

**§ 151.069 (S-O) SHORELAND OVERLAY DISTRICT.**

(A) *Generally.* The regulations contained in this Overlay District are intended to guide and govern the wise development of shoreland of public waters, thus preserving and enhancing the quality of surface waters, preserving the economic and natural environmental values of shorelands, and providing for the wise utilization of water and related land resources in the city.

(B) *Lot area requirements.*

<i>Lot Area Requirements</i>		
<i>Unsewered Natural Environment Lakes</i>		
	<i>Riparian Lots</i>	<i>Nonriparian Lots</i>
Single	80,000 square feet	80,000 square feet
Duplex	120,000 square feet	160,000 square feet
Triplex	160,000 square feet	240,000 square feet
Quad	200,000 square feet	320,000 square feet
<i>Sewered Natural Environment Lakes</i>		
	<i>Riparian Lots</i>	<i>Nonriparian Lots</i>
Single	40,000 square feet	20,000 square feet
Duplex	70,000 square feet	35,000 square feet
Triplex	100,000 square feet	52,000 square feet
Quad	130,000 square feet	65,000 square feet
<i>Unsewered Recreational Development Lakes</i>		
	<i>Riparian Lots</i>	<i>Nonriparian Lots</i>
Single	40,000 square feet	40,000 square feet
Duplex	80,000 square feet	80,000 square feet
Triplex	120,000 square feet	120,000 square feet
Quad	160,000 square feet	160,000 square feet
<i>Sewered Recreational Development Lakes</i>		
	<i>Riparian Lots</i>	<i>Nonriparian Lots</i>

Single	20,000 square feet	15,000 square feet
Duplex	35,000 square feet	26,000 square feet
Triplex	50,000 square feet	38,000 square feet
Quad	65,000 square feet	49,000 square feet

(C) *Lot width requirements.*

<b><i>Lot Width Requirements</i></b>				
	<b><i>Unsewered Natural Environment Lakes</i></b>		<b><i>Sewered Natural Environment Lakes</i></b>	
<b><i>Residential Use</i></b>	<b><i>Riparian Lots</i></b>	<b><i>Nonriparian Lots</i></b>	<b><i>Riparian Lots</i></b>	<b><i>Nonriparian Lots</i></b>
Single	200 feet	200 feet	125 feet	125 feet
Duplex	300 feet	400 feet	225 feet	220 feet
Triplex	400 feet	600 feet	325 feet	315 feet
Quad	500 feet	800 feet	425 feet	410 feet

<b><i>Special Lot Width Requirements for Shoreland Areas of Tributaries</i></b>		
<b><i>Residential Use</i></b>	<b><i>Unsewered Lots</i></b>	<b><i>Sewered Lots</i></b>
Single	100 feet	75 feet*
Duplex	150 feet	115 feet
Triplex	200 feet	150 feet
Quad	250 feet	190 feet
*Lot widths may be more restrictive in the underlying zoning district. The strictest standard shall apply.		

	<b><i>Unsewered Recreational Development Lakes</i></b>		<b><i>Sewered Recreational Development Lakes</i></b>	
<b><i>Residential Use</i></b>	<b><i>Riparian Lot</i></b>	<b><i>Nonriparian Lots</i></b>	<b><i>Riparian Lots</i></b>	<b><i>Nonriparian Lots</i></b>
Single	150 feet	150 feet	75 feet*	75 feet*

Duplex	225 feet	265 feet	135 feet	135 feet
Triplex	300 feet	375 feet	195 feet	190 feet
Quad	375 feet	490 feet	255 feet	245 feet
*Lot widths may be more restrictive in the underlying zoning district. The strictest standard shall apply.				

(D) *Setback provisions.*

<b>Structure and other setbacks:*</b>									
<b>Structures from</b>									
<b>Class of Treatment Public Water</b>	<b>Ordinary High Water Level</b>		<b>Top of Bluff</b>	<b>Unplatted Cemetery</b>	<b>Side Lot Line</b>		<b>Federal, State or County Road</b>	<b>Other Road</b>	<b>Sewage System</b>
<b>(from OHWY)</b>	<b>Unsewered</b>	<b>Sewered</b>			<b>Unsewered</b>	<b>Sewered</b>	<b>R.O.W.</b>	<b>R.O.W.</b>	
Lakes									
Natural Environment	150 feet	150 feet	30 feet	50 feet	12 feet	10 feet	50 feet	30 feet	150 feet
Recreational Development	100 feet	75 feet	30 feet	50 feet	10 feet	10 feet	50 feet	30 feet	75 feet
Rivers:									
Tributaries	100 feet	50 feet	30 feet	50 feet	20 feet	10 feet	50 feet	30 feet	75 feet
*Structure setbacks from lot lines for non-riparian lots shall be equal to the existing setback requirement in the corresponding zoning district that the lot is located in.									

(1) *Averaging setbacks.* In shoreland areas, the structure setback from the ordinary high water level may be modified to equal the average of the principal structure setback on lots immediately adjacent to the parcel in question provided that no structure setback shall be established at less than 50 feet from the ordinary high water level and no structure shall be allowed within a shore or bluff impact zone.

(2) *Height of structures.* No buildings shall exceed 25 feet in height in shoreland areas.

(3) *Ground coverage percentage.* The maximum ground coverage percentage shall be

25% of a lot in all shoreland areas and includes paving, cement, and all other impermeable surfaces.

(4) *Distance between buildings.*

(a) No more than 1 principal building may be located on 1 lot in a residential district.

(b) In other districts, each principal building shall be a minimum of 12 feet from any other principal building on the lot.

(5) *Uses without water-oriented needs.* Non-residential uses without water-oriented needs shall locate on lots without public water frontage or, if located on lots with public water frontage, shall be either set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography assuming summer leaf-on conditions.

(6) *Guest cottages in shoreland areas.* In shoreland areas, 1 guest cottage is allowed on lots meeting or exceeding the duplex lot area and width standards prescribed in § 151.058 of this chapter, provided the following minimum standards are met:

(a) A guest cottage may only be allowed as an accessory structure to a conforming single-family dwelling;

(b) For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage shall be located within the smallest duplex-sized lot that could be created including the principal unit;

(c) A guest cottage must not cover more than 500 square feet of land surface and must not exceed 15 feet in height; and

(d) A guest cottage must be located and designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

(E) *Design criteria for structures in shoreland areas.* In shoreland areas, all structures must be placed, and all lots developed, in accordance with the following design criteria:

(1) *Structures.* 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.

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

(b) For rivers and tributaries, by placing the lowest floor at least 3 feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least 3 feet above the ordinary high water level, or by conducting a technical evaluation to determine the effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all 3 approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Statewide Floodplain Management Rules parts 6120.5000 to 6120.6200. If more than 1 approach is used, the highest flood protection elevation determined shall be used for placing structures and other facilities.

(2) *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, lifts, and landings must meet the following design requirements:

(a) Stairways and lifts must not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and Planned Unit Developments if specifically authorized in a conditional use permit;

(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 allowed for commercial properties, public open-space recreational properties, and Planned Unit Developments if specifically authorized in a conditional use permit;

(c) Canopies or roofs are not allowed on stairways, lifts, or landings;

(d) Stairways, lifts, or 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, or landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public waters assuming summer, leaf-on conditions, whenever practical; and

(f) Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed as a conditional use (variance) for achieving access to shore areas, provided that the dimensional and performance standards of ADAG, Americans with Disabilities Act Guidelines, are complied with.

(3) *Accessory structures and facilities.* All accessory structures and facilities must meet or exceed structure setback standards.

(4) *Bluff impact zones.* Structures or facilities, except stairways and landings, must not be placed within bluff impact zones.

(5) *Significant historic sites in shoreland areas.* No structure may be placed on a significant historic site in a shoreland area in a manner that affects the value of the site unless adequate information about the site has been removed and deposited in a public repository.

(6) *Steep slopes in shoreland areas.*

(a) The Zoning Administrator shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for the construction of sewage treatment systems, roads, driveways, structures or other improvements on steep slopes.

(b) When determined necessary, conditions must be attached to issue 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 conditions.

(7) *Subdivisions of duplexes, triplexes, and quads on natural environment lakes.* Subdivisions of duplexes, triplexes, and quads on natural environment lakes must also meet the following standards:

(a) Each building must be set back at least 200 feet from the ordinary high water level;

(b) Each building must have common sewage treatment and water systems in 1 location and serve all dwelling units in the building;

(c) Watercraft docking facilities for each lot must be centralized in 1 location and serve all dwelling units in the building; and

(d) No more than 25% of a lake's shoreline may be in duplex, triplex, or quad developments.

(8) See §§ 151.100 *et seq.* for non-conformities and substandard lots of record in a shoreland district.  
(Prior Code, § 66-66) (Ord. passed 1994; Am. Ord. 375, passed 11-26-2002; Am. Ord. 491, passed 5-22-2007) Penalty, see § 151.999

## ***GENERAL SHORELAND REQUIREMENTS***

### **§ 151.080 VEGETATIVE ALTERATIONS.**

Removal or alteration of vegetation, except for agricultural and forest management uses as regulated by §§ 151.085 and 151.086 of this chapter, is allowed subject to the following standards.

(A) Intensive vegetative clearing within the shore and bluff impact zones and on steep

slopes is not allowed. Intensive vegetative clearing for forest land conversion to another use outside of these areas is allowed as a conditional use provided an erosion control and sedimentation plan is developed and approved by the Hubbard Soil and Water Conservation District;

(B) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting and 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, lifts and landings, picnic areas, access paths, livestock watering areas, and beach and watercraft access areas, 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) Along rivers, existing shading of water surfaces is preserved; and

(3) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

(C) Vegetative alterations necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by § 151.082 of the chapter are exempt from the vegetative alteration standards prescribed in the section. (Prior Code, § 66-71) (Ord. passed 1994) Penalty, see § 151.999

### **§ 151.081 TOPOGRAPHIC ALTERATIONS/GRADING AND FILLING.**

Topographic alterations, including grading or filling, shall not be allowed without a use permit from the Zoning Administrator, with the following exceptions.

(A) The cumulative movement of less than 10 cubic yards of material on steep slopes or within shore or bluff impact zones may be undertaken without a permit.

(B) The cumulative movement of less than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones may be undertaken without a permit.

(C) 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 prescribed in this section must be incorporated into the issuance of permits for the construction of structures, sewage treatment systems, and driveways.

(D) Public roads and parking areas must meet the requirements prescribed in § 151.082 of this chapter.

(E) The following considerations and conditions must be adhered to for the issuance of construction permits, grading and filling permits, conditional use permits, variances, and subdivision approvals:

(1) Grading and 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 functional qualities of the wetland, including: sediment and pollutant trapping and retention; storage of surface runoff to prevent or reduce flood damage; fish and wildlife habitat; recreational use; shoreline or bank stabilization; and note worthiness, including special qualities such as historic significance, and critical habitat for endangered plants and animals. 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 by the Zoning Administrator;

(2) Alterations must be conducted in a manner that ensures that 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 vegetative 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 Hubbard Soil and Water Conservation District and the United States Soil Conservation Service;

(6) Fill or excavated material must not be placed in a manner that creates an unstable slope;

(7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30% or greater;

(8) Fill or excavated material must not be placed in bluff impact zones;

(9) Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of Natural Resources under M.S. Chapter 103 G, as it may be amended from time to time;

(10) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

(11) Placement of natural rock riprap, including associated grading of the shoreline and



placement of a filter blanket, is permitted if the finished slope does not exceed 3 feet horizontal to 1 foot vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level does not exceed 3 feet.

(F) Excavating where the intended purpose is connection to public water, such as boat slips, canals, lagoons, and harbors, requires a conditional use permit from the Park Rapids City Council. The conditional use permit shall only be granted after the Commissioner of Natural Resources has approved the proposed connection to public waters.  
(Prior Code, § 66-72) (Ord. passed 1994) Penalty, see § 151.999

### **§ 151.082 PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS, RECREATIONAL TRAILS AND PARKING AREAS.**

(A) Public and private roads, recreational trails 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 technical guides of the Hubbard Soil and Water Conservation District, or other technical materials.

(B) Roads, driveways, recreational trails 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, but must be designed to minimize adverse impacts.

(C) Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided that the vegetative screening and erosion control conditions of this section are met. For private facilities, the grading and filling provisions prescribed in § 151.081 (D) of this chapter must be met.  
(Prior Code, § 66-73) (Ord. passed 1994) Penalty, see § 151.999

### **§ 151.083 STORMWATER MANAGEMENT STANDARDS.**

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

(B) (1) 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.

(2) Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

(C) (1) 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.

(2) Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

(D) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the Hubbard Soil and Water Conservation District.

(E) Newly constructed stormwater outfalls to public water must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

(F) Impervious surface coverage of lots must not exceed 25% of the lot area. (Prior Code, § 66-74) (Ord. passed 1994) Penalty, see § 151.999

#### **§ 151.084 SPECIAL PROVISIONS FOR COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMI-PUBLIC USES.**

(A) Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

(1) In addition to meeting impervious coverage limits, setbacks, and other dimensional provisions of this chapter, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

(2) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

(3) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

(a) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the Hubbard County Sheriff;

(b) Signs may be placed, when necessary, within the shore impact zone. The signs must not be located higher than 10 feet above the ground, and must not exceed 32 square feet in

size. If illuminated by artificial lighting, the lights shall 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 section does not preclude the use of navigational lighting.

(B) Uses without water-oriented needs must be located on lots or parcels without public water frontage, or, if located on lots with public water frontage, must either be set back double the normal setback from the ordinary high water level or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions. (Prior Code, § 66-75) (Ord. passed 1994; Am. Ord. 491, passed 5-22-2007) Penalty, see § 151.999

### **§ 151.085 SPECIAL PROVISIONS FOR AGRICULTURAL USES.**

(A) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the Hubbard Soil and Water Conservation District or the United States Soil Conservation Service. 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, or half of the structure setback from the ordinary high water level within the particular management district, whichever is greater.

(B) Animal feedlots must meet the following standards:

(1) New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public water basins;

(2) Modifications or expansions to existing feedlots that are located within 300 feet from the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones; and

(3) Feedlots must comply with Minnesota Pollution Control Agency Rules Chapter 7020, as it may be amended from time to time.

(C) Agricultural practices and associated uses must be conducted consistent with the provisions of Agricultural and Water Quality, Best Management Practices for Minnesota, a copy of which is on file at city hall, Park Rapids, Minnesota. (Prior Code, § 66-76) (Ord. passed 1994) Penalty, see § 151.999

### **§ 151.086 SPECIAL PROVISIONS FOR FOREST MANAGEMENT.**

The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management Best Management Practices in Minnesota, a copy of which is on file at city hall, Park Rapids, Minnesota.

(Prior Code, § 66-77) (Ord. passed 1994) Penalty, see § 151.999

### **§ 151.087 SPECIAL PROVISIONS FOR EXTRACTIVE USES.**

(A) 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. The plan 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) Processing machinery must be located consistent with setback standards for structures from the ordinary high water level of public water and from bluffs.

(C) Mining of metallic minerals and peat, as defined in M.S. §§ 93.44 to 93.51, as it may be amended from time to time, shall be a permitted use provided the provisions of the specified sections of state statutes are satisfied.