

6106.0140 GENERAL DEVELOPMENT STANDARDS FOR PRIVATE FACILITIES.

Subpart 1. **Purpose.** The purpose of this part is to provide design standards for private facilities within the Mississippi River Corridor Critical Area that are consistent with best management practices and that minimize impacts to primary conservation areas and other identified resources.

Subp. 2. **Definition.** For the purpose of this part, "private facilities" means private roads, driveways, and parking areas; private water access and viewing facilities; decks and patios in setback areas; and private signs.

Subp. 3. **General design standards.** All private facilities must be developed in accordance with the land alteration, vegetation, and storm water management requirements in parts 6106.0150 and 6106.0160.

Subp. 4. **Private roads, driveways, and parking areas.** Except as provided in part 6106.0180, private roads, driveways, and parking areas must:

- A. be designed and constructed to take advantage of natural vegetation and topography so that they are not readily visible;
- B. comply with structure setback requirements according to part 6106.0120; and
- C. not be placed within the bluff impact zone or shore impact zone, unless exempt under part 6106.0180 and designed consistent with part 6106.0130, subpart 3.

Subp. 5. **Private water access and viewing facilities.**

- A. Private access paths must be no more than:
 - (1) eight feet wide, if placed within the shore impact zone; and
 - (2) four feet wide, if placed within the bluff impact zone.
- B. Private water access ramps must:
 - (1) comply with parts 6115.0210 and 6280.0250; and
 - (2) be designed and constructed consistent with the applicable standards in Design Handbook for Recreational Boating and Fishing Facilities, incorporated by reference under part 6106.0090.
- C. Design and construction of private stairways, lifts, and landings are subject to the following standards:
 - (1) stairways and lifts must not exceed four feet in width on residential lots. Wider stairways are allowed for commercial properties and residential facilities held in common, if approved by the local government;

(2) landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet are allowed for commercial properties and residential facilities held in common, if approved by the local government;

(3) canopies or roofs are prohibited on stairways, lifts, or landings;

(4) stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and

(5) ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to subitems (1) to (4) and as provided under part 6106.0080, subpart 7.

D. One water-oriented accessory structure is allowed for each riparian lot or parcel less than 300 feet in width at the ordinary high water level, with one additional water-oriented accessory structure allowed for each additional 300 feet of shoreline on the same lot or parcel. Water-oriented accessory structures are prohibited in the bluff impact zone and must:

(1) not exceed 12 feet in height;

(2) not exceed 120 square feet in area; and

(3) be placed a minimum of ten feet from the ordinary high water level.

Subp. 6. **Decks and patios in setback areas.** Local governments may allow decks and at-grade patios to encroach into the required setbacks from the ordinary high water level and blufflines without a variance, in compliance with parts 6106.0150 and 6106.0160, provided that:

A. the encroachment of the deck or patio into the required setback area does not exceed 15 percent of the required structure setback;

B. the area of the deck or patio that extends into the required setback area occupies no more than 25 percent of the total area between the required setback and the 15 percent allowance, using the formula below:

[required setback depth (feet) x 0.15 x lot width (feet) x 0.25 = maximum total area];
and

C. the deck or patio does not extend into the bluff impact zone.

Subp. 7. **Private signs.** Placement of signs is guided by the local government's underlying zoning, with the additional provisions in items A and B.

A. If the local government allows off-premise advertising signs, the signs must:

(1) meet all required setbacks and height limits standards of this chapter; and

(2) not be readily visible.

B. If the local government allows directional signs for patrons arriving at a business by watercraft, the signs:

- (1) must be consistent with Minnesota Statutes, section 86B.115;
- (2) if located within the shore impact zone, must convey only the location and name of the establishment and the general types of goods and services available;
- (3) must be no greater than ten feet in height and 32 square feet in surface area; and
- (4) if illuminated, must have lighting that is shielded to prevent illumination out across the river or to the sky.

Statutory Authority: *MS s 116G.15*

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