

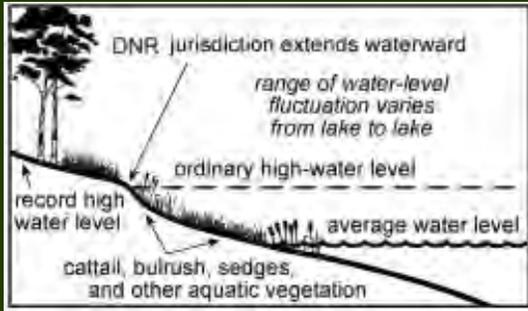
Stearns County Shoreland Overlay District Summary



*A copy of Ordinance #439 is available at
www.co.stearns.mn.us. Townships may have more
restrictive requirements*

Brochure revised January 2019

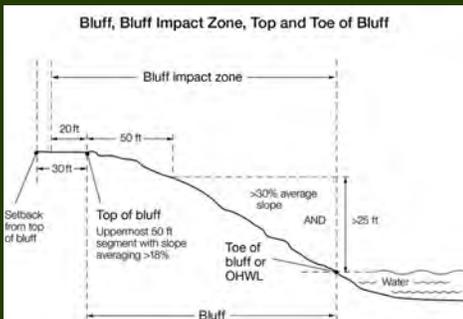
MINIMUM LOT SIZE & SETBACK FROM ORDINARY HIGH WATER LEVEL(OHWL)



Lake Classification	Natural Environment		Recreational Development		General Development			
	Lot Width (feet)	Lot Area (sq. ft.)	Structure Setback (feet)	Impact Zone (feet)	Septic Tank (feet)	Drainfield (feet)		
	200	80,000	100	50	75	100		
	200	80,000	100	50	75	100		
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River Classification	Trout Stream		Transition		Scenic River District		Agricultural, Urban, Tributary	
	Lot Width (feet)	Lot Area (sq. ft.)	Structure Setback (feet)	Impact Zone (feet)	Septic Tank (feet)	Drainfield (feet)	Lot Width (feet)	Lot Area (sq. ft.)
	200	80,000	100	75	100	100	250	75,000
	200	80,000	100	75	100	100	250	75,000
	200	80,000	100	75	100	100	250	75,000
	200	80,000	100	75	100	100	250	75,000
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	200	80,000	100	75	100	100	250	75,000
	200	80,000	100	75	100	100	250	75,000
	200	80,000	100	75	100	100	250	75,000

Bluffs

- A topographic feature such as a hill, cliff, or embankment having the following characteristics:
 - Part or all of the feature is located in a shoreland area;
 - The slope rises at least 25 feet or more above the OHWL;
 - 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
 - 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.



Construction Site Permit:

A permit is required for the following:

- Building or moving a structure, including decks and portable structures.
- Adding onto an existing structure
- Structural alterations including excavation for footings, foundations, slabs, post, basements, walls or other parts of a structure including roof line and pitch.
- Improvements to structures in floodplain

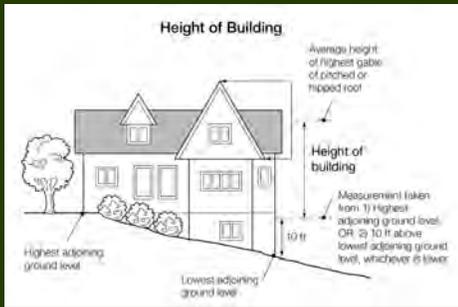
License Required

- 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.

Construction in Shoreland

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 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 is.
- 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.
- In no case shall a principal structure be permitted within the shore impact zone.
- If there are no dwellings on the adjacent properties from which to establish a building line, the setbacks noted in Ordinance #439 shall apply.

Boathouses

- Boathouses and additions or alterations thereto are prohibited except for non-conforming boathouses.

Accessory Structures, 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.
- Property line setback is ten (10) feet
- 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 (square feet)	Sidewall Height (feet)	Building Height (feet)
0-.49	900	10	16
.5-.99	1200	10	16
1-1.99	1500	12	20
2-4.49	1800	14	22
4.5-9.49	2400	14	24
9.5 or greater	Unlimited		

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.
- A construction site permit is not required for this structure.

Decks

- Decks attached to a dwelling that was constructed after June 26, 1972 must meet all structural setbacks.
- Decks attached to a dwelling that was constructed before June 26, 1972 may be allowed to encroach up to fifteen (15) percent of the existing setback of the dwelling but in no case closer than thirty (30) feet from the OHWL.
- 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.

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.

Did You Know?

Vacation/Private Home Rentals

If you are renting out your home weekly or daily for less than 30 days at a time you will need to obtain an Interim Use Permit. The vacation/private home rental shall also be licensed by the County for lodging. Other standards include:

- Will need to be connected to an approved sub-surface sewage treatment system and have a current compliance inspection
- Water test for nitrate-nitrogen and coliform bacteria
- Occupancy limits based on number of bedrooms and septic system sizing
- Planning Commission may impose other conditions to reduce impacts to neighbors.

Recreational Vehicles

- Must meet structural setback requirements.
- If located on a tract for more than 30 days in a calendar year, 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 Systems

- 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.
- 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.



Stormwater and Erosion Control

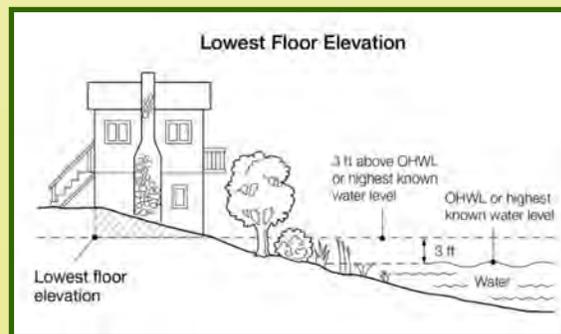
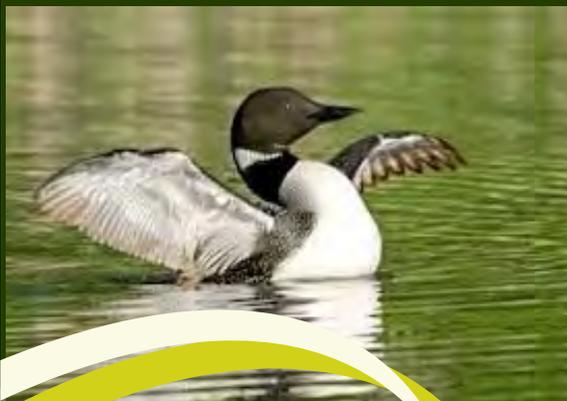
- Impervious surface lot coverage of a lot shall not exceed 25% of the lot area.
- An erosion control plan is required prior to construction of a commercial or industrial facility, a new plat or when the Department deems necessary.
- Land disturbing activity shall not cause active gully (channel) erosion, 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
- Disturbed areas shall be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

Floodplain

- All structures located within a mapped 100-yr floodplain boundary must meet the lowest floor elevation requirement using fill or alternative methods, or be flood proofed to meet the State Building Code.

Elevation Certifications

- Elevation Certifications prepared by an engineer, architect, or surveyor may be required to show 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.





Non-Conformities

Pursuant to MN Statute 394.36

Non-Conforming Uses

- 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.



Non-Conforming Lots

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 non conforming 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.

Non-Conforming Structures

- 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.
- 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.

Topographic Alterations, Retaining Walls, & Sand Blankets

This guide is a summary of the rules and regulations set forth in Ordinance. Please refer to Section 10.2.14 of Stearns County Land Use and Zoning Ordinance 439 for details: <http://co.stearns.mn.us/Government/CountyOrdinances/PlanningandZoningOrdinances>

	Shoreland Alteration Permit Exclusions	Shoreland Alteration Minor Permit	Shoreland Alteration Major Permit
Topographic Alterations	<ul style="list-style-type: none"> • Within 20 feet of permitted construction project (10.2.14 A(1)) • Wetland Conservation Act projects (10.2.14A(2)) • Permitted animal feedlot (10.2.14A(3)) • Department of Natural Resources spoils permit (10.2.14A(4)) • Projects with 10 cubic yards or less of fill being deposited, removed or graded (10.2.14A(5)) *Excluding sand blankets • Projects involving 50 cubic yards or less of fill being deposited, removed or graded <u>and</u> not on steep slope, not in shore impact zone, not in bluff impact zone (10.2.14A(6)) 	<ul style="list-style-type: none"> • Less than 100 cubic yards of fill being deposited, removed or graded (10.2.14B(1)) • Projects located more than 2 times the required structure setback (10.2.14B(2)) • Rock rip-rap to control erosion (10.2.14B(3)) • Projects overseen by Soil and Water Conservation District, Natural Resources Conservation Service or a Watershed District (10.2.14B(4)) • Emergency stabilization (10.2.14B(5)) 	<ul style="list-style-type: none"> • Projects located less than 2 times the required structural setback involving 100 cubic yards or more of fill being deposited, removed or graded (10.2.14D) • Minor projects that, because of site specific conditions, may cause adverse environmental impact (10.2.14B(6))
Retaining Walls	<ul style="list-style-type: none"> • Walls located more than two times the required structural setback regardless of height unless triggered by volume of material (10.2.14 A(7)) 	<ul style="list-style-type: none"> • Walls 4 feet in cumulative height or less when an erosion problem exists (10.2.14 I(1)(a)) • Walls not visible from the shore by virtue of topography or vegetation (10.2.14I(1)(b)) • Replacement walls authorized under State Law regardless of height (10.2.14 I(1)(c)) • 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 (10.2.14 I(1)(d)) 	<ul style="list-style-type: none"> • Walls more than 4 feet in cumulative height when an erosion problem exists (10.2.14 I (2)(a)) • Replacement walls not authorized under State Law (10.2.14I (2)(b)) • Ornamental/terracing walls more than 4 feet in height, more than 25% of the lot, more than 1 area or more than 75 feet (10.2.14 I(2)(c))
Sand Blankets		<ul style="list-style-type: none"> • With excavation: up to 12 inches in depth, up to 30 feet in width or 1/2 the lot width (whichever is less), may not extend more than 10 feet landward of the OHWL (10.2.14 J (1)) • Without excavation: up to 12 inches in depth, up to 50 feet in width or 1/2 the lot width (whichever is less), may not extend more than 10' landward of the OHWL (10.2.14 J (2)) • Maintenance and/or replacement of existing sand blanket (10.2.14 J(3)) • Placement of sand prohibited in flood fringe areas. 	

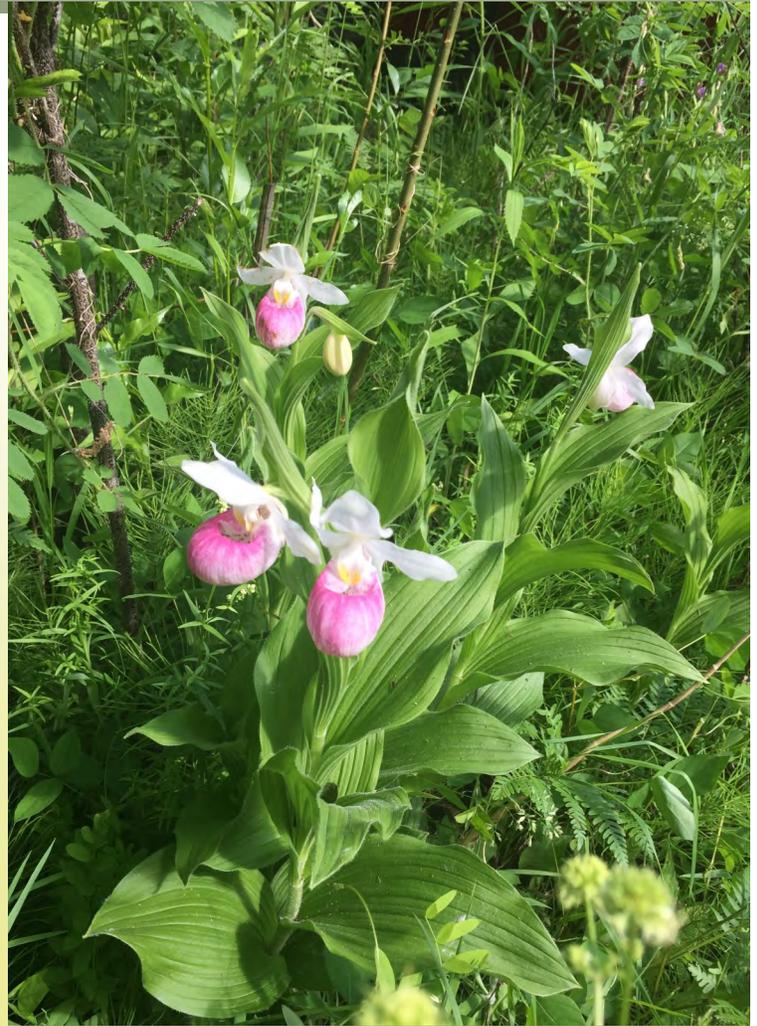
Vegetation Alterations



- 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. The property owner shall contact the department to arrange a site visit and complete an application for vegetative alteration;
 2. The total cumulative view corridor shall not exceed 50 feet or half the lot width, whichever is less;
 3. 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;
 4. Exclusive of the view corridor, no vegetative alterations are allowed extending to the building setback, however planting of trees, shrubs, and other vegetation is encouraged;
 5. 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;
 6. 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;
- 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.



Please contact our office to discuss any questions that you may have about construction, shoreland and vegetative alterations, floodplain and other zoning concerns.



Stearns County Shoreland Summary

Stearns County Environmental Services

St. Cloud Location
Administration Center Room 343
705 Courthouse Square, St. Cloud, MN 56303

(320)656-3613 or 1-800-450-0852
FAX (320)656-6484

EnvironmentalServices3@co.stearns.mn.us

Hours: 8am-4:30pm Monday-Friday

Melrose Location
114 1st Avenue Southwest
Melrose, MN 56352

(320)256-2422
FAX (320)256-7666

Hours: 8am to 12pm Tuesday & Thursdays, or
by appointment