



# Shoreland Management Ordinance

TABLE OF CONTENTS

**SECTION 1 STATUTORY AUTHORIZATION AND POLICY ..... 3**  
101 STATUTORY AUTHORIZATION ..... 3  
102 POLICY ..... 3

**SECTION 2 GENERAL PROVISIONS AND DEFINITIONS ..... 4**  
201 JURISDICTION..... 4  
202 COMPLIANCE ..... 4  
203 ENFORCEMENT ..... 4  
204 INTERPRETATION ..... 4  
205 SEVERABILITY ..... 4  
206 ABROGATION AND GREATER RESTRICTIONS ..... 4  
207 RULES ..... 5  
208 DEFINITIONS ..... 5

**SECTION 3 ADMINISTRATION..... 12**  
301 PERMITS REQUIRED ..... 12  
302 CERTIFICATE OF ZONING COMPLIANCE ..... 12  
303 VARIANCES ..... 12  
304 NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES ..... 13

**SECTION 4 SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS..... 14**  
401 SHORELAND CLASSIFICATION SYSTEM ..... 14  
402 LAND USES ..... 16

**SECTION 5 ZONING AND WATER SUPPLY/SANITARY PROVISIONS..... 20**  
501 DIMENSIONAL AND DENSITY STANDARDS ..... 20  
502 PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES..... 21  
503 SHORELAND ALTERATIONS ..... 24  
504 PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS, AND PARKING AREAS ..... 27  
505 STORM WATER MANAGEMENT ..... 27  
506 SPECIAL PROVISIONS ..... 28  
507 CONDITIONAL USES..... 30  
508 WATER SUPPLY AND SEWAGE TREATMENT ..... 31

**SECTION 6 NONCONFORMITIES..... 33**

601 CONSTRUCTION ON NONCONFORMING LOTS OF RECORD .....	33
602 NONCONFORMING SEWAGE TREATMENT SYSTEMS .....	33
<b>SECTION 7 SUBDIVISION/PLATTING PROVISIONS .....</b>	<b>34</b>
701 LAND SUITABILITY .....	34
702 CONSISTENCY WITH OTHER CONTROLS .....	34
703 INFORMATION REQUIREMENTS .....	35
704 DEDICATIONS .....	35
705 PLATTING .....	35
<b>SECTION 8 HUNTING SHACK CLUSTER DEVELOPMENTS .....</b>	<b>36</b>
801 PROCEDURE .....	36
802 STANDARDS .....	36
<b>SECTION 9 EFFECTIVE DATE .....</b>	<b>38</b>

# NICOLLET COUNTY SHORELAND MANAGEMENT ORDINANCE

## **SECTION 1 STATUTORY AUTHORIZATION AND POLICY**

### **101 STATUTORY AUTHORIZATION**

This Shoreland Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes Chapter 394.

### **102 POLICY**

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

## **SECTION 2 GENERAL PROVISIONS AND DEFINITIONS**

### **201 JURISDICTION**

The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in Section 4 of this Ordinance. Pursuant to Minnesota Regulations, Parts 6120-2500 - 6120.3900, no lake, pond, or flowage less than twenty-five (25) acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this Ordinance.

### **202 COMPLIANCE**

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

### **203 ENFORCEMENT**

The Zoning Administrator is responsible for the administration and enforcement of this Ordinance. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 301 of this Ordinance.

### **204 INTERPRETATION**

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

### **205 SEVERABILITY**

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

### **206 ABROGATION AND GREATER RESTRICTIONS**

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

## **207 RULES**

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

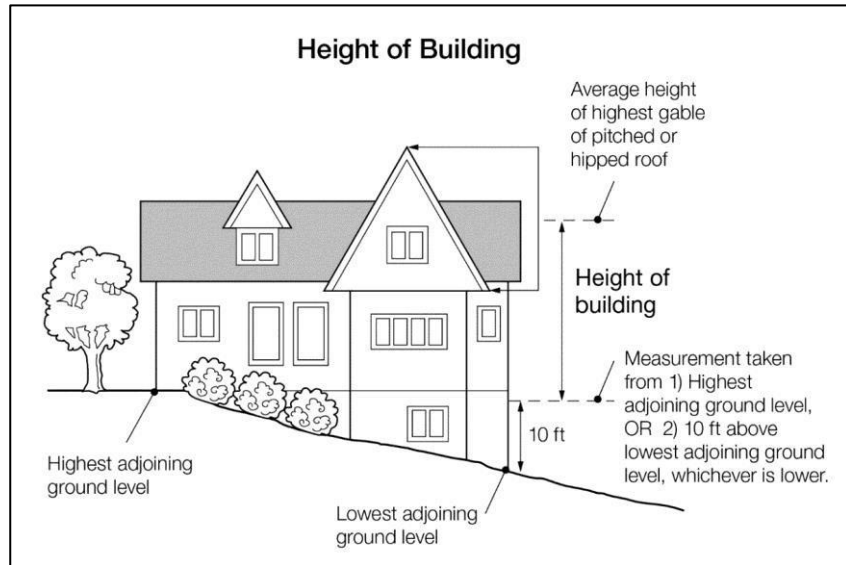
1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and future tenses.
3. The words “shall” and “must” are mandatory and the word “may” is permissive.
4. To the extent a term used in this Ordinance is not defined in this section, the term shall have the meaning given in the Nicollet County Zoning Ordinance.
5. All measured distances expressed in feet shall be to the nearest tenth (0.1) of a foot. In event of conflicting provisions, the more restrictive provisions shall apply. All distances, unless otherwise specified, shall be measured horizontally.

## **208 DEFINITIONS**

The following words and terms, whenever they occur in this Ordinance, are defined as follows:

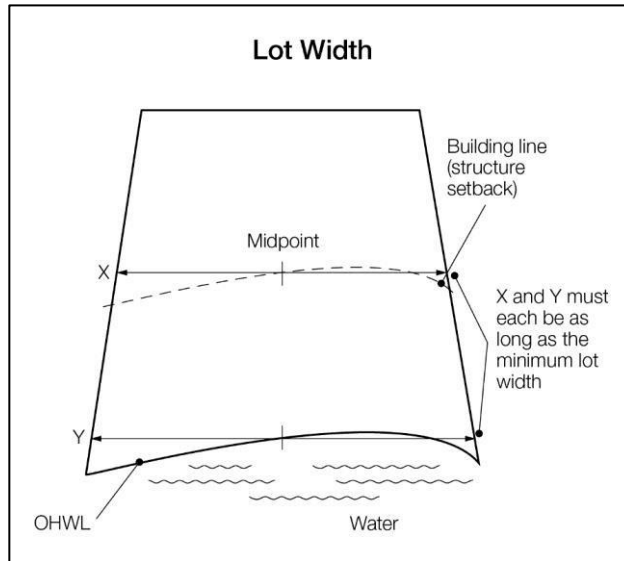
1. Accessory Structure or Facility – Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
2. Bluff – The area between the bluff top and the bluff toe. A natural topographic feature with a slope of twelve (12) percent or greater.
3. Bluff Top – A line delineating the top of a bluff connecting the points at which the slope becomes twelve (12) percent or less.
4. Bluff Toe – A line delineating the bottom of a slope connecting the points at which the slope becomes twelve (12) percent or greater.
5. Bluff Impact Zone – A bluff and land located within twenty (20) feet from the top of a bluff.
6. Boathouse – A structure designed and used solely for the storage of boats or boating equipment.
7. Building Line – A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
8. Commercial Use – The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

9. Commissioner – The Commissioner of the Department of Natural Resources.
10. Conditional Use – A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the Zoning Ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.
11. County – Nicollet County, Minnesota.
12. Deck – A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground.
13. Dwelling Site – A designated location for use by one (1) or more persons for a single family dwelling or for a hunting shack.
14. Dwelling Unit – Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one (1) or more persons.
15. Feedlot – A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under Minnesota Rules, Chapter 7020, Animal Feedlots. Manure storage areas off the site of the feedlot will be considered as a feedlot for this Ordinance.
16. Forest Land Conversion – The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
17. Height of Building – The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.



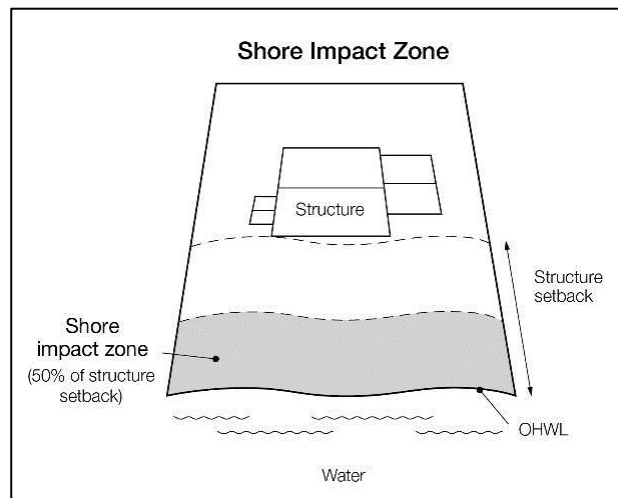
18. Hunting Shack – A limited use structure, the purpose of which is for the enjoyment of the natural environment, which may or may not be utilized for overnight shelter and/or short term habitation, with no indoor plumbing, and which is greater than sixty-four (64) square feet in size.
19. Hunting Shack Cluster – An arrangement of more than (one) 1 hunting shack, on ten (10) acres or more of land, where the structures are situated in relationship to each other and may not necessarily meet minimum setback requirements to other structures within the cluster.
20. Intensive Vegetation Clearing – The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
21. Lot – A parcel of land designated by plat, metes and bounds, registered land survey, auditor’s plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
22. Lot Width – The shortest distance between lot lines measured at the midpoint of the building line.



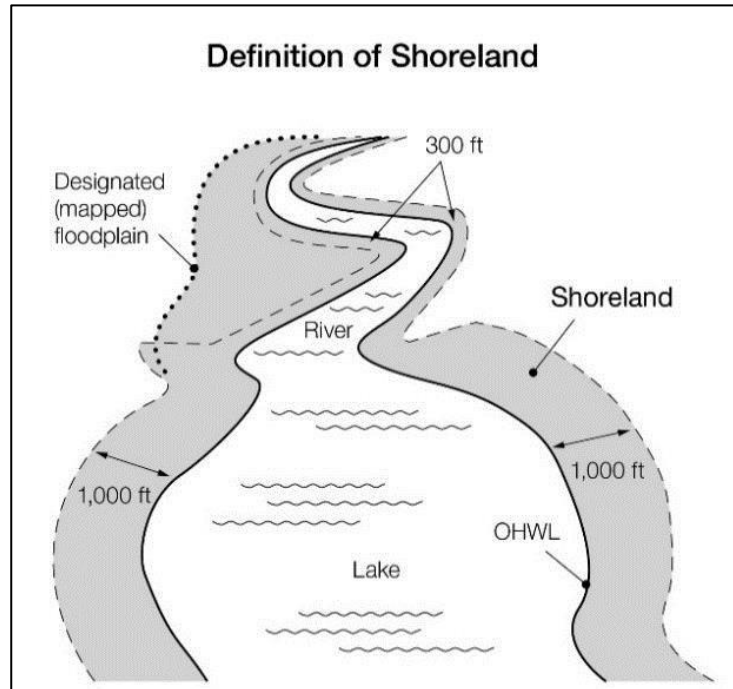


23. Metallic minerals and peat – As defined under Minnesota Statutes, Sections 93.44 to 93.51.
24. Nonconformity – Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.
25. Ordinary High Water Level – The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
26. Public Waters – Any waters as defined in Minnesota Statutes, Chapter 103G.005.
27. Semipublic Use – The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
28. Sensitive Resource Management – The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
29. Setback – The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

30. Sewage Treatment System – A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 508 of this Ordinance.
31. Sewer System – Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
32. Shore Impact Zone – Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.



33. Shoreland – Land located within the following distances from public waters: one thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and three hundred (300) feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.



34. Significant Historic Site – Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or that is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
35. Structure – Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
36. Subdivision – Land that is divided for the purpose of sale, rent, or lease.
37. Timber Harvesting – The felling and removing of five thousand (5,000) or more board feet of timber on any public or private land for the purpose of selling the timber for profit. This shall not include the selective cutting of trees by the property owner for the purpose of removing dead or terminally diseased trees.
38. Variance – As defined or described in Minnesota Statutes, Chapter 394.

39. Water-Oriented Accessory Structure or Facility – A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, saunas, patios, and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245 are not a water-oriented accessory structures.
40. Wetland – A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).
41. Zoning Ordinance – The Nicollet County Zoning Ordinance, regulating the use of land and water in the County.

## **SECTION 3 ADMINISTRATION**

### **301 PERMITS REQUIRED**

1. 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 Section 503 of this Ordinance. 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 the intended use and that a compliant sewage treatment system will be provided.
2. Permits shall stipulate that any identified nonconforming sewage treatment system, as defined by Section 508, shall be reconstructed or replaced in accordance with the provisions of this Ordinance.

### **302 CERTIFICATE OF ZONING COMPLIANCE**

The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 301 of this Ordinance. This certificate will specify that the use of land conforms to the requirements of this Ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this Ordinance and shall be punishable as provided in Section 203 of this Ordinance.

### **303 VARIANCES**

1. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394 as applicable. A variance may not circumvent the general purpose and intent of this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment and Appeals must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
2. The Board of Adjustment and Appeals shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 304(2) below shall also include the Board of Adjustment and Appeals's summary of the public record/testimony and the findings of facts and conclusions that supported the issuance of the variance.

3. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

### **304 NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES**

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

**SECTION 4 SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS**

**401 SHORELAND CLASSIFICATION SYSTEM**

The purpose of this section is to ensure that shoreland development on the public waters of the County is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.

1. The shoreland area for the water bodies listed in Sections 401(2) to 401(5) shall be defined in Section 208 and as shown on the Official Zoning Map.
2. Natural Environment Lakes

Protected Waters		Section	Township	Range
Number	Name			
52-8	Erickson Lake	9, 10	110	27
52-10	Oak Leaf Lake	25	110	27
52-22	Horseshoe Lake	7, 12, 18	109	27, 28
52-23	Middle Lake	various	110	27, 28
52-24	Little Lake	25, 30, 31, 36	110	27, 28
52-25	Mud Lake	1, 2, 11	109	28
52-30	Duck Lake	11, 14	110	28
52-33	Rice Lake (Plaman in Sibley)	2, 3, 34	111, 112	28
52-34	Swan Lake	various	109, 110	28, 29
52-37	Peterson Lake	11, 12	110	29
52-56	Unnamed	8	111	32
52-60	Unnamed	21	110	30
72-89	Clear Lake (also in Sibley)	1, 2, 11, 12, 26, 35, 36	111,112	31

3. Natural Environment Wetlands

Protected Waters		Section	Township	Range
Number	Name			
52-6	Unnamed	8, 17, 18	110	27
52-12	Zwinggi Lake	3, 33, 34	110, 111	27
52-15	Sand Lake	17, 18, 19, 20	111	27
52-16	Unnamed	18, 19	111	27
52-18	Unnamed	20, 21	111	27
52-20	Annexstad Lake	29	111	27
52-21	Haack Lake	34	111	27
52-26	Unnamed	9	109	28
52-35	Unnamed	2	109	29
52-40	Unnamed	27	110	29
52-41	Unnamed	30	110	29

52-44	Unnamed	14, 23	110	30
52-47	Unnamed	1, 2	110	31
52-48	Unnamed	3, 34, 35	110, 111	31
52-51	Unnamed	2	111	33
52-53	Unnamed	29, 32	110	29
52-54	Unnamed	28	110	29
52-55	Unnamed	2	109	28
52-57	Unnamed	29, 30, 31, 32	110	29
52-62	Unnamed	27, 28	110	30

#### 4. Minnesota River and Streams

The following is the classification for the Minnesota River:

A = Agriculture

T = Transition

Minnesota River		
Class	From	To
A	Border of Renville and Nicollet Counties	East section line, Sec. 12, T109N, R30W
T	West section line, Sec. 7, T109N, R29W	East section line, Sec. 3, T108N, R28W
A	West section line, Sec. 2, T108N, R28W	North section line, Sec. 1, T108N, R27W
T	South section line, Sec. 36, T109N, R27W	North section line, Sec. 12, T109N, R27W
A	South section line, Sec. 1, T109N, R27W	East section line, Sec. 29, T110N, R26W
T	West section line, Sec. 28, T110N, R26W	North section line, Sec. 15, T111N, R26W
A	South section line, Sec. 10, T111N, R26W	Border of Nicollet and Sibley Counties

#### 5. Tributary Streams\*

Name	From			To		
	Section	Township	Range	Section	Township	Range
Fort Ridgely Creek	6	111	32	7	111	32
Little Rock Creek	3	111	32	30	111	31
Eight Mile Creek	16	111	31	32	111	31
Unnamed to Minnesota River (MNR)	27	111	31	3	110	31
Unnamed to MNR	36	111	31	2	110	31
Unnamed to MNR	30	111	30	7	110	30
Fritsche Creek	3	110	30	17	110	30
Heyman's Creek	22, 27	110	30	27, 34	110	30
Unnamed to MNR	10	109	29	15	109	29
Unnamed to MNR	24	109	29	23	109	29
Nicollet	6, 32 (Basin 34)	109	28	33	109	28
Unnamed to MNR		109	27	7	108	27



Unnamed to MNR	35	109	27	36	109	27
Seven Mile Creek (SMC)	33	110	27	12	109	27
Unnamed to (SMC)	10	109	27	10	109	27
Robarts Creek	31	111	26	4	110	26
Barney Fry Creek	24	111	27	10	111	26
Unnamed to MNR	4	111	26	3	111	26

\*All protected watercourses in the County shown on the Protected Waters Inventory Map for Nicollet County, a copy of which is hereby adopted by reference, not given a classification in Sections 401(2) to 401(5) above, shall be considered "Tributary".

## 402 LAND USES

### 1. Criteria for Designation

The purpose of this section is to identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.

#### A. General Considerations and Criteria for All Land Uses:

- i. Preservation of natural areas.
- ii. Present ownership and development of shoreland areas.
- iii. Shoreland soil types and their engineering capabilities.
- iv. Topographic characteristics.
- v. Vegetative cover.
- vi. In-water physical characteristics, values, and constraints.
- vii. Recreational use of the surface water.
- viii. Road and service center accessibility.
- ix. Socioeconomic development needs and plans as they involve water and related land resources.
- x. The land requirements of industry which, by its nature, requires location in shoreland areas.

- xi. The necessity to preserve and restore certain areas having significant historical or ecological value.

B. Factors and Criteria for Hunting Shack Clusters:

- i. Existing recreational use of the surface waters and likely increases in use associated with hunting shack cluster developments.
- ii. Physical and aesthetic impacts of increased density.
- iii. Suitability of lands for the hunting shack cluster approach.
- iv. Level of current development in the area.
- v. Amounts 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 waterbodies, shall be properly delineated on the Official Zoning Map for the shorelands of the County. These land use districts are in conformance with the criteria specified in Minnesota Regulations, Part 6120.3200, subp. 3.

The permitted and conditional uses listed below are generally consistent with the permitted and conditional uses of the Agricultural Preservation, Conservancy, and Special Protection Districts of the Zoning Ordinance. The following are the permitted and conditional uses for the Shoreland zoning district as shown on the County Zoning Map. Where there is a conflict between the Shoreland zoning district and other zoning districts, the more restrictive use shall apply.

The following uses are allowed in the Shoreland zoning district:

A. Permitted Uses

- i. Accessory structures to permitted conditional uses
- ii. Agricultural: cropland and pasture
- iii. Home Occupations (Level 1)
- iv. Mining of metallic minerals and peat
- v. New single family dwellings on lots of record as of January 2, 1996

- vi. New single family dwellings at a maximum density of one (1) per quarter-quarter section on lots recorded after January 2, 1996 that meet minimum lot size requirements
- vii. Seasonal produce stands
- viii. Sensitive resource management
- ix. Timber harvesting

#### B. Conditional Uses

- i. Bed & Breakfasts
- ii. Conversion from forested land to another use
- iii. Cutting or filling in excess of ten (10) cubic yards that is not in connection with another permitted use
- iv. Expansion or resumption of existing feedlots between ten (10) animal units and nine hundred ninety-nine (999) animal units
- v. Home Occupations (Level 2)
- vi. Hunting shacks
- vii. Hunting shack cluster developments
- viii. Kennel, Dog/Cat – Commercial Boarding, Breeding, and Training
- ix. Mineral Extraction
- x. Parks and historic sites
- xi. Public, semipublic
- xii. Temporary dwellings at a maximum of one (1) per lot that will be occupied for more than one (1) year (three hundred sixty-five (365) days) and which meet the standards of Section 712 of the Zoning Ordinance.

### 3. Permitted Accessory Uses

#### A. Private garage

B. Other uses customarily incidental to the permitted and conditional uses.

4. Inconsistent Land Use District

The unincorporated area of Norseland in Lake Prairie Township Section 19-111-27 contains an area zoned Highway Business (B-1) which falls within the Shoreland zoning district. In addition to the permitted and conditional uses listed above in Section 402(2), the following use is added as a conditional use for this area:

A. Conditional Use

- i. Commercial

**SECTION 5 ZONING AND WATER SUPPLY/SANITARY PROVISIONS**

The following standards shall apply to all structures and On-site Sewage Treatment Systems.\*

**501 DIMENSIONAL AND DENSITY STANDARDS**

1. Height Regulations

- A. Maximum of two and one-half (2 1/2) stories (thirty-five (35) feet)
- B. Hunting shack maximum height of one (1) story (fourteen (14) feet)
- C. This height limitation shall not apply to non-residential farm structures

2. Setback Regulations

A. Required setbacks from road right-of-way

State Highway	Eighty-five (85) feet
County Road	Fifty (50) feet
Township/Private Roads/Easement	Thirty-five (35) feet

- B. Minimum setback from property lines of fifty (50) feet
- C. Minimum setback from ordinary high water mark of two hundred (200) feet
- D. Minimum height above highest known water level (elevation) of three (3) feet
- E. Minimum setback from bluff of thirty (30) feet
- F. Minimum setback from unplatted cemetery of fifty (50) feet
- G. Minimum setback from a ditch of one hundred (100) feet

3. Lot Size

- A. Minimum lot size of ten (10) acres, the buildable lot area of which must be a minimum of two (2) acres
- B. Minimum lot width of two hundred (200) feet

4. Additional standards for hunting shacks as contained in the Zoning Ordinance.

\* One (1) water-oriented accessory structure designed in accordance with Section 502(2) of this Ordinance may be set back a minimum distance of ten (10) feet from the ordinary high water level.

## **502 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 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. Bluff Impact Zones

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

#### B. Uses Without Water-Oriented Needs

Commercial, industrial, public, and semi-public uses that are not water-dependent 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.

### 2. 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:

- i. For lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher.

- ii. For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three (3) 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 Minnesota Rules 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.
- iii. 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 (1) water-oriented accessory structure not meeting the normal structure setback in Section 501 of this Ordinance if this water-oriented accessory structure complies with all of the following provisions:

- i. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than two hundred fifty (250) square feet. The structure or facility may include detached decks not exceeding eight (8) feet above grade at any point or at-grade patios.
- ii. The structure or facility is not in the Bluff Impact Zone.
- iii. The setback of the structure or facility from the ordinary high water level must be at least ten (10) feet.
- iv. The structure is not a boathouse or boat storage structure as defined in Minnesota Statutes, Section 103G.245.
- v. 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.
- vi. The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area.

- vii. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

#### 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:

- i. Stairways and lifts must not exceed four (4) feet in width.
- ii. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area.
- iii. Canopies or roofs are not allowed on stairways, lifts, or landings.
- iv. 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.
- v. 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.
- vi. 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 Sections 502(2.C.i) to 502(2.C.v) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1341.

#### 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 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.



## 503 SHORELAND ALTERATIONS

Alterations of vegetation and topography are 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 Section 504 of this Ordinance are exempt from the vegetation alteration standards that follow.
- B. Removal or alteration of vegetation, except for agricultural and timber harvesting uses as regulated in Sections 506(2) and 506(3) is allowed, subject to the following standards:
  - i. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is prohibited. 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 (SWCD) in which the property is located.
  - ii. 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, provided that:
    - 1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
    - 2) Existing shading of water surfaces along rivers is preserved.
    - 3) Cutting debris or slash shall be scattered and not mounded on the ground.
    - 4) Perennial ground cover is retained.
- C. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- D. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography, or both.

## 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. Public roads and parking areas are regulated by Section 504 of this Ordinance.
- C. Notwithstanding Sections 503(2.A) and 503(2.B) above, a grading and filling permit will be required for:
  - i. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones.
  - ii. The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
- 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:
  - i. 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\*:
    - 1) Sediment and pollutant trapping and retention.
    - 2) Storage of surface runoff to prevent or reduce flood damage.
    - 3) Fish and wildlife habitat.
    - 4) Recreational use.
    - 5) Shoreline or bank stabilization.
    - 6) 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.

- ii. 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.
- iii. 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.
- iv. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
- v. 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.
- vi. Fill or excavated material must not be placed in a manner that creates an unstable slope.
- vii. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater.
- viii. Fill or excavated material must not be placed in bluff impact zones.
- ix. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Chapter 103G.245.
- x. 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.
- xi. 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 (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) 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.

### **504 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 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 SWCD, or other applicable technical materials.
2. 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.
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. For private facilities, the grading and filling provisions of Section 503(2) of this Ordinance must be met.

### **505 STORM WATER MANAGEMENT**

The following general and specific standards shall apply.

1. General Standards
  - A. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water 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 storm water 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 man-made materials and facilities.

## 2. Specific Standards

- A. Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area.
- B. When constructed facilities are used for storm water management, documentation must be provided by a qualified individual that they are designed and installed consistent with the Field Office Technical Guide (FOTG) of the local SWCD.
- C. New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

## **506 SPECIAL PROVISIONS**

### 1. Standards for Public and Semipublic Uses

- A. Surface water-oriented 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:
  - i. 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.
  - ii. 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.
  - iii. 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:
    - 1) 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.

- 2) 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 (10) feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
  - 3) 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 ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf on conditions.

## 2. Agriculture Use Standards

### A. General Standards

- i. The shore impact zone for parcels with permitted agricultural land uses is an area with a fifty (50) foot average width and a thirty (30) foot minimum width, as measured from the ordinary high water level if identified, or the top or crown of a bank or normal water level as provided in Minnesota State Statutes, Section 103.F.48, subd. 3(c), whichever is applicable.
- ii. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan that includes alternative riparian water quality practices based on the Natural Resources Conservation Service FOTG, practices approved by the Board of Water and Soil Resources (BWSR), or practices based on local conditions approved by the local soil and water conservation district that are consistent with the FOTG.
- iii. Incorporation of approved alternative practices may reduce the overall buffer width, however the minimum width cannot be less than thirty (30) feet.

B. Animal feedlots must meet the following standards:

- i. New feedlots must not be located in the shoreland zoning district.
- ii. Modifications to existing feedlots that are located within three hundred (300) feet of the ordinary high water level or within a bluff impact zone are allowed as a conditional use permit, if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
- iii. Construction, expansion or modification of feedlots must meet all standards and conditions as contained in Zoning Ordinance and Minnesota Pollution Control Agency Rules 7020.0100-7020.1900 for compliance and permits.

### 3. Timber Harvesting Standards

- A. Timber harvesting operations shall conform to the standards for Timber Harvesting found within Section 7 of the Zoning Ordinance.
- B. The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the “Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers, and Resource Managers”.
- C. Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the SWCD.

### 4. Mining of Metallic Minerals and Peat

Mining of metallic minerals and peat, as defined in Minnesota Statutes Sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes Sections 93.44 to 93.51, are satisfied.

## **507 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 County-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

### 1. Evaluation criteria

A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

- A. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
  - B. The visibility of structures and other facilities as viewed from public waters is limited.
  - C. The site is adequate for water supply and on-site sewage treatment.
  - D. 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 watercraft.
2. Conditions attached to conditional use permits. The Planning and Zoning Advisory 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:
- A. Increased setbacks from the ordinary high water level.
  - B. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
  - C. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

## **508 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 (MPCA).

### **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 MPCA's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080," a copy of which is hereby adopted by reference and declared to be a part of this Ordinance.



- C. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 501 of this Ordinance.
  
- D. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in Sections 508 (2.D.i) to 508 (2.D.iv). 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 and percolation tests from on-site field investigations. Evaluation criteria:
  - i. Depth to the highest known or calculated ground water table or bedrock.
  
  - ii. Soil conditions, properties, and permeability.
  
  - iii. Slope.
  
  - iv. The existence of lowlands, local surface depressions, and rock outcrops.
  
- E. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 603 of this Ordinance.

## **SECTION 6 NONCONFORMITIES**

### **601 CONSTRUCTION ON NONCONFORMING LOTS OF RECORD**

1. All legally established nonconformities as of the date of this Ordinance may continue, but they will be managed according to applicable state statutes and other regulations of the County for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use.
2. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Section 5 of this Ordinance. Any deviation from these requirements must be authorized by a variance.

### **602 NONCONFORMING SEWAGE TREATMENT SYSTEMS**

1. A sewage treatment system not meeting the requirements of Section 508 of this Ordinance must be upgraded, at a minimum, at any time a zoning permit, conditional use permit, or variance of any type is required, as per Section 734 of the Zoning Ordinance, for any improvement on, or use of, the property, for an increase in bedrooms, or for the transfer of 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 ordinary high water level.
2. The Nicollet County Board of Commissioners has by formal resolution notified the MPCA Commissioner of its program to identify nonconforming sewage treatment systems. The County will require upgrading or replacement of any nonconforming system identified by this program within two (2) years. Sewage systems installed according to all applicable local Shoreland management standards adopted under Minnesota Statutes, Chapter 103 F, in effect at the time of installation may be considered as conforming cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the MPCA Rules Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

## **SECTION 7 SUBDIVISION/PLATTING PROVISIONS**

### **701 LAND SUITABILITY**

Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the County shall consider susceptibility to:

1. Flooding.
2. Existence of wetlands.
3. Soil and rock formations with severe limitations for development.
4. Severe erosion potential.
5. Steep topography.
6. Inadequate water supply or sewage treatment capabilities.
7. Near-shore aquatic conditions unsuitable for water-based recreation.
8. Important fish and wildlife habitat.
9. Presence of significant historic sites.
10. Or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the County.

### **702 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 sewage treatment system consistent with Sections 501 and 508 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 501 of this Ordinance, including at least a minimum contiguous lot area that is free of limiting factors sufficient for the construction of two (2) standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

## **703 INFORMATION REQUIREMENTS**

Sufficient information must be submitted by the applicant for the County to make a determination of land suitability. The information shall include at least the following:

1. Topographic contours at ten (10) foot intervals or less from United States Geological Survey (USGS) maps or more accurate sources, showing limiting site characteristics.
2. The surface water features required in Minnesota Statutes Section 502.02, subd. 1, to be shown on plats, obtained from USGS quadrangle topographic maps or more accurate sources.
3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods.
4. Information regarding:
  - A. Adequacy of domestic water supply.
  - B. Extent of anticipated vegetation and topographic alterations.
  - C. Near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation.
  - D. Proposed methods for controlling storm water runoff and erosion, both during and after construction activities.
5. Location of the two-tenths (0.2) percent annual chance, or the five hundred (500) year floodplain areas and floodway districts from existing adopted maps or data.
6. A line or contour representing the ordinary high water level, the toe and the top of bluffs, and the minimum building setback distances from the top of the bluff and the public water.

## **704 DEDICATIONS**

When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of storm water and significant wetlands.

## **705 PLATTING**

All subdivisions that create three (3) or more lots or parcels shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

## **SECTION 8 HUNTING SHACK CLUSTER DEVELOPMENTS**

### **801 PROCEDURE**

Hunting shack cluster developments are allowed for new hunting shack 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 Section 402 of this Ordinance and the official zoning map.

The applicant for a cluster development shall complete and submit the following:

1. The petitioner applying for a conditional use permit shall complete an official application with the Zoning Administrator or their designated representative.
2. A site plan for the project showing locations of property boundaries, location of hunting shack lots and existing hunting shacks, surface water features, existing and proposed structures, roads, docks and other facilities, land alterations and topographic contours at ten (10) foot intervals or less.
3. Those additional documents may be requested by the Planning and Zoning Advisory Commission that are necessary to explain how the cluster development will be designed and will function.

### **802 STANDARDS**

1. Hunting shack cluster developments are allowed as a conditional use provided the following conditions can be met.
  - A. Minimum lot size of ten (10) acres.
  - B. Density of one (1) shack per eighty thousand (80,000) square feet of land in a natural state, with a maximum of five (5) shacks per ten (10) acre parcel. \*
  - C. Minimum shoreline of two hundred (200) feet per shack (must meet both square feet and shoreline requirements for density calculation).
  - D. Maximum total floor area of seven hundred and twenty-eight (728) square feet.
  - E. Minimum setback to other shacks in the cluster of ten (10) feet.
  - F. Maximum setback to other shacks in the cluster of fifty (50) feet.
  - G. Cluster developments must meet minimum setback to lot lines and the ordinary high water line.

H. Maximum of one (1) dock per ten (10) acres.

I. Additional standards for hunting shacks as contained in the Zoning Ordinance.

\* That portion of a land parcel that is not pastured or tilled and has been, if previously pastured or tilled, restored to a natural state through practices such as those outlined in the Conservation Reserve Program and Reinvest In Minnesota programs, shall be used for hunting shack density square footage calculations. For example, a twenty (20) acre parcel that has fifteen (15) acres tilled and five (5) acres around the lake in native vegetation may have up to two (2) hunting shacks in one (1) cluster, providing other standards can be met such as setbacks and shoreland frontage. If an additional five (5) of the fifteen (15) tilled acres are restored to native vegetation, and there are at least one thousand (1,000) feet of shoreline, then five (5) hunting shacks could be clustered on the parcel.

2. Conditions attached to conditional use permits for cluster developments. In addition to those conditions listed in Section 5 of this Ordinance, the Planning and Zoning Advisory Commission 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:

A. Provision of communal alternative sewage treatment systems meeting Chapter 7080 standards.

B. Provision of solid waste recycling and disposal facilities.

C. Implementation of wildlife benefiting measures according to DNR standards.

**SECTION 9 EFFECTIVE DATE**

After due publication, the above amendment to the Zoning Ordinance, known as The Shoreland Management Ordinance, was adopted by the Nicollet County Board of Commissioners at a Public Meeting held at 10:00 a.m. on the 12th day of June 2018, at St. Peter, Minnesota.

Dated this 12th day of June 2018, at St. Peter, Minnesota.

A copy of this Ordinance has been filed for use and examination by the public in the Office of the County Auditor of Nicollet County, Minnesota.



Jack Kolars, Chair  
Nicollet County Board of Commissioners

ATTEST:



Ryan Kroesch, County Administrator  
Clerk to the Board

Original	June 23, 1992
Revised	January 2, 1996
Revised	December 9, 1997
Revised	November 7, 2005
Revised	October 24, 2017
Revised	June 12, 2018