

ARTICLE IX: SHORELAND REGULATIONS

Section 900. Scope and Classification of Public Waters

The shoreland overlay district shall be overlaid upon the zoning districts established by the Greater Bemidji Area Joint Planning Board so that any parcel of land located within shoreland shall also lie in an established zoning district. All structures and uses shall be required to meet the requirements of the regulations for the zoning district in which such structure or use is located (please also see underlying zoning districts in Articles II, III and IV of this Ordinance). In addition, such structures and uses shall be required to meet the requirements of the shoreland overlay district. No permits may be issued, and no approvals may be made until all such necessary requirements have been met.

The public waters of the Greater Bemidji Area as shown below have been classified according to criteria found in Minnesota Rules, Part 6120.3300, the MHB Plan and the Protected Waters Inventory Map for Beltrami County, Minnesota. The shoreland jurisdiction for water bodies listed below shall be within the distances as defined in this Ordinance and as shown on the official Zoning Map for the Greater Bemidji Area.

A. General Development Lakes

Lake Name:	Lake I.D. Number:
Lake Bemidji*	4-130
Lake Irving*	4-140

*Also subject to MHB Ordinance No. 10

B. Recreational Development Lakes

Lake Name:	Lake I.D. Number:
Big Bass	4-132
Movil	4-152

C. Sensitive Area Lakes

Lake Name:	Lake I.D. Number:
No Name	4-131
Unnamed	4-205
Tarutis	4-206

D. Special Protection Lakes

Lake Name:	Lake I.D. Number:
Little Gnat	4-133
No Name	4-145
No Name	4-146
Britten	4-147
Bakkum	4-149
Sumac	4-150
Alice	4-151
Grass	4-216
No Name	4-356

*Also subject to MHB Ordinance No. 10

E. Scenic and Transition River Segments (SC&TR)

River Name:	From:	To:
Mississippi*	SC West Section line, Inlet of Lake Irving Section 19, T146N, R33W	Inlet of Lake Irving Section 19, T146N, R33W in Section 20, T146N, R33W
Mississippi	TR-Outlet of Lake Irving, Section 20, T146N, R33W	Inlet of Lake Bemidji in Section 16, T146N, R33W

*Also subject to MHB Ordinance No. 10

F. Forested River Segments (FR)

River Name:	From:	To:
Mississippi	Outlet of Lake Bemidji in Section 2, T146N, R33	East Section line, Section 1 T146N, R33W

G. Tributary River Segments (TR)

River Name:	From:	To:
Unnamed	Outlet of Big Bass Lake in Section 24, T147N, R33W	Inlet of Lake Bemidji in Section 23, T147N, R33W
Balsam West	West Section Line of 18 T147N, R33W	Inlet of Lake Alice in Section 18, T147N, R33W
Balsam	Outlet of Lake Alice Section 18, T147N, R33W	Inlet of Lake Bemidji Section 28, T147N, R33W

All protected watercourses in the Greater Bemidji Area shown on the Protected Waters Inventory for Beltrami County, which is hereby adopted by reference, not given a classification in Section 900 of this Ordinance, shall be considered “Tributary.”

Section 901. Bulk Density and Lot Sizes

The following standards apply to lots located within shoreland areas. Whenever these standards conflict with the requirements of the underlying zoning district the stricter standards shall apply.

A. Minimum Size of Lots

Lots Served by Municipal Sewer on General Development Lakes *		
Structure:	Riparian lots: (safe.)	Nonriparian lots: (safe.)
Single-family	15,000	15,000
Duplex	26,000	26,000
Triplex	38,000	38,000
Quad	49,000	49,000

* For parcels subject to MHB Ordinance, lot area must contain a minimum of thirty thousand (30,000) square feet of contiguous land that is not a Type 1-8 wetland for Riparian lots and a minimum of forty thousand (40,000) square feet of land that is not Type 1-8 wetland for Non-Riparian lots. Non-Riparian lots connected to municipal sewer and water may be twenty thousand (20,000) square feet in area.

Lots Not Served by Municipal Sewer on General Development Lakes *		
Structure:	Riparian lots: (safe.)	Nonriparian lots: (safe.)
Single-family	20,000	40,000
Duplex	40,000	80,000
Triplex	60,000	120,000
Quad	80,000	160,000

* For parcels subject to MHB Ordinance, lot area must contain a minimum of thirty thousand (30,000) square feet of contiguous land that is not a Type 1-8 wetland for Riparian lots and a minimum of forty thousand (40,000) square feet of land that is not Type 1-8 wetland for Non-Riparian lots.

Lots Served by Municipal Sewer on Recreational Development Lakes*		
Structure:	Riparian lots: (safe.)	Nonriparian lots: (safe.)
Single-family	20,000	15,000
Duplex	35,000	26,000
Triplex	50,000	38,000
Quad	65,000	49,000

* No Recreational Development Lake currently served by Municipal Sewer

Lots Not Served by Municipal Sewer on Recreational Development Lakes*		
Structure:	Riparian lots: (safe.)	Nonriparian lots: (safe.)
Single-family	40,000	40,000
Duplex	80,000	80,000
Triplex	120,000	120,000
Quad	160,000	160,000

* Lot area must contain a minimum of forty-five thousand (45,000) square feet of contiguous land that is not a Type 1-8 wetland.

Lots on Sensitive Area Lakes *		
Structure:	Riparian lots: (safe.)	Nonriparian lots: (safe.)
Single-family	130,690 Sq. Ft. (3 acres)	130,690 Sq. Ft. (3 acres)

* Lot area must contain a minimum of forty-five thousand (45,000) square feet of contiguous land that is not a Type 1-8 wetland.

Lots on Special Protection Lakes		
Structure:	Riparian lots: (safe.)	Nonriparian lots: (safe.)
Single-family	217,800 Sq. Ft. (5 acres)	217,800 Sq. Ft. (5 acres)

* Lot area must contain a minimum of forty-five thousand (45,000) square feet of contiguous land that is not a Type 1-8 wetland.

1. Lots on Rivers or Tributaries

- a. The minimum lot size for the Scenic River Segment of the Mississippi is five (5) acres.
- b. The minimum lot size for all other lots located within the shoreland of rivers or tributaries will be governed by the requirements of the underlying zoning district as prescribed by this Ordinance.

B. Lot Width: All lot widths shall be measured at both the building line and at the ordinary high water level.

Lots Served by Municipal Sewer on General Development Lakes *		
Structure:	Riparian lots: (safe.)	Nonriparian lots: (safe.)
Single-family	100	100
Duplex	135	135
Triplex	195	195
Quad	255	255

* Outside City limits, lot width minimums the same as unsewered.

Lots Not Served by Municipal Sewer on General Development Lakes *		
Structure:	Riparian lots: (safe.)	Nonriparian lots: (safe.)
Single-family	100	150
Duplex	180	265
Triplex	260	375
Quad	340	490

Lots Served by Municipal Sewer on Recreational Development Lakes*		
Structure:	Riparian lots: (safe.)	Nonriparian lots: (safe.)
Single-family	100	100
Duplex	135	135
Triplex	195	190
Quad	255	245

* No Recreational Development Lake currently served by Municipal Sewer.

Lots Not Served by Municipal Sewer on Recreational Development Lakes		
Structure:	Riparian lots: (safe.)	Nonriparian lots: (safe.)
Single-family	150	150
Duplex	225	265
Triplex	300	375
Quad	375	490

Lots on Sensitive Area Lakes		
Structure:	Riparian lots: (safe.)	Nonriparian lots: (safe.)
Single-family	300	300

Lots on Special Protection Lakes		
Structure:	Riparian lots: (safe.)	Nonriparian lots: (safe.)
Single-family	400	400

Lots on Rivers*			
Structure:	Remote:	Forested:	Transitional:
Single-family	300	200	250
Duplex	450	300	375
Triplex	600	400	500
Quad	750	500	625

*On Scenic River Segment of Mississippi the minimum width is three hundred and thirty (330) feet.

Lots on Tributaries.		
Structure:	Riparian lots: (safe.)	Nonriparian lots: (safe.)
Single-family	100	150
Duplex	115	200
Triplex	150	250
Quad	190	300

- C. **Lot Coverage:** The maximum ground coverage percentage shall be twenty-five percent (25%) on all lots within the shoreland district. This shall include all structures, paving, cement, and all other impermeable surfaces.
- D. **Setbacks:** Structure setbacks in the shoreland overlay district are as follows:

1. General Development Lakes	Distance in Feet
Structure setback from ordinary high water level (unsewered)	75
Structure setback from ordinary high water level (sewered)	50
Structure setback from top of bluff	30
Structure setback from side lot line	10
Structure setback from unplatted cemetery	50
Structure setback from federal, State, or County right-of-way	50
Structure setback from right-of-way of other roads	20
Sewage treatment system setback from ordinary high water level	75

*Outside City limits, Lake Bemidji setback from OHWM (unsewered) 100

2. Recreational Development Lakes	Distance in Feet
Structure setback from ordinary high water level (unsewered)	100
Structure setback from ordinary high water level (sewered)	75
Structure setback from top of bluff	30
Structure setback from side lot line	10
Structure setback from unplatted cemetery	50
Structure setback from federal, State, or County right-of-way	50
Structure setback from right-of-way of other roads	20
Sewage treatment system setback from ordinary high water level	100

3. Sensitive Area Lakes	Distance in Feet
Structure setback from ordinary high water level	150
Structure setback from top of bluff	30
Structure setback from side lot line	10
Structure setback from unplatted cemetery	50
Structure setback from federal, State, or County right-of-way	50
Structure setback from right-of-way of other roads	20
Sewage treatment system setback from ordinary high water level	150

4. Special Protection Lake	Distance in Feet
Structure setback from ordinary high water level	150
Structure setback from top of bluff	30
Structure setback from side lot line	10
Structure setback from unplatted cemetery	50
Structure setback from federal, State, or County right-of-way	50
Structure setback from right-of-way of other roads	20
Sewage treatment system setback from ordinary high water level	200

5. Remote River Segments (incl. Scenic River)	Distance in Feet
Structure setback from ordinary high water level	200
Structure setback from top of bluff	30
Structure setback from side lot line	10
Structure setback from unplatted cemetery	50
Structure setback from federal, State, or County right-of-way	50
Structure setback from right-of-way of other roads	20
Sewage treatment system setback from ordinary high water level	200

6. Forested River Segment	Distance in Feet
Structure setback from ordinary high water level	150
Structure setback from top of bluff	30
Structure setback from side lot line	10
Structure setback from unplatted cemetery	50
Structure setback from federal, State, or County right-of-way	50
Structure setback from right-of-way of other roads	20
Sewage treatment system setback from ordinary high water level	150

7. Transition River Segments	Distance in Feet
Structure setback from ordinary high water level	150
Structure setback from top of bluff	30
Structure setback from side lot line	10
Structure setback from unplatted cemetery	50
Structure setback from federal, State, or County right-of-way	50
Structure setback from right-of-way of other roads	20
Sewage treatment system setback from ordinary high water level	150

8. Tributary River Segments	Distance in Feet
Structure setback from ordinary high water level (unsewered)	100
Structure setback from ordinary high water level (sewered)	50
Structure setback from top of bluff	30
Structure setback from side lot line	10
Structure setback from unplatted cemetery	50
Structure setback from federal, State, or County right-of-way	50
Structure setback from right-of-way of other roads	20
Sewage treatment system setback from ordinary high water level	100

E. **Maximum Building Height:** No structure in residential districts in the shoreland overlay, except religious institutions and agricultural structures, shall exceed thirty (30) feet in height. All other height limitations shall be as prescribed for the underlying zoning district.

Section 902. Design Criteria for Structures

In shoreland areas, no structure may be placed, and no lots may be developed, except in accordance with the following design criteria.

A. **High Water Elevations:** Structures must be placed in accordance with any floodplain regulations applicable to the site. Where such controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

1. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level; or three (3) feet above the ordinary high water level, whichever is greater.
 2. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water mark, or by conducting a technical evaluation to determine the effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer, hydrologist, or registered land surveyor consistent with Statewide Floodplain Management Rules parts 6120.5000 to 6120.6200. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.
- B. 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. New stairways and lifts shall be permitted by building or land use permit. Stairways, lifts and landings must meet the following design requirements:
1. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments if specifically authorized in a Conditional Use Permit.
 2. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be allowed for commercial properties, public open-space recreational properties, and planned unit developments, if specifically authorized in a Conditional Use Permit.
 3. Canopies or roofs are not allowed on stairways, lifts, or landings
 4. Stairways, lifts or landings may be either constructed above the ground on posts or pilings, or placed into the ground provided they are designed and built in a manner that ensures control of soil erosion
 5. Stairways, lifts or landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public waters assuming summer, leaf-on conditions, whenever practical.
 6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed as a permitted use for achieving access to shore areas, provided that the dimensional and performance standards of this Section, and the requirements of the State Building Code, Minnesota Rules 1341, are complied with.
- C. Accessory Uses and Structures: Where a shoreland lot is devoted to a permitted principal use, customary accessory uses and structures are authorized, except as may otherwise be specifically

prohibited. In addition to the applicable requirements of Article VI of this Ordinance, the following standards shall also apply:

1. Piers and docks are allowed, but shall be controlled by applicable State and local regulations. Docks or piers on riparian lots shall be under the control and ownership of the abutting land owner. Dock space rental and/or usage rights for anyone else is prohibited, except under the provisions of this Ordinance under Section 918 Controlled Access and Recreation Lots.
 2. Each riparian lot may have one water-oriented accessory structure not meeting the normal setback from the ordinary high water level as specified in Section 901 of this Ordinance, provided that such structure complies with the following provisions:
 - a. Such structure shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than one-hundred-and-twenty (120) square feet;
 - b. The setback of the structure from the ordinary high water level must be at least ten (10) feet;
 - c. The structure must be treated to reduce visibility as viewed from public waters and adjacent shore lands by vegetation, topography, increased setbacks, or color assuming summer, leaf-on conditions;
 - d. The roof may be used as a deck with safety rails, but shall not be enclosed as a storage area; and
 - e. The structure shall not be designed or used for human habitation and shall not contain an SSTS.
- D. Fences, Landscape Walls, and other similar features in addition to the fence provisions of Section 1004 of this Ordinance, shall be restricted within the required front yard setback between the structure and OHWM to no greater than three (3) feet in height.

Section 903. Nonconforming Structures Substandard in Shoreland Overlay District

Structures which were legally constructed prior to the adoption of shoreland controls or prior to adoption of this Ordinance, but that do not meet the provisions of this Ordinance may be continued at the size existing upon such date, subject to the following conditions:

- A. Routine maintenance of a nonconforming structure in the Shoreland Overlay District is permitted, including any necessary or nonstructural repairs and incidental alterations which do not expand or enlarge the nonconforming structure. Nothing in this Section will prevent the placing of a structure into a safe condition after it has been declared unsafe by the Building Official or Planning Administrator.

- B. The outside dimensions of a nonconforming principal or accessory structure, including the height, bulk or area in the Shoreland Overlay District, may be expanded or enlarged provided that:
1. The use of the property meets current zoning district regulations;
 2. A building or land use permit is obtained.
 3. The lot size is a minimum of fifteen thousand (15,000) square feet, and is at least one-hundred (100) feet wide at the building line, and, for riparian lots, one-hundred (100) feet in wide at the ordinary high water mark. There shall be no expansion or enlargement permitted on the side of the building that faces the water, with the exception of decks as set forth in Section 904 of this Ordinance; and
 4. Shall be subject to all other provisions of Section 501 above.
- C. Lots of record in the office of the County Recorder as of the date shoreland regulations were adopted by the Joint Planning Board that are located within the Shoreland Overlay District and do not satisfy the requirements of this Ordinance for lot size or lot width is subject to the following:
1. A nonconforming single lot of record located within the Shoreland Overlay District may be allowed as a building site without variances from lot size or lot width 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 twenty-five percent (25%) of the lot.
 2. In a group of two (2) or more contiguous lots of record under a common ownership, the smaller of the two (2) lots can be considered an individual lot to be considered 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 sixty-six percent (66%) of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules Chapter 6120 and Beltrami Co. Shoreland Ordinance;
 - b. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type I sewage treatment system consistent with Minnesota Rules Chapter 7080 and local government controls;
 - c. Impervious surface coverage must not exceed twenty-five percent (25%) of each lot; and

- d. Development of the lot must be consistent with the comprehensive plan.
 3. A lot subject to paragraph 2 above not meeting the requirements of paragraph 2 must be combined with one or more contiguous lots so they equal one or more conforming lots as much as possible.
 4. Notwithstanding paragraph 2, contiguous nonconforming lots of record in the Shoreland Overlay District under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Rules Chapter 7080 or connected to a public sewer.
 5. In evaluating all variances, zoning and building permit applications or conditional use permit requests, the Joint Planning Board shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities and other conservation-designed actions.
 6. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.
- D. An existing resort may maintain and replace its structures and expand to the extent allowed in Minnesota Statutes Section 103F.227.
- E. Whenever a nonconforming structure is damaged by fire, collapse, flood, explosion, earthquake, war, riot, act of God or public enemy to the extent of fifty percent (50%) or less of its estimated market value as shown on the records of the county assessor at the time of damage, it may be reconstructed. The nonconforming structure shall not be permitted to be reconstructed if the damage is greater than fifty percent (50%) of the estimated market value as shown on the records of the county assessor at the time of damage and no building permit has been applied for within one-hundred-and-eighty (180) days of when the structure was damaged. When a nonconforming structure in this district with less than fifty percent (50%) of the required setback from the water is destroyed by fire or other peril to greater than fifty percent (50%) of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
- F. When any lawful nonconforming structure is replaced by another structure, the new structure must conform to the provisions of this Ordinance and it shall not thereafter be changed to any nonconforming structure.
- G. If the nonconforming structure is discontinued for a period of twelve (12) months, the subsequent use of the structure shall be in conformity with the provisions of this Ordinance.

- H. Alterations may be made to a building containing nonconforming residential units when the alteration will improve the livability of such units, provided that such alterations do not increase the number of dwelling units in the building. Such alterations must be approved by the Joint Planning Board.
- I. No repair, replacement, maintenance, improvement, or expansion of a nonconforming use or structure in a floodplain area shall be allowed if such activity would jeopardize the property's continued eligibility in the National Flood Insurance Program, would increase flood damage potential or would increase the degree of obstruction to flood flows in the floodway.

Section 904. Deck Additions to Nonconforming Structures in Shoreland

Deck additions are allowed to structures that do not meet the minimum setback from the ordinary high water level, or to those structures that minimally meet the setback requirement to the ordinary high water level, without a variance, provided:

- A. The structure existed on the date the structure setbacks were established;
- B. A thorough evaluation of the property reveals no reasonable location (no rear or side yard setbacks remain on the site) for a deck which meets or exceeds the established setback from the ordinary high water level;
- C. The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level, and does not encroach closer than thirty (30) feet; and,
- D. The deck is constructed primarily of wood, and is not roofed or screened. Existing decks constructed within a required setback shall not be expanded in any way, including the addition of footings, walls, or a roof, except by approval of a variance.

Section 905. Significant Historic and Cultural 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.

Section 906. Steep Slopes

No construction of structures, sewage treatment systems, roads or driveways or other improvements may be undertaken on steep slopes within the jurisdiction of this Ordinance without the completion of a Vegetative Management Plan by the Beltrami Soil and Water Conservation District or other qualified entity. The Planning Administrator shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for the construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. Upon evaluation of the Vegetative Management Plan, the Planning Commission may place necessary conditions in order to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on conditions.

Section 907. Bluff Impact Zones.

No structures, with the exception of stairways, lifts and landings, may be placed within bluff impact zones. All structures must be set back at least thirty (30) feet from the top of a bluff. Walkout basements shall not be allowed in bluff impact zones.

Section 908. Vegetative Alterations

Intensive vegetative clearing within shore and bluff impact zones and on steep slopes is not allowed with the following exceptions:

- A. Intensive vegetative clearing for forest land conversion to another use may be allowed as a conditional use, with a Conditional Use Permit, provided that such clearing is not undertaken in shore or bluff impact zones or on steep slopes. Such Conditional Use Permit shall only be issued upon the completion of an erosion and sedimentation plan prepared by the Beltrami Soil and Water Conservation District or other qualified entity, and approved by the Joint Planning Board.
- B. In shore and bluff impact zones and on steep slopes, limited clearing of trees and brush and cutting, pruning and the trimming of trees is allowed, without a permit, in order to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways, lifts and landings, picnic areas, access paths, livestock watering areas, and beach and water craft areas provided that:
 - 1. Vegetation alterations shall in no case exceed fifty percent (50%) of the brush and twenty-five percent (25%) of the trees within the shore and bluff impact zones or on steep slopes. For the purpose of this Section, trees less than four (4) inches in diameter as measured at a height of four (4) feet from the ground shall be considered brush.
 - 2. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; and,
 - 3. Along rivers, existing shading of water surfaces is preserved.
- C. Vegetative alterations necessary for the construction of structures, sewage treatment systems, or roads and parking areas regulated by Section 908 of this Ordinance are allowed without a separate permit;
- D. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- E. Harvesting of timber as regulated under Section 910 of this Ordinance.

Section 909. Topographic Alterations/Grading and Filling

Topographic alterations, including grading and filling, shall not be allowed without obtaining a Conditional Use Permit from the Joint Planning Board.

- A. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, or driveways under validly issued permits for these facilities do not require the issuance of a separate permit. Walls or other related structural components necessary to meet state building code requirements shall be excluded from excavation and fill calculation standards for shoreland alteration. However, the grading and filling standards prescribed in this Section must be incorporated into the issuance of said permits.
- B. Excavation where the intended purpose is connection to public water such as boat slips, canals, lagoons and harbors are allowed only with a Conditional Use Permit issued by the Joint Planning Board. Such Conditional Use Permit shall only be granted after the Commissioner of Natural Resources has approved the proposed connection to public waters.
- C. Extractive uses are not allowed without the issuance of a Conditional Use Permit by the Planning Commission. The following conditions shall be incorporated into all Conditional Use Permits granted for extractive uses in shoreland areas.
 - 1. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. The plan must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
 - 2. Processing machinery must be located consistent with setback standards for structures from the ordinary high water level of public waters and from bluffs.
- D. No permit shall be issued under this Section unless the following conditions are complied with:
 - 1. Grading or filling in any type 2, 3, 4, 5, 6, 7 or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the functional qualities of the wetland, including: sediment and pollutant trapping and retention; storage of surface runoff to prevent or reduce flood damage; fish and wildlife habitat; recreational use; shoreline or bank stabilization; and noteworthiness, including special qualities such as historic significance, and critical habitat for endangered plants and animals. This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corp of Engineers. The applicant will be so advised by the Planning Administrator.
 - 2. Alterations must be conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible.
 - 3. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetative cover must be established as soon as possible.

4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
5. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Beltrami Soil and Water Conservation District.
6. Fill or excavated material must not be placed in a manner that creates an unstable slope;
7. Excavated materials shall not be placed in such a manner as to create finished slopes of thirty percent (30%) or greater. Plans to place fill or excavated material on steep slopes must be prepared and approved by a registered engineer, a registered land surveyor, or the Beltrami Soil and Water Conservation District to ensure continued slope stability.
8. Fill or excavated material must not be placed in bluff impact zones.
9. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of Natural Resources under Minnesota Statutes, Chapter 103G.
10. Alterations of topography may only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
11. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, may be permitted if the design is prepared for the individual site by the SWCD or DNR in accordance with required standards and with a finished slope which does not exceed three (3) feet horizontal to one foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet. A shoreland alteration permit is required prior to any excavation for these purposes. New Sand Beach Blankets not exceeding four-hundred (400) square feet in area, or the renewal of an existing Sand Beach Blanket not expanding the footprint greater than twenty percent (20%), may be approved by issuance of a shoreland alteration permit standards of Beltrami County and the DNR. Proposals over and above these standards shall require the issuance of a CUP in accordance with Article XII of this Ordinance.

Section 910. Placement and Design of Roads, Driveways and Parking Areas

- A. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided to the Planning Administrator that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the technical guides of the Beltrami Soil and Water Conservation District, or other technical materials.
- B. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff or shore impact zones or wetland areas when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas if designed to

minimize adverse impacts but only with a conditional use permit and only if the grading and filling requirements under this Ordinance are met.

- C. Public and private water craft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided that the vegetative screening and erosion control conditions of this Section are met. For private and public facilities, the grading and filling provisions prescribed in Section 907 of this Ordinance must be met. Private and public water craft access ramps require a Conditional Use Permit. No private watercraft access ramps are allowed if fill would be needed to be placed in a type 2 through 8 wetland. No private watercraft access ramps will be allowed on lakes where there is an existing public access except that a private watercraft access ramp, approach road and access-related parking area for a Surface Water-oriented Commercial Use may be allowed only by a conditional use permit.
- D. Private access across wetlands is allowed, with the issuance of a permit, provided that the following conditions are met:
 - 1. Access across wetland areas must be by means of a constructed board walk.
 - 2. The board walk must not exceed six (6) feet in width or two (2) feet in height above grade.
 - 3. If required, permits from and compliance with other official controls.

Section 911. Special Provisions for Agricultural Uses

Agricultural practices and associated uses are allowed only under the following circumstances:

- A. Agricultural practices and associated uses conducted consistent with the provisions of Agricultural and Water Quality “Best Management Practices for Minnesota”, shall be allowed without a permit. A copy of this document is on file at the offices of the Planning Administrator.
- B. 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 permanent vegetation or operated under a conservation plan approved by the Beltrami Soil and Water Conservation District.
- C. New animal feedlots are not allowed in shoreland areas. Legally established nonconforming feedlots must meet the following standard:
 - 1. Modifications or expansions to existing feedlots that are located within three-hundred (300) feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones. All feedlots must comply with Minnesota Pollution Control Agency Rules Chapter 7020.
- D. Use of fertilizer, pesticides, or animal wastes within shoreland areas must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of

earth or vegetation.

Section 912. Special provisions for Forest Management

The harvesting of timber and associated reforestation or conversion of forested use to a non-forested use must be conducted such that timber harvesting and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment - Forestry and the provisions of Water Quality in Forest Management “Best Management Practices in Minnesota.” A copy of this document is on file at the office of the Planning Administrator.

Section 913. Standards for Commercial, Industrial, Public, and Semipublic Uses

No surface water-oriented commercial uses and industrial, public or semipublic uses shall be allowed on parcels or lots with frontage on public waters without a Conditional Use Permit issued by the Joint Planning Board. The issuance of such a permit shall be subject to the following conditions:

- A. In addition to meeting impervious coverage limits, setbacks, and other zoning standards presented elsewhere, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
- B. Uses that require short-term water craft 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.
- C. Uses that depend on patrons arriving by water craft may use signs and lights to convey needed information to the public, subject to the following general standards:
 1. No sign shall be erected or placed in shoreland areas without a sign permit issued by the Planning Administrator.
 2. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the Beltrami County Sheriff.
 3. Signs may be placed within the shore impact zone, when necessary and in compliance with the underlying zoning district, only if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
 4. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

5. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, be set back double the normal ordinary high water level setback and be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
6. Other sign regulations may apply depending on the underlying zoning district as noted in Article VII of this Ordinance.

Section 914. Storm Water Management

- A. All construction within the shoreland overlay shall require a storm water management plan prior to issuance of any permit, except for one and two family dwellings. Plan shall include as a minimum, contour intervals, volume of water, drainage easements, direction of flow and any other pertinent data requested at time of application.
- B. If a project cannot meet the shoreland limitation for impervious surface of twenty-five percent (25%) maximum, an engineering plan, provided by a licensed civil engineer, or registered land surveyor, indicating that there will be no additional post development runoff with the addition of alternative impervious surfaces (including rain gardens, pervious pavers or pavement systems, green roofs, underground treatment, etc.) may be submitted for review and approval by the Planning Administrator, subject to prior engineering review and a maintenance plan. Approved alternative pervious surfaces of up to an additional twenty-five percent (25%) over and above traditional impervious surface materials may be considered for approval.
- C. No new drainage way for storm water runoff may be constructed without a Conditional Use Permit issued by the Joint Planning Board. The issuance of such a permit shall be subject to the following conditions:
 1. When possible, existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.
 2. All development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

4. Impervious surface coverage of lots must not exceed twenty-five percent (25%) of the lot area, except existing commercial lots in the Downtown Business District and as otherwise permitted in accordance with Section 912 (B) above.
5. When constructed facilities are used for storm water management, they must be designed and installed consistent with the field office technical guide of the Beltrami Soil and Water Conservation District.
6. Newly constructed storm water out falls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
7. A complete and adequate drainage system plan for the project shall be provided. The plan shall be designed by a professional engineer, or registered land surveyor for areas where greater than one (1) acre of site disturbance is involved. The plan shall include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins, or both systems. Such system or systems shall be designed in conformity with the adopted Policy Guidelines of the "Surface Water Management Plan and Stormwater Design Guide Report Dated January 2008, as may be amended; and/or other applicable standards and policies of the Joint Planning Board. Stormwater management and Erosion Control Plans shall conform to all required local, state and federal permit and ordinance provisions as they may apply to land development in a specific location.

Section 915. PUD Site Suitability Evaluation in Shoreland Areas

Proposed new planned unit developments (PUDs) or expansions to existing PUDs shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site evaluation described in this Section.

In shoreland areas, 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 interval, proceeding landward:

- | | |
|--|-------------------------------------|
| A. General Development lakes (GD) | 200 feet, additional tiers 267 feet |
| B. Recreational Development lakes (RD) | 267 feet |
| C. Rivers and Tributaries (ex. Scenic) | 300 feet |

The suitable area is next calculated by excluding all wetlands, bluffs, and land below the ordinary high water level of public waters. In shoreland areas the suitable area shall be calculated for each tier. This suitable area and the proposed development are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites within each tier.

Section 916. Shoreland PUD Density Evaluation

The procedures for determining the allowable density of residential and commercial PUDs in unsewered shoreland areas are as follows: Allowable densities may be transferred from a tier to any other tier farther from the public water, but shall not be transferred to any tier closer to the public water.

- A. To determine the allowable density for Residential Planned Unit Developments:
 - 1. For lakes, the suitable area within each tier is divided by the single residential lot size standard for the applicable management district.
 - 2. Proposed locations and numbers of dwelling units or sites for residential PUDs are then compared with the tier, density, and suitability analyses herein and the maintenance and design criteria prescribed in Section 1104 of this Ordinance.

- B. To determine the allowable density for Commercial Planned Unit Developments:
 - 1. The average inside living area size of dwelling units or sites is computed for each tier. Computation of inside living area need not include decks, patios, stoops, steps, garages, porches or basements unless such areas are habitable space;
 - 2. The appropriate floor area ratio is then selected from the following table based upon the average unit floor area for the appropriate public water classification, as noted below:

Average Unit Floor Area Square Feet	GD Lakes (Tier 1); Areas	GD Lakes (Other); Recreational Development Lakes
200 or Less	.040	.020
300	.048	.024
400	.056	.028
500	.065	.032
600	.075	.038
700	.082	.042
800	.091	.046
900	.099	.050
1,000	.108	.054
1,100	.116	.058
1,200	.125	.064
1,300	.133	.068
1,400	.142	.072
1,500	.150	.075

For recreational camping areas, use the ratios listed for the average floor area of four hundred (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, shall use the ratio listed for the average floor area of one thousand (1,000) square feet.

- 3. The suitable area within each tier is multiplied by the floor area ratio to yield the total

floor area in each tier allowed to be used for dwelling units or sites;

4. The total floor area for each tier is divided by the average living area size to yield the number of dwelling units or sites allowed for each tier;
5. Proposed locations and numbers of dwelling units or sites for the commercial planned unit developments are then compared with the tier, density and suitability analyses herein and the maintenance and design criteria prescribed in Section 1104.

C. Increases to the dwelling unit base densities as determined by the Base Density Evaluation prescribed by this Section are allowed provided that the density standards prescribed by Section 901 and design criteria provided in Section 1104 are complied with. The allowable density increase presented in this Section will only be allowed if structure setbacks from the Ordinary High Water Level are increased to at least fifty percent (50%) greater than the minimum setback. The allowable dwelling unit density increases for residential planned unit developments is as follows:

Density Evaluation Tiers	Maximum Percent Outside City Limits	Density Increase Inside City Limits
First	50	50
Second	0	100
Third	0	200
Fourth	0	200

The multiplier shall not apply to any river or stream segments nor to natural environment, sensitive area and special protection lakes.

Section 917. Shoreland Residential PUD Density Evaluation and Flexibility Option

Planned unit developments served, or to be served, by municipal sewer, shall be allowed with the issuance of a Conditional Use Permit by the Joint Planning Board, and shall be administered in accordance with the provisions of Section 913 of this Ordinance. In the LD and UR districts only, a flexibility option to normal development is available to allow greater densities and taller buildings in redeveloping areas in accordance with the rules established below:

In lieu of following the tier and base density evaluation standards under Section 913 of this Ordinance, a residential planned unit development may be developed at a minimum setback of two-hundred (200) feet from the Ordinary High Water Mark from a public water, provided such use is allowed in the underlying zoning district, in accordance with the use table located in Article III. of this Ordinance. If the minimum setback of two-hundred (200) feet is elected, the proposed development may be permitted to transfer all allowable densities from the back tiers forward, starting at the two-hundred (200) foot setback line. The proposed development shall otherwise meet the minimum shoreland standards for residential planned unit developments, except that the tier impervious surface limitation may be relaxed to accommodate the allowable increased density, as long as the development as a whole does not exceed the allowable impervious surface defined in the underlying zoning district(s). The lot size standard used for the calculation of base density in a sewer residential planned unit development shall be as defined in Section 901 Minimum Size of Lots, except in the LD and UR zoning districts. Property in the LD and UR

zoning districts shall comply with all other requirements of the Ordinance with the exception of the following modified performance based zoning criteria;

- A. If flexibility is elected, a proposed residential PUD project shall not exceed allowable impervious surface area as defined in the underlying zoning district.
- B. The maximum height for a Residential PUD is thirty five (35) feet. That height may be increased in accordance with the formulas in 3 & 4 below. In no case shall the maximum height exceed sixty-five (65) feet.
- C. For each one percent (1%) of additional pervious surface preserved beyond the minimum required in the underlying zoning district the developer may add an additional two (2) feet of height not to exceed the maximum sixty-five (65) feet.
- D. For each additional five (5) feet of setback beyond the required two-hundred (200) foot setback, the proposed development may add an additional two (2) feet of height not to exceed the maximum sixty-five (65) feet.
- E. A combination of 3 & 4 above may be used to calculate the maximum allowable height not to exceed a total height of sixty-five (65) feet.
- F. Structures that exceed thirty-five (35) feet in height shall exhibit an uneven horizontal façade approximately parallel to the OHWM wherein the area of the building that exceeds the maximum height of sixty-five (65) feet shall have an equal amount of building façade parallel to the OHWM that is below the thirty-five (35) foot mark.
- G. In the UR district, the JPB shall review each proposal to determine the feasibility of additional green space beyond that required in the underlying district. Approval shall include dedicated additional green space if feasible.

Section 918. Controlled Access and Recreation Lots

Controlled access in recreation lots. A riparian lot which is intended to be used as a controlled access to public waters for non-riparian lots and/or dwelling units in any existing or proposed subdivision, out lot development or planned unit development shall require a conditional use permit and shall comply with the following:

- A. Access lots must meet the minimum width and area requirements for residential lots and shall be suitable for access. In addition, the access lots shall have a minimum width of two-hundred (200) feet at the water line and shall extend a minimum of four-hundred (400) feet back from the ordinary high-water level or to the back limits of the development, whichever is greater. If docking, mooring, or over-water storage of watercraft is allowed at a controlled access lot, the width of the lot must be increased by the percent of the minimum lot width requirement for riparian residential lots for each watercraft beyond six, consistent with the following table:

Ratio of Lake Size (in Acres) to Shore Length (in miles)	Required Increase in Frontage (%)
Less than 100	25
100-200	20
201-300	15
301-400	10
More than 400	5

- B. A minimum of twenty-five (25) foot side yard area on both sides of the private access lots shall be maintained with vegetative cover screening abutting lots.
- C. The ownership and the responsibility for the maintenance and upkeep of a private access shall be vested in an incorporated association of the dwelling unit owners and their successors in interest who have access privileges over and upon such lots. The non-riparian dwelling units and lots shall be subjected to restrictive conditions and covenants for the equitable proration and assessment of the cost of maintenance and upkeep of the private access lot. Covenants must be developed which specify which lot owners have authority to utilize the access lot and activities that are allowed on such lots. Further, the covenants shall limit the total number of vehicles parked and watercraft moored, docked, beached or otherwise situated to be visible to users of the public water to a maximum of one of each per lot served. Covenants must require centralization of all facilities and activities in the most suitable locations of the lot to minimize topographic and vegetative alterations. They must also require all buildings, parking areas and other facilities to be screened by vegetation or topography, as much as practical, from view from the public water, assuming summer, leaf-on conditions.
- D. The construction of any facility, including docks, roadways, launching facilities, playgrounds, parking facilities, or sports and game facilities, on any private access lot shall require the issuance of a conditional use permit. The application for such permit shall be made by the corporation charged with the maintenance and upkeep of the lot. All facilities, with the exception of docks, must meet the setback provisions specified in Section 901 (D) of this Ordinance.
- E. No watercraft access lot may provide access rights for more than twenty-five (25) foot non-riparian lots not served by municipal sewer.
- F. Reversion of developed or undeveloped controlled access and recreation lots, whether specifically implied or inferred, and whether originally approved via a CUP, PUD, Plat, CIC, and/or any other public approval process or not; may only be permitted for the individual development of a parcel by approval of a CUP as required by Section 1205 of this Ordinance.