Chapter 516 Shoreland Districts

516.01 Statutory Authorization

The State of Minnesota in Minnesota Statutes, Chapter 103F, has defined shoreland areas and described limitations on uses and locations of structures in those areas. This Chapter implements the requirements of Minnesota Statutes, Chapter 103F and Minnesota Regulations, Parts 6120.2500 – 6120.3900, by establishing special land use provisions for lake Shoreland Districts and river shoreland areas within Rice County.

516.02 Purpose

The purpose of the Shoreland Districts Chapter is to implement the following goals from the Rice County Comprehensive Land Use Plan and the Rice County Water Resources Management Plan:

A. **Goals from the Rice County Comprehensive Land Use Plan**

1. **Goal 18.** Promote environmentally sensitive erosion control practices
2. **Goal 19.** Support and implement state and federal regulations controlling the use, alteration or filling of wetlands
3. **Goal 20.** Preserve, protect and improve the surface and underground waters including, but not limited to, rivers, streams, lakes, groundwater and aquifer recharge areas
4. **Goal 21.** Encourage the preservation of lands for open space that are substandard for development and have limited land use due to slope, soil characteristics, wetlands or other physical limiting conditions
5. **Goal 23.** Encourage the protection and orderly development of Rice County shoreland areas
6. **Goal 25.** Encourage cooperative utility systems, including water and sewer districts, in shoreland areas
7. **Goal 48.** Minimize the potential for air, water, and land contamination and pollution that could result from the development process

B. **Overall Water Resource Management Goals from the Rice County Water Resources Management Plan**

1. Protect, preserve and manage natural surface and groundwater storage systems
2. Effectively and efficiently manage public capital expenditures needed to correct flooding and water quality problems
3. Identify and plan for means to effectively protect and improve surface and groundwater quality
4. Establish more uniform local policies and official controls for surface and groundwater management
5. Prevent erosion of soil into surface water systems
6. Promote groundwater recharge
7. Protect and enhance fish and wildlife habitat and water recreational facilities
8. Secure other benefits associated with the proper management of surface and groundwater

516.03 Jurisdiction

The provisions of the Shoreland District Chapter shall apply to all public water bodies as classified in §516.04. Public waters are defined in Minnesota Statutes §103G.005 Subd. 15. A body of water created by a private user where no previous shoreland existed may be exempt from this Chapter at the discretion of the County Board as stated in an adopted resolution.

516.04 Classification of Public Waters in Rice County/ Shoreland Districts

The public waters of Rice County have been classified, as listed below, consistent with the criteria in Minnesota Rules Parts 6120.3200, 6105.1680, Minnesota Statutes 103F.301 et seq., the Protected Waters Inventory Map for Rice County, Minnesota, dated 1984, and Department of Natural Resources Commissioner's Order dated January 15, 1985.

A. **General Development Shoreland (GDS) lakes.** General development lakes are large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes are extensively used for recreation and are heavily developed around the shore. The following lakes are classified as general development lakes in General Development Shoreland (GDS) Districts:

8P	Cannon	38P	French
10P	Wells	52P	Cedar
18P	Roberds	55P	Shields

B. **Recreational Development Shoreland (RDS) lakes.** Recreational development lakes are medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. The following lakes are classified as recreational development lakes in Recreational Development Shoreland (RDS) Districts:

14P	Dudley	32P	Union
15P	Kelly	47P	Hunt
27P	Circle	29P	Fox
40-1P	Horseshoe	39P	Mazaska
40-2P	Upper Sakatah		

C. **Natural Environment Shoreland (NES) lakes.** Natural environment lakes are small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and soils unsuitable for septic systems. These lakes usually do not have much existing development or recreational use. The following lakes are classified as natural environmental lakes in Natural Environment Shoreland (NES) Districts:

12W	Unnamed (Wadekamper Slough)	51P	Willing
19P	Unnamed (Jensen Slough)	57P	Logue
28W	Unnamed (Ross Slough)	46P	Pooles
41P	Weinberger	40-27	Dalamer
50P	Caron	61P	Cody
54P	Mud	23P	Mud
62P	Phelps	48P	Rice
1P	Crystal	56P	Le May (Duban)
64P	Metogga	45P	Sprague
63P	Hatch	44P	Lower Sakatah

D. **Wild and Scenic (WS) rivers.** The following river sections are classified as wild and scenic rivers in a Wild and Scenic River (WS) District, and development within the WS District shall conform to the Wild and Scenic Rivers Act (Minn. Stat. §103F.301-.345), the Wild, Scenic and Recreational Rivers Statewide Standards (Minn. Rules, Parts 6105.0010 - .0250 and 6105.1550 - .1700), and the provisions of Chapter 519:

Name of River	**Location of river sections in this classification**
Cannon River	Cannon City Township
	Bridgewater Township
	Northfield Township

516.05 Reclassification Procedure

Requests for reclassification of a public water shall be considered by the Rice County Board, and may occur only upon written approval of the Commissioner of the Department of Natural Resources.

516.06 Shoreland District Boundaries
The boundaries of lake Shoreland Districts generally follow the rules below:

A. Shoreland District boundaries around lakes, ponds, or flowages are defined on the Official Zoning map and are generally the greater distance of the following:

1. 1,000 feet from the ordinary high water level;
2. The centerline of a roadway that generally parallels the shoreline; or
3. A physical feature, such as a ridgeline or change in topography, that generally parallels the shoreline;or
4. A property line or quarter-quarter (¼, ¼) section line

516.07 Compliance with All Applicable Regulations Required
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 sewage treatment systems; storm water controls; 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.

516.08 Steep Slopes
On the permit application, the applicant shall locate any slopes over 12%, and shall demonstrate that the proposed development will not have soil erosion impacts nor be visible from public waters because of development on steep slopes. If the Planning Director determines that impacts may occur, 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.

516.09 Rules for Measurement
The following rules shall apply to measuring in lake Shoreland Districts:

A. **Lot width.** Lot width shall be measured and met at both the ordinary high water level (OHWL) and at the building setback line.

B. **Structure setback.** Structure setback and septic setback for riparian lots shall be measured at right angles from the ordinary high water level to the building line. Roads, driveways and parking areas shall meet the structure setback from the ordinary high water mark.

C. **Shoreline frontage.** Tributary stream frontage or manmade channel frontage to access a lake shall not be included in any lake shoreline frontage calculation.

516.10 Placement of Structures on Lots/Setback Averaging/String Line
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 required for a new building or an addition to an existing building 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, a bluff impact zone or a right-of-way setback.

516.11 *Deleted.*

516.12 Permitted and Conditional Uses

A. Permitted and conditional uses of land for lake Shoreland Districts are as specified in Table 508-1. All other uses shall be prohibited.

B. Permitted and conditional uses for lake Shoreland Districts may be combined on a single parcel, provided that each use meets the dimensional standards in Table 516-1 and any specific standards

in Chapter 507.

C. Additional requirements, including standards for signs, parking, water supply, waste disposal and sewage treatment, are set forth in Chapters 505 and 506 of this Ordinance, as well as other applicable provisions of this Ordinance and other County ordinances.

516.13 Shoreland Planned Unit Developments

Shoreland Planned Unit Development standards must be used in lake shoreland districts for all new development or expansion to existing developments that result in four or more lots, including any residual parcel(s). Shoreland Planned Unit Development standards are found in Chapter 517. Any new or expanding developments that result in less than four lots, including any residual parcels, must follow the dimensional criteria set forth in Table 516-1 and all other sections of this Chapter as well as the Environmental Performance Standards as described in Chapter 506 of this Ordinance.

516.14 Standards for Shoreland Areas of Agricultural Rivers and Tributary Streams

Standards for shoreland areas of Agricultural Rivers and tributary streams are contained in §505.17.

516.15 Dimensional Standards for GDS, RDS and NES Shoreland Districts

The placement, design and height of structures within GDS, RDS and NES Shoreland Districts shall conform to the provisions in the following table:

Table 516-1 Dimensional Standards for GDS, RDS and NES Shoreland Districts

	GDS	RDS	NES
Minimum Lot Area (square feet)			
Riparian	20,000 sf	40,000 sf	80,000 sf
Non-Riparian	40,000 sf	40,000 sf	80,000 sf
Minimum Suitable Area (square feet)			
Riparian	12,000 sf	16,000 sf	40,000 sf
Non-Riparian	20,000 sf	20,000 sf	40,000 sf
Minimum Lot Width			
Riparian	100 feet	150 feet	200 feet
Non-Riparian	100 feet	150 feet	200 feet
Minimum Shoreline Frontage - Riparian	100 feet	150 feet	200 feet
Maximum Height of Principal Structure	35 feet	35 feet	35 feet
Maximum Height of Accessory Structures			
Water-oriented accessory structures	10 feet	10 feet	Not allowed
All other accessory structures – Riparian	14 feet	14 feet	14 feet
All other accessory structures – Non-Riparian	16 feet	16 feet	16 feet
Maximum Size of Accessory Structures – Riparian			
Water-oriented accessory structures	144 sf	144 sf	Not allowed
Detached garage – limit of one per riparian lot	1200 sf	1200 sf	1200 sf
Storage shed – limit of one per riparian lot	120 sf	120 sf	120 sf
Maximum Impervious Surface Coverage	25% of lot area	25% of lot area	25% of lot area
Minimum Setbacks for all Structures Except Water-Oriented Accessory Structures			
From OHWL	75 feet	100 feet	150 feet
From top of bluff	30 feet	30 feet	30 feet

	From unplatted cemetery	50 feet	50 feet	50 feet
	From right-of-way edge of federal, state or County highway	50 feet	50 feet	50 feet
	From right-of-way edge of township road, railroad or private road	20 feet	20 feet	20 feet
	Rear yard setback	20 feet	20 feet	20 feet
	Side yard setback	10 feet	10 feet	20 feet
	Setback for agricultural fencing from OHWL	10 feet	10 feet	10 feet
Minimum requirements for Water-Oriented Accessory Structure		See §507.10	See §507.10	Not allowed

516.16 *Deleted.*

516.17 Controlled Access Lots

Controlled access lots shall conform to the following standards:

A. **Area, width and frontage requirements.** All controlled access lots shall meet the area, width and frontage requirements for riparian residential lots listed in Table 516-1 of this Chapter for the Shoreland District in which the controlled access lot lies, and be suitable for the intended uses of controlled access lots.

B. **Number of watercraft limited.** If docking, mooring, land storage, 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 twenty-five (25) percent of the minimum lot width for the Shoreland District within which the lot lies for each watercraft beyond six (6).

C. **Joint ownership required.** The controlled access lot shall be jointly owned by all purchasers of lots who are provided riparian access rights on the access lot.

D. **Covenants required.** Covenants or other equally effective legal instruments must be developed and recorded with the Rice County Recorder and a copy filed with the Department of Planning and Zoning. The required covenants or other equally effective legal instruments shall:

1. Identify the lot owners that have rights to use the access lot,
2. Identify what activities are allowed, including:
    a. Watercraft launching, loading, storage, beaching, mooring, or docking
    b. Other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights of adjacent property owners. Examples of activities that do not significantly conflict include swimming, sunbathing, or picnicing.
3. Limit the total number of vehicles allowed to be parked on the lot, and the total number of watercraft allowed to be continuously moored, docked, or stored over water,
4. Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations, and
5. 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.

516.18 Agricultural Use Standards

Agricultural uses, where permitted, must meet the following standards in addition to standards specified elsewhere in this Ordinance:

A. **Steep slopes and shore and bluff impact zone.** Permitted agricultural uses may occur only if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or managed under a Conservation Plan approved by the Rice County Soil and Water Conservation

District.

B. **Grazing.** Grazing of animals that occurs within three hundred feet (300') of the ordinary high water level (OHWL) shall be managed under a Conservation Plan approved by the Rice County Soil and Water Conservation District. The Conservation Plan shall include management of erosion in shoreland areas.

C. **Feedlots.** Feedlots in Shoreland Districts shall be regulated by the Rice County Feedlot Ordinance.

D. **Fencing.** Animals must be fenced at least 10-ft from the ordinary high water mark of any DNR classified lake (§516.04)

516.19 High Water Elevations

Structures must be placed in accordance with Floodplain Ordinance regulations. For Shoreland structures located outside of a mapped Floodplain, the elevation to which the lowest floor, including basement, is placed ,or flood-proofed, must be determined as follows:

A. Lakes. For lakes, by placing the lowest floor at a level at least one (1) foot above the nearby lake 1-percent annual chance flood elevation (100-year flood elevation) or if no nearby flood elevation exists three (3) feet above the ordinary high water level.

B. Water-oriented accessory structures exception. Water-oriented accessory structures, where allowed, may have the lowest floor placed lower than the elevation determined in A. above, if all of the following standards are met:

1. The structure is constructed of flood-resistant materials to the required elevation
2. Electrical and mechanical equipment is placed above the required elevation
3. If long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris
4. Rice County Floodplain Ordinance requirements are met.

516.20 Shore Impact Zone/Bluff Impact Zone

No structures or recreational vehicles, as defined in Chapter 502 of this Ordinance, shall be permitted within the shore impact zone or the bluff impact zone, as defined in Chapter 502, with the exception of one water-oriented accessory structure in the shore impact zone compliant with §516.19 B., above.

516.21 Shore Access 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 and may be located within bluff impacts zones if they meet the following design requirements:

A. **Stairways and lifts - width.** Stairways and lifts must not exceed four (4) 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.** Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties, and planned unit developments.

C. **Roofs.** Roofs are not allowed on stairways, lifts, or landings. Canopies on lifts are allowed and are not considered roofs.

D. **Construction.** Stairways, lifts and landings may be 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. **Location.** 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.

F. **Handicapped.** 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 §516.21 A.-E., above, are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

G. **Docks.** Docks that exceed five (5) feet in width require a building permit.

516.22 Placement and Design of Roads, Driveways, and Parking Areas

The placement and design of roads, driveways and parking areas in Shoreland Districts shall comply with County and township roadway standards in addition to the following:

A. **Screening.** 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.

B. **Erosion control.** 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 Federal, State and Local standards of the local soil and water conservation district, or other applicable technical materials.

C. **Setbacks.** 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.

D. **Watercraft-related ramps, roads and parking areas.** 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 §516. 22 A. and B., above are met. For private facilities, the grading and filling provisions of §506.11 must be met.