

Shoreland Overlay District Summary*

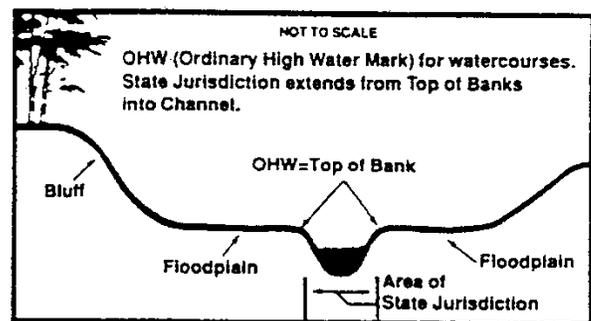
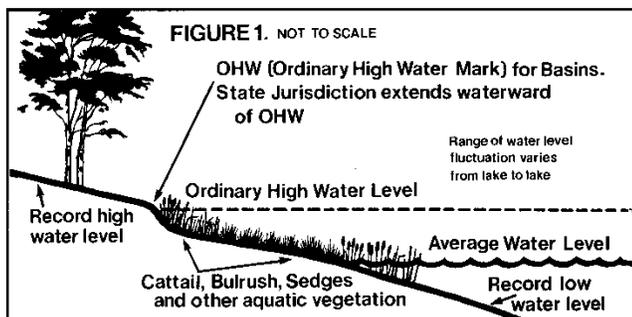
*This is only a partial summary of the Stearns County Zoning Ordinance #439. A copy of the entire Ordinance is available from the Stearns County Environmental Services Department. Brochure revised May 2012.



Minimum Lot Size & Setback Requirements from Ordinary High Water Level

Lake Classification	Natural Environment	Recreational Development	General Development
Lot Width (feet)	200	150	100
Lot Area (sq. ft.)	80,000	40,000	20,000
Structure Setback (feet)	200	100	75
Impact Zone (feet)	100	50	50
Septic Tank (feet)	150	75	50
Drainfield (feet)	150	100	100

River Classification	Trout Stream	Transition	Scenic River District	Agricultural, Urban, Tributary
Lot Width (feet)	200	250	250	150
Lot Area (sq. ft.)	80,000	75,000	4 acres	40,000
Structure Setback (feet)	200	150	150	100
Impact Zone (feet)	100	75	75	50
Septic Tank (feet)	150	100	100	75
Drainfield (feet)	150	100	100	100



Construction Site Permit

- No person shall construct, alter, or move any building or part thereof without first securing a construction site permit. The application shall include a plan showing lot dimensions and the size and location of the building and accessory buildings erected. The permit expires after one (1) year if no construction has begun. "Construction" shall include the installation of footings, slab, foundation, posts, walls or other portions of a building.

Accessory Building, Residential

- Total number allowed on a lot is two (2).
- Attached garage shall not exceed the square footage of the outside dimension of the principal residential structure.
- Setback and height requirements for both the primary district and overlay districts must be met.
- Maximum accessory building area allowed may vary according to township standards.
- Accessory building color, design and/or materials shall be similar to the principal structure in the R-1 district.

Lot Size (In acres)*	Maximum Accessory Building Area	Sidewall Height	Building Height
0 - .49	900 Square Feet	10 Feet	16 Feet
.5 - .99	1,200 Square Feet	10 Feet	16 Feet
1 – 1.99	1,500 Square Feet	12 Feet	20 Feet
2 – 4.49	1,800 Square Feet	14 Feet	22 Feet
4.5- 9.49	2,400 Square Feet	14 Feet	24 Feet
9.5 or greater	Unlimited**		

*Only land above the ordinary high water level shall be used to calculate lot size.

**Lots 9.5 acres or greater will only be limited by the total lot coverage.

Water Oriented Accessory Structures

- Each lot may have one (1) water oriented accessory structure.
- Structures may not exceed ten (10) feet in height or occupy an area greater than 150 square feet.
- Setbacks from the OHWL shall be at least twenty-five (25) feet on natural environment lakes and ten (10) feet on all other waterbodies.
- Must not be designed or used for human habitation or contain water supply or sewage treatment facilities.

Boathouses

- Boathouses and additions or alterations thereto are prohibited.

Decks

- A deck that is being attached to a principal structure or dwelling unit that was constructed after the effective date of Ordinance #439 must meet all structural setbacks. A deck that cannot be constructed in accordance with the structural setback requirements or behind an established building line shall be subject to the following standards:
 - The principal structure or dwelling unit to which a deck is being attached must have been in existence on June 26, 1972 and further provided that there have been no structural

- additions or alterations on the waterward side of said structure or dwelling unit since June 26, 1972; and
- A thorough evaluation of the property and structure by the Environmental Services Dept. reveals no reasonable location for a deck meeting or exceeding the existing OHW level setback of the structure; and
- Deck encroachment toward the OHW level shall not exceed 15 percent of the existing setback of the dwelling unit or principal structure to which it is being attached or shall not result in a setback of less than 30 feet from the OHW level, whichever is more restrictive; and
- Decks shall be constructed of wood, plastic or other rot-resistant materials and be painted or stained in colors compatible with the character of the neighborhood; and
- Decks shall not be screened in, enclosed, or roofed; and
- A deck shall not be used as the basis to establish a future building line.
- A construction site permit is required for a deck.



Structure Height

- Structures, unless otherwise exempted in Ordinance #439, located in the shoreland overlay district must not exceed thirty (30) feet in height.
- The height will be defined as the vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or height of the highest gable of a pitched or hipped roof.

Established Building Line

The most restrictive will apply:

- The setback of the two adjacent dwellings on either side of the proposed building site will be measured at their closest point to the lake. The total distance between the two dwellings from the lake will be added and then divided in half to establish the setback distance for the proposed building site. A dwelling within the shore impact zone may not be used to establish a building line, but in this case, the shore impact zone setback would be used.
- A string or sight line test will be conducted between the dwellings on the two adjacent properties on either side of a proposed building site. The closest points to the lake for the adjacent dwellings will be used to establish this line. Wherever that line falls on the proposed building site is where

the setback requirement for the proposed structure. Again, a dwelling in the shore impact zone may not be used to establish a building line, but in this case, the shore impact zone setback would be used.

- If there are no dwellings on the adjacent properties from which to establish a building line, the setbacks noted in Ordinance #439 shall apply.

Elevation Certification

- If the Department deems necessary, the owner of a riparian lake lot shall be required to submit certification by a registered engineer, registered architect, or registered land surveyor that the lowest floor elevation of any dwelling unit or addition thereto, including basement, is placed no lower than the regulatory flood protection elevation or at least 3 feet above the OHWL, or at least 3 feet above the highest known water level, whichever is higher.

Driveway Access Permit

- All new, revised or change of use accesses onto County roads shall be subject to the access and corridor protection guidelines of the Stearns County Comprehensive Plan. For access onto County roads contact the Public Works Department. For access onto Township roads contact the appropriate Township Board of Supervisors. Issuance of a driveway access permit must be precedent to the issuance of any construction site or use permit.

Encroachments

- Minor structural elements, such as chimneys, roof overhangs, and bay windows may extend into the setback area, but no more than two (2) feet.

Stairways, Lifts, and Landings

- Residential: Stairways and lifts must not exceed 4 feet in width and landings not exceed 32 square feet.
- Commercial, public, and planned unit development: Stairways must not exceed 6 feet in width and landings not to exceed 48 square feet.
- These structures shall be located in the most visually inconspicuous portion of lots and built in a manner that ensures control of soil erosion.
- Canopies or roofs are not allowed on stairways, lifts, or landings.

Bluffs

- A topographic feature such as a hill, cliff, or embankment having the following characteristics:
 1. Part or all of the feature is located in a shoreland area;
 2. The slope rises at least 25 feet or more above the OHWL;
 3. The grade of the slope from the toe of the bluff to a point 25 feet or more above the OHWL averages 30% or greater; and
 4. The slope must drain toward the water body.
- The structural setback from the top of a bluff is 30 feet.
- Structures and accessory facilities, except stairways and landings, shall not be placed within the bluff impact zone.



Fences

- No fence on the side line of a lot shall be higher than 6 feet, unless any part above such height has at least 50 percent of the surface uniformly open and unobstructed.
- Fences erected from the building line to the OHWL shall not exceed 4 feet and have at least 90% of the surface uniformly open and unobstructed.
- Fences shall not be constructed in any public road right-of-way or impede the vision of the roadway from a driveway providing access to the road.

Roads, Driveways, and Parking Areas

- Public and private watercraft access ramps, approach roads, and access related parking areas may be placed within the shore impact zones provided the vegetative screening, erosion control standards, and shoreland alteration provisions of Ordinance #439 are met.
- Public and private roads, driveways, and parking areas must meet all structure setbacks from the OHWL and must not be placed within bluff and shore impact zones, when avoidance is an option. A major shoreland alteration permit shall be required if the setbacks cannot be met.

Recreational Vehicles

- Must meet structural setback requirements.
- If located on a tract for more than 30 consecutive days, it shall be considered a dwelling unit and must be permitted.
- The permit requirement shall not apply to homeowners who are storing an R.V. on their property.

Septic System Certifications

- A compliance inspection for existing sewage treatment systems shall be conducted prior to the issuance of any permit or granting or denying of any variance for property located in the Shoreland Overlay District.

Sewage Treatment Permit

- In areas without public sewer facilities, no construction site permit, conditional use permit, interim use permit, or provisional use permit for any use requiring on site sewage treatment shall be issued until a sewage treatment permit has first been issued.

Non-Conforming Lots

- Pursuant to MN Statute 394.36:
 1. Applies to homestead and nonhomestead residential real estate and seasonal residential real estate occupied for recreational purposes.
 2. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
 - A. All structure and septic system setback distance requirements can be met;
 - B. A Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
 - C. The impervious surface coverage does not exceed 25 percent of the lot.
 3. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
 - A. The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
 - B. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls;
 - C. Impervious surface coverage must not exceed 25 percent of each lot.
 4. Contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if:
 - A. Each lot contained a habitable residential dwelling at the time the lots came under common ownership and
 - B. The lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section [115.55](#) and Minnesota Rules, chapter 7080, or connected to a public sewer.
- A parcel of record shall be a legally buildable parcel provided all of the following are met:
 1. The use is permitted in the applicable zoning district;
 2. The lot or tract has been in separate ownership from abutting lands at all times since it became non-conforming;
 3. The lot was created compliant with the official controls in effect at the time; and
 4. The applicable setback requirements of Ordinance #439 are met;
 5. The sewage treatment system standards are met.
- A variance from setback requirements may be required before a permit is issued for a lot.

Non-Conforming Structures

- Pursuant to MN Statute 394.36:
 1. A nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.
 2. If a nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body.
- Additions or alterations to a non-conforming principal structure that is partially or wholly lakeward or riverward of an established building line, may be allowed provided the addition or alteration is landward of the established building line, not located wholly or partly within the shore impact zone, and/or the provisions of Ordinance #439 are met.
- Any additions or alterations to a non-conforming structure that is located wholly or partly within the shore impact zone shall not be allowed.
- A non-conforming structure may be altered or expanded; however, the nonconformity shall not be increased. For example, if a setback of a structure is nonconforming, no addition or alteration may be made to the nonconforming side of the structure unless the addition or alteration meets setback requirements.

Non-Conforming Uses

- Pursuant to MN Statute 394.36:
 1. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.
- No such use shall be expanded, enlarged or altered, including any increase in the volume, intensity or frequency of use of the property where a nonconforming use exists. Expansions and additions to a structure devoted in whole or part to a nonconforming use are prohibited.





Lake Koronis, Paynesville, 2001

Shoreland Alterations

- Exclusions:
 1. Within 20 feet of permitted construction project
 2. Wetland Conservation Act projects
 3. Permitted animal feedlot
 4. Department of Natural Resources spoils permit
 5. Projects involving 10 cubic yards or less yards of fill being deposited, removed or graded
 6. Projects involving 50 cubic yards or less yards of fill being deposited, removed or graded -not on steep slope, not in shore impact zone, not in bluff impact zone
- Minor Shoreland Alteration Permits:
 1. Less than 100 cubic yards of fill being deposited, removed or graded
 2. Projects located more than 2 times the required structural setback
 3. Rock rip-rap to control erosion
 4. Projects overseen by Soil and Water Conservation District, Natural Resources Conservation Service or a Watershed District
 5. Emergency stabilization
- Major Shoreland Alteration Permits.
 1. Projects located less than 2 times the required structural setback involving 100 cubic yards or more of fill being deposited, removed or graded
 2. Minor projects that, because of site specific conditions, may cause adverse environmental impact
- Conditions allowed for major and minor shoreland alteration permits:
 1. Alterations necessary for a permitted, provisional, accessory, or conditional use and do not adversely affect adjacent or nearby properties or the lake;
 2. Alterations necessary to correct existing erosion problems;
 3. Rock riprap or bioengineered solutions shall be the preferred method over retaining walls to prevent erosion;
 4. Alterations shall be designed and constructed in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible;
 5. Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a

- permanent vegetation cover shall be established as soon as possible;
- 6. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used;
- 7. Altered areas shall be stabilized to acceptable erosion control standards;
- 8. Fill or excavated material shall not be placed in a manner that creates an unstable slope; and
- 9. Plans to place fill or excavated material on steep slopes not exceeding a final grade of >30% shall be reviewed by a qualified professional.
- The Director shall issue a restoration order when the Director or Shoreland Technical Panel refuses to issue a permit for an after-the-fact shoreland alteration project.

Erosion Control Standards

- An erosion control plan is required prior to construction of a commercial or industrial facility, a new plat or when the Department deems necessary.
- Applicant(s) applying for a construction site permit, interim use permit, provisional use permit, alteration permit, conditional use permit, or subdivision approval shall adhere to erosion control measure standards and specifications.
- Land disturbing activity shall not cause active gully (channel) erosion, unstable slopes, or negative off-site impacts.
- Permanent or temporary soil stabilization (vegetative cover) shall be applied to disturbed areas within fourteen (14) days of the start of the project.
- Sediment basins/traps, perimeter dikes (for diversion), sediment barriers (silt fences), and other measures intended to trap sediment on-site shall be constructed prior to and/or concurrent with any grading and shall be functional before cut/fill upslope land disturbance takes place.
- All stormwater inlets operable during construction shall be protected by filtering/treating sediment-laden water from entering the conveyance system.
- Construction vehicles/agricultural equipment are prohibited in watercourses.
- All temporary erosion/sediment control measures shall be maintained/repared as needed and disposed of properly within thirty (30) days after vegetation has been established and final site stabilization is achieved.

Stormwater Management

- When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- When natural features and vegetation cannot be used, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used.
- Disturbed areas shall be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- Impervious surface coverage of a lot shall not exceed 25 percent of the lot area.

Vegetation Alterations

- Exclusions: Construction of structures, roads, sewage treatment systems, parking areas, agricultural and forest management, planned unit and open space development.
- Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
- In shore and bluff impact zones and on steep slopes, no clearing or cutting of trees and shrubs shall be allowed except to establish a view corridor. In establishing a view corridor the following standards shall be met:
 1. Prior to vegetative removal or prior to establishing a view corridor on a riparian lot, the property owner shall contact the department to arrange a site visit and complete an application for vegetative alteration;
 2. Clearly mark any proposed view corridor and any vegetation to be removed from a riparian lot. The property owner may be required to supply information on slope, soil type, property line locations, location of easements, or any other information requested by the department;
 3. The department may take into account the predevelopment vegetation, natural openings, surrounding vegetation patterns and density, previous vegetative alterations, slope, soil type, the locations and extent of adjacent view corridors, the adjacent body of water and other information it deems necessary;
 4. The total cumulative view corridor shall not exceed 50 feet or half the lot width, whichever is less;
 5. The view corridor shall extend from the most lakeward side of the principle residence and continue toward the ordinary high water level of a public water until such restricted removal area is reached as indicated above;
 6. The total cumulative tree/shrub removal within any view corridor shall not exceed 25% of the trees greater than 5" in diameter 4.5 feet above the ground (diameter breast height or DBH), and 25% of the trees/shrubs less than 5" DBH;
 7. From the OHWL, extending through the shore impact zone and extending to the building setback, exclusive of the view corridor, no vegetative alterations are allowed, however planting of trees, shrubs, and other vegetation is encouraged;
 8. From the building setback and extending to the landward end of the lot, up to 25% of the trees greater than 5"DBH and up to 25% of the trees/shrubs less than 5"DBH may be removed in accordance with a plan submitted to and approved by the department;
 9. Except Boxelder and Chinese Elm the removal of exotic species such as European Buckthorn or Purple Loosestrife or noxious species such as Poison Ivy or Prickly Ash is permitted;
 10. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer leaf-on conditions, is not substantially reduced; and
 11. The existing shading of water surfaces along the shoreline is preserved during summer leaf-on periods of the year.
- Trees and shrubs which are located outside of the view corridor, but within the shore impact zone, bluff impact zone, or on steep slopes shall be left undisturbed except for the removal of exotic species such as European Buckthorn or

Purple Loosestrife or noxious species such as Poison Ivy or Prickly Ash.

- Naturally dead or diseased trees may be removed.
- Application of fertilizer and pesticides in shoreland must be done in such a way as to minimize runoff into the shore impact zone or public water. The use of phosphorus containing fertilizer is prohibited in the shore impact zone.
- Burning of yard waste is prohibited within the shore and bluff impact zones or on steep slopes.
- Planting of trees, shrubs, establishing vegetated buffers and maintaining vegetated shorelines is encouraged on riparian lots as a method to minimize and mitigate the impacts of stormwater runoff, erosion and nutrient enrichment on water resources.

Retaining Walls

- Walls located more than two times the required structural setback regardless of height unless triggered by volume of material are exempt from permitting
- Minor permit:
 1. Walls 4 feet in cumulative height or less when an erosion problem exists
 2. Walls not visible from the shore by virtue of topography or vegetation
 3. Replacement walls authorized under State Law regardless of height
 4. One ornamental/terracing wall 4 feet in cumulative height or less per lot; up to 25% of the lot width not to exceed 75 feet
- Major permit:
 1. Walls more than 4 feet in cumulative height when an erosion problem exists
 2. Replacement walls not authorized under State Law
 3. Ornamental/terracing walls more than 4 feet in height, more than 25% of the lot, more than 1 area or more than 75 feet

Sand Blankets

- Placement of sand above the OHWL requires a Shoreland Alteration permit.
- Placement of sand blankets are prohibited in flood fringe areas.

License Required

- No person, firm or corporation shall engage in the business of excavating, landscaping, grading or hauling fill within shoreland areas of Stearns County without first having a license from the County, paying the license fee established by the County Board of Commissioner's resolution, and furnishing a bond.
- The State of Minnesota requires that all residential building contractors, remodelers, and roofers obtain a state license unless they qualify for a specific exemption from the licensing requirements.

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