

THE SHORELAND MANAGEMENT ORDINANCE

of

VERGAS MN

OTTER TAIL COUNTY

ORIGINAL EFFECTIVE DATE

OCTOBER 30, 2012

REVISIONS

FEBRUARY 5, 1992*

September 10, 2024

*AS MANDATED BY THE STATE OF MINNESOTA

THE SHORELAND MANAGEMENT ORDINANCE OF OTTER TAIL COUNTY

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SECTION 1 TITLE, PURPOSE AND INTENT

Subp. 1. Title

This ordinance shall be known as the Shoreland Management Ordinance of Otter Tail County, Minnesota and herein after referred to as the ordinance.

Subp. 2. Purpose and Intent

The uncontrolled use of shorelands in Otter Tail County, Minnesota affects the public health, safety and general welfare by contributing to environmental degradation of surface waters and the natural resources of the county. It is, therefore, in the best interest of the public's health, safety and general welfare to provide for the wise subdivision, use and orderly development of shorelands of public waters in an effort to prevent pollution and preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide the wise use of waters and related land resources of Otter Tail County. This responsibility is hereby recognized by Otter Tail County and will be accomplished through the enforcement of this Ordinance.

Subp. 3. Jurisdiction/Administrative Scope

The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in Section 4 of this Ordinance in all areas of Otter Tail County. Pursuant to Minnesota Rules, Chapter 6120, no lake, pond, or flowage less than 10 acres in size in municipalities or less than 25 acres in size in unincorporated areas of the county need be regulated by this Ordinance. A body of water created by a private user where there was no previous shoreland may, at the discretion of Otter Tail County, be exempt from this Ordinance.

Subp. 4. Compliance

No structure located in Otter Tail County and lying outside the incorporated limits of any municipality and lying within the Shoreland Management Districts herein defined shall be erected or altered which does not comply with the regulations in this Ordinance, nor shall any structure or premises be used for any purpose other than a use permitted by this Ordinance. No topographical alterations shall be performed within the Shoreland Management Districts without following the requirements of this Ordinance.

Subp. 5. Legal Authority

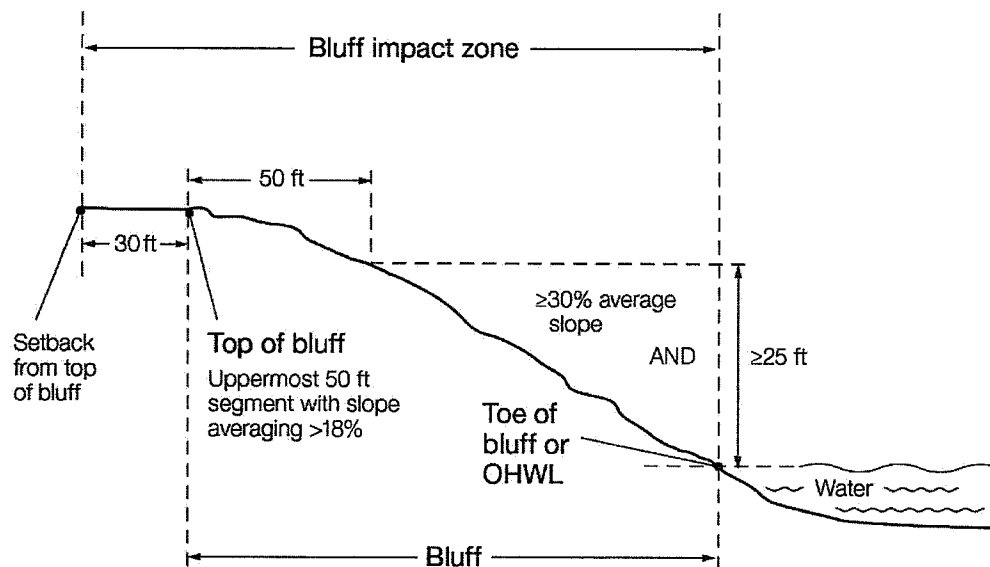
This ordinance is adopted pursuant to the authority authorized under Minnesota Statute, Chapter 103F, Minnesota Rules, Chapter 6120, and Minnesota Statute, Chapter 394.

SECTION 2 DEFINITIONS**Certain Terms**

For the purposes of this ordinance, certain terms or words used are interpreted as follows: the words “shall” and “must” are mandatory and the words “should” and “may” are permissive. All distances, unless otherwise specified, are measured horizontally.

For the purposes of this ordinance, the certain words and phrases are defined as follows:

- Subp. 1. **Access Lot.** “Access Lot” means a parcel of land designated for access to public waters for riparian parcels.
- Subp. 2. **Accessory Structure or Facility.** “Accessory structure or facility” means any building or improvement of a nature customarily incidental and subordinate to the primary use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
- Subp. 3. **Administrative Officer.** “Administrative Officer” means the Director of the office of Land and Resource Management of Otter Tail County and assistants.
- Subp. 4. **Agriculture.** “Agriculture” means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- Subp. 5. **Animal Feedlot.** “Animal feedlot” means a facility as defined in Minnesota Rules, part 7020.0300.
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 these parts, 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 these parts.
- Subp. 6. **Attached Structure.** “Attached structure” means two structures that are attached when they share a common wall or portion of a wall with a door, so that a person may travel from any portion of one building to any portion of the second building without going outside.
- Subp. 7. **Bed & Breakfast Facility:** “Bed & Breakfast Facility” means an owner occupied single family residence at which lodging and meals are provided to registered guests. The bed & breakfast facility shall comply with all applicable state and local regulations for providing food and lodging.
- Subp. 8. **Bluff.** “Bluff” means a topographic feature such as a hill, cliff, or embankment having the following characteristics:
 - A. Part or all of the feature is located in a shoreland area;
 - B. The slope rises at least 25 feet above the toe of the bluff;
 - C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the toe of the bluff averages 30 percent or greater, except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff; and
 - D. The slope must drain toward the waterbody.

Bluff, Bluff Impact Zone, Top and Toe of Bluff

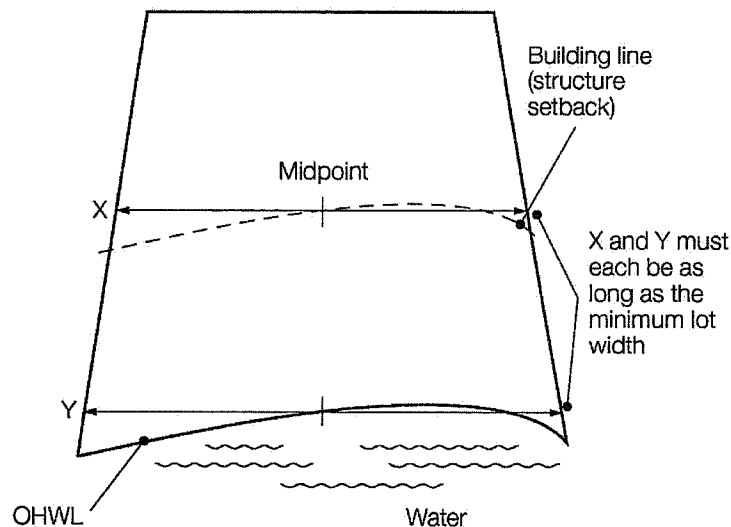
The slope

- Subp. 9. **Bluff Impact Zone.** "Bluff impact zone" means a bluff and land located within 30 feet of the top of the bluff.
- Subp. 10. **Bluff, Toe of.** "Bluff, toe of" means the lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.
- Subp. 11. **Bluff, Top of.** "Bluff, top of" means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50 ft. segment, measured on the ground, with an average slope exceeding 18%.
- Subp. 12. **Boardwalk.** "Boardwalk" means a permanent above grade constructed walkway, not to exceed 6 feet in width.
- Subp. 13. **Boathouse.** "Boathouse" means a facility as defined in Minnesota Statute §103G.245.
- Subp. 14. **Buffer.** "Buffer" means a vegetative feature as defined in Minnesota Statute §103F.48.
- Subp. 15. **Building.** "Building" means any fixed construction with walls or a roof.
- Subp. 16. **Buildable Area.** "Buildable area" means the minimum continuous area remaining on a lot or parcel of land after all setback requirements, bluffs, all easements and right-of-ways, significant historic sites, wetlands, and land less than 3' above the OHWL of public waters are subtracted.
- Subp. 17. **Building Line.** "Building line" means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
- Subp. 18. **Commercial Planned Unit Development.** "Commercial planned unit development" means developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
- Subp. 19. **Commercial Use.** "Commercial use" means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods and services.
- Subp. 20. **Commissioner.** "Commissioner" means the commissioner of the Department of Natural Resources or his or her designated representative.
- Subp. 21. **Conditional Use.** "Conditional use" means a land use or development that would not be appropriate generally, but may be allowed with appropriate restrictions upon a finding that certain conditions detailed in Section 3, Subp. 9 (l) of this ordinance exist, the use or development conforms to the comprehensive land use plan, and the use is compatible with the existing neighborhood.

- Subp. 22. **Controlled Access.** "Controlled access" means any private site, field or tract of land abutting a classified body of water to be used primarily for access purposes, including, but not limited to, non-riparian lot access.
- Subp. 23. **Controlled Access Lot.** "Controlled access lot" means a lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.
- Subp. 24. **Deck.** "Deck" means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to the principal use or site and at any point extending more than three feet above the ground.
- Subp. 25. **Duplex, Triplex, and Quad.** "Duplex, triplex, and quad" means a dwelling structure on a single lot, having two, three, and four units, respectively, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
- Subp. 26. **Dwelling Site.** "Dwelling site" means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
- Subp. 27. **Dwelling Unit.** "Dwelling unit" means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, which may include areas serving as a kitchen, a bathroom and at least one bedroom, including rental or timeshare accommodations such as a motel, hotel, and resort rooms and cabins.
- Subp. 28. **Existing Resort.** "Existing resort" means a resort established prior to October 15, 1971, which has remained in continuous operation.
- Subp. 29. **Expansion, enlargement, or intensification.** "Expansion" means any increase in a dimension, size, area, volume, or height; any increase in the area of use; any placement of a structure or part thereof where none existed before; any addition of a site feature such as a deck, platform, fence, driveway, parking area, swimming pool; any improvement that would allow the land to be more intensely developed; any move of operations to a new location on the property; or any increase in intensity of use based on a review of the original nature, function or purpose of the nonconforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of good and services offered, odors, areas of operation, number of employees, and other factors deemed relevant by the County.
- Subp. 30. **Extractive Use.** "Extractive use" means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes §93.44 to §93.51.
- Subp. 31. **Forest Land Conversion.** "Forest land conversion" means the clear cutting of forested lands to prepare for a new land use other than reestablishment of subsequent forest stand.
- Subp. 32. **Guest Cottage.** "Guest cottage" means a structure used as a dwelling unit in addition to the primary dwelling unit on a lot.
- Subp. 33. **Height of Building.** "Height of building" means the vertical distance between the highest adjoining original ground level at the structure or 10 feet above the lowest ground level, whichever is lower and the highest point of the roof, with the exception of Water Oriented Accessory Structures, which must meet the requirements of Section 7, Subp. 3 of this Ordinance.
- Subp. 34. **Impervious Surface.** "Impervious surface" means a constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including, but not limited to, rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete; asphalt or gravel driveways; and other similar surfaces.
- Subp. 35. **Improved Lot.** "Improved lot" means a lot that contains a single-family dwelling, ready for immediate use, which is serviced by a sewage treatment system and water supply.
- Subp. 36. **Improvement.** "Improvement" means a change to a structure that does not alter the outside dimensions of the structure. Improvements include, but are not limited to, changing the peak of a roof to a maximum of a 4:12 pitch, changing the material type of siding or roofing, and changing the material type of a deck.
- Subp. 37. **Industrial Use.** "Industrial use" means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- Subp. 38. **Intensive Vegetation Clearing.** "Intensive vegetation clearing" means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

- Subp. 39. **Interim Use.** "Interim use" means a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. (Minnesota Statute §394.303)
- Subp. 40. **Lot.** "Lot" means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
- Subp. 41. **Lot Width.** "Lot width" means the minimum distance between:
- A. Side lot lines measured at the midpoint of the building line; and
 - B. Side lot lines at the ordinary high water level, if applicable.

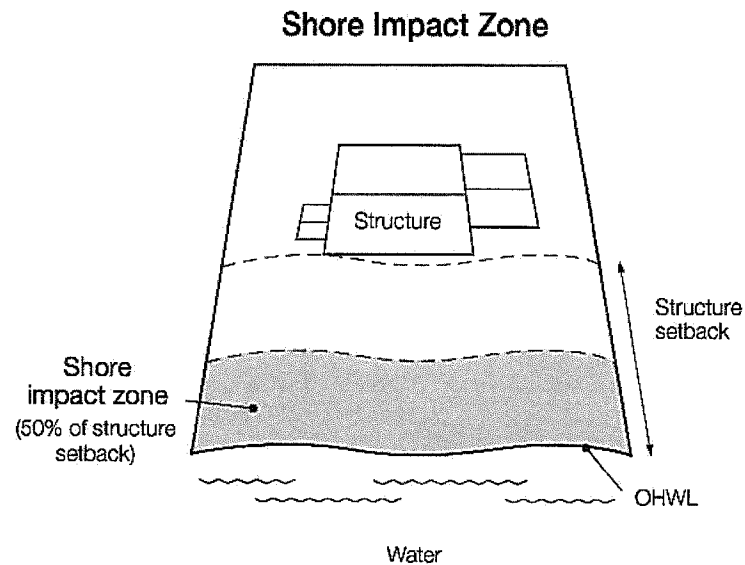
Lot Width



- Subp. 42. **Lowest Floor.** "Lowest floor" means the lowermost floor of the lowest enclosed area, including basement and crawl space(s).
- Subp. 43. **Metallic minerals and peat.** "Metallic minerals and peat" has the meaning given under Minnesota Statutes §93.44 to §93.51.
- Subp. 44. **Nonconformity.** "Nonconformity" means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of the official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.
- Subp. 45. **Non-Riparian Lot.** "Non-riparian lot" means a parcel of land without frontage on Public Waters.
- Subp. 46. **Open Space.** "Open space" means any space or area preserved in its natural state and specifically not used for parking, structures or roads.
- Subp. 47. **Ordinary High Water Level.** "Ordinary high water level" means 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 of 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.
- Subp. 48. **Parking Space.** "Parking space" means an off street area for motor vehicles not less than 10 ft. by 20 ft. in area, having access to a public street or alley, or private driveway. In determining the gross area required for a specified number of off street parking places, including driveways and aisles, 300 square ft. per space shall be used.
- Subp. 49. **Patio.** "Patio" means an area of ground that is covered with a hard material such as bricks, concrete or wood.

- Subp. 50. **Performance Bond.** "Performance bond" means a bond which may be required by the County Board, Planning Commission or Board of Adjustment to insure the completion of any activity falling under the jurisdiction of this Ordinance.
- Subp. 51. **Planned Unit Development.** "Planned unit development" means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
- Subp. 52. **Public Utility.** "Public utility" means persons, corporations or other legal entities, their lessees, trustees, and receivers, nor or hereafter operating, maintaining, or controlling in this state equipment or facilities for furnishing at retail natural, manufactured or mixed gas or electric service to or for the public or engaged in the production and retail sale thereof.
- Subp. 53. **Public Waters.** "Public waters" means any water as defined in Minnesota Statute §103G.005, Subd. 15, 15a.
- Subp. 54. **Recreational Camping Area.** "Recreational camping area" means any area, whether privately or publicly owned, used on a daily, weekly, or nightly or longer basis for the accommodation of two or more recreational camping units.
- Subp. 55. **Recreational Camping Unit.** "Recreational camping unit" means a relocatable single-family dwelling unit, less than 40 ft. in length, and is less than 399 square feet when erected onsite, including, but not limited to tents, motor homes and travel trailers. This includes park models that meet this definition.
- Subp. 56. **Residential Planned Unit Development.** "Residential planned unit development" means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling sites or units.
- Subp. 57. **Resort.** "Resort" means a shoreland commercial establishment that includes buildings, lodges, structures, dwelling units, camping or recreational vehicle sites, or enclosures, or any part thereof kept, used, maintained, or advertised as or held out to the public to be a place where sleeping accommodations are furnished to the public, primarily to persons seeking recreation for periods of one day or longer, and having for rent 3 or more cabins, rooms, campsites, or enclosures. A shoreland commercial establishment must be primarily service oriented for transient lodging of guests. All cabins, rooms, dwelling units, camping or recreational vehicle sites, or enclosures must be included in the resort rental business. Resorts must not allow residential use of a dwelling unit or site, except dwellings used as residences for the service providers. To qualify as a resort, a resort must be fully licensed and permitted under appropriate state and local regulations. The entire parcel of land must be controlled and managed by the licensee.
- Subp. 58. **Semipublic Use.** "Semipublic use" means 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.
- Subp. 59. **Sensitive Area.** "Sensitive area" means areas which due to steep slopes, bluffs, flooding, erosion, limiting soil conditions (shallow soils over groundwater or bedrock, highly erosive or expansive soils), occurrence of vegetation or wildlife in need of special protection, the presence of wetlands or other physical constraints are sensitive to the development.
- Subp. 60. **Setback.** "Setback" means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility.
- Subp. 61. **Sewage.** "Sewage" has the meaning given as set forth in the Sanitation Code of Otter Tail County.

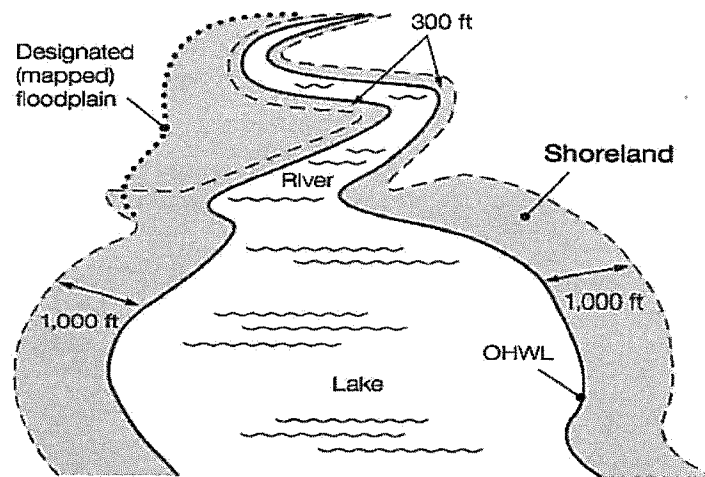
- Subp. 62. **Sewage Treatment Area.** "Sewage treatment area" means the area meeting or exceeding the onsite requirements of the Sanitation Code of Otter Tail County and Minnesota Rules, Chapter 7080, for the purpose of soil treatment areas and future additional sites.
- Subp. 63. **Sewage Treatment System.** "Sewage treatment system" has the meaning given under Minnesota Rules, part 7080.1100, Subp. 82.
- Subp. 64. **Sewer System.** "Sewer system" means the 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.
- Subp. 65. **Shore Impact Zone.** "Shore impact zone" means the land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.



Only one structure may be placed in a SIZ.

- Subp. 66. **Shoreland.** "Shoreland" means land located within the following distances from public waters:
- A. 1,000 feet from the ordinary water level of a lake, pond, or flowage; and
 - B. 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river stream, whichever is greater.

Definition of Shoreland



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.

- Subp. 67. **Shore Recreation Facilities.** "Shore recreation facilities" means the swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.
- Subp. 68. **Shoreland Alteration.** "Shoreland alteration" means any change of the existing onsite topography or impervious surface except for normal agricultural purposes.
- Subp. 69. **Significant Historic Site.** "Significant historic site" means 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 is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statute §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.
- Subp. 70. **Steep Slopes.** "Steep slopes" means lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.
- Subp. 71. **Structure.** "Structure" means any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, gas lines, towers, poles, and other supporting facilities.
- Subp. 72. **Structure Permit.** "Structure permit" means a permit for the erection and/or alteration of any structure controlled by this Ordinance issued to ensure compliance with all requirements of this Ordinance.
- Subp. 73. **Subdivision.** "Subdivision" means a parcel of land which is divided.
- Subp. 74. **Suitability Analysis.** "Suitability analysis" means an evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply; sewage treatment capabilities; water depth; depth to groundwater and bedrock; vegetation; near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.
- Subp. 75. **Tower.** "Tower" means framework or structures exceeding 35 feet in height, telephone communication tower, and any structure required by any other regulations to have warning lights.
- Subp. 76. **Vacation Home Rental.** "Vacation Home Rental" means a short-term rental property that is rented out for 30 days or less to a transient population. A vacation home rental is a permitted use, so long as the following conditions are met:
 - A. No more than two (2) dwelling units on the property;

- B. The occupancy shall be limited to the occupancy established by the license issued by the Otter Tail County Public Health Department;
- C. Parking shall be fully contained on the property;
- D. A current license from the Otter Tail County Public Health Department;
- E. All dwelling units at the vacation home rental property or properties shall be connected to a subsurface sewage treatment system (SSTS) that is compliant with the requirements of the Sanitation Code of Otter Tail County, and Minnesota Rules, Chapter 7080, or connected to a municipal sewer. The SSTS shall be designed and constructed with a design flow of fifty (50) gallons of wastewater per person per day to handle a maximum number of guests which the facility is permitted.

If any of the above standards for permitted use are out of compliance or cannot be met, or is not eligible to be licensed by Public Health, the property must obtain a Conditional Use Permit.

- Subp. 77. **Variance.** "Variance" means the same as that defined in Minnesota Statutes §394.22 Subp. 10 and §394.27 Subp. 7.
- Subp. 78. **Vegetative Strip.** "Vegetative strip" means a minimum 30 foot strip of land, located adjacent to and parallel with the OHWL, which is left in its natural state (must maintain existing ground cover), with the exception of a continuous 30 foot (maximum width) recreational access. A vegetative strip must be maintained.
- Subp. 79. **Vision Obstructing Fence.** "Vision obstructing fence" means a fence that is greater than or equal six (6) feet in height with gaps between slats less than or equal to the width of the slats.
- Subp. 80. **Water-Oriented Accessory Structure.** "Water-oriented accessory structure" means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to the 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, saunas, and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statute §103G.245 are not a water-oriented accessory structure.
- Subp. 81. **Water-Dependent Use.** "Water-dependent use" means the use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas.
- Subp. 82. **Wetland.** "Wetland" has the meaning given under Minnesota Rule, part 8420.0111.
- Subp. 83. **Wind Energy Conversion System (WECS).** "Wind energy conversion system (WECS)" means an electrical generating facility comprised of one or more wind turbines and accessory facilities, including, but not limited to: power lines, transformers, and substations that operate by converting the kinetic energy of wind into electrical energy, and Meteorological Towers (MET). The energy may be used on-site or distributed into the electrical grid.

SECTION 3 ADMINISTRATION**Subp. 1. Permits Required**

- A. A Structure Permit is required for:
 - 1) A new structure;
 - 2) An expansion to an existing structure; and
 - 3) The relocation of an existing structure that exceeds 120 square feet.
- B. A Shoreland Alteration Permit is required for:
 - a) Grading and filling activities up to 1,000 cubic yards, including, but not limited to, driveway installation and repair, rip rap installation or repair above the OHWL, and earth moving projects not exempted by Subp.2 below. If a Conditional Use Permit is required for any Shoreland Alteration project, a separate Shoreland Alteration Permit is not required;
 - 2) The movement of any material on steep slopes or within the shore impact zone;
 - 3) The movement of more than 50 cubic yards of material outside of steep slopes and the shore impact zone, bluff impact zone or wetland;
 - 4) Landscaping projects, including, but not limited to, retaining wall installation, boardwalks, impervious surface changes, sidewalks and patios, not exempted by Subp. 2 below; and
 - 5) Stairways, lifts and landings built into the ground.
- C. A Structure or Shoreland Alteration Permit shall be valid for a period of twelve months from the date of issue.

Subp. 2. Exemptions from Permits

The following exemptions only alleviate the need for the property owner to obtain a permit. The following exemptions do not alleviate the need to meet the remainder of the ordinance. After proper documentation has been provided to the office that the specific standards have been met, the following are exempt from obtaining a permit from the office:

- A. A lot with an impervious surface coverage of less than or equal to 15% is exempt from obtaining:
 - 1) A Structure Permit for an accessory structure, including, but not limited to, sheds, pole barns and other non-dwellings, not in the SIZ, BIZ, steep slope or wetland, less than or equal to 120 square feet; or,
 - 2) A Shoreland Alteration Permit for landscaping projects including, but not limited to, sidewalks, patios, or other landscaping appurtenances, not in the SIZ, BIZ, steep slope or wetland, that is less than or equal to 200 square feet and less than or equal to fifty (50) cubic yards.
- B. Fences do not require a permit. A vision obstructing fence must not be placed:
 - 1) within twenty (20) feet of a road right-of-way;
 - 2) in the SIZ, BIZ, wetland; or
 - 3) beyond the building line between two adjacent properties.
- C. Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filling permit; however, the standards in Section 8, Subp. 3 (C) of this Ordinance must be incorporated into the permit.
- D. A Shoreland Alteration Permit is not required for grading and filling activities, not in steep slopes, SIZ, BIZ, or a wetland, that is less than or equal to fifty (50) cubic yards per year.
- E. Removal of impervious surfaces not being replaced.
- F. SWCD, DNR and U.S. Fish & Wildlife projects.
- G. Stairways, lifts and landings not built into the ground.
- H. A storage structure no larger than 20 square feet and 6 feet in height for an RCU in a Commercial PUD, provided all other provisions of this ordinance are met.
- I. Road projects in the road right-of-way when a documented road authority exists.

Subp. 3. Permit Application

- A. Application for permits and other zoning applications such as variances shall be made to Land and Resource on forms provided.
- B. The applicant for a Structure or Shoreland Alteration Permit shall file a complete application, which must include a scaled drawing of the proposal, in the office of the Administrative Officer and pay a fee as determined in the Fee Schedule.
- C. Before a Structure Permit is issued, the terms of this Ordinance shall be met. This shall include having a currently valid Certificate of Compliance for the subsurface sewage treatment system located upon the property for which the Structure Permit is filed, in accordance with Section 5, Subp. 2 of the Sanitation Code.
- D. Before a Shoreland Alteration Permit is issued, the terms of this Ordinance shall be met.
- E. The Administrative Officer may require an onsite inspection prior to issuing a Permit. It is the applicant's responsibility to identify and stake all lot lines and road right-of-ways prior to applying for a Permit.
- F. The Administrative Officer must make such inspections as are necessary to determine compliance with this Ordinance. It is the applicant's responsibility to notify the Administrative Officer when the project is ready for inspection.

Subp. 4. Inspections

- A. Required Inspections for a Structure Permit
 - 1) If the structure has a foundation or a slab, an inspection of the foundation or slab is required by Land & Resource staff prior to any further construction activities on the structure. It is the responsibility of the contractor or property owner to contact the office when the foundation forms, foundation or slab is complete and ready for inspection.
 - 2) For all other structures, an inspection is required by Land & Resource staff. It is the responsibility of the owner or owner's agent to contact Land & Resource when the structure is complete and ready for inspection.
- B. Required Inspections for a Shoreland Alteration Permit
 - 1) An inspection is required by Land & Resource staff. It is the responsibility of the owner or owner's agent to contact Land & Resource when the project is complete and ready for inspection.

Subp. 5. Compliance with Permit

Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and may be punishable as provided in Section 11 of this ordinance.

Subp. 6. Administrative Officer

The Board of Commissioners hereby delegates to the Administrative Officer the duties and responsibilities as follows:

- A. Issue Permits and make necessary inspections following notification by the applicant;
- B. Administer the terms of this Ordinance subject to any required approval of the Planning Commission;
- C. Keep necessary records;
- D. Extend a Conditional Use Permit or an Interim Use Permit expiration date upon receipt of the Applicant's written request. The Administrative Officer may require an onsite inspection prior to approving an extension; and
- E. Require a professional drawing as part of an application where clarification of issues such as; lotline, impervious surface, OHWL, drainage or topography is needed by the County.

Subp. 7. Conditional Uses

All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and topographic, vegetation, and soil conditions 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 provisions for adequate water supply and on-site sewage treatment; and

- 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 these watercraft.

Subp. 8. Conditional Use Permits

A Conditional Use Permit is required for the following:

- A. Any land use in Table I in Section 4 that is listed as a conditional use;
- B. Any grading and filling project over 1,000 cubic yards;
 - 1) Grading and filling under 1,000 cubic yards may be required to receive a Conditional Use Permit, at the discretion of the Administrative Officer.
- C. Any grading, filling or excavation in a bluff or the BIZ.

Subp. 9. Conditional Use Permit Application, Review and Approval Process

Any proposed conditional use shall be presented to the Planning Commission for the determination of its applicability to the Shoreland Management District wherein proposed. The Planning Commission may impose conditions when granting Conditional Use Permits that specify: increased setbacks from public waters; vegetation allowed to be removed or required to be established; sewage treatment system location, design or use; location, design and use requirements for watercraft launching or docking and for vehicular parking; structure or other facility design, use and location; phasing of construction and other conditions considered necessary.

- A. The applicant for a Conditional Use Permit shall file a complete Application along with an original scale drawing(s) or any required professional drawing(s), and enough copies to provide each member of the Planning Commission a copy of the Application (if Applicant provides a color coded original scale drawing, it is the Applicant's responsibility to color code all copies) in the office of the Administrative Officer not less than 21 days prior to the next scheduled meeting of the Planning Commission and pay a fee as determined in the Fee Schedule when the application is filed. In addition to the scale drawing requirements (see definition), these drawings must also specifically indicate any proposed land use change including, but not limited to, structure location(s), sewage treatment system(s), and topographic alteration(s). In addition, the applicant must provide his or her(or next closest) E-911 address. In the absence of such number, detailed directions to the property must be provided with the application.
- B. When administrative staff and Planning Commission members may not be able to view the property for which a Conditional Use Permit is requested, due to snow cover, it may not be possible to meet the legal requirement to take final action within 60 days of receipt of a completed Application. Therefore, an Applicant shall be required, as part of completing the application process in the months of October through March, to indicate by written acknowledgment whether the Applicant is willing to waive the 60 day time limit and allow time for the Planning Commission to view the property, if necessary. The acknowledgment shall inform the Applicant that the absence of a waiver of the 60 day requirement may leave the Planning Commission no alternative but to deny the Application. Circumstances may require the Planning Commission to cancel its regular meeting. If meetings are canceled, no Application for a Conditional Use Permit/Preliminary Plat will be accepted as final until 21 days prior to the next scheduled meeting of the Planning Commission.
- C. Within 3 days of making an application for a Conditional Use Permit, the applicant shall stake the lot lines, road right-of-ways and area under consideration in such a way as to demonstrate the area to be topographically altered or the location of a proposed structure and post his or her name and address in a clearly visible location on the property.
- D. The Administrative Officer shall refer the Application to the Planning Commission. (See Section 3, Subp. 17, Notification Procedures.)
- E. The Planning Commission shall consider the Application at its next regular meeting at which time is available, following compliance with the provisions of notice above specified.
- F. If an EAW, EIS or any other study such as a soil test, drainage or erosion control plan is required for any proposed Conditional Use Application, the applicant shall assume all costs associated with the preparation, review and presentation of the document.
- G. The applicant or applicant's representative shall appear before the Planning Commission and answer any questions concerning the proposed Conditional Use Application.

- H. Otter Tail County reserves the right to require performance bonds and establish the amount of a bond for any one or all Conditional Use Application approvals. All bonds shall be payable to Otter Tail County and shall be filed with the County Auditor prior to the issuance of the Conditional Use Permit.
- I. The Planning Commission shall consider a Conditional Use Permit if the proposed change is found to be consistent with the general purposes of this Ordinance and the intent of this and all other applicable state and local regulations and laws. The Planning Commission may consider the following:
 - 1) Compatibility with the surrounding area; both on land and water.
 - 2) Environmental impact, including soils, topography, vegetation (land and water), fish, and wildlife.
 - 3) Any hazards that may be created; both on land and water.
 - 4) Density and location of development.
 - 5) Suitability of the area, in its existing state, for the proposed use.
 - 6) Near shore water depth.
 - 7) Sensitive Areas may be protected through the use of Natural Environment Standards.
 - 8) Adequate parking and traffic control.
 - 9) Amount of noise generated.
 - 10) Hours of proposed use.
 - 11) Lighting.
 - 12) Signage (number, size, lighting, and location).
 - 13) Time frame and/or phasing.
 - 14) Adequate lot area and water frontage for the proposed use.
 - 15) Minimal change in the existing topography necessary to allow for the proposed use.
 - 16) Any other possible adverse effects of the proposed Conditional Use Application and what additional requirements may be necessary to prevent such adverse effects.
- J. The report of the Planning Commission shall be referred to the County Board and placed on the agenda of the Board at its first regular meeting following referral from the Planning Commission.
- K. The County Board shall take action on the Application within 60 days after receiving the report of the Planning Commission. If it grants the Conditional Use Permit, the Board may impose any special conditions it considers necessary to protect the public welfare. A copy of all granted Conditional Use Permits shall be forwarded to the Commissioner within 10 days of such action.
- L. The Planning Commission shall establish the valid period for each Conditional Use Permit granted.
- M. After approval of the Conditional Use Application by the County Board the applicant shall secure from the Administrative Officer a written Conditional Use Permit before initiating the project.
- N. Within 3 days of completion, the applicant, for a Conditional Use Permit, shall notify the Administrative Officer that the project is completed and ready for an inspection.
- O. The Administrative Officer shall inspect after notification and inform the applicant in writing whether the project complies with the approved Conditional Use Permit. The purpose of the Conditional Use Permit shall not be put to use until written approval has been granted by the Administrative Officer.

Subp. 10. Appeals

- A. The Board of Adjustment shall hear and decide appeals from and review any order, requirements, decisions or determinations made by any Administrative Officer charged with enforcing any provision of this Ordinance.
- B. Any appeal from any decision, order, requirement or determination within the jurisdiction of the Board of Adjustment shall be taken by the filing of a notice of appeal with the secretary of the Board within 30 days from the date on which the appellant was notified in writing by the officer making such decision of the decision. No such appeal shall be filed by the secretary of the Board unless accompanied by the Appeal Fee established in the Fee Schedule.
- C. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the applicant and the officer from whom the appeal is taken and decide the same within a reasonable time. The Board of Adjustment may reverse, affirm wholly or partly, or may modify the order, requirements, decisions or determinations as in its opinion ought to be made in the premises and to that end shall have all powers of the

officer from whom the appeal was taken and may issue or direct the issuance of a permit. The reason for the Board's decision shall be stated in writing. The decision of the Board shall be final unless appealed to the District Court in Otter Tail County by a person having an interest affected by such decision.

Subp. 11. Variances.

Variances may only be granted in accordance with Minnesota Statute §394.27 and are subject to the following:

- A. A variance may not circumvent the general purposes and intent of this ordinance.
- B. For properties with existing subsurface sewage treatment systems, a Compliance Inspection, as described in Minnesota Rules, part 7082.0700 Subp. 4, is required to accompany a variance application. A sewage treatment system shall be considered compliant if the deficiency is the system's improper setback from the ordinary high-water level.
- C. A variance granted for a specific project issued after the effective date of this Ordinance shall expire five (5) years after the variance has been approved by the Board of Adjustment if the project is not completed.

Subp. 12. Board of Adjustment and Variances

The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of the Ordinance including restrictions placed on nonconformities.

- A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the Ordinance.
- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.
- C. Economic considerations alone do not constitute practical difficulties.
- D. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statute §216C.06, subdivision 14, when in harmony with the Ordinance.
- F. No variance may be granted that would allow any use that is not allowed.
- G. The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. In considering variance requests, the Board of Adjustment may also consider:
 - 1) Whether the variance will secure for the applicant a right or rights enjoyed by other owners in the same area;
 - 2) Whether existing sewage treatment systems on the property need upgrading before additional development is approved; and
 - 3) Whether granting the variance will be contrary to the public interest or damaging to the rights of other persons or to property values in the neighborhood.
- I. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do.
- J. The applicant for a variance shall file his or her complete Application in the office of the Administrative Officer not less than 21 days prior to the next scheduled meeting of the Board of Adjustment and pay a fee as indicated on the Fee Schedule when the application is filed. Each application for variance shall be accompanied by a scale drawing (see definition) and enough copies to provide each member of the Board of Adjustment a copy of the Application (if the Applicant provides a color coded original scale drawing, it is the Applicant's responsibility to color code all copies) of the area under consideration showing the location of any existing structures and any proposed structures. The drawing shall also indicate all setback distances in feet. In addition, the applicant must provide his or her (or next closest) E-911 address. In absence of such number, detailed directions to the property must be provided with the application.
- K. When administrative staff and Board of Adjustment members may not be able to view the property for which a variance is requested, due to snow cover, it may not be possible to meet the legal requirement to take final action

within 60 days of receipt of a completed Application. Therefore, an Applicant shall be required, as part of completing the application process in the months of October through March, to indicate by written acknowledgment whether the Applicant is willing to waive the 60 day time limit and allow time for the Board of Adjustment to view the property, if necessary. The acknowledgment shall inform the Applicant that the absence of a waiver of the 60 day requirement may leave the Board of Adjustment no alternative but to deny the Application. Circumstances may require the Board of Adjustment to cancel its regular meeting. If meetings are canceled, no Application for a Variance will be accepted as final until 21 days prior to the next scheduled meeting of the Board of Adjustment.

- L. Within 3 days of making an application for a variance the applicant shall stake the lot lines, road right-of-ways, and area under consideration and post the name and address in a clearly visible location on the property.
- M. The Administrative Officer shall refer the application to the Board of Adjustment (See Section 3, Subp. 17, Notification Procedures.)
- N. The Board of Adjustment shall consider the application at its next regular meeting at which time is available, following compliance with the provisions of notice above specified.

Subp. 13. Mitigation

In evaluating all variances, conditional uses, zoning and permit applications, the Administrative Officer shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, and to protect adjacent properties and the public interest:

- A. Advanced storm water runoff management treatment;
- B. Reducing impervious surfaces;
- C. Increasing setbacks from the ordinary high water level;
- D. Restoration of wetlands;
- E. Limiting vegetation removal and/or riparian vegetation restoration;
- F. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and,
- G. Other conditions the zoning authority deems necessary.

Subp. 14. Nonconformities

- A. All legally established nonconformities as of October 15, 1971 may continue. Except as otherwise set forth in this subpart, all such nonconformities will be managed, regulated, and controlled as allowed and set forth in Minnesota Statute §394.36
- B. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of this ordinance. Any deviation from these requirements must be authorized by a variance.
- C. Improvements to nonconforming structures not requiring a variance, include, but are not limited to, the following:
 - 1) Flat roof replaced with a peaked roof not to exceed a pitch of 4:12, if the final height does not exceed 35 feet for a dwelling and 20 feet for an accessory structure. Any proposed peaked roof for a non-conforming structure beyond a 4:12 would be considered an expansion and would require a variance.
 - 2) Installing rails on a patio in which the total height is less than 36" in height as measured from the ground.
 - 3) Raising a structure to allow the addition of a crawl space foundation not to exceed 36 inches and to not allow the overall building height to exceed maximum height restrictions.
- D. A non-conforming use is any continuous use of land established before the effective date of a County or local Ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.
- E. A prohibited non-conforming use may not be expanded or improved.
- F. If any non-conformity or occupancy is discontinued for a period of more than one year, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Subp. 15. Exemptions

- A. The following uses, being essential for the operation of any zoning use district, are exempt from all of the provisions of this Ordinance and are permitted in any district:
- 1) Poles, towers, wires, cables, conduits, vaults, pipelines, laterals of any other similar distributing equipment of a public utility;
 - 2) Road projects by a Road Authority within an existing road right-of-way;
 - 3) Railroad projects by a Railroad Authority within an existing right-of-way;
 - 4) County Ditch projects approved by the Drainage Authority; and
 - 5) Hedges and shrubbery may be erected, placed, maintained or grown except as they may constitute a safety hazard.
- B. A structure may be erected on a lot of less than the established minimum area and width, provided the lot existing existed by virtue of a recorded plat or deed before October 15, 1971, or a lot existing by virtue of a recorded plat or deed before October 15, 1971 has been increased in area by a conveyance subsequent to October 15, 1971, provided a site permit for the structure is obtained, all sanitary requirements are complied with and the proposed use is permitted within the district.
- C. However, effective February 5, 1992, if in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the established minimum area or width, the lot may not be considered a separate parcel of land for the purposes of conveyance or development. The lot must be combined with one or more contiguous lots so they equal one or more parcels of land and each parcel must meet, or more closely approach, the established minimum lot size requirements of this Ordinance. This restriction shall not apply to the following circumstances:
- 1) Where each contiguous substandard lot is an improved lot, as defined herein;
 - 2) Where each contiguous substandard lot complies with the requirements of Minnesota Statute §394.36, Subd. 5; and
 - 3) Where a lot, or a portion of a lot, is to be conveyed to the owner of a contiguous lot for the purpose of increasing lot size, and no residual lot is left unattended. The deed must contain restrictive covenants requiring legal joinder to a contiguous parcel and a permanent prohibition against separate residential development.

Subp. 16. Shoreland Management by Townships

Townships may adopt shoreland management controls under authority of Minnesota Statute, Chapter 462 if the controls are not inconsistent with or less restrictive than the controls adopted by Otter Tail County.

- A. Shoreland management controls adopted by townships will only be considered to be consistent with County controls if they cover the same full range of shoreland management provisions covered by the County controls, contain dimensional standards at least as restrictive as those in the County controls, and do not allow land uses in particular areas not allowed under the County's official controls.
- B. The township must demonstrate to the County Board that their proposed Ordinance and administration is at least as restrictive as the County's prior to final adoption by the township. Townships must provide for administration and enforcement of shoreland management controls at least as effective as County implementation. Townships that adopt adequate shoreland controls must follow all of the notification procedures in Subpart 17. After adequate shoreland management controls are adopted by a township, property owners must only obtain necessary permits and approvals as required in the township shoreland management controls. Property owners do not have to obtain similar permits or approvals under the County's shoreland controls.

Subp. 17. Notification Procedures

- A. Conditional Use Permit Applications:

Written notice shall be sent to property owners of record within one quarter (1/4) mile of the affected property or to the 10 properties nearest the affected property, whichever will provide the greater number of owners. Written notice shall also be sent to the Town Board of the Township wherein the conditional use is proposed, the governing body of any city or village of which the incorporated limits lie within 2 miles of the proposed conditional use and the Commissioner. The written notice provided for the above shall be given not less than 14 days prior

to the date the Planning Commission will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings.

B. Variance Applications:

Written notice shall be sent to property owners of record within 500 ft. of the affected property. Written notice shall also be sent to the Town Board of the Township wherein the variance is proposed, the governing body of any city or village of which the incorporated limits lie within 2 miles of the proposed variance and the Commissioner. The written notice provided for the above shall be given not less than 14 days prior to the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings.

C. Amendments:

Written notice of hearing for consideration of amendment(s) to the existing controls shall be sent to the Commissioner and the governing body of all towns and municipalities within Otter Tail County. This written notice shall be given not less than 14 days prior to the hearing at which the amendment(s) will be considered.

D. Plats:

Written notice shall be sent to the property owners of record within one half (1/2) mile of a proposed subdivision. Written notice shall also be sent to the Town Board of the Township wherein the proposed subdivision lies, the governing body of any city or village of which the incorporated limits lie within 2 miles of the proposed subdivision and the Commissioner (must include a copy of the proposed subdivision). The written notice provided for the above shall be given not less than 14 days prior to the date the Planning Commission will consider said subdivision, although failure of any property owner to receive such notification shall not invalidate the proceedings.

E. A copy of approved amendments and plats and final decisions granting Variances or Conditional Uses under local shoreland management controls must be sent to the Commissioner and postmarked within 10 days of final action.

F. Townships with shoreland management controls adopted under Section 3, Subp. 16 must also provide these materials to the Administrative Officer.

Subp. 18. Amendments

This Ordinance may be amended in whole or in part by the Board of County Commissioners after a proper public hearing has been conducted in accordance with Minnesota Statutes §394.26.

Subp. 19. Renewable Energy Systems

The renewable energy standards of this Ordinance are set forth in the Renewable Energy Systems Ordinance of Otter Tail County, which is incorporated herein by reference, an official copy of which is on file for use and examination by the public in the office of the County Auditor.

Subp. 20. Notifications to the Department of Natural Resources

- A. All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. Otter Tail County will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.
- B. All notices of public hearings to consider variances, ordinance amendments, or conditional uses or conditional uses under this ordinance must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- C. All approved ordinance amendments and subdivision/plats, and final decisions approving variances or conditional uses under this ordinance must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. 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 shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

- D. Any request to change the shoreland management classification of public waters within Otter Tail County must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

Subp. 21. Mandatory EAW

An Environmental Assessment Worksheet consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the thresholds of Minnesota Rules, part 4410.4300.

SECTION 4 SHORELAND CLASSIFICATION SYSTEM AND LAND USES**Subp. 1. Shoreland Classification System****A. Purpose**

To ensure that shoreland development on the public waters of Otter Tail County is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3000 to 6120.3300.

B. District Boundaries

- 1) The boundaries of the Shoreland Management Districts defined in this ordinance are hereby established at 1,000 feet from the OHWL of a lake, and 300 feet from a river or the landward extent of the flood plain on such river, whichever is greater. Where the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances, the Planning Commission may interpret the district boundaries.
- 2) Public waters shall be classified by the commissioner. The commissioner may, as the need arises, reclassify any public water. Also, any local government may at any time submit a resolution and supporting data requesting a change in any shoreland management classification of waters within its jurisdiction to the commissioner for consideration.
- 3) The classification for each area surrounding each public body of water is hereby established according to the document entitled "Waters of Otter Tail County Classification" which accompanies and is made part of this ordinance in Appendix A and Appendix B.
- 4) All of Otter Tail County is classified under the Minnesota Rules, part 6120.3300, Subp. 3, as a "High Density Residential District", as modified by the following tables. The most recent Otter Tail County Shoreland Management District and Classifications (zoning) Maps adopted and is available for review at the Land and Resource Management office and on Otter Tail County's website (<https://ottertailcountymn.us/>).

C. Lake Classification

Lakes in Otter Tail County are classified as outlined in Appendix A of this ordinance.

D. River Classification

Rivers and streams in Otter Tail County are classified as outlined in Appendix B of this ordinance.

Subp. 2. Land Uses**A. Purpose**

To identify land uses compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.

B. Shoreland district land uses listed in Table I are regulated as:

- 1) Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed.
- 2) Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in Section 3, Subp. 9 (I) of this ordinance and any additional conditions listed in this ordinance.
- 3) Not Permitted uses (N). These uses are prohibited.
- 4) A use not listed or that does not have a designated type of use, may be allowed as a conditional use if it is of the same general character as those uses listed as Permitted (P), or Conditional (C) in Table I, provided the use is deemed fitting and compatible to the district by the Otter Tail County Planning Commission, and is not listed as a Not Permitted (N) use.

C. Land use for lake, river and stream classifications:

Table I Land Uses

Land Uses	General Development	Recreational Development	Natural Environment	Urban & Tributary	Agriculture	Transition
Access Lot	C	C	C	C	C	C
Agriculture	P	P	P	P	P	P
Animal Feedlot-New	N	N	N	N	N	N
Animal Feedlot-Expansion or resumption of existing	C	C	C	C	C	C
Bed & Breakfast	C	C	C	C	C	C
Boat Access	C	C	C	C	C	C
Cemetery	C	C	C	C	C	C
Controlled Access	N	N	N	N	N	N
Place of Worship	C	C	C	C	C	C
Commercial	C	C	C	C	C	C
Commercial PUD	C	C	C	C	C	C
Non-Dwelling PUD	C	C	C	C	C	C
Duplex, Triplex, Quad	P	P	C	C	C	C
Extractive	C	C	C	C	C	C
Forest Land Conversion	C	C	C	C	C	C
Guest Cottage	P	P	P	P	P	P
Industrial	C	C	C	C	C	C
Park	C	C	C	C	C	C
PUD Conversion	C	C	C	C	C	C
Residential PUD	C	C	C	C	C	C
Single Family Residential	P	P	P	P	P	P
Tower	C	C	C	C	C	C
Vacation Home Rental	P	P	P	P	P	P

SECTION 5 SPECIAL LAND USE PROVISIONS**Subp. 1. Commercial, Industrial, Public and Semipublic Standards**

- A. Water-dependent uses may be located on parcels or lots with frontage on public waters provided that the use:
 - 1) Complies with provisions in Section 7;
 - 2) Is designed to incorporate topographic and vegetative screening of parking areas and structures;
 - 3) If required, 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,
 - 4) If dependent on patrons arriving by watercraft, may use signs and lighting, provided that:
 - a) Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff;
 - b) No advertising sign 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; and
 - c) Signs placed within the shore impact zone must:
 - i. Be no higher than ten feet above the ground, and no greater than 32 square feet in size; and,
 - ii. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and
 - d) Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.
- B. Surface water oriented commercial, industrial, public and semipublic uses 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 ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

Subp. 2. Agricultural Use Standards

- A. Buffers
 - 1) 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.
 - 2) 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 consistent with Natural Resource Conservation Service office technical guide, and as approved by the local soil and water conservation district.
- B. New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:
 - 1) Feedlots must be designed consistent with Minnesota Rules, Chapter 7020;
 - 2) Feedlots must not further encroach into the existing ordinary high-water level setback or the bluff impact zone and must not expand capacity of 1,000 animal units or more; and
 - 3) Feedlots not currently in operation may resume operation consistent with Minnesota Statute §116.0711
- C. Application of fertilizer, herbicides, pesticides, animal wastes or other chemicals within shorelands must be done in such a way as to minimize impact on the SIZ, BIZ, or public water by the use of earth or vegetation.

Subp. 3. Forest Management Standards

- A. 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.
- B. 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 soil and water conservation district.

- C. Forest land conversion to another use requires issuance of a Conditional Use Permit and adherence to the following standards:
 - 1) SIZ and BIZ must not be intensively cleared of vegetation.
 - 2) An erosion and sediment control plan is developed and approved by the local soil and water conservation district before issuance of a conditional use permit for the conversion.
- D. Use of fertilizer, herbicides, pesticides, animal wastes or other chemicals within shorelands must be applied in such a way as to minimize runoff into the shore impact zone, or public water by the use of earth or vegetation.

Subp. 4.Extractive Use Standards

Extractive uses are conditional uses and must meet the following standards:

- A. Site development and restoration plan. A site development and restoration plan must be developed, approved, and followed over the course of the operation. The plan must:
 - 1) Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations;
 - 2) Identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion; and
 - 3) Clearly explain how the site will be rehabilitated after extractive activities end.
- B. Setbacks for processing machinery. Processing machinery must meet structure setback standards from ordinary high-water levels and bluffs.

Subp. 5.Metallic Mining Standards

Mining of metallic minerals and peat is a permitted use provided the provisions of Minnesota Statutes §93.44 to §93.51 are satisfied.

SECTION 6 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS**Subp. 1. Purpose.**

To establish dimensional and performance standards that protect shoreland resources from impacts of development.

Subp. 2. Lot Area and Width Standards

All new lots created after October 15, 1971 must meet the minimum lot area and lot width requirements in Table II and Table III, subject to the following standards:

- A. Only lands above the ordinary high-water level can be used to meet lot area and width standards;
- B. Lot width standards must be met at both the ordinary high-water level and at the building line;
- C. The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property;
- D. Residential subdivisions with dwelling unit densities exceeding those in Table II and Table III are allowed only if designed and approved as residential PUDs under Section 10, Subp. 5 of this ordinance; and
- E. Lake Minimum Lot Area and Width Standards:

Table II Minimum Lot Dimension Standards for Lakes

General Development				
	Riparian		Nonriparian	
	Lot Area (ft ²)	Lot Width (ft)	Lot Area (ft ²)	Lot Width (ft)
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490
Recreational Development				
	Riparian		Nonriparian	
	Lot Area (ft ²)	Lot Width (ft)	Lot Area (ft ²)	Lot Width (ft)
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490
Natural Environment				
	Riparian		Nonriparian	
	Lot Area (ft ²)	Lot Width (ft)	Lot Area (ft ²)	Lot Width (ft)
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

F. River/Stream Minimum Width Standards:

There are no minimum lot area requirements for rivers and streams. The lot width standards in feet are as described in Table III.

Table III Minimum Lot Width Standards for Rivers/Streams

	Transitional	Agricultural	Urban & Tributary	
			SSTS	Municipal Sewer
Single	250	150	100	75
Duplex	375	225	150	115
Triplex	500	300	200	150
Quad	625	375	250	190

Subp. 3.Special Residential Lot Provisions

- A. A single-family residential lot shall contain only 1 single family dwelling unit.
 - 1) An exemption to this requirement, without a permit, would allow:
 - a) Lots compliant with all area, water frontage and width requirements of Table II and Table III, may contain one RCU in addition to the primary dwelling unit, provided all other requirements of this ordinance are met, and there are no sewer or water connections.
 - b) Guest cottages meeting Section 6, Subp. 3 (F) of this section.
- B. A lot without a dwelling unit may contain one (1) RCU without a Structure Permit, on a temporary basis, not to exceed 22 days per year, provided all other requirements of this ordinance are met, and there are no sewer or water connections.
- C. Non-riparian lots of no less than 5,000 square feet may be created if they are legally joined to a riparian lot within four (4) times the minimum required lot width of the riparian lot, and contain permanent restrictions against construction of any dwelling units. Such nonresidential non-riparian lots must be created by subdivision plat in such a manner as to allow for orderly attachment to riparian lots and with appropriate restrictive covenants. The final plat will not be accepted unless it identifies the riparian lot to which each new non-riparian lot shall be attached.
- D. Unplatted cemeteries and significant historic sites. No structure may be placed nearer than 50 feet from the boundary of an unplatted cemetery protected under Minnesota Statute §307.08, unless necessary approval is obtained from the Minnesota State Archaeologist's Office. No structure may be placed on a 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. Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment lakes and must also meet the following standards:
 - 1) Each building must be set back at least 200 feet from the ordinary high water-level;
 - 2) Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
 - 3) Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
 - 4) No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- F. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Table II and Table III, provided the following standards are met:
 - 1) For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit;
 - 2) A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and

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

Subp. 4. Placement, Height, and Design of Structures on Lots

Placement of Structures and Sewage Treatment Systems on Lots

Structures and accessory structures must be located to meet all setbacks, and comply with the following OHWL setback provisions:

Table IV Setbacks for Structures on a Lot

Classification	Structures
Natural Environment	200
Recreational Development	100
General Development	75
Transition	150
Agriculture, Urban and Tributary	100

A. OHWL Setbacks.

Structures, must meet setbacks described in Table IV from the ordinary high water level (OHWL), except that one water-oriented structure or facility, designed in accordance with Section 7, Subp. 3 of this ordinance, may be set back a minimum distance of twenty (20) feet from the OHWL. Subsurface sewage treatment systems must meet setbacks in accordance with Table II of the Sanitation Code of Otter Tail County.

B. Setback Sight Line

Where nonconforming structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered, using the sight line method, without a variance to conform to the adjoining setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone. A water-oriented accessory structure cannot be used to establish a sight line.

C. Setbacks of Decks

Except as provided in Section 7, Subp. 3, decks must meet the structure setback standards. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water-level if all of the following criteria are met:

- 1) The structure existed on February 5, 1992;
- 2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water-level setback of the structure;
- 3) The deck encroachment toward the ordinary high water-level does not exceed 15 percent of the existing structure setback of the structure from the ordinary high water-level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and
- 4) The deck is not roofed or screened.

D. Additional Structure Setbacks

Structures and accessory structures must also meet the following setbacks, regardless of the waterbody classification:

Table V Additional Structure Setbacks

Setback from:	Setback (ft)
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state or county highway	20
Right-of-way line of town road, public street, or other roads not classified.	20
Property Line	10
Property Line for Accessory Structures equal to or less than 120 ft ²	5
Property Line for Water-Oriented Accessory Structure	10

E. Bluff Impact Zones

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

Subp. 5.Height of Structures

All structures, except places of worship, nonresidential agricultural structures, and accessory structures greater than 400 feet from the OHWL of a lake must not exceed the following height requirements:

- A. A dwelling unit must not exceed a height of thirty-five (35) feet;
- B. An accessory structure or a non-dwelling must not exceed a height of twenty (20) feet.

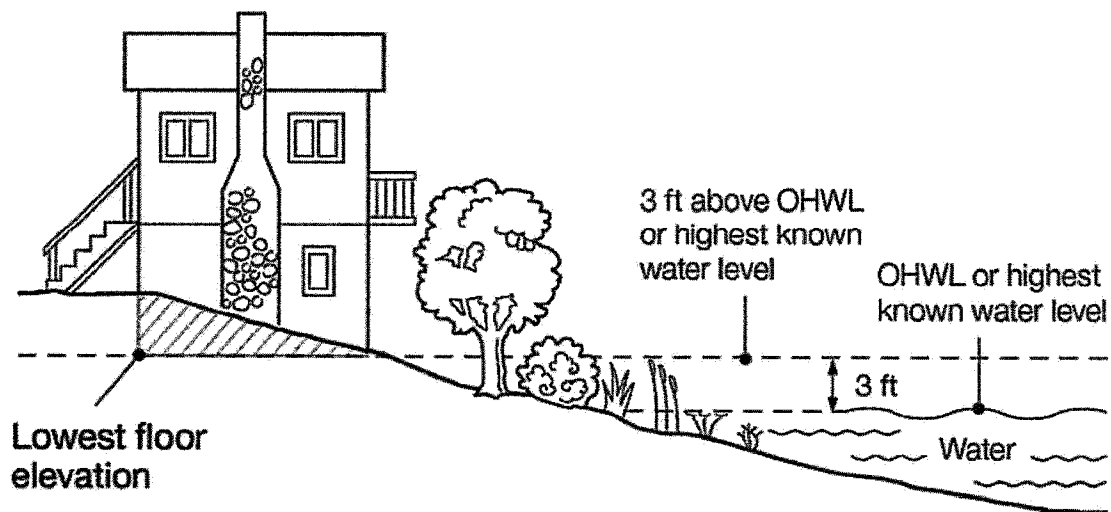
The height must be measured from the highest adjoining original ground level at the building foundation.

Subp. 6.Lowest Floor Elevation

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 must be determined as follows:

- A. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water-level, whichever is higher.
- B. For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If data are not available, by placing the lowest floor at least three feet above the ordinary high water-level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

Lowest Floor Elevation

**Subp. 7.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.

Subp. 8. Water Supply and Sewage Treatment

- A. 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.
- B. Sewage treatment. Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with Minnesota Rules, Chapter 7080-7081 and the Otter Tail County Sanitation Code.

SECTION 7 PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES**Subp. 1.Placement and Design of Roads, Driveways, and Parking Areas**

Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:

- A. 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;
- B. 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;
- C. Private facilities must comply with the grading and filling provisions of Section 8, Subp. 3 of this ordinance; and
- D. For public roads, driveways and parking areas, documentation must be provided by a qualified individual that each are designed and constructed to minimize erosion to public waters consistent with the Natural Resource Conservation Service office technical guide, or other applicable technical materials.

Subp. 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 four feet in width on residential lots. Wider stairways, no wider than 8 feet, may be used for commercial properties, public recreational uses, and planned unit developments;
- B. Landings for stairways and lifts on residential lots must not exceed 36 square feet in area. Landings larger than 36 square feet may be used for commercial properties, public-space recreational uses, and planned unit developments, and must not exceed 64 square feet in area;
- C. Canopies or roofs are not allowed on stairways, lifts, or landings;
- D. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion, and authorized by a required Conditional Use Permit or Shoreland Alteration Permit;
- E. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and,
- F. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if consistent with the dimensional and performance standards of subitems A to E and the requirements of Minnesota Rules, Chapter 1341.

Subp. 3.Water-Oriented Accessory Structures

Each residential lot may have one water-oriented accessory structure if it complies with the following provisions:

- A. The structure must be above ground unless a Shoreland Alteration Permit is granted;
- B. The structure must not exceed ten feet in height as measured from the lowest adjoining ground level, exclusive of safety rails, and cannot occupy an area greater than 260 square feet;
- C. The maximum width of the structure is 20 ft. as measured parallel to the shoreline;
- D. The structure must comply with all property line setback requirements as set by Table V;
- E. The structure is not in the Bluff Impact Zone;
- F. The setback of the structure from the ordinary high water-level must be at least twenty feet;
- G. Only one structure may be placed within the SIZ;
- H. The structure 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;
- I. 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;
- J. The structure must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and

- K. Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Section 6, Subp. 6 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.

SECTION 8 VEGETATION AND LAND ALTERATIONS**Subp. 1. Purpose**

Alterations of vegetation and topography are regulated to prevent erosion into public waters and wetlands, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

Subp. 2. Vegetation Management

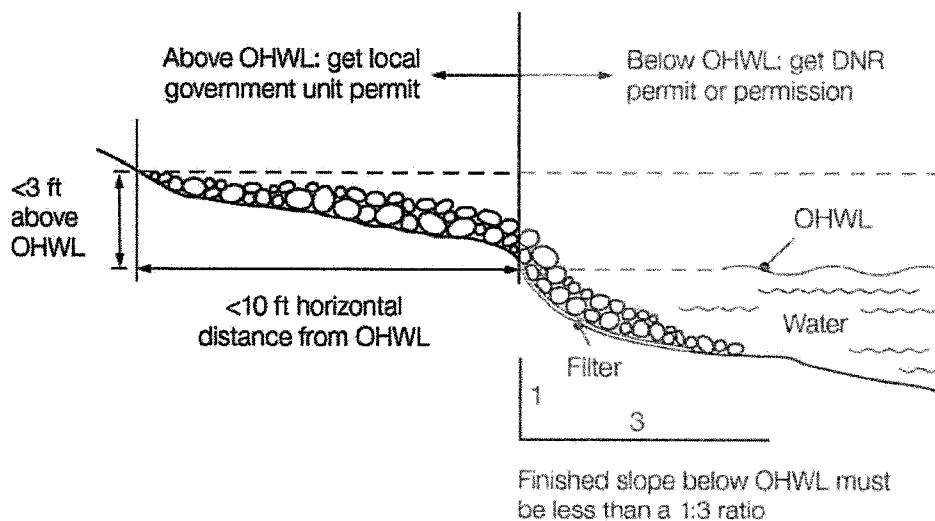
- A. Removal or alteration of vegetation must comply with the provisions of this subsection except for:
 - 1) Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;
 - 2) The construction of public roads and parking areas if consistent with Section 7, Subp. 1 of this ordinance;
 - 3) Forest management uses consistent with Section 5, Subp. 3 of this ordinance; and
 - 4) Agricultural uses consistent with Section 5, Subp. 2 of this ordinance.
- B. Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited. Intensive clearing outside of these areas is allowed if consistent with the forest management standards in Section 5, Subp. 3 of this ordinance.
- C. Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes is allowed to provide a view to the water from the principal dwelling 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; and
 - 2) Existing shading of water surfaces along rivers is preserved.
- D. Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.
- E. Fertilizer and pesticide runoff into surface waters must be minimized through the use of vegetation, topography, or both.
- F. Use of fertilizer containing phosphorus is prohibited in the Shoreland Management District, except for agricultural purposes more than 300 feet from the OHWL of a public water.

Subp. 3. Grading and Filling

- A. Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section 7, Subp. 1 of this ordinance. Permit requirements for grading and filling can be found in Section 3, Subp. 1 and Subp. 2.
- B. Grading, filling and excavation activities must meet the following standards:
 - 1) Grading or filling of any wetland must meet or exceed the wetland protection act standards under Minnesota Rules, Chapter 8420 and any other permits, reviews, or approvals by other local, state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers; and
 - 2) Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
 - a) Limiting the amount and time of bare ground exposure;
 - b) Using temporary ground covers such as mulches or similar materials;
 - c) Establishing permanent vegetation cover as soon as possible;
 - d) Using sediment traps, vegetated buffer strips or other appropriate techniques;
 - e) Stabilizing altered areas to acceptable erosion control standards consistent with Natural Resource Conservation Service office technical guide;

- f) Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- g) Fill or excavated material must not be placed in bluff impact zones;
- h) Any alterations below the ordinary high-water level of public waters must be first authorized by the commissioner under Minnesota Statute §103G;
- i) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties;
- j) The applicant shall be legally responsible for all surface water runoff problems that may occur in the future; and,
- k) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:
 - i. The finished slope does not exceed three feet horizontal to one foot vertical;
 - ii. The landward extent of the riprap is within ten feet of the ordinary high water-level; and,
 - iii. The height of the riprap above the ordinary high water-level does not exceed three feet.

Riprap Guidelines



- C. Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters requires a public waters permit and must comply with Minnesota Rules, Chapter 6115.
- D. Excavations on shorelands where the intended purpose is connection to a public water shall require a permit from the Administrative Officer before construction is begins. Such permit may be obtained only after the Commissioner of Natural Resources has granted permission for work in beds of public waters.
- E. Unless otherwise indicated by the Conditional Use Permit or a Shoreland Alteration Permit, all grading, filling or alteration of the existing topography, including stabilization, shall be performed between April 15th and October 1st. The April 15th to October 1st construction period shall not be applicable to Conditional Use Permits and Shoreland Alteration Permits for grading, filling or alteration of the existing topography involving finished grade slopes of less than 12% consistent with the steep slope requirements and when appropriate to adhere to methods for preventing erosion.

Subp. 4. Stormwater Management

A. General standards

- 1) When possible, existing natural drainageways and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharged to public waters.
- 2) Development must be planned and constructed 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 appropriate facilities or methods used to retain sediment on the site.
- 3) When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must be given to surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

B. Specific standards

- 1) Impervious surfaces of lots must not exceed 25 percent of the lot area, of which buildings must not exceed 20% of the lot area. Impervious surface coverage within the SIZ, that is not part of a planned unit development, must not exceed 15% of the area of the SIZ.
- 2) When constructed facilities are used for stormwater management, a qualified individual must affirm the constructed facilities are designed and installed consistent with Natural Resource Conservation Service office technical guide, as applicable.
- 3) New constructed stormwater outfalls to public waters must be consistent with Minnesota Rules, part 6115.0231.
- 4) Surface area of a lot physically separated (i.e. public, private road right-of-way or easement) from itself or another cannot be included for purposes of the impervious surface calculation. If the road is not designated by a dedicated right-of-way, the road surface area may be included in the impervious surface calculations.
- 5) A driveway from the nearest road right-of-way to the proposed structure(s) must be included in the impervious surface calculation.

SECTION 9 SUBDIVISION/PLATTING PROVISIONS**Subp. 1. Purpose**

To ensure that new development minimizes impacts to shoreland resources and is safe and functional.

Subp. 2. Land Suitability

Each lot created through subdivision, including planned unit developments authorized under Section 10 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, and welfare of future residents of the proposed subdivision or of the community.

Subp. 3. Recording

No conveyance or other document creating a subdivision of any real property other than by a duly approved plat, shall be recorded, unless accompanied by a registered surveyor's drawing for recording.

Subp. 4. Consistency with other controls

Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.

A lot shall meet the minimum lot size as specified in Section 6, however Natural Environment Standards may be considered to protect Sensitive Areas.

Subp. 5. Presentation Requirements

- A. Preliminary Plat prepared (signature required) by Minnesota Registered Land Surveyor.
- B. Identification and Description:
 - 1) Proposed name of subdivision;
 - 2) Location by section, town, range and/or by other identifying description including, the nearest existing E-911 address, parcel number, township name, lake name and number;
 - 3) Names and addresses of owner(s), subdivider(s), and Minnesota Registered Land Surveyor, Civil Engineer or Architect;
 - 4) Graphic scale: 1 inch = 100 ft., if possible, but not smaller than 1 inch = 200 ft;
 - 5) North point;
 - 6) Date of preparation;
 - 7) Proposed use of all lots;
 - 8) Vegetative strip; and
 - 9) Buildable Area (8,400 sq. ft.).
- C. Existing conditions in tract and in surrounding area to a distance of 300 ft.:
 - 1) Boundary line of proposed subdivision, clearly outlined and dimensioned;
 - 2) Total acreage and total water frontage;
 - 3) Platted streets, right-of-way and utility easements;
 - 4) Boundary lines and ownership of adjoining land;
 - 5) Sewers, water mains, culverts or other underground facilities;
 - 6) Permanent buildings and structures;
 - 7) Summary of soil and vegetation types (terrestrial and aquatic);
 - 8) Lakes, water courses and marsh areas and such other information as location of the OHWL or highest known water elevation and contours at vertical intervals of not more than 10 ft. or 5 ft. in BIZ and on steep slopes. All elevation data shall be mean-sea level or some other assumed workable datum;

- 9) Wetlands, delineated in accordance with the Minnesota Wetland Conservation Act. All Wetland Delineation Reports must be signed and dated; and
 - 10) Evidence that the ground water level is at least three feet below the finished grade
- D. Subdivision Design Features
- 1) Layout and width of proposed streets and utility easements showing lake setback boundaries, buffer zone boundaries, lot boundaries and dedicated roads;
 - 2) Preliminary road grades, including a center line profile, and drainage plans shall be shown on a copy of the contour map. All roads must be identified and signed in accordance with the provisions of the County's Enhanced 911 Countywide Addressing System;
 - 3) Statement of source of water supply;
 - 4) A minimum of 8,400 square foot of Buildable Area shall be identified on each lot;
 - 5) The primary and secondary soil treatment areas, as specified in Section 8 of the Otter Tail County Sanitation Code of Otter Tail County for Subsurface Sewage Treatment Systems, shall be identified on each lot. This undisturbed Sewage Treatment Area must be identified and staked onsite by a Minnesota Pollution Control Agency (MPCA) Licensed Sewage System Designer; and
 - 6) Documents, such as bylaws, property owner's agreements, covenants and restrictions that explain how the project is designed and will function. These ordinarily include membership requirements in a property owner's association, assessment of costs, various easements, a concept statement describing the project, floor plans for structures and various other drawings or plans.
- E. A Preliminary Title Opinion prepared (signed and dated) by the subdivider's attorney.
- F. Stake center line of proposed road and lot boundaries.

Subp. 6. Dedications

If local governments require land or easement dedications, they must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

Subp. 7. Water and Sewer Design Standards

- A. A potable water supply and a sewage treatment system consistent with Minnesota Rules, Chapters 7080-7081 must be provided for every lot.
- B. Each lot must include at least two soil treatment and dispersal areas that support systems in accordance with the Otter Tail County Sanitation Code.
- C. Lots that would require use of holding tanks are prohibited.

Subp. 8. Information Requirements

- A. Topographic contours at two-foot intervals or less from current sources, showing limiting site characteristics;
- B. The surface water features required in Minnesota Statute §505.021, Subd. 8, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;
- C. Adequate soils information to determine suitability for building and 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;
- D. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
- E. Location of 100-year flood plain areas and floodway districts from existing adopted maps and data; and
- F. 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 lake or stream.

Subp. 9. 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 stormwater and wetlands.

Subp. 10. Platting

All subdivisions that create either five or more lots that are less than 5.0 acres, or parcels that are less than 2-1/2 acres in size, shall be processed as a plat in accordance with Minnesota Statute §505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after October 15, 1971 unless the lot was previously approved as part of a formal subdivision.

Subp. 11. Controlled Access Lots Not Allowed

Controlled access lots within a subdivision are not allowed.

Subp. 12. Pre-Application Meeting

Prior to submission of a preliminary plat for consideration to the Planning Commission under the provisions of this Ordinance, the potential applicant shall meet with the Administrative Officer to discuss expectations regarding any potential preliminary plat.

SECTION 10 PLANNED UNIT DEVELOPMENTS**Subp. 1.Purpose**

To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.

Subp. 2.General

- A. All PUDs, in operation continuously since October 15, 1971 may continue to operate the number and type of dwelling units which were in operation on October 15, 1971. Any change will require that the owner obtain a Conditional Use Permit which will authorize a specific number and type of dwelling units.
- B. Planned unit developments must be processed as a conditional use. An expansion to an existing commercial PUD that has a current Conditional Use Permit involving six (6) or less new dwelling units or sites since October 15, 1971 is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in this Section 10, Subp. 4.
- C. Existing resorts may add on to, or replace, existing dwelling units, without a Conditional Use Permit or Variance, in accordance with Minnesota Statute §103F.227.
- D. Pre-Application Meeting.
Prior to submission of any plans for consideration to the Planning Commission under the provisions of this Ordinance, the potential applicant shall meet with the Administrative Officer to discuss expectations regarding any potential application.
- E. Presentation Requirements
 - 1) A scale drawing for the project indicating the location and setback distances from:
 - a) Property boundaries (lotlines, road right-of-ways and easements);
 - b) Existing and proposed structures (must identify each structure);
 - c) Existing and proposed sewage treatment systems;
 - d) Existing and proposed water wells;
 - e) Tier location and areas in square feet;
 - f) Location and elevation of the OHWL or highest known water level (all elevation data shall be mean sea-level or some other assumed workable datum);
 - g) Contours at vertical intervals of not more than 10 ft. or 5 ft. in BIZ and on steep slopes (all elevation data shall be mean sea-level or some other assumed workable datum). The drawing must identify the top of the bluff;
 - h) Shore recreation facilities (swimming areas, docks, etc.); and
 - i) Parking areas
 - 2) A Wetland Delineation Report in accordance with the Minnesota Wetland Conservation Act (must be signed and dated).
 - 3) Documents that explain how the project is designed and will function. These ordinarily include covenants that require membership in a property owners association, various easements, a concept statement describing the project, floor plans for structures, and various other drawings or plans.
 - 4) An onsite impervious surface calculation.
 - 5) The Administrator may require a professional drawing.

Subp. 3.Types of PUDs Permissible

Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards in Table II and Table III of Section 6 of this ordinance is allowed if the standards in this section are met.

Subp. 4. Density Determination or Site Density Evaluation

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards:

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

Table VI-Shoreland Tier Dimensions

Classification	Tier Depth	
	SSTS (ft)	Municipal Sewer (ft)
General Development Lakes – first tier	200	200
General Development Lakes – second and additional tiers	267	200
Recreational Development Lakes	267	267
Natural Environment Lakes	400	400
All River Classes	300	300

- B. The area within each tier is next calculated, excluding all wetlands, bluffs, or land below the ordinary high water level of public waters. This area is then subjected to either residential (Subp. 5) or commercial (Subp. 6) planned unit development evaluation steps to arrive at an allowable number of dwelling units or sites.

Subp. 5. Residential Planned Unit Development Density Evaluation Steps and Design Criteria

The density evaluation steps and design criteria for residential planned unit developments are contained in items A to D.

- A. The area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single family residential lot width standard times the tier depth unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planning unit development are then compared with these data and map of the evaluation. Local governments may allow some dwelling unit or site density increases for residential planned unit developments above the densities determined in the evaluation if all dimensional standards in Table II or Table III are met or exceeded. Maximum density increases may only be allowed if all design criteria in Subp.5 (B) are met or exceeded. Increases in dwelling unit or site densities must not exceed the maximums in Table VII. Allowable densities may be transferred from one tier to any other tier further from the shoreland water body of watercourse, but must not be transferred to any other tier closer.

Table VII
Maximum Allowable Dwelling Unit or Site Density Increases
For Residential Planned Unit Developments

Density Evaluation Tier	Maximum density increase within each tier (percent)
1 st	50
2 nd	100
3 rd	200
4 th	200
5 th	200

B. The design criteria are:

- 1) All residential planned unit developments must contain at least five dwelling units or sites.
- 2) Residential planned unit developments must contain open space meeting all of the following criteria:
 - a) At least 50 percent of the total project area must be preserved as open space.
 - b) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and should not be included in the computation of minimum open space.
 - c) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
 - d) Open space may include outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.
 - e) The shore impact zone, based on the normal structure setbacks, must be included as open space. At least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in their natural or existing state.
 - f) Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities.
 - g) The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of the restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
 - h) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
- 3) Centralization and design of facilities and structures must be completed according to the following standards:
 - a) Residential planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
 - b) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased for developments with density increases. Maximum density increases may only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
 - c) Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
 - d) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.
 - e) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 7, Subp. 3 and are centralized.

- f) Accessory structures and facilities may be allowed if they meet or exceed standards in part Section 7, Subp. 3, and are centralized.
- 4) Erosion control and storm water management for residential planned unit developments must:
 - a) Be designed, and their construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
 - b) Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff.
- C. Administration and maintenance requirements.

Before final approval of all residential planned unit developments, local governments must ensure adequate provisions have been developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development as a community.

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

Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:

 - 1) Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified.
 - 2) Deficiencies involving water supply and sewage treatment, structure, color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
 - 3) Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - a) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - b) Remedial measures to correct erosion, improve vegetative cover, and improve screening of buildings and other facilities as viewed from the water; and
 - c) If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alteration. The

conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setbacks and elevation requirements when they are rebuilt or replaced.

- 4) Existing dwelling unit or dwelling site densities that exceed standards in Section 10, Subp. 4 of this ordinance may be allowed to continue but must not be allowed to increase, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralized shore recreation facilities, installing new sewage treatment systems, or other means.

Subp. 6. Commercial Planned Unit Development Density Evaluation Steps and Design Criteria.

The density evaluation steps and design criteria for commercial planned unit developments are contained in items A and B:

A. Density evaluation steps:

- 1) Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed dwelling units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages or porches and basements, unless they are habitable space.
- 2) Select the appropriate floor area ratio from Table VIII.

Table VIII-Commercial PUD Density Calculation Factors

Inside Living Floor Area or Dwelling Site (ft ²)	Floor Area Ratios*		
	General Development Lakes w/sewer – all tiers General Development Lakes w/no sewer – 1 st tier Agricultural, Urban and Tributary Rivers	General Development Lakes w/no sewer – all other tiers Recreational Development Lakes Forested and Transition Rivers	Natural Environment Lakes Remote Rivers
200	0.040	0.020	0.010
300	0.048	0.024	0.012
400	0.056	0.028	0.014
500	0.065	0.032	0.016
600	0.072	0.038	0.019
700	0.082	0.042	0.021
800	0.091	0.046	0.023
900	0.099	0.050	0.025
1000	0.108	0.054	0.027
1100	0.116	0.058	0.029
1200	0.125	0.064	0.032
1300	0.133	0.068	0.034
1400	0.142	0.072	0.036
≥ 1500	0.150	0.075	0.038

*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- 3) Multiply the usable area within each tier by the floor area ratio to yield total floor area for each tier to be used for dwelling units or sites.
- 4) Divide the area computed in subitem (3) by the average determined in subitem (1). This yields a base number of dwelling units or sites for each tier.

- 5) Determine whether the project is eligible for any additional density increases. To be eligible, projects must meet all of the design standards in item B, and exceed one or more of them. The local unit of government may decide how much, if any, increase in density to allow for each tier, but must not exceed the maximum allowable density increases in Table IX:

**Table IX-Maximum Allowable Dwelling Unit or Site
Density Increases for Commercial Planned Unit Developments**

Shoreland Tier	Maximum density increase within each tier (percent)
1 st	50
2 nd	100
3 rd	200
4 th	200
5 th	200

- 6) Allowable densities may be transferred from any tier to any other tier further from the shoreland lake or river, but must not be transferred to any other tier closer.
- B. The design criteria are:
- 1) Open space. Commercial planned unit developments must contain open space meeting all of the following criteria:
 - a) At least 50 percent of the total project area must be preserved as open space.
 - b) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, or parking areas, except water-oriented accessory structures or facilities, are developed areas and should not be included in the computation of open space.
 - c) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
 - d) All shore impact zones within commercial planned unit developments must be included as open space, and at least 50 percent of these areas must be preserved in their natural or existing state.
 - e) Open space may include outdoor recreation facilities for use by guests staying in dwelling units or sites, or the public.
 - f) Open space may include subsurface sewage treatment systems if use of the space is restricted to avoid adverse impacts on the systems.
 - 2) Design of structures and facilities must be completed according to the following standards:
 - a) Commercial planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be designed and installed to meet or exceed applicable rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
 - b) Dwelling units or sites must be located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above surface water features, and maximum height. Maximum density increases may only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or other means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
 - c) Structures, parking areas, and other facilities must be designed and located in a manner that minimizes their visibility from surface water features, assuming summer, leaf-on conditions. The structure, dwelling unit, accessory structure, or parking area must be treated to reduce visibility as viewed from public waters

and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

- d) Water-oriented accessory structures and facilities may be located within shore impact zones if each meet or exceed design standards contained in Section 7, Subp. 3.
 - e) Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of watercraft allowed to be continuously beached, moored, or docked must not exceed one for each allowable dwelling unit or site in the first tier, notwithstanding existing mooring sites in an existing harbor. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
- 3) Erosion control and storm water management for commercial planned unit developments must:
- a) Be designed, and their construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
 - b) Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved storm water management plan and consistency with Section 8.

SECTION 11 ENFORCEMENT

The Otter Tail County Land and Resource Management office 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, constitutes a misdemeanor and is punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity as listed in Section 3 of this Ordinance.

SECTION 12 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.

SECTION 13 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.

SECTION 14 OWNER LIABLE

In addition to any other person or persons involved in a violation or threatened violation of this Ordinance, the owner of record of any property falling under the jurisdiction of this Ordinance shall be responsible both criminally and civilly for any construction, alteration, excavation, or any other activity occurring on the property which is contrary to the provisions of this Ordinance.

SECTION 15 SAVINGS CLAUSE

All permits issued under this Ordinance are permissive only and shall not release the permittee from any liability or obligation imposed by Minnesota Statutes, Federal Law, or local Ordinances relating thereto. In the event any provision of this Ordinance shall be found contrary to law by a Court of competent jurisdiction from whose final judgment no appeal has been taken, such provision shall be considered void. All other provisions of this Ordinance shall continue in full force and effect as though the voided provision never existed.

SECTION 16 REPEAL

The Shoreland Management Ordinance of Otter Tail County, Minnesota, as adopted by the County Board on January 15, 2017, is hereby repealed and replaced with this Ordinance.

SECTION 17 ADOPTION/EFFECTIVE DATE

The regulations contained in this Ordinance shall become effective upon passage by the County Board and publication according to law.

Passed by the Otter Tail County Board of Commissioners, on June 22, 2021 with an effective date of July 1, 2021

Modify the following: (Otter Tail County Ordinance)

Replace with following: (City of Vergas Ordinance)

All Sections Minnesota Statute, Chapter 103F

Minnesota Statutes Chapter 462

Section 3: Subp. 6

Add F. Require use of the city sewer system, unless a variance has been issued for an on site sewage treatment system.

Section 3: Subp. 8 B. 1) Any grading and filling under 1, 000 cubic yards:

Section 3: Subp. 8 B. 1) Any grading and filling under 300 cubic yards:

Section 3: Subp. 11 MN Statute 394.27

MN State Statute 462

Section 3: Subp. 12 The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of the Ordinance including restrictions placed on nonconformities.

Section 3: Subp. 12 The Vergas Planning Commission shall have the exclusive power to order the issuance of variances from the requirements of the Ordinance including restrictions placed on nonconformities.

Section 3: Subp. 16 Shoreland Management by Townships

Remove.

Section 3: Subp. 17 Written notice shall also be sent to the Town Board of the Township wherein the conditional use is proposed, the governing body of any city or village of which the incorporated limits lie within 2 miles of the proposed conditional use and the Commissioner.

Section 3: Subp. 17 Written notice shall also be sent to the governing body of the city.

Section 3: Subp. 18 Amendments This Ordinance may be amended in whole or in part by the Board of County Commissioners after a proper public hearing has been conducted in accordance with MN Statutes 394.26

Section 3: Subp. 18 Amendments This Ordinance may be amended in whole or in part by the Vergas City Council after a proper public hearing has been conducted in accordance with MN Statutes 394.26

Subsection 6: SUBp.5 A.

A dwelling must not exceed a height of twenty-five (25) feet.

Section 9

Removed and replaced with Plats: Vergas Planning Commission shall oversee all plats in compliance of the Vergas Basic Code.

Section 16 Repeal

The Shoreland Management Ordinance of the City of Vergas, Otter Tail County, Minnesota, as adopted by the Vergas City Council on **TBD**, is repealed and replace with this ordinance.

Otter Tail County Appendix A and B

Vergas Appendix A and B.

Lake Name	DNR Lake Number
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General Developemnet Lakes	
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Lawrence Lake	56055500
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Recreational Lakes	
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Long Lake	56038800
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Loon Lake	56052300
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