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Jackson County

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Shoreland Zoning District (S)

Shorelands in Jackson County have been divided into six categories for purposes of shoreland management. The three lake categories are Natural Environment Lakes, General Development and Recreational Development. Recreational Development Lakes are larger in size and potentially more suitable for all around development and recreation purposes and can thus support a higher density of residential development on the shoreland. Natural Environment Lakes are smaller, often marshy in character, and require stricter shoreland standards to protect the quality of the lake resource. General Development Lakes are generally large deep lakes and are extensively used for recreation with a heavily developed shoreline. Rivers in Jackson County are designated as transitional, agricultural or tributary. Common land uses on transitional rivers include, forested riparian strips with mixtures of cultivated cropland and pasture some seasonal and year round residential development exists. Agricultural river segments are located in intensely cultivated areas. Cultivated crops, pastures, and occasional feedlots are common. Tributary river segments consist of watercourses mapped in the Protected Waters Inventory that have not been assigned as transitional or agricultural. These segments have a wide variety of existing land and recreational use characteristics.

610.1

Jurisdiction- The provisions of this section shall apply to the shorelands of the public water bodies as classified in Section 611 of this ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500-6120.3900, no lake, pond, or flowage less than 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 ordinance.

610.2

Purpose - The major purpose of this District is to control the use of any shoreland of public waters; the size the density 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. Compliance with the terms of this ordinance and other applicable regulations shall preserve the water quality and the natural characteristics of the shorelands and public waters in the County.

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The Protected Waters Shoreland Classification System for Water Bodies in Jackson County.

611.1		LAKES	
NATURAL ENVIRONMENT LAKES	I.D. #	GENERAL USE DISTRICT	SPECIAL PROTECTION DISTRICT
-	32-4	ALL	-
CHANDLER	32-8	ALL	-
BOOT	32-15	REMAINING	BELMONT 31 S $\frac{1}{2}$ - NW $\frac{1}{4}$ - W $\frac{1}{2}$ OF NE $\frac{1}{4}$
LOWER'S	32-16	CHRISTIANIA 14, 15	CHRISTIANIA ALL 14, 15
INDEPENDENCE	32-17	ALL	-
SUMMIT	32-19	ALL	-
CLEAR	32-22	REMAINING	DES MOINES S $\frac{1}{2}$ 18. EXCEPTING E $\frac{1}{2}$ OF SE $\frac{1}{4}$
PLETZ MARSH	32-27	ALL	-
-	32-28	ALL	-
-	32-29	ALL	-
-	32-30	ALL	-
RUSH	32-31	REMAINING	MINNEOTA N $\frac{1}{2}$ OF NW $\frac{1}{4}$ 23
ANDERSONS MARSH	32-32	REMAINING	MINNEOTA S $\frac{1}{2}$ OF NE $\frac{1}{4}$ OF 23
PEARL	32-33	REMAINING	MINNEOTA NW $\frac{1}{4}$ - 25, SE $\frac{1}{4}$ OF SE $\frac{1}{4}$ 23
-	32-37	ALL	-
SANGLES SLOUGH	32-38	ALL	-

611.1		LAKES	
NATURAL ENVIRONMENT LAKES	I.D. #	GENERAL USE DISTRICT	SPECIAL PROTECTION DISTRICT
BIG INJUN SLOUGH	32-39	ALL	-
SUMMAR MARSH	32-40	ALL	-
HUSEN MARSH	32-42	ALL	-
FLAHERTY	32-45	REMAINING	HERON LAKE S $\frac{1}{2}$ OF 6
-	32-52	ALL	-
TEAL	32-53	REMAINING	DELAFIELD NE $\frac{1}{4}$ E $\frac{1}{2}$ OF NW $\frac{1}{4}$ 30
-	32-55	ALL	-
HERON	32-57	REMAINING	WEIMER SEC. 20, 28, 29, 33, 35 NW $\frac{1}{4}$ 27 SE $\frac{1}{4}$ 26. WEST HERON LAKE SEC. 2, 3 AND N $\frac{1}{2}$ 10, E $\frac{1}{2}$ OF NE $\frac{1}{4}$ OF 15 SW $\frac{1}{4}$ OF 14
SKUNK	32-59	REMAINING	SIOUX VALLEY NE $\frac{1}{4}$ 27, SW $\frac{1}{4}$ OF SW $\frac{1}{4}$ 23
-	32-61	ALL	-
-	32-62	ALL	-
RUSH	32-63	ALL	-
-	32-64	ALL	-
ROUND	32-69	REMAINING	ROUND LAKE E $\frac{1}{2}$ NW $\frac{1}{4}$ - 8, N $\frac{1}{2}$ OF SE $\frac{1}{4}$ - 8
PLUMB	32-71	REMAINING	ROUND LAKE NE $\frac{1}{4}$ 15, S $\frac{1}{2}$ OF SE $\frac{1}{4}$ OF 10

611.1 LAKES			
NATURAL ENVIRONMENT LAKES	I.D. #	GENERAL USE DISTRICT	SPECIAL PROTECTION DISTRICT
ILLINOIS	32-72	REMAINING	ROUND LAKE NE $\frac{1}{4}$ 21, SE $\frac{1}{4}$ 16, W $\frac{1}{2}$ 15
-	32-80	ALL	-
IOWA	32-84	REMAINING	ROUND LAKE NW $\frac{1}{4}$ OF NW $\frac{1}{4}$ 31

RECREATIONAL DEVELOPMENT LAKES	I.D. #	GENERAL USE DISTRICT	SPECIAL PROTECTION DISTRICT
FISH	32-18	ALL	-
LOON	32-20	REMAINING	MINNEOTA NE $\frac{1}{4}$ 25 SE $\frac{1}{4}$ 24 MIDDLETOWN SW $\frac{1}{4}$ 19
LITTLE SPIRIT	32-24	REMAINING	MINNEOTA SW $\frac{1}{4}$ 35
GROVERS	32-25	ALL	-
TIMBER	32-58	REMIANING	DELAFIELD SE $\frac{1}{4}$ 7

GENERAL DEVELOPMENT LAKES	I.D. #	GENERAL USE DISTRICT	SPECIAL PROTECTION DISTRICT
SPIRIT	32-23	-	ALL

The following lakes are listed in the protected waters classification for Cottonwood County but they do have shorelands in Jackson County.

COUNTY LAKE I.D. #	LAKE NAME	CLASSIFICATION
17-24	STRING	GENERAL USE - NE
17-41	SOUTH CLEAR	GENERAL USE - NE

611.2 RIVERS AND STREAMS		
TRANSITION RIVERS	FROM	TO
DES MOINES	NORTH SECTION LINE OF SEC. 17, T103N, R35W BELMONT	SOUTH SECTION LINE OF SEC. 3, T102N, R35W DES MOINES

AGRICULTURAL RIVERS		
DES MOINES	COTTONWOOD/JACKSON CO. BORDER	SOUTH SECTION LINE SEC. 8, T103N, R35W
DES MOINES	NORTH SEC. LINE SEC. 10, T102N, R. 35W DES MOINES	JACKSON COUNTY IOWA BORDER
ELM CREEK	WEST SEC. LINE, SEC. 32 T104N, R 34W KIMBALL	JACKSON COUNTY MARTIN COUNTY BORDER

Tributary

All protected watercourses in Jackson County shown on the protected waters inventory map which have not been given a classification shall be considered "Tributary".

612 Land Use District Description

612.1 Criteria For Designation. The land use districts in Section 601, 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:

General Considerations and Criteria For All Land Uses:

- (1) Preservation of natural areas;
- (2) Present ownership and development of shoreland areas;

- (3) Shoreland soil types and their engineering capabilities;
- (4) Topographic characteristics;
- (5) Vegetative Cover;
- (6) In-water physical characteristics, values, and constraints;
- (7) Recreational use of the surface water;
- (8) Road and service center accessibility;
- (9) Socioeconomic development needs and plans as they involve water and related land resources;
- (10) The land requirements of industry which, by its nature, requires location in shoreland areas; and
- (11) The necessity to preserve and restore certain areas having significant historical or ecological value.

612.2 Land Use Districts For Lakes

P - Permitted Use C - Conditional Use N - Prohibited Use

612.25 SPECIAL PROTECTION DISTRICT USES			
	GENERAL DEVELOPMENT LAKES	RECREATIONA L DEVELOPMENT LAKES	NATURAL ENVIRONMENT LAKES
Forest Management	P	P	P
Sensitive Resource Management & Environmental Awareness	P	P	P
Agricultural: Cropland and Pasture	P	P	P
Public Parks and Historic Sites	P	P	P
Single Family Unit	C	C	C
Utility Lines	P	P	P
Planned Unit Dev.	N	N	N

Any use not mentioned in the Special Protection District shall be considered Prohibited

612.26 GENERAL USE DISTRICT			
	GENERAL DEVELOPMENT LAKES	RECREATIONAL DEVELOPMENT LAKES	NATURAL ENVIRONMENT LAKES
SINGLE RESIDENTIAL	P	P	P
SEMIPUBLIC OR PRIVATE RECREATION	C	C	C
PUBLIC PARKS & HISTORIC SITES	P	P	P
SENSITIVE RESOURCE MANAGEMENT	P	P	P
DUPLEX	P	P	C
TRIPLEX, QUAD	P	C	C
FOREST MANAGEMENT	P	P	P
AGRICULTURAL FEEDLOTS SUBJECT TO SECTION 727	P	P	P
MINING OF METALLIC MINERALS, GRAVEL AND PEAT	C	C	C
UTILITY LINES	P	P	P
AGRICULTURAL CROPLAND & PASTURE SUBJECT TO SECTION 611	P	P	P
DWELLINGS OF LESS THAN 800 SQ. FT. TOTAL FLOOR AREA OR LESS THAN 20 FT. IN WIDTH	C	C	C
RESTAURANT	C	C	C
CHURCH/SYNAGOGUE	C	C	C
COMMUNITY CENTER	C	C	C
DAMS/DIKING	C	C	C
ELECTRICAL POWER GENERATION	C	C	C
HOTEL OR MOTEL	C	C	N
MOBILE HOME COURT	C	C	N

RETAIL/TRADE	C	C	N
SCHOOL	C	C	C
INDUSTRY	C	C	N
WHOLESALE TRADE	C	C	C
LAND SPREADING OF CONTAMINATED SOIL	N	N	N
UNDERGROUND STORAGE TANK (SEE SECTION 717)	C	C	C
JUNKYARDS	N	N	N
SANITARY LANDFILLS	N	N	N
BED & BREAKFAST	C	C	C
RECREATIONAL VEHICLE REFER TO SECTION 612.54 (E)	P	P	P
RECYCLING CENTER	N	N	N
SOLID WASTE TRANSFER STATION	N	N	N
HOT MIX PLANT	C	C	C
PLANNED UNIT DEV.	N	N	N
BULK LIQUID STORAGE	C	C	C
ANY PROCESSING OF ANIMALS OR AGRICULTURAL PRODUCTS	N	N	N

Conditional Uses

All uses not expressly cited as permitted, prohibited or accessory in the general use district shall be conditional uses.

612.3 Conditional Uses

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

612.31 Evaluation criteria. A thorough evaluation of the waterbody 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; and
- (4) the types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

612.32 Conditions attached to conditional use permits. The Planning Commission, 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; and
- (3) special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

612.4 Land Use District For Rivers

	TRANSITION	AGRICULTURAL	TRIBUTARY
FOREST MANAGEMENT	P	P	P
SENSITIVE RESOURCE MANAGEMENT & ENVIRONMENT AWARENESS	P	P	P
AGRICULTURAL CROPLAND & PASTURE	P	P	P
AGRICULTURAL FEEDLOTS	P	P	P
PARKS & HISTORIC SITES	C	C	C
UTILITY LINES	P	P	P
SINGLE RESIDENTIAL	P	P	P
DWELLING OF LESS THAN 800 FT. OR 20' IN WIDTH	C	C	C
DUPLEX, TRI-PLEX, QUAD RESIDENTIAL	C	C	C
MINING OF METALLIC METALS OR GRAVEL	C	C	C
SURFACE WATER ORIENTED COMMERCIAL	C	C	C
LANDSPREADING OF CONTAMINATED SOIL	N	N	N
JUNKYARDS, LANDFILLS	N	N	N
UNDERGROUND STORAGE TANK	C	C	C
RESTAURANT	C	C	C
CHURCH\SYNAGOGUE	C	C	C
COMMUNITY CENTER	C	C	C
DAMS\DIKING	C	C	C

ELECTRICAL POWER GENERATION	C	C	C
HOTEL OR MOTEL	C	C	C
MOBILE HOME COURT	C	C	C
RETAIL\TRADE	C	C	C
SCHOOL	C	C	C
INDUSTRY	N	C	C
HOT MIX PLANT	C	C	C
PLANNED UNIT DEV.	N	N	N
WHOLESALE TRADE	C	C	C

Permitted Accessory Uses

1. Agricultural uses, not to include feedlots.
2. Nurseries and forestry uses, not to include greenhouses.
3. Public recreation.
4. Golf courses.
5. Single-family dwellings.
6. Public utility lines.

612.5 Lake Lot Area and Width Standards.

The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after July 1, 1972. Lots created prior to that time are considered lots of record. See lots of record Section 616. The lake and river/stream lot area requirements are as follows:

612.51 Unsewered Lots

A. NATURAL ENVIRONMENT				
	RIPARIAN LOTS		NONRIPARIAN LOTS	
	AREA	WIDTH	AREA	WIDTH
SINGLE	80,000	200	80,000	200
DUPLEX	120,000	300	160,000	400
TRIPLEX	160,000	400	240,000	600
QUAD	200,000	500	320,000	800

B. RECREATIONAL DEVELOPMENT				
	RIPARIAN LOTS		NONRIPARIAN LOTS	
	AREA	WIDTH	AREA	WIDTH
SINGLE	40,000	150	40,000	150
DUPLEX	80,000	225	80,000	265
TRIPLEX	120,000	300	120,000	375
QUAD	160,000	375	160,000	490

C. GENERAL DEVELOPMENT				
	RIPARIAN LOTS		NONRIPARIAN LOTS	
	AREA	WIDTH	AREA	WIDTH
SINGLE	20,000	100	40,000	150
DUPLEX	40,000	180	80,000	265
TRIPLEX	60,000	260	120,000	375
QUAD	80,000	340	160,000	490

612.52 Sewered Lots: (Publicly Owned system)

A. NATURAL ENVIRONMENT				
	RIPARIAN LOTS		NONRIPARIAN LOTS	
	AREA	WIDTH	AREA	WIDTH
SINGLE	40,000	125	20,000	125
DUPLEX	70,000	225	35,000	220
TRIPLEX	100,000	325	52,000	315
QUAD	130,000	425	65,000	410

B. RECREATIONAL DEVELOPMENT				
	RIPARIAN LOTS		NONRIPARIAN LOTS	
	AREA	WIDTH	AREA	WIDTH
SINGLE	20,000	75	15,000	75
DUPLEX	35,000	135	26,000	135
TRIPLEX	50,000	195	38,000	190
QUAD	65,000	255	49,000	245

C. GENERAL DEVELOPMENT				
	RIPARIAN LOTS		NONRIPARIAN LOTS	
	AREA	WIDTH	AREA	WIDTH
SINGLE	15,000	75	10,000	75
DUPLEX	26,000	135	17,000	135
TRIPLEX	38,000	195	25,000	190
QUAD	49,000	255	32,000	245

612.53 River/Stream Lot Width Standards. There is no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad residential developments for the two river/stream classifications are:

	TRANSITION	AGRI-CULTURAL	URBAN & TRIBUTARY NO SEWER	URBAN & TRIBUTARY SEWER
SINGLE	250	150	100	75
DUPLEX	375	225	150	115
TRIPLEX	500	300	200	150
QUAD	625	375	250	190

612.54 Additional Special Provisions.

A. Only land above the ordinary high water level of public waters can be used to meet lot area standards, lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in section 612.52 can only be used if publicly owned sewer system service is available to the property.

B. Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:

- (1) each building must be set back at least 200 feet from the ordinary high water level;
- (2) each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
- (3) watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
- (4) no more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.

C. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 612.51 - 612.52, provided the following standards are met:

- (1) for lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
- (2) a guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
- (3) 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.

D. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:

- (1) they must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
- (2) 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:

Controlled Access Lot Frontage Requirements

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

- (3) they 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; and
- (4) 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. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They 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 nonsignificant conflict activities include swimming, sunbathing, or picnicing. 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 lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, 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.

E. Recreational Vehicles

Recreational vehicles are a permitted use in shoreland areas without a permit as long as the following conditions are met.

- (1) The R.V. does not use a water or sanitary system or it has an approved sanitary disposal system.
- (2) The R.V. is present on the property only on a seasonal basis and is removed from the property for a time period equal to or greater than 90 days per year.

612.6 Placement, Design, and Height of Structures.

612.61 Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

A. Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level.

SETBACKS*			
CLASSES OF PUBLIC WATERS	STRUCTURES		SEWAGE TREATMENT SYSTEM
	UNSEWERED	SEWERED	
LAKES			
NATURAL ENVIRONMENT	150	150	150
RECREATIONAL DEVELOPMENT	100	75	75
GENERAL DEVELOPMENT	75	50	50
RIVERS			
FORESTED & TRANSITION	150	150	100
AGRICULTURE, URBAN, AND TRIBUTARY	100	50	75

* One water-oriented accessory structure designed in accordance with section 612.62(B) of this ordinance may be set back a minimum distance of ten (10) feet from the ordinary high water level.

* In no instance shall the total impervious area of any lot exceed 25% of the total lot area.

B. Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

SETBACK FROM	SETBACK (IN FT.) FROM ROAD CENTERLINE
(1) County Road	100
(2) State Road;	125
(3) Township Road;	65
(4) Unclassified Road;	33

STRUCTURE SETBACK FROM:	
(1) TOP OF BLUFF	30
(2) SIDE YARD	10
(3) REAR YARD	50
(4) UNPLATTED CEMETARY	50

* Refer to 506.05 Variance Exceptions

- C. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- D. Uses Without Water-oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

612.62 Design Criteria For Structures.

- A. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
 - (1) for lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
 - (2) for rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified

engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

- (3) 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.

B. Water-oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 612.61 of this ordinance if this water-oriented accessory structure complies with the following provisions:

- (1) the structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;
- (2) the setback of the structure or facility from the ordinary high water level must be at least ten feet;
- (3) the structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions; ®
- (4) the roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
- (5) the structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and

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C. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

- (1) stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties.
- (2) landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties.
- (3) canopies or roofs are not allowed on stairways, lifts, or landings;
- (4) 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;
- (5) stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
- (6) facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

D. 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 removed and documented in a public repository.

E. Steep Slopes. The County Zoning Administrator must 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 must 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.

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

612.7 **Shoreland Alterations**

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

612.8 **Vegetation Alterations.**

A. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 612.9 of this ordinance are exempt from the vegetation alteration standards that follow.

B. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Sections 614 and 614.1, respectfully, is allowed subject to the following standards:

- (1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located. Grading, and filling in shoreland areas or any alteration of the natural topography where the slope of

the land is toward a public body of water shall require written approval by the Planning & Zoning Office.

(2) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities. In no instance shall vegetative clearing exceed 25% of the shoreline:

- (a) the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
- (b) along rivers, existing shading of water surfaces is preserved; and
- (c) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

612.9 Topographic Alterations/Grading and Filling.

- A. Grading and filling and excavations 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 and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- B. Public roads and parking areas are regulated by Section 612.95 of this ordinance.
- C. Notwithstanding Items A. and B. above, a grading and filling permit will be required for:

- (1) the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - (2) the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones in the shoreland district. The quantity amounts are considered to be cumulative project totals.
- D. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
- (1) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*: and the provision of the 1991 wetlands conservation act.
 - (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; and
 - (f) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

* This evaluation must also include a determination of whether the wetland alteration being proposed 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.

- (2) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;

- (3) 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;
- (4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- (5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
- (6) Fill or excavated material must not be placed in a manner that creates an unstable slope;
- (7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- (8) Fill or excavated material must not be placed in bluff impact zones;
- (9) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245.
- (10) 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; and
- (11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

- E. Connections to public waters. Excavations where the intended purpose is connection to a public water, 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.

612.95 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 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 local soil and water conservation district, or other applicable technical materials.
- B. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- C. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 612.9 of this ordinance must be met.

613 Stormwater Management

The following general and specific standards shall apply:

613.1 General Standards:

- A. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

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- B. 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 as soon as possible and facilities or methods used to retain sediment on the site.
 - C. 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 basing, 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 man-made materials and facilities.

613.2 Specific Standards:

- A. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
- B. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- C. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

613.3 Standards for Commercial, Industrial, Public, and Semipublic Uses.

- A. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - 1. in addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

2. uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 3. uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - (a) no advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
 - (b) signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and conformed to Sect. 729.
 - (c) other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- B. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.