

SECTION 16 “S” SHORELAND MANAGEMENT DISTRICT

SUBDIVISION 1. AUTHORIZATION, ESTABLISHMENT AND PURPOSE

1. Statutory Authorization. This shoreland management district is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F and 103G, Minnesota Regulations, Parts 6120.2500 – 6120.3900, and the Planning and Zoning enabling Legislation in Minnesota Statutes, Chapter 394.
2. Establishment of Shoreland Management District. The shoreland areas identified in this Subdivision are intended to include provisions that are in addition to or overlay one or more underlying districts established in Section 5 of this Ordinance and over those districts shown on the official Zoning Map of Murray County.
3. Purpose. The uncontrolled use of shoreland in Murray County 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 shoreland of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shoreland of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shoreland, and provide for the wise use of waters and related land resources and to provide for orderly economic development. This responsibility is hereby recognized by Murray County.

SUBDIVISION 2. GENERAL PROVISIONS

1. The Shoreland Management District shall apply to all shoreland of the public water bodies as classified in subdivision 3 of this Section within the jurisdiction of the County of Murray.
2. The jurisdiction of the County of Murray may extend into incorporated municipalities, by agreement of both the County and Municipality, in order to comply with the State mandated Shoreland Standards.
3. Pursuant to Minnesota Regulations, Parts 6120.2500 – 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or less than 25 acres in size in unincorporated areas be regulated. A body of water created by a private user where there was no previous shoreland may, at the discretion of the County, be exempt from this Section.
4. 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 the Section and other applicable regulations.

5. Shoreland Zoning Permit Required. A permit is required for the construction of buildings or building additions (including related items such as decks and signs as regulated in Section 18 of this Ordinance), the installation and/or alteration of individual sewage treatment systems, and grading and filling activities within the shoreland district as regulated in Subdivision 8 of this Section. An application for a permit shall be made to the Zoning Administrator on forms provided by the County. The application shall include sufficient information as determined by the Zoning Administrator to adequately analyze suitability of the site in question for the intended use and that all sewage produced as a result of and in relation to said intended use shall be treated in compliance with this Ordinance.
6. The placement of any concrete or wooden pads or patios, sidewalks, driveways, stepping stones, large rocks, landscaping rock beds, landscaping block and retaining walls should be reviewed by the Environmental Services Office to make sure impervious surface coverage of the lot is being met as regulated in Subdivision 10, Subpart 2A of this Section of this Ordinance.
7. An individual lot owner shall be limited to the storage of one (1) current licensed fish house per lot without a permit, and must meet all applicable setback requirements.

SUBDIVISION 3. SHORELAND CLASSIFICATION SYSTEM

The public waters of Murray County have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Public Waters Inventory Map for Murray County, Minnesota.

The shoreland area for the water bodies listed in Subdivision 3.2 and 3.3 shall be as defined in Section 4 and as shown on the Official Shoreland Zoning Map.

1. Natural Environment Lakes

Public Water ID#	Lake	Township	Section(s)
51-2	Lake Julia	Dovray	24 + 25
51-6	Lake Louisa	Des Moines River	2 + 11 + 12
51-7	Silver Lake	Des Moines River	2
51-11	Buffalo Marsh	Dovray	18
51-12	Dovray Marsh	Dovray	19 + 30
51-18	Buffalo Lake	Murray 13 + Dovray	18
51-19	----	Dovray	19
51-25	----	Lime Lake	31 + 32 + 30 + 29
51-27	Smith Lake	Murray	5 + 6 + 7
51-28	Park Lake	Shetek 31 + Murray	6
51-31	Manson Marsh	Murray	13
51-35	Webster Slough	Shetek	31
51-38	Round Lake	Shetek	16 + 17 + 20 + 21
51-39	Freemont Lake	Shetek	19 + 20
51-40	Bloody Lake	Shetek	20 + 29 + 28
51-41	----	Shetek	21
51-42	Robbins Marsh	Shetek	22
51-43	Fox Lake	Shetek	21 + 22 + 27 + 28
51-45	unnamed basin	Shetek	28 + 33
51-46	Armstrong	Shetek	29 + 33 + 32
51-48	Willow Lake	Iona	33
51-49	S. Badger Lake	Iona	1 + 2 + 11 + 12
51-50	N. Badger Lake	Iona	2
51-54	Corabelle Lake	Iona	12 + 20 + 29 + 30
51-62	Lake Maria	Lake Sarah	6 + 7 + 8 + 17
51-68	Summit Lake	Leeds	11
51-69	Moon Lake	Leeds	30
51-75	----	Skandia	24
51-82	Currant Lake	Ellsborough 12+13 Skandia	7 + 18
51-83	Klinkers Marsh	Cameron	9 + 10
51-84	Nelsons Marsh	Ellsborough	1 + 2
51-89	Hjernstads Lake	Ellsborough	11
51-90	----	Ellsborough	11
51-99	Lange Marsh	Ellsborough	29 + 30
17-60	Talcott Lake	Belfast	25 + 24
42-29	Long Lake	Lake Sarah	4 + 5
42-66	Sec. 33 Lake	Ellsborough	5

All public bodies of water not specifically designated or enumerated in this document are hereby given the classification of Natural Environment.

2. General Development Lakes

Public Water ID#	Lake	Township	Section
51-20	2 nd Fulda Lake	Bondin	25
51-21	1 st Fulda Lake	Bondin	36
51-23	----	Lime Lake	27 + 28
51-24	Lime Lake	Lime Lake	31+32+29+28+ 33
51-46	Lake Shetek	Lake Sarah	36+24+13+11+14
51-46	Lake Shetek	Mason	1 + 2 + 11 + 12
51-46	Lake Shetek	Murray	6 + 7
51-46	Lake Shetek	Shetek	19+20+29+31+ 32
51-63	Lake Sarah	Lake Sarah	15+16+17+21+ 22
51-81	Lake Wilson	Chanarambie	12 + 13
51-81	Lake Wilson	Leeds	7 + 18

3. Rivers and Streams.

A. Agricultural Rivers.

- 1.) West Fork Des Moines River

B. Tributary Streams. *

- 1.) Beaver Creek
- 2.) Champepadan Creek
- 3.) Lime Creek
- 4.) Plum Creek
- 5.) Jack Creek
- 6.) Dutch Charley Creek
- 7.) Redwood Creek
- 8.) Pell Creek
- 9.) Chanarambie Creek
- 10.) Devils Run

*All public watercourses in the County shown on the Public Waters Inventory Map for Murray County, not classified in Subdivision 3.3A above shall be considered "Tributary".

SUBDIVISION 4. SHORELAND USE DISTRICTS

1. Criteria for Designation. The land use districts in Subdivision 4.2, 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:

A. 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 a significant historical or ecological value.

B. Factors and Criteria for Planned Unit Developments:

- 1.) Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
- 2.) Physical and aesthetic impacts of increased density;
- 3.) Suitability of lands for the planned unit development approach;
- 4.) Level of current development in the area; and
- 5.) Amount and types of ownership of undeveloped lands.

2. Land Use District Descriptions. 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 the shoreland areas of the County:

Land Use Districts for Lakes, Rivers, and Streams

GD = General Development Lake; NE = Natural Environment Lake

A = Agricultural Stream/River; T = Tributary Stream/River

	<u>Lakes</u>		<u>Streams/Rivers</u>	
	<u>GD</u>	<u>NE</u>	<u>A</u>	<u>T</u>
<u>Special Protection District Uses</u>				
-Forest Management	P	P	P	P
-Sensitive Resource Mgmt.	P	P	P	P
-Agriculture: Cropland and Pasture	P	P	P	P
-Parks and Historic Sites	C	C	C	C
-Extractive Use	C	C	C	C
-Single Residential	P	C	C	C
-Small Farm Winery	P	P	P	P
-Large Farm Winery	C	C	C	C

Residential District Uses

-Single Residential	P	P	P	P
-Semipublic	C	C	C	C
-Parks and Historic Sites	C	C	C	C
-Duplex	P	C	C	C
-Triplex and Quad Residential	P	C	N	N
-Forest Management	P	P	P	P

	<u>Lakes</u>	
	<u>GD</u>	<u>NE</u>
<u>Water Oriented Commercial District Uses</u>		
-Surface Water-oriented Commercial	P	C
-Commercial & Residential: Planned Unit Dev.	C	C
-Public, Semipublic	C	C
-Parks and Historic Sites	C	C
-Forest Management	P	P

General Use District Uses

-Commercial	C	C
-Commercial & Residential: Planned Unit Dev. *	C	C
-Public, Semipublic	P	C
-Extractive Use	C	C
-Parks and Historic Sites	C	C
-Forest Management	P	P

*Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Subdivision 14 of this Section are satisfied.

SUBDIVISION 5. LOT AREA AND WIDTH STANDARD

1. The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this Ordinance for the lake and river/stream classifications are the following.

A. Sewered and Unsewered Lakes:

1.) Natural Environment:

	Riparian Lots		Non-riparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	80,000	200	120,000	300
Duplex	120,000	300		
Triplex	160,000	400		
Quad	200,000	500		

2.) General Development:

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

B. Special Protection on Lakes:

	<u>Area</u>	<u>Width</u>
1.) General Development	5 Acres	500
2.) Natural Environment	10 Acres	1,000

C. River/Stream Lot Size Standards:

	<u>Minimum Square Footage</u>	<u>Minimum Depth</u>	<u>Minimum Width</u>
Single	120,000	300	400
Duplex	160,000	300	535

2. Additional Special Provisions.

A. Residential Subdivisions with dwelling unit densities exceeding those in the tables in Subdivisions 5.1A, 5.1B and 5.1C of this Section can only be allowed if designed and approved as residential planned unit developments under Subdivision 14 of this Section. Only land above the normal high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the normal high water level and at the building line.

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

- 1.) Each building must be set at least 200 feet from the normal 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. Lots intended as controlled accesses to public waters or as recreation area for use by owners of non-riparian 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 (<u>acres/mile</u>)	Required increase in frontage (<u>percentage</u>)
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 non-riparian 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 non-significant conflict activities include swimming, sunbathing, or picnicking. 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.

SUBDIVISION 6. PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES

1. 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 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. Structures shall be located as follows:

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

	<u>Structures</u>	<u>Sewage Treatment System</u>
1.) Lakes		
a. Natural Environment	150	150
b. General Development	75	50
2.) Rivers		
a. Agriculture And Tributary	100	75

B. Substandard lot side yard setbacks.

- 1.) All substandard lots must have setbacks no less than 10% of the lot width.
- 2.) No construction within the designated shore or bluff impact zone.
- 3.) A String Line Method will be used to determine the setback to the lake or to the road, with structures not located within the shore or bluff impact zone.

C. Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the water body.

<u>Setback From:</u>	<u>Setback (in feet)</u>
1.) Unplatted cemetery;	50
2.) Right-of way line of federal, state or county highway;	50
3.) Right-of-way line of township road, public street or other roads or streets not classified.	35

D. Uses without Water-Oriented Needs. One use without water-oriented needs may be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must be set back the normal setback.

- 1.) The size of any non water-oriented use must not exceed: 720 square feet in size, sidewall height shall not exceed ten (10) feet, and total height must not exceed fifteen 15 feet except:
 - a. Non-Riparian Lots. The size of any non-water oriented use must not exceed 1,500 square feet in size, sidewall height shall not exceed twelve (12) feet, and total height must not exceed twenty (20) feet.
 - b. Riparian Lots with Dwelling/House. Dwelling/House unable to attach a garage; the size of any non-water oriented use must not exceed 1,200 square feet in size, sidewall height shall not exceed twelve (12) feet, and total height must not exceed twenty (20) feet.
 - c. 80,000 square foot or larger riparian lots. The size of any non-water oriented use may not exceed 1,200 square feet in size, sidewall height shall not exceed ten (10) feet, and total height must not exceed 15 feet on riparian lots that are a minimum of 80,000 square feet in size.

- 2.) If the structure does not exceed 120 square feet, the side lot setback may be 50% of the normal side lot setback
2. Unplatted areas that fall within the Shoreland District.
 - A. All structures and sewage treatment systems must meet the setback requirements as specified in Subdivision 6, 1A of this Section.
 - B. All structures are exempt from size, height, number of structures and design criteria as specified in Subdivision 6 and 7 of this Section.

SUBDIVISION 7. DESIGN CRITERIA FOR STRUCTURES

1. High Water Elevations. Structures must be placed in accordance with all floodplain regulations in Section 15 of this Ordinance. Set Flood Elevations are located in Section 15, Subdivision 7, Subpart 4 of this Ordinance.
 - A. For lakes, by placing the lowest floor at a level equal to the Regulatory Flood Protection Elevation if available, at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
 - B. 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 floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
 - C. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in Subpart 1.A or 1.B of this Subdivision, if the structure is constructed of metal, fiberglass or concrete to the elevation, of Subpart 1.A or 1.B of this Subdivision, electrical and mechanical equipment is placed above the elevation of Subpart 1.A or 1.B of this Subdivision and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
2. Water-Oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Subdivision 6 of this Section if this water-oriented accessory structure complies with the following provisions:
 - A. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 120 square feet. Detached decks must not exceed eight feet above grade at any point;
 - B. The setback of the structure or facility from the ordinary high water level must be at least fifteen feet;

- C. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - D. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
 - E. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
3. Stairways, Lifts, and Landings. Stairways and lifts must be used for achieving access up and down steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- A. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - B. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open space recreational properties, and planned unit developments;
 - C. Canopies or roofs are not allowed on stairways, lifts, or landings;
 - D. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - E. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical: and
 - F. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of Subdivision 7.3A-E of this Section are complied with in addition to the requirements of Minnesota Rules, Chapter 1341.
4. Observation Decks/Patios.
- A. Observation Decks/Patios. Observation decks/patios must meet the following provisions and design requirements:
 - 1.) Observation decks/patios must not exceed in length parallel to the shoreline 25% of the lot width, or if lot width is greater than 100 feet the length will not exceed 25 feet;
 - 2.) Observation decks/patios must not exceed 250 square feet in size;
 - 3.) Canopies, roofs, and screens will not be allowed on observation decks/patios; and
 - 4.) Observation decks may be constructed above the ground on posts or pilings, provided they are designed and built in a manner that ensures the control of erosion.

5. 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 reviewed and documented in a public repository.
6. Steep Slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of stairways, lifts, landings, observation decks, 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.
7. Height of Structures. All dwellings in residential districts, except churches and nonresidential agricultural structures, must not exceed 35 feet in height.
8. Attached Garages. An attached garage cannot exceed 1,200 square feet for a single residential dwelling.
9. Privacy Fence. For purposes of this ordinance, a privacy fence is any fence over four (4) feet in height, but not more than six (6) feet from the ground level. A Privacy Fence shall require a permit and shall meet the following requirements:
 - A. Standard size Lots
 - 1.) Riparian
 - a. Can extend no more than twenty (20) feet beyond building setback line toward the OHW.
 - b. Shall meet side and rear yard setbacks.
 - c. No roofing or canopies will be allowed.
 - d. Fence shall not be attached in any way to any structure.
 - 2.) Non-Riparian
 - a. Can extend no more than ten (10) feet beyond building setback toward road right-of-way.
 - b. Shall meet side and rear yard setbacks.
 - c. No roofing or canopies will be allowed.
 - d. Fence shall not be attached in any way to any structure.
 - B. Sub-Standard Lots of record
 - 1.) Riparian
 - a. Can extend no more than twenty (20) feet towards OHW, except will not be allowed in Shore Impact Zone.
 - b. Shall meet side and rear yard setbacks.
 - c. No roofing or canopies will be allowed.
 - d. Fence shall not be attached in any way to any structure.

SUBDIVISION 8. 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.

1. 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 Subdivision 9 of this Section are exempt from the vegetation alteration standards that follow.
- B. Removal or alteration of vegetation, except for agricultural uses as regulated in Subdivision 11.2 in this Section, is allowed subject to the following standards:
 - 1.) Intensive vegetation clearing within the shore impact zones and on steep slopes is not allowed.
 - 2.) Any vegetation clearing on steep slopes is not allowed. Limited pruning and trimming will be allowed for a view to the lake.
 - 3.) In shore 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 of facilities, provided that:
 - a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - b. 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.
- C. All vegetative alterations are subject to the following conditions:
 - 1.) The removal of vegetation must not be done in any strip over 12 feet in width as measured parallel to the shoreline. Only one strip per lot is allowed with the maximum length on a General Development Lake lot being 12 feet and on a Natural Environment Lake lot being six (6) feet.
 - 2.) The screening of structures, vehicles or other facilities as viewed from the water, assuming summer, leaf-on conditions, must not be substantially reduced.
 - 3.) Along rivers and natural meandering streams, existing shading of water surfaces must be preserved.
 - 4.) All cutting must be done by hand. Topsoil must not be disturbed.
 - 5.) Best Management Practices (BMP) for the control of stormwater runoff and lakeshore erosion, must be implemented.
 - 6.) Removal of trees, limbs or branches that are dead, diseased or pose safety hazards is allowed. 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.

2. 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. Roads and parking areas are regulated by Subdivision 9 of this Section.
- 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 impact zones; and
 - a.) Any agricultural conservation erosion control plans approved by the SWCD/NRCS will be exempt from the permit fee.
 - 2.) The movement of more than 50 cubic yards of material outside of steep slopes and shore impact zones.
 - a.) Any agricultural conservation erosion control plans approved by the SWCD/NRCS will be exempt from the permit fee.
 - 3.) Beaches
 - a. New beaches on residential lots shall not exceed 12 feet in width, parallel to the shoreline, and shall be incorporated in the shoreland alteration as described in this Subdivision not to exceed ten (10) cubic yards. No beach will be allowed on a slope greater than three (3) to one (1).
 - b. A one time addition of up to ten (10) cubic yards of sand may be placed on existing sand beaches on residential lots with a grading and filling permit.
 - c. New beaches on water-oriented commercial properties shall not exceed 25 feet in width, parallel to the shoreline and shall not exceed 25 cubic yards.
 - d. Berms shall be placed landward of all beaches to prevent erosion from upland runoff.
 - e. Applications of beaches shall include an approved Department of Natural Resources aquatic vegetation removal permit, where required.
 - f. Replacement of sand on existing beaches will need to meet the regulations of this section.
- D. Prior to the issuance of any permits, variances or subdivision approvals, the applicant must obtain all Local, State or Federal approvals as they apply to the project, such as Wetland Conservation Act (WCA), DNR, Watershed District, or U.S. Army Corps of Engineers and must adhere to the following considerations and conditions.
 - 1.) Any project that includes a wetland area, must 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; and
 - f. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

- 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 NRCS.
- 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 a Registered Engineer for continued slope stability and must not create finished slopes of 30 percent or greater;
- 8.) Any alterations below the ordinary high water level of public waters must first be authorized by the DNR Commissioner under Minnesota Statutes, Section 103G.245;
- 9.) 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
- 10.) Placement of natural Class 3 rock or quarry rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within (10) ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed the Regulatory Flood Protection Elevation (RFPE). A grading and filling permit may be required pursuant to Subdivision 8, Subpart 2C of this Section.
- 11.) Placement of Natural Class 3 Rock or Quarry Rock riprap only, is allowed without a grading and filling permit, if the height of the riprap does not exceed the RFPE.

E. Connections to public waters. Excavations where the intended purposes is connection to 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 DNR Commissioner has approved the proposed connection to public waters.

SUBDIVISION 9. PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS, AND PARKING AREAS

1. 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 Registered Engineer that all roads and parking areas are designed and constructed to minimize and control erosion to public water consistent with the field office technical guides of the NRCS, or other applicable technical materials.
2. Roads, driveways and parking areas must meet structure setbacks and must not be placed within shore impact zones or bluff 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.
3. 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 and the grading and filling provisions of Subdivision 8.2 of this Section are met.

SUBDIVISION 10. STORMWATER MANAGEMENT

The following general and specific standards shall apply:

1. General Standards:

- A. When possible, existing drainage ways, vegetated soil surfaces, and stormwater retention ponds, must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- 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 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.

2. Specific Standards:

- A. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
 - 1.) Impervious surface coverage must not exceed 15 percent of the lot area for Natural Environment Lakes or 12,000 square feet, whichever is less.
 - 2.) Impervious surface coverage must not exceed 20,000 square feet on lots within the Special Protection District.
- B. When constructed facilities are used for stormwater management, documentation must be provided by a qualified professional that they are designed and installed consistent with the field office technical guide of the NRCS, National Urban Runoff Standards from MPCA, or other applicable technical materials.
- C. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- D. Shore Impact Zone
 - 1.) Burning or storage of yard waste or other organic material is prohibited.

SUBDIVISION 11. SPECIAL PROVISIONS FOR COMMERCIAL, PUBLIC/SEMIPUBLIC, AGRICULTURAL, FORESTRY AND EXTRACTIVE USES.

1. Standards for Commercial, Public, and Semipublic Uses.

- A. Surface water-oriented commercial uses and 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 Section, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures, so that the use is not visible from the water, assuming summer leaf-on conditions.
 - 2.) Uses that require mooring facilities for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the needs; 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
 - 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, or, if located on lots or parcels with public waters frontage, must either be set back double the normal high water level setback or be screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2. Agriculture Use Standards.

- A. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local Soil and Water Conservation Districts or NRCS or by a Registered Engineer. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

B. Animal feedlots must meet the following standards:

- 1.) New feedlots must not be located in the shoreland of watercourses and must meet a minimum setback of 1000 feet from the ordinary high water level of all public waters basins and 300 feet from the ordinary high water level of stream or river; and/or to the extent of the 100-year floodplain, whichever is greater; and
- 2.) Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level are allowed if they do not further encroach into the existing ordinary high water level setback.

C. Pastures

- 1.) Pastures within shoreland must maintain a 50 foot buffer from the OHW of General Development or Natural Environment Lakes.

3. Extractive Use Standards.

- A. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
- B. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters.
- C. Extractive use setbacks as regulated in Section 20 of this Ordinance.

SUBDIVISION 12. WATER SUPPLY AND SEWAGE TREATMENT

1. Water supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
2. Sewage Treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
 - A. Publicly-owned sewer systems must be used where available.
 - B. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems as set forth in Section 14, Subdivision 11 of this Ordinance.
 - C. On-site sewage treatment systems must be set back from the normal high water level in accordance with the setbacks contained in Subdivision 6 of this Section.

- D. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in Subdivision 12 of this Section and Section 12 of this Ordinance. If the determination of a site's suitability cannot be made with publicly available existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings from on-site field investigations.
- E. Nonconforming sewage treatment systems. Nonconforming sewage treatment systems will be regulated and upgraded in accordance with Subdivision 12 of this Section.
- 1.) A sewage treatment system not meeting the requirements of Subdivision 12 of this Section must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on the dwelling, or use of the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the normal high water level.
 - 2.) The governing body of Murray County has by formal resolution notified the DNR Commissioner of its work program to identify nonconforming sewage treatment systems. The county will require upgrading or replacement of any nonconforming system. Upon identification, the owner of the nonconforming system shall comply with Section 12, of this Ordinance. A copy of the work program for sewage treatment systems is on file at the Zoning Administrators Office. System conformance shall be in accordance with 7080.1500 or 7081.0080.

SUBDIVISION 13. SUBDIVISION/PLATTING PROVISIONS

1. Land suitability. Each lot created through subdivision, including planned unit developments authorized under Subdivision 14 of this Section, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep slope topography, and inadequate water supply or sewage treatment capabilities. As part of the platting process, the project sponsor shall obtain written documentation from other local, state and federal agencies regarding near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the county.
2. Consistency with other controls. Subdivisions must conform to all official controls of this county. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a Type 1 Subsurface Sewage Treatment System can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subdivision 5 of this Section, including at least, a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two - Type 1 Subsurface Sewage Treatment Systems.

3. Information requirements. Sufficient information must be submitted by the applicant for Murray County to make a determination of land suitability. The information shall include at least the following:
 - A. Topographic contours at two-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
 - B. The surface water features, including wetlands, required in Minnesota Statutes, Section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
 - C. Adequate soil information to determine suitability for construction of dwellings.
 - D. Adequate soil information to determine suitability for the installation of two (2), off-site, standard sewage treatment systems.
 - E. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and methods for controlling stormwater runoff and erosion, both during and after construction activities as required under MPCA Stormwater Management, MN Statutes 116.07 and 115.03;
 - F. Location of 100-year floodplain areas and floodway districts from existing adopted maps of data; and
 - G. A line or contour representing the ordinary high water level, and the minimum building setback distances from a lake or stream.
4. Dedications. When a land or easement dedication is a condition of a subdivision approval, the approval must provide easements over natural drainage or ponding area for management of stormwater and significant wetlands.
5. Platting. All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.
6. Controlled Access or Recreational Lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the sizing criteria in Subdivision 5.2 of this Section.

SUBDIVISION 14. PLANNED UNIT DEVELOPMENTS (PUD'S)

1. Types of PUD's Permissible. Planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Subdivision 4 of this Section and the Official Zoning Map.
2. Processing of PUD's. Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six (6) or less new dwelling units or sites since the date this Ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Subdivision 14.5 of this Section. Approval cannot occur until the environmental review process is complete. Environmental Review includes the determination of whether an EAW/EIS or any other Federal or State permits are required.
3. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action being taken on the application request:
 - A. A site plan and/or plat for the project showing locations of property boundaries, surface water features including wetlands, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at two-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
 - B. A property owner's association agreement (for residential PUD's) with mandatory membership, and all in accordance with the requirements of Subdivision 14.6 of this Section.
 - C. Deed restrictions, covenants, permanent easements or other instruments that :
 - a. Properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in combined commercial and residential PUD's; and
 - b. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Subdivision 14.6 of this Section.
 - D. A master plan/drawing describing the project and the floor plan for all structures.
 - E. Those additional documents requested by the Zoning Administrator/Zoning Board that are necessary to explain how the PUD will be designed and will function.

4. Site "Suitable Area" Evaluation. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Subdivision 14.5 of this Section.

A. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line identifies the normal high water level at the following intervals, proceeding landward:

<u>Shoreland Tier Dimensions</u>	<u>Unsewered (feet)</u>	<u>Sewered (feet)</u>
General development lakes-first tier	200	200
General development lakes- second and additional tiers	267	200
Natural environment lakes	400	320
All river classes	300	300

B. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, or land below the normal high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

5. Residential and Commercial PUD Density Evaluation. The procedures for determining the "base" density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the water body, but must not be transferred to any other tier closer.

A. Residential PUD "Base" Density Evaluation:

1.) The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for river which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Section 8.6.

B. Commercial PUD "Base" Density Evaluation:

- 1.) Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
- 2.) Select the appropriate floor area ratio from the table on the following page.
- 3.) Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- 4.) Divide the total floor area by tier computed in Item C. above by the average inside living area size determined in Subdivision 14.5B (3) of this Section. This yields a base number of dwelling units and sites for each tier.
- 5.) Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Subdivision 14.6 of this Section.

Commercial Planned Unit Development Floor Area Ratios*
Public Waters Classes

-Average Unit Floor Area (sq. ft.) *	-Sewered GD Lakes -First Tier on Unsewered GD Lake; -Agricultural, Tributary River Segments	-Second and Additional Tiers on Unsewered GD Lakes	-Natural Environment Lakes
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1000	.108	.054	.027
1100	.116	.058	.029
1200	.125	.064	.032
1300	.133	.068	.034
1400	.142	.072	.036
1500	.150	.075	.038

* For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1000 square feet.

C. Density Increase Multipliers:

- 1.) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Subdivisions 5, 6, and 7 of this Section are met or exceeded and the design criteria in Subdivision 14.6 of this Section are satisfied. The allowable density increases Subdivision 14.5C (2) of this Section will only be allowed if structure setbacks from the normal high water level are increased to at least 50 percent greater than the minimum setback, or the impact to the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
- 2.) Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments:

Density evaluation tiers	Maximum density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

6. Maintenance and Design Criteria

A. Maintenance and Administration Requirements.

- 1.) Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- 2.) Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections.
 - a.) Commercial uses prohibited (for residential PUD's);
 - b.) Vegetation and topographic alterations other than routine maintenance prohibited;
 - c.) Construction of additional buildings or storage of vehicles and other materials prohibited; and
 - d.) Uncontrolled beaching of watercraft prohibited.
- 3.) Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
 - a.) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 - b.) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 - c.) Assessments must be adjustable to accommodate changing conditions; and
 - d.) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

B. Open space requirements. Planned unit developments must contain open space meeting all of the following criteria:

- 1.) At least 50 percent of the total project area must be preserved as open space;
- 2.) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
- 3.) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
- 4.) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
- 5.) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
- 6.) Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
- 7.) The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
- 8.) The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.

- C. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed for and approved by MPCA and the PUD must:
- 1.) Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if characteristics warrant; and
 - 2.) Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistent with Subdivision 8 of this Section.
- D. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:
- 1.) Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Subdivisions 6 and 12 of this Section. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
 - 2.) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: Setback from the normal high water level, elevation above the surface water features, and maximum height. Setbacks from the normal high water level must be increased in accordance with Subdivision 14.5C of this Section for developments with density increases;
 - 3.) Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
 - 4.) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing or may be required to be provided;
 - 5.) Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and
 - 6.) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Subdivision 6 and 7 of this Section and are centralized.

7. Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:
 - A. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
 - B. Deficiencies involving water supply and sewage treatment, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
 - C. Shore impact zone deficiencies must be evaluated and reasonable improvements made as a part of the conversion. These improvements must include, where applicable, the following:
 - 1.) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore impact zones;
 - 2.) Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
 - 3.) If existing dwelling units are located in shore impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
 - D. Existing dwelling unit or dwelling site densities that exceed standards in Subdivision 14.5 of this Section may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

SUBDIVISION 15. NON-CONFORMING STRUCTURES IN SHORELAND DISTRICT

This subdivision regulates nonconforming structures within the Shoreland District in addition to Section 25 of this Ordinance.

1. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - A. Normal maintenance, excluding structural alterations or structural repairs, of a legal nonconforming structure is allowed without a variance or land use permit;
 - B. Limited structural alterations or structural repairs to a legal nonconforming structure are allowed without a variance provided that the alterations or repairs:

- 1.) Are for maintenance purposes rather than significant alterations, repairs or replacement of destroyed or decayed structural elements. For the purposes of this subdivision, “significant” means an alteration, repair or replacement that requires work on more than twenty-five (25) percent of the surface area of the structural element that is being altered, repaired or replaced. Structural elements include exterior walls and their supporting members and the foundation of the structure. Alterations or repairs conducted within 24 months of each other shall be considered one alteration or repair for the purposes of this subdivision, unless the repaired area is damaged by a natural disaster event. Surface area shall be calculated as follows:
 - a. For outside walls: The total outside surface area of all exterior walls combined. Width shall be measured from the outside edge of each exterior wall (not including minimal extensions, such as bay windows). Height shall be measured from the top of the foundation to the ceiling of the uppermost living space.
 - b. For foundations. 25% of the total outside surface area of all foundation walls combined, or if posts, 25% of the total number of posts.
 - 2.) Are for roof repair or replacement purposes provided that:
 - a. No additional living space is created in the replacement of the roof;
 - b. The replacement roof does not extend the area covered within the drip line of the roof beyond what already existed or create more than a two (2) foot overhang where one did not previously exist, whichever is greater.
 - c. The peak of the finished roof may not exceed the height of the existing roof, except that existing flat or minimally-sloped roofs may increase the highest height of the peak no more than 16.67 percent of the width of the house (e.g. a 4-in-12 pitch gable roof), to allow for shedding of snow and water.
 - 3.) Do not increase the outside dimensions of the structure (including its height, except as provided in (2(c)) above).
 - 4.) Do not take place within a shore or bluff impact zone or floodplain.
2. Structures which are nonconforming solely because of a change in the regulatory flood plain elevation adopted as amendments to the zoning ordinance on December 28, 2004, may maintain, repair and rebuild structure as though it were a conforming use, unless the building is substantially destroyed. Any additions or expansions of any structure must be placed at an elevation to satisfy the regulatory flood plain elevation adopted on December 28, 2004.

SUBDIVISION 16. ADMINISTRATION

1. Permits Required

- A. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and /or alteration of sewage treatment systems, and those grading and filling activities not exempted by Subdivision 8, Subpart 2A of this Section. Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can determine the site's suitability for intended use and that a complying sewage treatment system will be provided.

- B. A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system shall be reconstructed or replaced in accordance with the provisions of this Ordinance.

SUBDIVISION 17. EXCEPTIONS AND MODIFICATIONS TO SHORELAND DEVELOPMENT STANDARDS

1. HUDSON ACRES SHORELAND MANAGEMENT

Where shoreland development standards are established in this Section, the following exceptions apply only to development on Hudson Acres located in Murray Township T-107N, R-40W, Section 7, Lake Shetek 51-46.

- A. No structure shall be located any closer than 60’ from the Normal High Water Mark. All structure locations shall be approved by Zoning Administrator.
- B. Any owner who constructs a year-round structure shall purchase two lots.

2. CITY OF HADLEY SHORELAND MANAGEMENT

In addition to the shoreland development standards established in this Section, the following exceptions apply only to shoreland development within the Municipal Boundary of the City of Hadley, in Leeds Township T106N, R42W, Section 11, Summit Lake 51-68, a Natural Environment Lake.

- A. Zoning District. The shoreland management district of the City of Hadley is adopted pursuant to the Memorandum of Understanding between the County of Murray and the City of Hadley, originally executed on November 5, 2013, as amended.
 - 1.) The Shoreland Management District shall apply to all shoreland of Summit Lake within the jurisdiction of the City of Hadley.
- B. Lot area and width standard. The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex, and quad residential lots created after the date of enactment of this Ordinance for Summit Lake are the following:

	<u>AREA</u>	<u>WIDTH</u>
1.) Riparian		
a. Single	40,000	125’
b. Duplex	70,000	225’
2.) Non-Riparian		
a. Single	20,000	125’
b. Duplex	35,000	220’
c. Triplex	52,000	315’
d. Quad	65,000	410’
3.) Conservation Subdivision		
a. Single	30,000	125’

C. Placement, design, and height of structures. 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 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.

- 1.) All structures, except water-oriented accessory structures, must meet the following setback requirements on standard sized lots:
 - a. 110' from the Ordinary High Water Mark
 - b. 30' from City or Township Road Right-of-Ways, Public Street or other roads or streets not classified
 - c. 50' from County or State Road Right-of-Ways
 - d. 10' from side yard setbacks for standard lots
- 2.) All structures, except water-oriented accessory structures, must meet the following setback requirements on substandard lots:
 - a. All substandard lots must have side yard setbacks that are 10% of the lot width, or not less than 5'.
 - b. No construction within the designated shore impact zone except water-orientated accessory structures, observation patios, or observation decks.
 - c. A String Line Method will be used to determine the setback to the lake or to the road, with structures not located within the shore impact zone.

D. Stormwater Management

- 1.) Impervious surface coverage of lots within the City of Hadley Shoreland Management, must not exceed 25 percent of the lot area.
 - a. Exception. Lots exceeding 25% impervious surface coverage, may apply for and be granted zoning certificates to repair, replace, restore, maintain, or improve existing structures, not including expansion except as set forth under Subdivision 17, Subpart D1b of this Section, without meeting the setback, height, and other requirements of Section 16 of this Ordinance, including the 25% impervious surface limit.
 - b. Compliance. Lots exceeding 25% impervious surface coverage may not add to or expand the outside dimensions of an existing structure, or be granted a variance, conditional use permit, or grading and filling permit, without meeting the setback, height, and other requirements of Section 16 of this Ordinance, including the 25% impervious surface limit.