

1 CASS COUNTY ENVIRONMENTAL SERVICES

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3 **INTRA-LAKE LAND USE RECLASSIFICATION**

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5 **RESOURCE PROTECTION LAND USE STANDARDS**

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7 **903.8 Resource Protection (RP)**

8 The purpose of this district is to accommodate limited rural residential housing, agricultural uses and forest
9 management activities in a fashion that conserves sensitive land areas in which more intensive
10 development would adversely affect water quality, wetlands, lakes, shore land, slopes, productive habitat,
11 biological ecosystems, or scenic and natural values in order to minimize their disturbance, to prevent
12 damage from erosion, floods, siltation and water turbidity, to prevent the loss of vegetation, fish, wildlife and
13 natural habitat, to protect the quality of ground and surface waters, and to conserve natural and scenic
14 areas within and adjacent to riparian areas for the community's benefit.
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16 **LOT STANDARDS**

17 **1114.1 Lot Area, Lot Width, and Buildable Area Standards for Lake and River Classifications**

18 The lot size, buildable area standards (in square feet), and lot width standards (in feet) for single family
19 residential lots and residential lots with guest quarters for lake and river classifications shall be as specified
20 in the chart below:
21
22

Lake Classification	SINGLE FAMILY RESIDENTIAL			WITH GUEST QUARTERS		
	Min. Lot Area (ft ²)	Min. Lot Width	Buildable Area (ft ²)	Min. Lot Area (ft ²)	Min. Lot Width	Buildable Area (ft ²)**
General Development - Riparian	30,000	100'	12,000	60,000	180'	27,000
General Development -Non-Riparian	40,000	150'	20,000	80,000	265'	40,000
Recreational Development-Riparian	40,000	150'	16,000	80,000	225'	40,000
Recreational Development-Non-Riparian	40,000	150'	20,000	80,000	265'	40,000
<u>Resource Protection- All Lake and River Classes</u>	<u>80,000</u>	<u>200</u>	<u>30,000</u>	<u>120,000</u>	<u>500</u>	<u>60,000</u>

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1 **1130.1 Structure Setbacks**

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3 Structures and facilities shall meet all setbacks. All setbacks shall be measured as the shortest horizontal
4 distance between the structure and the feature from which the setback is required.

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6 A. The structure and on-site sewage system setbacks (in feet from the ordinary high water mark)
7 shall be as specified in the following table:
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Class of Treatment Public Waters	Structure Setbacks*	<u>PUD</u> <u>Structure Setbacks</u>	Individual Sewage System Setback
Natural Environment	150	240	150
Recreational Development (RD)	100	160	75
General Development (GD)	75	120	50
<u>Resource Protection**</u>	<u>150</u>	<u>200</u>	<u>100</u>
Rivers:			
Remote	200	320	150
Forested and Transition	150	240	100
Urban and Tributary	100	160	75

*--The above setbacks do not apply to stairways, lifts, landings, retaining walls, or platforms. These have special requirements.(see individual sections)

****--For new lots**

33 **1107 EARTHMOVING**

35 **1107.1 SHORELAND ZONE STANDARDS**

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37 The movement of earthen material within the shoreland zone shall require a shoreland alteration or
38 conditional use permit, depending on the scope of the project **and the zoning district**, and shall comply
39 with the following standards:

- 40
- A. The movement of up to and including fifty (50) cubic yards of earthen material within the structure setback and/or up to and including 200 cubic yards behind the structure setback requires a shoreland alteration permit.
 - B. The movement of more than 50 cubic yards of earthen material within the structure setback and/or more than 200 cubic yards behind the structure setback requires a conditional use permit including:
 - 1. Stormwater control and grading plans prepared by a registered professional engineer, including cost estimates.

1 2. MPCA Stormwater Permit, if more than 1 acres is disturbed;

2
3 3. Financial assurance

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5 **C. The movement of more than 50 cubic yards of earthen material in a resource protection**
6 **zone requires a conditional use permit including:**

7
8 **1. Stormwater control and grading plans prepared by a registered professional engineer,**
9 **including cost estimates.**

10
11 **2. MPCA Stormwater Permit, if more than 1 acres is disturbed;**

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13 **3. Financial assurance**

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16 **1107.3 SPECIFIC STANDARDS**

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18 3. Beaches

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20 a. New beaches on residential lots shall not exceed 14 feet in width and shall be incorporated
21 in the shoreland alteration as described in Section 1107.4.

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23 b. A one time addition of up to ten (10) cubic yards of sand may be placed on existing sand
24 beaches on residential lots with a shoreland alteration permit.

25
26 c. New beaches on water-oriented commercial properties shall not exceed 25 feet in width.

27
28 d. Berms of not less than 12 inches above grade level shall be placed landward of all beaches
29 to prevent erosion from upland runoff.

30
31 **e. New beaches are not allowed in resource protection zones.**

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33 f. Work below the OHW requires approval by the Department of Natural Resources.

34
35 4. No alteration of wetlands is allowed.

36
37 C. Shore Impact Zone-2

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39 1. Walkout basements may extend into shore impact zone-2, **except in resource protection**
40 **zones.**

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42 2. Mechanized earth moving equipment may be used.

43
44 3. No alteration of wetlands is allowed.

1 **1107.5 HARBOR EXCAVATION**

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- 3 A. Excavations for new inland harbors and related uses such as boat slips and canals shall require a
- 4 Conditional Use Permit. The application for this conditional use permit shall include:
- 5
- 6 1. A plan, including cost estimates, prepared by a registered professional engineer including all
- 7 erosion control measures and retaining structure design, and;
- 8
- 9 2. Financial assurance equal to 150% of the engineer's estimate of construction cost.
- 10
- 11 3. An approved Department of Natural Resources permit for connection of the harbor to Public
- 12 waters.
- 13
- 14 4. A Shoreline buffer plan as prescribed in section (change reference)2400 of this ordinance.
- 15
- 16 5. Harbors shall not be allowed in bluff zones, **resource protection zones**, or wetlands.
- 17
- 18 6. Harbors shall not extend landward of the OHW greater than 200 feet per Minnesota Rules,
- 19 Chapter 6115.0201, Subd. 5, E., d.
- 20
- 21 7. Placement of spoil material from existing harbor maintenance requires a shoreland alteration
- 22 permit and a Department of Natural Resources maintenance permit.

23 **1115.3 Construction on Nonconforming Lots of Record in the Shoreland Zone Recorded**

24 **Subsequent to Zoning Regulations**

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26 D. Lots in the shoreland zone that became of record in the office of the county recorder after 1998 shall

27 meet all lot requirements in this ordinance. Existing riparian lots on GD lakes meeting the 20,000 square

28 foot total lot size and 8,000 square foot buildable area standards effective prior to December 1, 2002 are

29 exempt from this provision. **Existing riparian lots that were reclassified to the Resource Protection**

30 **District as part of the Intra-lake Land Use Reclassification Project that previously met the minimum**

31 **GD or RD lot standards shall remain conforming for lot size, setback, and buildable area.**

32 **1123 SHORELINE BUFFERS**

- 33
- 34 A. As a condition of issuance of certain permits, conditional uses, and variances, measures may be
- 35 required to mitigate the impacts of developments, nonconforming structures, or uses on lake
- 36 water quality. Shoreline buffer requirements shall be determined according to the following table:
- 37

<p>38 Mitigation Practices</p> <p>39 (1) Implement erosion control and stormwater management according to an approved plan.</p> <p>40 (2) Restore native vegetation buffer area within shore impact zone 1 or within the first 75% of the</p> <p>41 distance between the principal structure and the OHW, whichever is less.</p> <p>42 (3) Other practices approved by ESD</p>

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44 **B. Shoreline buffers are required in conjunction with all permits on riparian lots in resource**

45 **protection districts.**

- 46
- 47 C. Plant materials for native vegetation buffers shall be as prescribed in the Cass County Plant
- 48 Materials for Native Vegetation Buffers list according to the landscape position, water table, soil
- 49 type, and exposure of the project site. There shall be a minimum of four types of trees, six types
- 50 of shrubs, seven types of forbs, and three types of grasses planted to achieve continuous
- 51 groundcover. The survival of all plant materials shall be guaranteed for a minimum of 5 years.

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1132 VEGETATIVE ALTERATIONS

1132.6 Resource Protection Zones

No trees or shrubs shall be removed within the building setback area of resource protection zones, except to accommodate the placement of stairways, landings, or access paths.

A. All cutting is done by hand and topsoil is not disturbed.

B. Pruning of trees is allowed to provide a view to the water from the principal dwelling site.

C. Burning of yard waste or other material is prohibited except campfires.

EXAMPLES OF OTHER POSSIBLE RP STANDARD AREAS

Requirements for PUD's and Conservation Developments

Restrictions on lot and block developments

Stormwater control plans