are exempt.

*(TABLE ON NEXT PAGE)*

Permitted Use	Permitted Use with Land Alteration(s) Permit	Land Alteration (s) Permit Requirements
<5 cubic yards within Bluff and Shore Impact Zones	5-10 cubic yards within Bluff and Shore Impact Zones	Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.
<25 cubic yards outside Bluff and Shore Impact Zones	25-50 cubic yards outside Bluff and Shore Impact Zones	<p><b><u>Parcels &lt; 5 acres:</u></b> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b><u>Parcels 5-20 acres:</u></b> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b><u>Parcels &gt; 20 acres:</u></b> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p>

**SUBDIVISION 3. ADMINISTRATIVE SPECIAL USES**

The following uses may be allowed in the Recreational Residential (RR) District with the issuance of an Administrative Special Use Permit:

- A. One (1) temporary dwelling per lot that will be occupied for one (1) year or less.
- B. Driveway construction and associated land preparation prior to issuance of a zoning permit.  
Temporary uses on private property by a township, city, county, the state or persons engaged in a construction project for a township, city, county, or the state.
- C. Home Occupations, Level I.
- D. Special Event which is open to or accessible by the general public, on any parcel(s) of land. Events exceeding one (1) but less than four (4) requests per year .

**SUBDIVISION 4. INTERIM USES**

The following uses may be allowed in the Recreational Residential (RR) District as Interim Uses:

- A. Guest cottage.
- B. Retaining walls located within the shore impact zone or greater than three (3) feet in height or greater than twenty five (25) feet in length as measured parallel to the configuration of the shoreline or on steep slopes.
- C. Riprap projects that exceed Ordinance requirements.
- D. Short-Term Private Lodging Rental.
- E. Grading, excavating or filling activities within the bluff.
- F. Grading, excavating or filling activities, excluding small capacity rain gardens, involving the movement of more than fifty (50) cubic yards of material that is not in connection with another permitted use, or within shore or bluff impact zones involving the movement of more than ten (10) cubic yards of material, including but not limited to, rock, sand, and gravel. Activities associated with the maintenance or improvement of public roads are exempt.

<b>Interim Use</b>	<b>Interim Use Requirements</b>
>10 cubic yards within Bluff and Shore Impact Zones	<p>Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b>Site Plan(s) and As-Built completed by a surveyor or engineer.</b></p>
>50 cubic yards outside Bluff and Shore Impact Zones	<p><b><u>Parcels &lt; 5 acres:</u></b> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b><u>Parcels 5-20 ac:</u></b> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b><u>Parcels &gt; 20 ac:</u></b> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b>Site Plan(s) and As-Built completed by a surveyor or engineer.</b></p>

**SUBDIVISION 5. CONDITIONAL USES**

The following uses may be allowed in the Recreational Residential (RR) District as Conditional Uses:

- A. Any permitted use where the Department determines the proposed project has the potential for an adverse environmental impact, including but not limited to erosion, sedimentation, stormwater impacts or pollution of surface waters.
- B. Semipublic uses.
- C. Parks and historic sites.
- D. Water supply tanks or buildings, reservoirs, commercial wells, regional pipe lines and regulator stations, power transmission lines greater than 35kV, public sewage treatment facilities, and similar essential public utility and service structures.
- E. Golf courses and any structures normally associated with golf courses.
- F. Residential Planned Unit Developments.
- G. Duplex, triplex, and quad residential dwellings on RD Lakes.
- H. Expansion of an existing animal feedlot up to a total of three hundred (300) animal units.
- I. Boat or vehicle access ramps in shore impact zone.
- J. Forest management within the bluff & shore impact zones.
- K. Large Capacity Rain Garden.

**SUBIDIVISION 6. PERMITTED ACCESSORY USES AND STANDARDS**

The following uses shall be permitted accessory uses within the Recreational Residential (RR) District.

**A. ACCESSORY STRUCTURES**

- 1. In the Recreational Residential (RR) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

<b>Lot Size</b>	<b>Maximum Structure Area</b>	<b>Maximum Structure Height</b>
Less than 1 acre	2,000 square feet	20 feet
1-1.99 acres	3,600 square feet	20 feet
2-4.99 acres	4,000 square feet	25 feet

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
3. The lowest floor elevation for all accessory structures shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.
4. No residential accessory structure or use shall be constructed or developed on a lot prior to construction of the principal dwelling.
5. Structures used for the storage of agricultural equipment or used for other agricultural purposes may be allowed on parcels of ten (10) or more acres being used as Agricultural Land.
6. Grading, Excavating, and Filling to create a walk-out basement shall be prohibited for all structures other than a primary dwelling.
7. One (1) utility shed, with an area less than or equal to one hundred (100) square feet and a height of less than or equal to ten (10) feet, can be constructed or placed on a lot prior to construction of a principal dwelling.
  - a. The purpose of this shed shall be limited to the storage of the landowner's personal property related to maintenance of the land and/or recreation.
  - b. The construction or placement of the shed shall not require the issuance of a zoning permit but shall be required to meet all applicable structure setbacks.
  - c. The construction or placement of the shed shall not require the issuance of a zoning permit but shall be required to meet all applicable structure setbacks.

#### B. SWIMMING POOL. PERMANENT

1. No pool shall be located within ten (10) feet of a septic tank.
2. No pool shall be located within twenty (20) feet of a septic drain field.
3. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
4. No pool shall be located within any private or public utility, walkway, drainage, or other easement.
5. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.

6. A barrier of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled by a self-latching gate.
  - a. Pools equipped with a lockable safety cover complying with ASTM F 1346 safety specifications shall be exempt from the barrier requirement.

#### C. HEIGHT AND SEPARATION REGULATIONS

1. For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining documentation of approval from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.
2. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
3. An accessory structure shall not be closer than five (5) feet to any other structure on the subject or neighboring property.
  - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
  - b. Grain Bins, Grain Legs, and all other components of a Grain Handling System (as determined by the County Zoning Administrator) shall be exempt from meeting this standard when measured from one another. These structures shall be required to meet this standard when measured from all structures determined to not be a part of the Grain Handling System.

#### D. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

- E. Other accessory uses customarily incidental to the uses permitted in Section 13.2.

### **SUBDIVISION 7. DIMENSIONAL REGULATIONS**

#### A. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than eighty five (85) feet from the right-of-way of State-Federal trunk arterials, expressways and State collector arterials.

2. There shall be a front yard setback of not less than seventy five (75) feet from the right-of-way of County highways.
3. There shall be a front yard setback of not less than sixty five (65) feet from a township or any other public or private right-of-way.
4. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
5. All components of an onsite Subsurface Sewage Treatment System (SSTS) shall be ten (10) feet from all road right-of-ways.
6. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right-of-way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
7. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.
8. On nonconforming Lots of Record, accessory structures with a door six (6) feet wide or greater which faces any road right-of-way shall be setback a minimum of twenty five (25) feet. All other accessory structures shall be setback a minimum of ten (10) feet from the road right-of-way.
9. A new dwelling constructed on a nonconforming Lot of Record may have a reduced front yard setback with the following restrictions:
  - a. There shall be an existing dwelling located on each side on the adjacent lots.
  - b. The new dwelling shall not be located closer to the road right-of-way than the existing dwellings located on the adjacent lots, or at least one-half of the required setback, whichever is greater.
  - c. The structure is not located in a shore impact zone or in a bluff impact zone.
10. A new dwelling constructed on a nonconforming Lot of Record may have a reduced front yard setback **if the adjacent lot is vacant** with the following restrictions:
  - a. There shall be an existing dwelling located on **one** side of the lot.
  - b. The setback for the Lot of Record shall be the setback of the dwelling on the adjoining lot plus one half the difference between the setback of the non-conforming dwelling and the setback required by the Ordinance.
  - c. The structure is not located in a bluff impact zone.

11. All fencing shall have a front yard setback of not less than ten (10) feet from a road right-of-way.

**B. SIDE YARD SETBACKS**

1. All structures shall have a side yard setback of not less than fifteen (15) feet.
2. Non-conforming Lots of Record shall be allowed a ten (10) foot side yard setback.
3. For conforming lots, all water orientated accessory structures shall be set back fifteen (15) feet from side yard property lines.
4. For non-conforming Lots of Record, all water orientated accessory structures shall be set back ten (10) feet from side yard property lines.

**C. REAR YARD SETBACKS**

All structures shall have a rear yard setback of not less than fifteen (15) feet.

**D. ORDINARY HIGH WATER LEVEL (OHWL) SETBACKS**

1. Structure and Subsurface Sewage Treatment System (SSTS) setbacks from Ordinary High Water Level (OHWL).

<u><b>Classification</b></u>	<u><b>Structure</b></u>	<u><b>SSTS</b></u>
NE Lake	250 feet	200 feet
RD Lake	100 feet	75 feet
Rivers/Streams	150 feet	100 feet

2. A new dwelling constructed on a nonconforming Lot of Record may have a reduced OHWL setback with the following restrictions:
  - a. There shall be an existing dwelling located on each side of the lot.
  - b. The new dwelling shall not be located closer to the OHWL than the existing dwellings located on the adjacent, or at least one-half of the required set back whichever is greater.
  - c. The structure is not located in a shore impact zone or in a bluff impact zone.
3. A new dwelling constructed on a nonconforming Lot of Record may have a reduced OHWL setback if one of the adjacent lots is vacant with the following restrictions:
  - a. There shall be an existing dwelling located on one side of the lot.

- b. The setback for the Lot of Record shall be the setback of the dwelling on the adjacent lot plus one half (1/2) the difference between the setback of the adjacent dwelling and the setback required by the Ordinance.
  - c. The structure is not located in a shore impact zone or in a bluff impact zone.
4. One (1) water-oriented accessory structure designed in accordance with this Section shall be setback a minimum distance of ten (10) feet from the ordinary high water level.
  5. No expansion or modification of existing feedlots shall result in encroachment closer to the ordinary high water level than the existing setback or three hundred (300) feet, whichever is greater.
  6. Fencing shall not be placed within the shore impact zone.

#### E. BLUFF SETBACKS

1. All structures shall be set back from the top and/or toe of the bluff:
  - a. Thirty (30) feet for bluffs with slopes eighteen (18) to thirty (30) percent.
  - b. Fifty (50) feet for bluffs with slopes greater than thirty (30) percent,
  - c. **Existing Building Sites**. All structures shall be set back thirty (30) feet from the top or toe of the bluff.
2. SSTS shall be set back thirty (30) feet from the top or toe of the bluff.
  - a. For an existing dwelling, SSTS upgrade and/or replacement tank(s):
    1. Shall be exempt from bluff setback.
    2. May be located within the bluff impact zone.
    3. Shall not be located within the bluff.
3. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
5. All stormwater ponds, swales, basins, or other soil saturation type features shall be set back a minimum of fifty (50) feet from the top of the bluff.
6. Fencing shall not be placed within the bluff.

F. WETLAND SETBACKS:

All structures shall be set back a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

G. ADDITIONAL SETBACKS

1. When more than one (1) setback applies to a site, structures must be located to meet all setbacks.
2. All structures shall be set back fifty (50) feet from a cemetery.

H. FEEDLOT AND ANIMAL REQUIREMENTS

1. Effective June 10, 2010, any new school, park, golf course, licensed campground, or residential zoning district shall be separated from an existing animal feedlot by the following:
  - a. 10-50 AU 500 feet
  - b. 51-2000 AU 1000 feet
  - c. Greater than 2000 AU 1500 feet
2. All new dwellings shall be separated from an existing animal feedlot by the following:
  - a. 10-50 AU 500 feet
  - b. 51-2000 AU 1000 feet
  - c. Greater than 2000 AU 1500 feet
3. The animal feedlot owner’s dwelling is exempt from these requirements.
4. Any expansion of an existing animal feedlot shall conform to the lot following requirement:
  - a. Up to 100 AU 5 acres
  - b. 101-300 AU 10 acres
5. In the Recreational Residential (RR) District only dogs, cats, and animals customarily kept as pets will be allowed. The following maximum number of domestic animals are allowed:

<b>Number Of Cats</b>	<b>Number Of Dogs</b>	<b>Kennel (CUP)</b>	<b>Animal Shelter (CUP)</b>
5	3	NA	NA

I. LOT AREA, WIDTH & DEPTH

1. Lot standards for all single-family dwelling lots in sewerred and unsewerred, riparian and nonriparian lots.
2. On Natural Environment (NE) and Recreational Development (RD) Lakes, the minimum lot area (in square feet) and minimum lot width at the setback line from the ordinary high water level (OHWL) and road right-of-way and depth standards (in feet) for single, duplex, triplex and quad residential lots shall be as follows:

a. <b>RD Lakes</b>	<b><u>Riparian Lots</u></b>	<b><u>Non-riparian Lots</u></b>				
<u>Dwelling</u>	<u>Area</u>	<u>Width</u>	<u>Depth</u>	<u>Area</u>	<u>Width</u>	<u>Depth</u>
Single	40,000	150	260	40,000	150	260
Duplex	80,000	225	260	80,000	265	260
Triples	120,000	300	260	120,000	375	260
Quad	160,000	375	260	160,000	490	260

- b. **NE Lakes.** Riparian and non-riparian lots shall have a minimum lot area of eighty thousand (80,000) square feet, minimum lot width at the setback line from the ordinary high water level (OHWL) and road right-of-way of two hundred (200) feet and minimum lot depth of three hundred twenty (320) feet.

3. Impervious surface of lots must not exceed twenty five (25) percent of the lot area.

J. HEIGHT

For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.

K. BUILDABLE LOT STANDARDS

1. A conforming lot, recorded with the County Recorder, and which has frontage on an improved and maintained public or private road, shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to twenty five (25) percent of the required lot area of which shall not include any of the following:
  - a. Area below the Ordinary High Water Level (OHWL).
  - b. Bluff.
  - c. Floodplain.
  - d. Principle Structure Setbacks.
  - e. Wetland.

2. An undeveloped legal non-conforming Lot, recorded with the County Recorder, which has frontage on an improved and maintained public or private road, or recorded easement shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to ten (10) percent of the required lot area and shall not include the following:
  - a. Area below the Ordinary High Water Level (OHWL).
  - b. Area that meets the County's definition for a Bluff.
  - c. Floodplain.
  - d. Structure Setbacks.
  - e. Wetland.
3. All lots created after January 23, 1996 must have a minimum of two (2) soil treatment and dispersal areas that can support Type 1 systems as described in Minnesota Rules, Chapters 7080 through 7083, as amended from time to time.
4. Lots of Record that are substandard in area must conform to all other applicable regulations to qualify for placement of a dwelling.

## **SUBDIVISION 8. DWELLING STANDARDS**

### **A. PROHIBITED DWELLINGS**

No garage, tent, trailer, or accessory structure shall at any time be used as a dwelling.

### **B. DWELLING REGULATIONS**

1. No more than one (1) dwelling shall be placed on a lot except in the cases of temporary dwellings.
2. All dwellings shall be affixed to a permanent foundation, frost footings or frost piers extending a minimum of 42 inches below grade. Manufactured homes shall be anchored according to the requirements of the manufacturer.
3. The minimum dwelling width excluding porches, decks, or other similar attachments shall be twenty (20) feet except in the cases of temporary dwellings.
4. Manufactured homes less than twenty (20) feet in width shall be allowed as a single-family dwelling in the Recreational Residential (RR) District.
5. All dwellings shall include at least one (1) bathroom sink, one (1) toilet, one (1) kitchen sink, and one (1) bathtub or shower to meet basic requirements of sanitation and personal hygiene, connected to municipal sewer or subsurface soil treatment system that conforms with the sewage treatment regulations of this Ordinance. No zoning permits will be issued for new dwellings prior to sewage treatment system approval.

6. Manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date, a Federal seal in accordance with HUD CFR 3280 Construction Standards.
7. All dwellings shall have a minimum of seven hundred sixty (760) square feet of floor area on the ground floor.
8. Dwellings shall not exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.
9. For all dwellings the lowest floor elevation shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.
10. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
11. All dwellings shall include heating facilities capable of maintaining a temperature of 70 degrees Fahrenheit (21 degrees Celsius) at a point three feet above the floor.
12. All dwellings shall include a potable drinking water supply from a well, individual or shared, which meets the requirements of the County's water supply well ordinance.
13. All dwellings shall include a source of electricity meeting the requirements of, and approved by, the Minnesota State Board of Electricity.
14. The footprint or foundation area of an attached garage shall not exceed 125% of the footprint or foundation area of the related dwelling.
15. Occupancy. Residential buildings shall not be occupied until such residential building is connected to a source of potable drinking water, required sanitary facilities have been installed and connected to approved sewage treatment facilities, heating facilities are operational, and the electrical installation has received final approval from the Minnesota State Board of Electricity.

#### **SUBDIVISION 9. ACCESS DRIVES, ACCESS AND SERVICE ROADS**

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.

- B. Access drives shall be constructed and maintained to meet all of the following:
  - 1. A minimum driving surface width of fourteen (14) feet.
  - 2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
  - 3. Base material depth sufficient to support access by emergency vehicles.
  - 4. Unobstructed width of not less than twenty (20) feet.
  - 5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet in length provide a minimum turn-around of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. All roads serving more than two (2) lots or parcels with dwellings shall be built to township road specifications or at least sixty six (66) feet wide with a minimum driving surface width of twenty four (24) feet.
- G. Access drives shall not be located within the bluff or shore impact zones.

## **SUBDIVISION 10. GENERAL REGULATIONS**

### **A. STORAGE OF MATERIALS**

- 1. All materials and equipment shall be stored within a structure or fully screened so as not to be visible from adjoining properties, except for the following:
  - a. Recreational equipment.
  - b. Laundry drying equipment.
  - c. Off-street parking of licensed passenger vehicles and pickup trucks.
  - d. Boats and unoccupied travel trailers, less than twenty (20) feet in length, are permissible if stored in the rear yard more than ten (10) feet from the property line.
- 2. No underground gasoline storage shall be permitted.

B. FENCING

1. **Setbacks**

- a. All fencing shall have a front yard setback of not less than ten (10) feet from a road right-of-way.
- b. Fencing shall not be placed within the bluff and shore impact zones.
- c. Fencing shall not be placed within the bluff.

2. **Height**

- a. Fencing located within any side and/or rear yard shall a maximum height of eight (8) feet.
- b. Fencing located within any front yard shall have a maximum height of four (4) feet.

C. All land uses and development shall follow all other applicable regulations of this Ordinance.

**SECTION 13.4 RECREATIONAL COMMERCIAL (RC) DISTRICT**

**SUBDIVISION 1. PURPOSE**

A District, adjacent to Recreational Development (RD) lakes, Natural Environment (NE) lakes, agricultural and transitional rivers and tributary streams, to provide suitable locations for, and to encourage the development of, water orientated commercial recreation facilities in those areas of Le Sueur County which benefit the recreational needs of both residents and tourists, to avoid land use conflicts with residential areas and restrict incompatible commercial and industrial uses.

**SUBDIVISION 2. PERMITTED USES**

The following uses shall be permitted within the Recreational Commercial (RC) District:

- A. Restaurants without transient docking facilities.
- B. Sporting goods establishments, outfitters and suppliers, bait shops.
- C. Retaining walls as described in Subdivision 5 of this Section.
- D. Riprap projects that meet Ordinance requirements.
- E. Small Capacity Rain Garden.
- F. Small Solar Energy System.

- G. Stairways, lifts, and landings either constructed above the ground on posts or pilings and resulting in less than or equal to three (3) cubic yards of disturbance in a bluff area, with an approved Land Alteration Permit.
- H. Projects that are considered best management and/or soil bioengineering practices which are designed and installed consistent with the field office technical guide of NRCS.
- I. DNR, County SWCD, or NRCS Projects. Public projects that are a part of an approved Department of Natural Resources Project, or that are funded by and overseen by the Soil and Water Conservation District, or Natural Resource Conservation Service. Engineering plans, designs, reports, and other information must be provided with land alteration permit.
- J. Emergency Stabilization. Emergency Stabilization measures, generally temporary in nature and normally requiring a Conditional Use Permit, to prevent imminent erosion or property damage after the failure of an erosion control device. Permanent repair or replacement of erosion control devices may still require a Conditional Use Permit.
  - 1. Requires a Land Alteration Permit.
- K. Ice Ridge Repair with an approved Land Alteration Permit.
- L. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or less of material that is not in connection with another permitted use, or within a shore impact zone involving the movement of less than ten (10) cubic yards of material including but not limited to, rock, sand, and gravel. Activities associated with the maintenance or improvement of public roads are exempt.

Permitted Use	Permitted Use with Land Alteration(s) Permit	Land Alteration (s) Permit Requirements
<5 cubic yards within Bluff and Shore Impact Zones	5-10 cubic yards within Bluff and Shore Impact Zones	Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.
<25 cubic yards outside Bluff and Shore Impact Zones	25-50 cubic yards outside Bluff and Shore Impact Zones	<p><b><u>Parcels &lt; 5 acres:</u></b> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b><u>Parcels 5-20 acres:</u></b> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b><u>Parcels &gt; 20 acres:</u></b> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p>

### **SUBDIVISION 3. ADMINISTRATIVE SPECIAL USES**

The following uses may be allowed in the Recreational Commercial (RC) District with the issuance of an Administrative Special Use Permit:

- A. Cannabis Delivery Service

### **SUBDIVISION 4. INTERIM USES**

The following uses may be allowed in the Recreational Commercial (RC) District as Interim Uses:

- A. One (1) single-family detached dwelling for personnel directly connected with the operation of the resort or campground.
- B. Retaining walls located outside the shore impact zone or greater than three (3) feet in height or greater than twenty five (25) feet in length as measured parallel to the configuration of the shoreline or on steep slopes.
- C. Riprap projects that exceed Ordinance requirements.
- D. Open and Outdoor storage, sales and service.
- E. Bed and Breakfast Inns.
- F. Riding Academies and Stables.
- G. Outdoor Commercial Recreational Area.
- H. Special Event which is open to or accessible by the general public, on any parcel(s) of land. Events exceeding three (3) requests per year or exceeding three (3) days in length.
- I. Surface Water-Oriented Commercial Uses.
- J. Cannabis Cultivation
- K. Cannabis or Lower-potency Hemp Edible Retailer
- L. Grading, excavating or filling activities within the bluff.
- M. Grading, excavating or filling activities, excluding small capacity rain gardens, involving the movement of more than fifty (50) cubic yards of material that is not in connection with another permitted use, or within shore or bluff impact zones involving the movement of more than ten (10) cubic yards of material, including but not limited to, rock, sand, and gravel. Activities associated with the maintenance or improvement of public roads are exempt.

*(TABLE ON NEXT PAGE)*

Interim Use	Interim Use Requirements
> <b>10</b> cubic yards within Bluff and Shore Impact Zones	<p>Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b>Site Plan(s) and As-Built completed by a surveyor or engineer.</b></p>
> <b>50</b> cubic yards outside Bluff and Shore Impact Zones	<p><b><u>Parcels &lt; 5 acres:</u></b> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b><u>Parcels 5-20 ac:</u></b> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b><u>Parcels &gt; 20 ac:</u></b> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b>Site Plan(s) and As-Built completed by a surveyor or engineer.</b></p>

**SUBDIVISION 4. CONDITIONAL USES**

The following uses may be allowed in the Recreational Commercial (RC) District as Conditional Uses:

- A. Any permitted use where the Department determines the proposed project has the potential for an adverse environmental impact, including but not limited to erosion, sedimentation, stormwater impacts or pollution of surface waters.
- B. Parks and Historic Sites.
- C. Campgrounds.
- D. Resorts.
- E. Golf courses and any structures normally associated with golf courses.
- F. Commercial Planned Unit Developments.
- G. Motels and Hotels.

- H. Auditoriums.
- I. Taverns.
- J. Boat or vehicle access ramps in shore impact zones.
- K. Expansion of an existing animal feedlot up to a total of three hundred (300) animal units.
- L. Drive in Restaurant.
- M. Organized Groups and Camps.
- N. Public Parks, Recreational Areas and Historic Sites.
- O. Mini- Golf.
- P. Drive-In Theater.
- Q. Winery.
- R. Off-Sale Liquor Store.
- S. Indoor/Outdoor Commercial Recreational Area.
- T. Special Events.
- U. Large Capacity Rain Garden.

**SUBDIVISION 5. PERMITTED ACCESSORY USES AND STANDARDS**

The following uses shall be permitted accessory uses within the Recreational Commercial (RC) District.

**A. ACCESSORY STRUCTURES**

1. In the Recreational Commercial (RC) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

<b>Lot Size</b>	<b>Maximum Structure Area</b>	<b>Maximum Structure Height</b>
Less than 1 acre	2,000 square feet	20 feet
1-1.99 acres	3,600 square feet	20 feet
2-4.99 acres	4,000 square feet	25 feet

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

3. The lowest floor elevation for all accessory structures shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.
4. No accessory structure or use shall be constructed or developed on a lot prior to construction of the principal structure.
5. Structures used for the storage of agricultural equipment or used for other agricultural purposes may be allowed on parcels of ten (10) or more acres being used as Agricultural Land.
6. Grading, Excavating, and Filling to create a walk-out basement shall be prohibited for all structures other than a primary dwelling.
7. Saunas, outdoor recreational equipment and structures.
8. Commercial or business structures for use accessory to the Principal use but not exceeding twenty five (25) percent of the lot area and meeting all other setback and parking requirements of this section.

#### B. SWIMMING POOL. PERMANENT

1. No pool shall be located within ten (10) feet of a septic tank.
2. No pool shall be located within twenty (20) feet of a septic drain field.
3. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
4. No pool shall be located within any private or public utility, walkway, drainage, or other easement.
5. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.
6. A barrier of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled by a self-latching gate.

#### C. HEIGHT AND SEPARATION REGULATIONS

1. For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining documentation of approval from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.

2. An accessory structure shall not be closer than five (5) feet to any other structure on the subject or neighboring property.
  - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
  - b. Grain Bins, Grain Legs, and all other components of a Grain Handling System (as determined by the County Zoning Administrator) shall be exempt from meeting this standard when measured from one another. These structures shall be required to meet this standard when measured from all structures determined to not be a part of the Grain Handling System.

#### D. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

#### E. PARKING

Off-street parking and loading.

#### F. LANDSCAPING AND SCREENING

1. It is the intent of this Section to provide that uses of land and structures shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each permitted and conditional use shall be a good neighbor to adjoining properties by the control of the following:
2. All required yards shall either be landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a well kept condition. Where any business (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is located across the street from a residential zone, but not on that side of a business or industry considered to be the front.
3. All exterior storage shall be screened. The exceptions are:
  - a. Merchandise being displayed for sale,
  - b. Materials and equipment presently being used for construction on the premises.
  - c. Merchandise located on service station pump islands.
4. The screening required may consist of fences and/or landscaping. Plans of such screen shall be submitted for approval as a part of the site plan and installed prior to occupancy of any tract in the district.

5. All open storage yards, shall be screened with buffer planting and screen fences. Plans of such screens shall be submitted for approval by the Planning Commission.
6. Landscaping Maintenance. All structures and areas requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

## G. PERMITTED SIGNAGE

### 1. **Ground/Pylon Signs**

- a. The maximum height of a sign is twenty (20) feet.
- b. No more than one (1) ground/pylon sign shall be permitted per every thirty five (35) lineal feet of road frontage.
- c. The square foot area of such signs shall not exceed one hundred (100) square feet.
- d. Ground/pylon signs shall be set back a minimum of ten (10) feet from property lines and/or right-of-way.

### 2. **Wall Signs**

- a. Wall signs on any structure shall not exceed twenty (20) percent of the wall area.
  - b. Wall signs shall not project above the roof level.
3. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to meet the following standards.
- a. The signs must only convey the location and name of the establishment and the general types of goods or services available.
  - b. The signs must not contain other detailed information such as product brands and prices.
  - c. The signs must not be located higher than ten (10) feet above the ground, and must not exceed thirty two (32) square feet in size.
  - d. If illuminated by artificial light, the lights must be shielded or directed to prevent illumination out across public waters and meet lighting standards in this Ordinance.

## H. OUTSIDE LIGHTING

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.

I. Other accessory uses customarily incidental to the uses listed in Section 13.3.

## **SUBDIVISION 6. DIMENSIONAL REGULATIONS**

### A. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than one hundred (100) feet from the right-of-way of State-Federal trunk arterials, expressways and State collector arterials.
2. There shall be a front yard setback of not less than one hundred (100) feet from the right-of-way of County highways.
3. There shall be a front yard setback of not less than one hundred (100) feet from a township or any other public or private right-of-way.
4. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
5. All components of an onsite Subsurface Sewage Treatment System (SSTS) shall be ten (10) feet from all road right-of-ways.
6. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right-of-way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
7. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.
8. On nonconforming Lots of Record, accessory structures with a door six (6) feet wide or greater which faces any road right-of-way shall be set back a minimum of twenty five (25) feet. All other accessory structures shall be set back a minimum of ten (10) feet from the road right-of-way.
9. Except that no structure within a Recreational Commercial (RC) District shall be located within fifty (50) feet of any side lot line adjoining any Residential or Agricultural District.

## B. SIDE YARD SETBACKS

1. All structures shall have a side yard setback of not less than fifteen (15) feet.
2. No structure within a Recreational Commercial (RC) District shall be located within fifty (50) feet of any side yard lot line adjoining any Residential or Agricultural District.
3. For conforming lots, all water orientated accessory structures shall be set back fifteen (15) feet from side yard property lines.
4. For non-conforming Lots of Record, all water orientated accessory structures shall be set back ten (10) feet from side yard property lines.

## C. REAR YARD SETBACKS

1. Principal structures shall have a rear yard setback of not less than forty (40) feet.
2. Accessory structures shall have a rear yard setback of not less than ten (10) feet.
3. No structure within a Recreational Commercial (RC) District shall be located within fifty (50) feet of any rear yard lot line adjoining any Residential or Agricultural District.

## D. ORDINARY HIGH WATER LEVEL (OHWL) SETBACKS

1. All structures shall be set back one hundred and fifty(150) feet from the Ordinary High Water Level (OHWL).
2. Subsurface Sewage Treatment Systems (SSTS) shall be set back one hundred and fifty (150) feet from the Ordinary High Water Level (OHWL) for lakes.
3. Subsurface Sewage Treatment Systems (SSTS) shall be set back one hundred (100) feet from the Ordinary High Water Level (OHWL) for rivers and streams.
4. A new dwelling constructed on a nonconforming Lot of Record may have a reduced OHWL setback with the following restrictions:
  - a. There shall be an existing dwelling located on each side of the lot.
  - b. The new dwelling shall not be located closer to the OHWL than the existing dwellings located on the adjacent lots, or at least one-half of the required set back whichever is greater.
  - c. The structure is not located in a shore impact zone or in a bluff impact zone.

5. A new dwelling constructed on a nonconforming Lot of Record may have a reduced OHWL setback if one of the adjacent lots is vacant with the following restrictions:
  - a. There shall be an existing dwelling located on one side of the lot.
  - b. The setback for the Lot of Record shall be the setback of the dwelling on the adjacent lot plus one half (1/2) the difference between the setback of the adjacent dwelling and the setback required by the Ordinance.
  - c. The structure is not located in a shore impact zone or in a bluff impact zone.
6. One (1) water-oriented accessory structure designed in accordance with this Section shall be set back a minimum distance of ten (10) feet from the ordinary high water level.
7. No expansion or modification of existing feedlots shall result in encroachment closer to the ordinary high water level than the existing setback or three hundred (300) feet, whichever is greater.

#### E. BLUFF SETBACKS

1. All structures shall be set back from the top and/or toe of the bluff:
  - a. Thirty (30) feet for bluffs with slopes eighteen (18) to thirty (30) percent.
  - b. Fifty (50) feet for bluffs with slopes greater than thirty (30) percent.
  - c. **Existing Building Sites**. All structures shall be set back thirty (30) feet from the top or toe of the bluff.
2. SSTS shall be set back thirty (30) feet from the top or toe of the bluff.
  - a. For an existing dwelling, SSTS upgrade and/or replacement tank(s):
    1. Shall be exempt from bluff setback.
    2. May be located within the bluff impact zone.
    3. Shall not be located within the bluff.
3. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
5. All stormwater ponds, swales, basins, or other soil saturation type features shall be set back a minimum of 50 feet from the top of the bluff.
6. Fencing shall not be placed in the bluff.

F. WETLAND SETBACKS

All structures shall be set back a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

G. ADDITIONAL SETBACKS

1. When more than one (1) setback applies to a site, structures must be located to meet all setbacks.
2. All structures shall be set back fifty (50) feet from a cemetery.

H. FEEDLOT AND ANIMAL REQUIREMENTS

1. Effective June 10, 2010 any new school, park, golf course, licensed campground, or residential zoning district shall be separated from an existing animal feedlot by the following:

- |                         |           |
|-------------------------|-----------|
| a. 10-50 AU             | 500 feet  |
| b. 51-2000 AU           | 1000 feet |
| c. Greater than 2000 AU | 1500 feet |

2. All new dwellings shall be separated from an existing animal feedlot by the following:

- |                         |           |
|-------------------------|-----------|
| a. 10-50 AU             | 500 feet  |
| b. 51-2000 AU           | 1000 feet |
| c. Greater than 2000 AU | 1500 feet |

3. The animal feedlot owner’s dwelling is exempt from these requirements.

4. Any expansion of an existing animal feedlot shall conform to the following lot requirement:

- |                 |          |
|-----------------|----------|
| a. Up to 100 AU | 5 acres  |
| b. 101-300 AU   | 10 acres |

5. In the Recreational Commercial (RC) District, the following standards shall be applicable for allowable animal units:

Suitable Area Acreage	Animal Units Allowed
< 1.49 acres	Dogs, cats, and animals customarily kept as pets
1.5 to 2.49 acres	2
2.5 to 3.49 acres	3
3.5 to 4.49 acres	4
4.5 or more acres	No more than 9 animals units

6. In the Recreational Commercial (RC) District the following maximum number of domestic animals are allowed.

<b>Number Of Cats</b>	<b>Number Of Dogs</b>	<b>Kennel (CUP)</b>	<b>Animal Shelter (CUP)</b>
2	1	NA	NA

**I. LOT AREA, WIDTH & DEPTH**

1. Lot standards for sewerred and unsewerred, riparian and non-riparian lots shall have a minimum lot area of forty three thousand, five hundred sixty (43,560) square feet, minimum lot width at the setback line from the Ordinary High Water Level (OHWL) and road right-of-way of one hundred fifty (150) feet.
2. Impervious surface of lots must not exceed twenty five (25) percent of the lot area.

**J. HEIGHT**

For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.

**K. BUILDABLE LOT STANDARDS**

1. A conforming lot, recorded with the County Recorder, and which has frontage on an improved and maintained public or private road, shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to twenty five (25) percent of the required lot area of which shall not include any of the following:
  - a. Area below the Ordinary High Water Level (OHWL).
  - b. Bluff.
  - c. Floodplain.
  - d. Principle Structure Setbacks.
  - e. Wetland.

2. An undeveloped legal non-conforming Lot, legally recorded with the County Recorder, which has frontage on an improved and maintained public or private road, or recorded easement shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to ten (10) percent of the required lot area and shall not include the following:
  - a. Area below the Ordinary High Water Level (OHWL).
  - b. Area that meet the County's definition for a Bluff.
  - c. Floodplain.
  - d. Structure Setbacks.
  - e. Wetland.
3. All lots created after January 23, 1996 must have a minimum of two (2) soil treatment and dispersal areas that can support Type 1 systems as described in Minnesota Rules, Chapters 7080 through 7083, as amended from time to time.
4. Lots of Record that are substandard in area must conform to all other applicable regulations to qualify for placement of a dwelling.

## **SUBDIVISION 7. DWELLING STANDARDS**

### **A. PROHIBITED DWELLINGS**

No garage, tent, trailer, or accessory structure shall at any time be used as a dwelling.

### **B. DWELLING REGULATIONS**

1. No more than one (1) dwelling shall be placed on a lot except in the case of temporary dwellings.
2. All dwellings shall be affixed to a permanent foundation, frost footings or frost piers extending a minimum of 42 inches below grade. Manufactured homes shall be anchored according to the requirements of the manufacturer.
3. The minimum dwelling width excluding porches, decks, or other similar attachments shall be twenty (20) feet except in the cases of temporary dwellings.
4. For Resorts, manufactured homes less than twenty (20) feet in width shall be allowed as a single-family dwelling or for seasonal occupancy in the Recreational Commercial (RC) District.
5. All dwellings shall include at least one (1) bathroom sink, one (1) toilet, one (1) kitchen sink, and one (1) bathtub or shower to meet basic requirements of sanitation and personal hygiene, connected to municipal sewer or subsurface soil treatment system that conforms with the sewage treatment regulations of this Ordinance. No zoning permits will be issued for new dwellings prior to sewage treatment system approval.

6. Manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date, a Federal seal in accordance with HUD CFR 3280 Construction Standards.
7. All dwellings shall have a minimum of seven hundred sixty (760) square feet of floor area on the ground floor.
8. Dwellings shall not exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.
9. For all dwellings the lowest floor elevation shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.
10. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
11. All dwellings shall include heating facilities capable of maintaining a temperature of 70 degrees Fahrenheit (21 degrees Celsius) at a point three feet above the floor.
12. All dwellings shall include a potable drinking water supply from a well, individual or shared, which meets the requirements of the County's water supply well ordinance.
13. All dwellings shall include a source of electricity meeting the requirements of, and approved by, the Minnesota State Board of Electricity.
14. The footprint or foundation area of an attached garage shall not exceed 125% of the footprint or foundation area of the related dwelling.
15. Occupancy. Residential buildings shall not be occupied until such residential building is connected to a source of potable drinking water, required sanitary facilities have been installed and connected to approved sewage treatment facilities, heating facilities are operational, and the electrical installation has received final approval from the Minnesota State Board of Electricity.

#### **SUBDIVISION 8. ACCESS DRIVES, ACCESS AND SERVICE ROADS**

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.

- B. Access drives shall be constructed and maintained to meet all of the following:
  - 1. A minimum driving surface width of fourteen (14) feet.
  - 2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
  - 3. Base material depth sufficient to support access by emergency vehicles.
  - 4. Unobstructed width of not less than twenty (20) feet.
  - 5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet shall provide a minimum turn-around area of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. A service road shall be constructed for two (2) or more contiguous properties in the Recreational Commercial (RC) District or when required by the Road Authority.
- G. Access drives shall not be located within the bluff or shore impact zones.

## **SUBDIVISION 9. GENERAL REGULATIONS**

### **A. STORAGE OF MATERIALS**

- 1. All materials and equipment shall be stored within a structure or fully screened so as not to be visible from adjoining properties, except for the following:
  - a. Recreational equipment.
  - b. Laundry drying equipment.
  - c. Off-street parking of licensed passenger vehicles and pickup trucks.
  - d. Boats and unoccupied travel trailers, less than twenty (20) feet in length, are permissible if stored in the rear yard more than ten (10) feet from the property line.
- 2. No underground gasoline storage shall be permitted.
- 3. All land uses and development shall follow all other applicable regulations of this section.