

SHORELAND RULE UPDATE

Ordinance Comparison

ATTRIBUTE	STATE OF MN (6120)		AITKIN	CASS	CROW WING	HUBBARD	ITASCA
	<i>Existing</i>	<i>Proposed</i>					

RESIDENTIAL ZONING PROVISIONS, INCLUDING VEGETATION ALTERATIONS AND CONTROLLED ACCESS LOTS

<p>Single Family Residential Riparian Min. Lot Standards</p>	<p>Lot Area (ft²) GD, no sewer – 20,000 RD, no sewer – 40,000 NE, no sewer – 80,000</p> <p>Lot Area (ft²) GD, sewer – 15,000 RD, sewer – 20,000 NE, sewer – 40,000</p> <p>Lot Width (ft) GD, no sewer – 100 RD, no sewer – 150 NE, no sewer – 200</p> <p>Lot Width (ft) GD, sewer – 75 RD, sewer – 75 NE, sewer – 125</p>	<p>Lot Area (ft²) GD – 30,000 RD – 40,000 NE – 80,000 Critical Area District – 80,000 SP – 217,800</p> <p>Buildable Area (ft²) GD – 13,000 RD – 14,000 NE – 30,000 Critical Area District – 30,000 SP – 80,000</p> <p>Lot Width (ft) GD – 100 RD – 150 NE – 250 Critical Area District -- 250 SP – 400</p> <p>Rationale: The buildable area concept recognizes that marginal lands are now being developed, and that standards should be set such that adequate space exists for proposed and future developments. The elimination of the sewered lot standards reflects recent information on non-point source pollution.</p>	<p>Similar to State, except for sewered lakes.</p> <p>Sewered lakes: Lot Area (ft²) GD – 20,000 RD – 20,000 NE – 40,000</p> <p>Lot Width (ft) GD – 100 RD – 100 NE – 125</p>	<p>Lot Area (ft²) GD – 30,000 RD – 40,000 NE – 80,000</p> <p>Buildable Area (ft²) GD – 12,000 RD – 16,000 NE – 40,000</p> <p>Lot Width (ft) GD – 100 RD – 150 NE – 200</p>	<p>Same as State</p>	<p>Lot Area (ft²) GD – 20,000 RD (unsewered) – 40,000 RD (sewered) – 30,000 NE – 80,000</p> <p>Lot Width (ft) GD – 100 RD (unsewered) – 150 RD (sewered) -- 100 NE – 200</p>	<p>Lot Area (ft²) GD – 32,700 RD2 – 66,000 RD1 – 87,200 NE1 – 87,200 NE2 – 108,900 NE3 – 130,800</p> <p>Lot Width (ft) GD – 150 RD2 – 200 RD1 -- 200 NE1 – 200 NE2 – 300 NE3 – 300</p>
<p>Min. Structure Setbacks from OHWL (ft)</p>	<p>GD, no sewer – 75 RD, no sewer – 100 NE, no sewer – 150</p> <p>GD, sewer – 50 RD, sewer – 75 NE, sewer – 150</p>	<p>GD – 75 RD – 100 NE – 150 Critical Area District -- 150 SP – 200</p> <p>Rationale: The elimination of the sewered lot standards reflects recent information on non-point source pollution.</p>	<p>Same as State, except for sewered lakes.</p> <p>Sewered lakes: GD – 75 RD – 75 NE – 150</p>	<p>GD – 75 RD – 100 NE – 150</p>	<p>Same as State, except NE lakes. NE – 200</p>	<p>GD – 75 RD – 100 NE – 150</p>	<p>GD – 75 RD2 – 100 RD1 -- 100 NE1 – 100 NE2 – 100 NE3 – 200</p>

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Min. Sewage System Setbacks from OHWL (ft)	GD – 50 RD – 75 NE – 150	GD – 75 RD – 100 NE – 150 Critical Area District -- 150 SP – 200 Rationale: Nitrate plumes from septic systems can be a problem, and phosphorus migrations can be a serious concern, especially in calacaeous sandy soils. Research has found phosphorus plumes extending 66 feet, and there is data to suggest that 100 feet may effectively minimize the risk of phosphorus loading.	GD – 75 RD – 75 NE – 150	Same as State	Same as State	GD – 150 RD – 150 NE – 150	GD – 50 RD2 – 75 RD1 -- 75 NE1 – 150 NE2 – 150 NE3 – 150
Max. Height of Structures (ft)	25 ft for all structures in residential districts in cities, except for churches and agricultural structures. Guest cottages must not exceed 15 ft.	35 ft for all structures, except churches and agricultural structures. Guest cottages must not exceed 15 ft for those on duplex lots and 20 ft for those on triplex lots. Rationale: In an apparent oversight, the State lacked height standards outside of cities; 35 ft was chosen to be consistent with other ordinances.	35 ft for all structures, except churches and towers. Guest cottages must not exceed 15 ft.	30 ft, except towers. Guest quarters must not exceed 20 ft.	35 ft for all structures in residential districts, except churches and agricultural structures. Guest cottages must not exceed 15 ft.	35 ft for all structures, except for churches and agricultural structures. Guest cottages must not exceed 15 ft.	35 ft for all structures, except for churches, agricultural or industrial buildings. 35 ft Big Fork River, 18 ft Mississippi River Wild, 35 ft Mississippi River Scenic
Max. Building Coverage	Not specified; however, max. impervious surface coverage can not exceed 25%.	5000 square feet, except where erosion control and stormwater management meets those standards for PUDs. Impervious surface coverage limits also apply and depend on class (see below). Rationale: As building coverage increases, runoff of pollutants increases linearly. By requiring erosion control and stormwater management for	Building coverage of lots must not exceed 15% of the lot area, and total impervious surface coverage of lots must not exceed 25% of the lot area. Lot area must not include wetland areas, bluff areas or land below the ordinary high water level when	Residential accessory structures are limited, and the max. building size is a function of lot size.	Same as State	Same as State	Same as State

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		large residential developments, there is greater equity with other large developments such as PUDs and resorts.	calculating the square footage of the lot.				
Vegetation Alterations in SIZ	Intensive cutting is not allowed.	<p>In the area from shore to half the structure setback, vegetation clearing and removal of ground cover not allowed, except to accommodate stairways, access paths, and a recreational use area.</p> <p>In the area beyond half the structure setback, removal of trees and shrubs is allowed, provided that a well-distributed stand of trees and shrubs is maintained.</p> <p>Opening and lawns in the SIZ that are not allowed must be replanted. Issuance of any variance requires the vegetation in the SIZ to be brought into compliance.</p> <p>Rationale: The conversion of forest shoreline to 'lawn-to-lake' shoreline results in 7 to 9 times more phosphorus entering the lake. Vegetation condition is critical for reducing pollutant runoffs and to provide wildlife habitat.</p>	Specific numeric allowances for vegetation removal in the SIZ. Use of site review plans.	<p>In the area from the shore to half of structure setback, a shoreland alteration permit is required. Here, cutting must be done by hand, maximum width of clearing is 14 ft, and pruning of trees is allowed.</p> <p>For the remainder of the area to the structure setback, removal of more than 25% of the trees and 100% of the shrubs requires a permit.</p> <p>As a condition of permits, CU, or variances, restoration of shoreline buffers may be required.</p>	Similar to State.	Similar to State.	Similar to State. Specific numeric allowances for vegetation removal in the SIZ.
Docks	No limit specified.	<p>One dock per residential lot, and waterfront accessory structures (e.g., docks, boat stations, etc.) can not exceed 500 sq ft (except if distance to deep water is great).</p> <p>Rationale: Research has found that increases in the number of docks have resulted in</p>	Same as State	Same as State	Same as State	Same as State	Same as State

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		significant and substantial losses to fish and wildlife habitat. As the size of waterfront structures increases, the amount of loss increases.					
Controlled Access Lots	May be used by local governments to provide access to public waters to nonriparian lot owners.	<p>May only be used as a tool for providing access to riparian lot owners where direct access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat.</p> <p>Rationale: Given full-build out of lakes, most lakes will exceed safe boating density standards. Allowing these lots for non-riparian lot owners will create excessive crowding issues and result in the loss of economic and environmental value.</p>	Same as State	Similar to State. No access for non-riparian lots on NE lakes. Also used as a tool for riparian lots where direct access is not appropriate.	Similar to State.	Similar to State.	Similar to State. Limits on the number of CALs based on surface acres per shoreline miles.
Max. Impervious Surface Coverage (% of lot)	25%	<p>Class: GD – 15%* RD – 15%* NE – 12% Critical Area District – 12% SP – 12% All River Classes – 12%</p> <p>* - 20% with erosion control and stormwater management, and conformance with shoreline vegetative buffer standards</p> <p>Controlled access lot – 12%</p> <p>Rationale: Scientific research on the amount of impervious surface coverage has found that it is a key indicator of the quality of water flowing into our lakes. Research consistently shows that as the amount of</p>	25% of lot area (building coverage can not exceed 15% of the lot area). Lot area must not include wetland areas, bluff areas or land below the ordinary high water level when calculating the square footage of the lot.	25%	25%	25%	25%

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		impervious surface increases in the watershed, water quality decreases. More than 12% imperviousness has been shown to be consistently result in a degradation of quality.					

CONVENTIONAL SUBDIVISIONS, RESORTS, CONSERVATION SUBDIVISIONS, AND PLANNED UNIT DEVELOPMENTS

Conventional Subdivision Lot Sizes	Lot area and width standards same as 6120.3300, Subp. 2a (residential lot standards).	<p>Conventional subdivisions would only be allowed for subdivisions that create less than 9 lots. They must use larger lot sizes than existing standards, and impervious surface coverage shall not exceed 12%.</p> <p>Lot Area (ft²) GD – 60,000 RD – 80,000 NE – 160,000 Critical Area District – 160,000 SP – 340,000</p> <p>Buildable Area (ft²) GD – 30,000 RD – 40,000 NE – 50,000 Critical Area District – 50,000 SP – 100,000</p> <p>Lot Width (ft) GD – 180 RD – 200 NE – 400 Critical Area District -- 400 SP – 500</p> <p>Nonplatted lot splits follow 6120.3300, Subp 2a standards.</p> <p>Rationale: Density disincentives are used for conventional subdivisions</p>	Same as residential lot standards.	Same as residential lot standards.	Same as residential lot standards.	Same as residential lot standards.	Same as residential lot standards.
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		<p>to promote the use of conservation subdivisions and PUDs, which are expected to better meet the mission of the shoreland rules.</p> <p>Incorporated conservation subdivision concepts into the PUD section. Conservation subdivisions are an important tool used elsewhere to protect water quality, promote economic development, and create open space for recreational use, wildlife, and buffers to riparian areas for water quality protection.</p>					
Resorts	Resorts are commercial PUDs and must follow commercial PUD design criteria.	<p>Resorts are separated from PUDs; however, new resorts must follow many of the PUD design criteria.</p> <p>Existing resorts may replace structures provided that stormwater management is addressed and an area within the development is restored to natural conditions.</p> <p>Resort expansion requirements depend on land impact measured by impervious surface coverage and size of resort (less than 20 cabins or greater than 20 cabins).</p> <p>Specific shoreline recreational facilities requirements for resorts.</p> <p>Rationale: Resorts are given flexibility in rule due to their unique economic and cultural value within the State.</p>	Resorts are commercial PUDs and must follow PUD standards.	<p>Resorts are separated from PUDs.</p> <p>Existing resorts may replace structures or expand with conditions.</p>	Resorts are commercial PUDs and must follow PUD standards.	Resorts are commercial PUDs and must follow PUD standards.	<p>Resorts are commercial PUDs and must follow PUD standards.</p> <p>Existing resorts may replace structures or expand with conditions.</p>

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Resort, PUD, and Conservation Subdivision Tier Dimensions	GD 200 feet for 1st tier 267 feet for others	GD 225 feet for 1st tier 267 feet for 2 nd tier and remainder for 3 rd tier Rationale: Structure setbacks are increased, so additional depth was added on the 1 st tier. Greater setbacks are needed to reduce phosphorus export to the lake.	Same as State	No tiers for residential PUDs, use of residential lot dimensions for shoreland. Nonshoreland density based on district standards. Same as State (unsewered) for commercial PUDs (resorts).	Same as State (unsewered)	Same as State (unsewered)	GD 218 feet for 1 st tier 290 feet for 2 nd tier
	RD 267 feet for all tiers (200 feet for sewerred)	RD 267 feet for 1 st and 2 nd tiers and remainder for 3 rd tier					RD1 436 feet for 1st tier 545 feet for 2nd tier
	NE 400 feet for all tiers (320 feet for sewerred)	NE or for PUDs in Critical Area Districts and SP shorelands 400 feet for all tiers					RD2 327 feet for 1st tier 436 feet for 2nd tier
	River 300 feet for all tiers	River 300 feet for all tiers					No PUDs in NE and River classes
Min. PUD and Conservation Subdivision Structure Setbacks	GD 75 feet (50 feet - sewerred)	GD 125 feet	GD 75 feet (75 feet - sewerred)	GD 120 feet	GD 75 feet (50 feet - sewerred)	GD 75 feet	GD 100 feet
	RD 100 feet (75 feet - sewerred)	RD 150 feet	RD 100 feet (75 feet - sewerred)	RD 160 feet	RD 100 feet (75 feet - sewerred)	RD 100 feet	RD1, RD2 125 feet
	NE 150 feet	NE, Critical Area Districts, or PUDs in SP shorelands 200 feet	NE 150 feet	NE 240 feet	NE 200 feet	NE 150 feet	
	River Remote: 200 feet Forested: 150 feet Ag, Urban: 100 feet (50 feet - sewerred)	River Remote: 200 feet Forested: 150 feet Ag, Urban: 100 feet	River Remote: 200 feet Forested: 150 feet Trib: 100 feet (50 feet - sewerred)	River Remote: 320 Forest: 240 Urban, Trib: 160 feet	River Remote: 200 feet Forested: 150 feet Ag, Urban: 100 feet (50 feet - sewerred)	River Remote: 200 feet Forested: 150 feet Trib: 150 feet	
PUD and Conservation	The base residential PUD density is calculated by	The suitable area within each tier is divided by the single residential lot size standard for	Same as the State	The lower of the two calculations: 1. The lot area	Same as State	Same as State	Same as State

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Subdivision Structure Density	determining the suitable area within each tier divided by the single residential lot size standard for the lake class.	the shoreland class or district. Rationale: Maximum densities increases were large, which reduced the intent of the rules to create or maintain open space, protect water quality, and fish and wildlife habitat.		divided by the non-riparian single residential lot area standard for the shoreland class. 2. The buildable area of the lot divided by the non-riparian single residential buildable area standard for the shoreland class.			
Residential PUD Max. Density Bonuses	50% – 1 st tier 100% – 2 nd tier 200% – 3 rd tier 200% – 4 th tier 200% – 5 th tier Maximum density increases may only be allowed if structure setbacks are increased to at least 50% greater than the minimum (or 25% with impacts reduced with other means acceptable).	No density increases	25% for each tier Maximum density increase constraints like the State. To receive density increases the shore impact zone must be revegetated.	No density increases	Same as State	No density increases	25% for 1 st tier 50% for 2 nd tier no 3 rd tier development
Commercial PUD Floor Area Ratios or Resort Structure Density	GD 1 st tier unsewered and all tiers sewerred: For Average Unit Floor Space (FS) less than 1500 sq ft: 0.022+8.53E-05(FS) For FS greater than 1500 sq ft: 0.150	Resort structure density calculations use ratios to determine the land surface area that can be covered by all structures. GD 0.125 for 1 st tier 0.075 for 2 nd tier 0.075 for 3 rd tier	Same as State	Use of Licensed resort density building footprint factors. GD 0.12 for 1 st tier 0.09 for 2 nd tier	Same as State	Same as State	Same as State
	2 st tier and additional tiers of GD unsewered, RD tiers: For Average Unit Floor Space (FS) less than 1500 sq ft: 0.011+4.32E-05(FS) For FS greater than	Resort structure density calculations use ratios to determine the land surface area that can be covered by all structures. RD 0.075 for 1st tier		Use of Licensed resort density building footprint factors. RD 0.08 for 1 st tier 0.065 for 2 nd tier			

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	1500 sq ft: 0.075	0.075 for 2nd tier 0.075 for 3rd tier					
	NE For Average Unit Floor Space (FS) less than 1500 sq ft: 0.0055+2.18E-05(FS) For FS greater than 1500 sq ft: 0.038	Resort structure density calculations use ratios to determine the land surface area that can be covered by all structures. No new resorts are allowed on NE and SP lakes. NE 0.038 for 1st tier 0.038 for 2nd tier 0.038 for 3rd tier Rationale: Rule simplification. These changes for GD, RD and NE also allow greater flexibility in dwelling size, again flexibility for resorts is an important economic reason.		Use of Licensed resort density building footprint factors. NE 0.03 for 1 st tier 0.03 for 2nd tier			
Commercial PUD Max. Density Bonuses or Maximum Resort Density	50% – 1 st tier 100% – 2 nd tier 200% – 3 rd tier 200% – 4 th tier 200% – 5 th tier Maximum density increases may only be allowed if structure setbacks are increased to at least 50% greater than the minimum, or 25% with impacts reduced with other means acceptable.	For GD and RD lakes, resort higher densities are allowed by using alternative ratios. GD 0.125 for 1 st tier 0.125 for 2 nd tier 0.125 for 3 rd tier RD 0.075 for 1 st tier 0.100 for 2 nd tier 0.100 for 3 rd tier Rationale: Density increases may be allowed by local governments, provided that they meet some performance standards.	25% for each tier. Maximum density increase constraints like the State. To receive density increases the shore impact zone must be revegetated.	Use of Licensed resort density building footprint factors.	Same as State	15% increase when rebuilding rental units if the unit is at a conforming setback and it accommodates the same number of guests	25% - 1 st tier 50% - 2nd tier Density increases are only allowed if structure setbacks are increased to at least 50% greater than the minimum setback, or 25% with impacts reduced with other means acceptable. Resort development plans.
Max. Impervious Surface Coverage	For PUDs, ISC must not exceed 25% in any tier, except 35% allowed in the 1 st tier of GD lakes with approved stormwater	Controlled access lots: Maximum 12% for each lot. Conservation Subdivisions and PUDs: Maximum 15% for 1st tier and	Same as State	ISC must not exceed 25%.	Same as State	Same as State	Same as State

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(ISC)	management plan and consistency with 6120.3300, Subp. 4.	<p>total area.</p> <p>Resorts: Maximum 25% in 1st tier and total area, except for GD lakes a max. of 35% in 2nd and 3rd tiers may be allowed.</p> <p>Rationale: Scientific research on the amount of impervious surface coverage has found that it is a key indicator of the quality of water flowing into our lakes. Research consistently shows that as the amount of impervious surface increases in the watershed, water quality decreases. More than 12% imperviousness has been shown to be consistently result in a degradation of quality.</p>					
PUD and Conservation Subdivision Open Space Requirements	At least 50% of total project area must be preserved as open space. Open space not defined.	<p>At least 50% of total project area must be preserved as open space, and at least 25% of the open space must be upland areas for recreational use. Open space is not the space between buildings in a cluster or 25 feet around buildings, or shall it include any impervious surface.</p> <p>Rationale: Common strategies now in use elsewhere to conserve open space and fish and wildlife habitat. See 'Growing Greener: Conservation by Design' by the Natural Lands Trust or works by Randall Arendt.</p>	Same as State	Same as State	Same as State	Same as State	Same as State
Shore Impact Zone (SIZ)	<p>50% of the structure setback.</p> <p>At least 50% of the SIZ of existing</p>	<p>50% of the structure setback, but not less than 75 feet.</p> <p>PUDs, conservation subdivisions, and new Resorts must meet standards in</p>	Same as State, however, SIZ means land located between the ordinary high water	Structure setback area shall be open space. Shoreland buffer plan is necessary.	Same as State	Same as State	<p>50% of the structure setback.</p> <p>At least 50% of the SIZ of existing</p>

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	developments or at least 70% of the SIZ of new residential PUD (50% commercial PUD) must be preserved in their natural or existing state.	6120.3300, Subp. 4. Existing Resorts must restore portions of the SIZ when replacing or expanding structures. Rationale: Vegetation condition is critical for reducing pollutant runoffs and to provide wildlife habitat.	level of a public water and a line parallel to it at a setback of 50% of the structure setback but not less than 50 feet, whichever is greater.	For Resorts, 50% of the SIZ shall be preserved or restored to natural state.			developments or at least 70% of the SIZ of new PUD must be preserved in their natural or restored to their natural state.
Docks in PUDs and Conservation Subdivisions	Centralized and suitable site. The number of spaces for continuous docking must not exceed 1 for each dwelling unit in 1 st tier.	Same as existing PUD requirements with clarifying language to stress centralized nature.	Same as State	A min. of 6 spaces, not to exceed no of dwellings. Additional spaces calculated based on length of frontage in development.	Same as State	Same as State	Same as State
Resort Conversions	Sewage treatment, impervious coverage, open space and shore facilities deficiencies must be corrected. Reasonable shore and bluff impact zone deficiencies must be made. Dwelling unit densities that exceed standards may be allowed.	Resorts that convert to PUDs must meet all the PUD standards. Dwelling unit or site densities must meet standard, so removal of dwellings may be necessary. Resorts that convert to residential lots must meet all residential standards, except deficiencies in buildable area may be addressed with mitigating measures.	Same as State	Once reclassified as residential, then must meet all residential standards.	Same as State	Same as State	Similar to State, but commercial density of living units must be reduced to conform to residential PUD standards.
Rainwater Management on PUDs, Conservation Subdivisions, and Resorts	Principles mentioned, but no specific performance standards, except for commercial PUDs impervious surface limits.	Engineered plans that are effectively implemented must meet specific numeric performance standards. Rationale: Sediment and nutrient runoff are large problems with many developments. These standards are designed to provide criteria for design, construction, and maintenance of rainwater management systems. These standards are in part from the WI DNR, leaders in	Same as State	Engineered stormwater management plans	Same as State	Same as State	Similar to State

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		stormwater management science.					
Limits on the no. of PUDs, Conservation Subdivisions, or Resorts	Through land districting. For NE lakes, only 25% of shoreline can be in duplex, triplex, or quad developments.	Through land districting. For NE lakes, only 25% of shoreline can be in duplex developments. No new resorts allowed on Special Protection and Natural Environment lakes or shorelands, or in Critical Area Districts.	Through districting.	Through land districting.	No more than 1% of shoreline for RD and NE lakes, 3% for GD lakes.	Through districting.	Not allowed on NE lakes. No more than 3% of a lake's shoreline can be cumulatively developed in PUDs.

CLASSIFICATION SYSTEM AND ADMINISTRATION

Classes	<p>Lake Classes: Natural Environment (NE)</p> <p>Recreational Development (RD)</p> <p>General Development (GD)</p> <p>River Classes: Remote Forested Transitional Agricultural Urban Tributary</p>	<p>Added a Special Protection lake class (SP)</p> <p>Rationale: Special protection lakes are unique water bodies such as shallow or land-locked lakes that support or have supported significant aquatic plant, fish or wildlife populations. There are numerous constraints to development, such as hydric soils or erodible land. Rare, endangered, or special concern species may use the lake or surrounding shorelands. These lakes currently have low to moderate development, and they are especially vulnerable to the consequences of development.</p>	Same as State. Miss. River Class	Same as State. Scenic River Wild River	Same as State.	<p>Lake classes: GD RD NE-Residential NE-Protected</p> <p>Additional River Classes: Special Protection</p>	<p>Lake classes: GD RD2 RD1 NE1 NE2 NE3</p> <p>Additional River Classes: Bigfork Miss. River Wild Miss. River Scenic</p>
Multiple Shoreland Management Classifications	Each lake was placed in a shoreland class based on specific criteria.	<p>A lake may be assigned multiple classes.</p> <p>Rationale: Different development standards in bays and areas</p>					

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		with critical fish and wildlife habitat are warranted given documented and predicted losses to habitat from development.					
Administration	Local governments must administer and enforce shoreland management controls.	Same with the additions: 1. Local governments may assess a one-time fee for purposes of monitoring and enforcing terms and conditions of any open space governing instruments. 2. Local governments may assess an annual fee for authorization of dock usage in public waters for riparian residential property owners for purposes of monitoring and enforcing terms and conditions of any shoreland residential zoning instruments.					
Incentives for Shoreline Buffers	None	Local governments may establish shoreline protection incentive programs. Rationale: As the late psychologist B.F. Skinner noted, we often need contrived reinforcements for good behavior.	Maybe required to obtain a variance.	Maybe required to obtain a variance.	Maybe required to obtain a variance.		Maybe required to obtain a permit, conditional use, or variance.
Variances	Variances may only be granted in accordance with MN Statutes, chapters 394 & 462. Local governments must also consider the need for sewage treatment system upgrades. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.	Same with elaborations and additions. No variance shall be granted for development on lots that do not meet the minimum lot dimension standards in part 6120.3300, Subparts 2a and 2b (except lots of record), to reduce sewage treatment system setbacks, to allow water-oriented accessory structures, and to exceed the impervious surface coverage standard on standard lots.	Similar to State. For existing developments, the applicant must have conforming septic system. Also, there are specific lakeshore mitigation requirements.	Similar to State. Conditions may be attached to variances (financial assurance, shoreline buffers, or sewage treatment system upgrades).	Similar to State. Conditions may be attached to variances (increased setbacks, limitations on vegetation removal, sewage treatment, watercraft launching and docking areas, etc.).	Similar to State. Conditions may be attached to variances (increased setbacks, shore cover, sewage treatment, landscaping and vegetative screening, location of docks, etc.).	Similar to State. For existing developments, the applicant must have conforming septic system. Also, there are specific lakeshore mitigation requirements.

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		<p>Local governments shall require as a condition of issuance of any variance the following: the septic system must be inspected and upgraded, if necessary; the impervious surface coverage and the shore impact zone shall be brought into compliance; and, if necessary, erosion control and stormwater management plans for the parcel must be implemented.</p> <p>Technical review panel can be convened when requested by the local government, property owner, or member of the panel.</p> <p>Rationale: Over 80% of variance requests are approved. Flexibility in development should be associated with something in return to the resource.</p>					
Conditional Use Permits	Local governments must incorporate soil conditions and safe boating capacity in their review.	<p>Same with additions. Local governments shall require as a condition of issuance of any conditional use the following: the septic system must be inspected and upgraded, if necessary; the impervious surface coverage and the shore impact zone shall be brought into compliance; and, if necessary, erosion control and stormwater management plans for the parcel must be implemented.</p> <p>Technical review panel can be convened when requested by the local government, property owner, or member of the panel.</p> <p>Rationale:</p>	Specific requirements for CU permits.	Specific requirements for CU permits, and conditions may also be required.	Specific requirements for CU permits.	Specific requirements for CU permits.	Specific requirements for CU permits. There are specific lakeshore mitigation conditions that are imposed.

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Ordinance Comparison

ATTRIBUTE	STATE OF MN (6120)		AITKIN	CASS	CROW WING	HUBBARD	ITASCA
	<i>Existing</i>	<i>Proposed</i>					
		Over 80% of CU requests are approved. Approval of development should be associated with giving back to the resource.					
Nonconformity	<p>Lots of record may be allowed to be developed without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands, the lot was created in compliance, and sewage treatment and setbacks are met.</p> <p>Contiguous substandard lots in the same ownership are not considered as separate parcels of land for the purposes of development. Such lots may be combined to create conforming lots as much as possible.</p> <p>Local governments must require upgrading or replacement of sewage treatment systems identified as nonconforming.</p>	Contiguous substandard lots in the same ownership are not considered as separate parcels of land for the purposes of development. Such lots must be combined to create conforming lots.	<p>Similar to State. There are specific minimum lot area and width standards for developing nonconforming lots of record.</p> <p>No portion of an existing lot can be separated to create a substandard lot, except an existing parcel may be combined with an adjacent parcel to make it more conforming.</p>	<p>Similar to State. Contiguous substandard lots in the same ownership are not considered as separate parcels of land for the purposes of development. Such lots may be combined to create conforming lots.</p>	<p>Similar to State. There are specific minimum lot area and width standards for developing nonconforming lots of record.</p> <p>Contiguous substandard lots in the same ownership are not considered as separate parcels of land for the purposes of development. Such lots may be combined to create conforming lots.</p>	<p>Similar to State. There are specific minimum lot area and width standards for developing nonconforming lots of record.</p>	<p>Similar to State. There are specific minimum lot area and width standards for developing nonconforming lots of record.</p>