

45 and thus preserve and enhance the quality of surface waters, conserve the economic
46 and natural environmental values of shorelands, and provide for the wise use of
47 waters and related land resources. This responsibility is recognized by the city.

48
49 (1) The city council finds that the Mississippi River Corridor within the city is a
50 unique and valuable local, state, regional and national resource. The river is
51 an essential element in the local, regional, state and national transportation,
52 sewer and water and recreational systems and serves important biological
53 and ecological functions. The prevention and mitigation of irreversible
54 damage to this resource and the preservation and enhancement of its
55 natural, aesthetic, cultural and historic values is in furtherance of the health,
56 safety and general welfare of the city.

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58 (2) The council further finds that the Critical Area District is characterized by
59 certain soil types, slopes and water levels that are unsuitable for
60 development. The preservation of trees and woodlands, marshes, swamps,
61 wetlands, drainageways and watercourses within the Critical Area District
62 serves important ecological, recreational and aesthetic functions to the
63 benefit of existing and future residences of the city and, therefore, is in
64 furtherance of the health, safety and general welfare of the city.

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66 (3) In addition to the Shorelands and Critical Area District, the city council finds
67 that the wetlands are a valuable local, state, regional and national resource.
68 The wetlands provide recreation and serve as drainage areas, important
69 biological and ecological functions.

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71 (4) The city council finds that the Rum River Corridor within the city is a unique
72 and valuable local, state and regional natural resource.

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74 (5) It is the purpose and intent of this subdivision to prevent and mitigate
75 irreversible damage to these natural resources and to preserve and enhance
76 their values to the public. Development shall be so regulated so as to
77 minimize the risk of environmental damage to these areas. By doing so,
78 private homeowners and governmental units are protected from incurring
79 high maintenance and capital costs resulting from the necessity to correct the
80 deficiencies encountered as a result of inappropriate or improper
81 development.

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83 (Code 1978, § 9.25.01; Ord. No. 04-32, 5-30-2005)

84 **Sec. 117-222. -- General provisions and definitions.**

85 (c) *Jurisdiction-Lakes and tributary streams.* The provisions of this subdivision (Sections
86 117-221 through 117-224) shall apply to the shorelands of the public water bodies as
87 classified in Section 117-224~~2~~, not including rivers. Pursuant to Minn. Rules pts.
88 6120.2500—6120.3900, no lake, pond, or flowage less than ten acres in size in
89 municipalities or 25 acres in size in unincorporated areas need be regulated in a
90 local government's shoreland regulations. A body of water created by a private user
91 where there was no previous shoreland may, at the discretion of the city council, be
92 exempt from this subdivision.

93 (d) *Jurisdiction-Rivers.* The provisions of this subdivision (Sec.117-223) shall apply to
94 the Critical ~~River Area Overlay~~ (Mississippi River) as amended, due to 2012 Special
95 Legislation that exempts the Mississippi River from the Wild and Scenic regulations,
96 and (Sec. 117-223 4)~~through 117-224~~, the Scenic River ~~Protection Overlay District~~
97 (Rum River).

98 ~~(e)~~ *Compliance.* The use of any shoreland of public waters (including lakes,
99 tributary streams and rivers); the size and shape of lots; the use, size, type and
100 location of structures on lots; the installation and maintenance of water supply and
101 waste treatment systems, the grading and filling of any shoreland area; the cutting of
102 shoreland vegetation; and the subdivision of land shall be in full compliance with the
103 terms of this subdivision and other applicable regulations.

104 (Code 1978, § 9.25.02, subs. 1, 2; Ord. No. 04-32, 5-30-2005)

105 **Sec. 117-223. -- Administration.**

106 (f) *Permits required and standards.*

107 (1) A building permit is required for the construction of buildings or building
108 additions (and including such related activities as construction of decks and
109 signs), the installation and/or alteration of sewage treatment systems, and
110 those grading and filling activities not exempted by ~~section 117-225~~222 (c)
111 below. ~~(g)(2)~~. Application for a permit shall be made to the building official on
112 the forms provided. The application shall include the necessary information
113 so that the building official can determine the site's suitability for the intended
114 use and that a compliant sewage treatment system will be provided.

115
116 (2) A permit authorizing an addition to an existing structure shall stipulate that an
117 identified nonconforming sewage treatment system, as defined by ~~subsection~~
118 ~~117-225(g)(7)~~subsection (7)~~b(d)(2)~~, shall be reconstructed or replaced in
119 accordance with the provisions of this subdivision.

120
121 ~~(3)~~ DNR permits.

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- a. Excavations on shorelands where the intended purpose is connection to a protected water shall require a permit from the zoning administrator before construction is begun. Such permit may be obtained only after the commissioner of natural resources has issued a permit to work in the beds of protected waters.
- b. Any work which will change or diminish the course, current or cross section of a protected water or wetland shall be approved by the commissioner of natural resources, and such approval shall be construed to mean the issuance by the commissioner of natural resources of a permit under the procedures of Minn. Stats. § 103G.245 and other related statutes.

(Code 1978, § 9.21.06; Ord. No. 75-08, 6-27-1975; Ord. No. 85-02, 8-12-1985; Ord. No. 86-2, 8-25-1986)

(4) Environmental permit.

- a. To ensure that the policies in this subdivision are properly implemented, any person undertaking development to or on any land within the Critical River Area and Shoreland Overlay Districts shall, prior to commencing the work, obtain an environmental permit from the city. Except as hereinafter provided in this subdivision, no person shall perform any development in the Critical River Area and Shoreland Overlay Districts without first having obtained an environmental permit (hereinafter called permit) from the city. Exempted from this environmental permit requirement shall be all lots within a plat of record in the county recorder's office. Outlots contained within a plat shall not be exempted from this permit requirement.
- b. Notwithstanding this permit exemption, development occurring on any lot, whether in a plat or not, must comply with and conform to the environmental permit standards as outlined in subsection 4 of this section.

(5) Environmental permit standards. The following standards shall be met when any development is undertaken within the overlay districts:

- a. No filling, grading, dredging, excavation or construction shall be allowed within any wetlands area; nor on lands abutting, adjoining or affecting said areas if such activity upon those adjacent areas is incompatible with city policies expressed here, in other documents and in the relevant stormwater drainage study. Development is improper and therefore prohibited which may result in loss and

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damage to public and private improvements through inundation by floodwaters and subsequent expensive construction of storm sewers and other public projects, in the permanent destruction of natural resources, loss of water retention facilities, open space and wildlife habitats and impairment of public and private water supplies. Minimum area requirements for building sites shall be determined in accordance with this Code, the standards of the Shoreland Overlay District and the Critical Rivers Area Overlay District.

b. Filling.

1. A minimum amount of filling may be allowed when necessary, but in no case shall the following restrictions on total amount of filling be exceeded. Since the total amount of filling that can be permitted is limited, the city, when considering permit applications, shall consider the equal apportionment of fill opportunity to riparian landowners.
2. Total filling shall not cause the total natural flood storage capacity of the wetland to fall below the projected volume of runoff from the entire area wetland water shed generated by a ten-year storm.
3. Total filling shall not cause the total natural nutrient stripping capacity of the wetland to fall below the nutrient production of the wetland watershed shed for its projected development.
4. Only fill, free of chemical pollutants and organic wastes, may be used. Wetlands shall not be used for solid waste disposal.
5. Grading and filling in overlay district areas or any alteration of the natural topography where the slope of the land is toward a protected water or a watercourse leading to a protected water must be authorized by a permit. The permit may be granted subject to the conditions that:
 - i. The smallest amount of bare ground is exposed for as short a time as feasible.
 - ii. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is established.
 - iii. Methods to prevent erosion and trap sediment are employed.
 - iv. Fill is stabilized to accepted engineering standards.

- c. The removal of natural vegetation shall be restricted to prevent erosion into protected waters, to consume nutrients in the soil, and to preserve aesthetics. Removal of natural vegetation in the overlay districts shall be subject to the following provisions:

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1. Selective removal of natural vegetation is allowed, provided that sufficient vegetative cover remains to screen cars, dwellings and other structures when viewed from the water.
2. Clear cutting of natural vegetation is prohibited.
3. Natural vegetation shall be restored insofar as feasible after any construction project is completed to retard surface runoff and soil erosion.
4. Additional provisions.
 - i. The provisions of this subsection shall not apply to permitted uses that normally require the removal of natural vegetation.
 - ii. Development shall be conducted so that the maximum number of trees is preserved by the locating of structures in existing cleared areas and natural clearing and the utilization of other site design techniques.
 - iii. Grading, contouring and paving shall be performed to minimize any detrimental affect on root zone aeration and stability of existing trees. Existing trees shall be provided with a watering area equal to at least one-half the crown cover.
 - iv. When trees are removed, the permittee will restore the density of trees, utilizing nursery stocks of a minimum of 1¾ inch diameter measured one foot above the ground, using species generally accepted as suitable for the purpose to that which existed before the development provided that in no case need the density exceed ten trees per acre.
 - v. Development shall not reduce the existing crown cover greater than 50 percent and shall be conducted in such a manner as to preserve the understory and prevent litter.
 - vi. Trees used in reforestation or landscaping must be compatible with the local landscape and climatic conditions.
5. No on-site sewage disposal systems shall be allowed which do not meet the requirements of this Code.
6. No development shall be permitted on land having a slope in excess of 45 percent. All very steep slopes (18 percent and over) shall be protected. No development of slope from 12 to 18 percent shall be permitted unless the applicant can prove that the following conditions are met:

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i. The foundation and underlying material of any material of any structure, including roads, shall be adequate for slope condition and soil type.

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ii. The applicant can demonstrate that development during and after construction can be accomplished without increasing erosion and runoff and that there is proper utilization of controls to reduce runoff to non-destructive levels.

iii. The proposed development presents no danger of falling rock, mud, uprooted trees or other material to structures, recreational facilities, public lands and public waters downhill.

iv. All structures other than buildings and roadway surfaces but including retaining walls shall meet the following design requirements:

(A) Retaining walls or terrace contours shall not exceed five feet in height;

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(B) Construction shall be of natural stone, wood, or concrete;

(C) The use of gabions non-wood pilings, metal retaining walls and pre-cast or cast in place concrete retaining walls is specifically prohibited; and

(D) The minimum width of terraces shall be ten (10) feet.

d. Emergency work and exemptions.

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1. When emergency work is performed under this subdivision, the person performing it shall report the pertinent facts relating to the work to the city engineer and zoning administrator prior to the commencement of work. The zoning administrator shall review the facts and determine whether an emergency exists and shall be written memorandum authorize the commencement of the emergency exception or deny the emergency exception, in which case no work may be commenced. A person commencing emergency work shall within ten days following the commencement of that activity, apply for the issuance of an environmental permit and on the issuance thereof may be required to perform such work as is determined to be reasonably necessary to correct any impairment to the wetland occasioned by such emergency work.

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2. The removal of trees, seriously damaged by storms or other acts of God, or diseased trees, shall not be prohibited.

(6) Permit applications; required data.

a. Environmental permits, except where hereinafter noted, shall be issued by the council after written findings from the planning commission and city staff. A written application for an environmental permit must be submitted to the zoning administrator. Such applications shall include a site plan with adequate evidence to show that the proposed use will conform to the standards set forth in this subdivision. Five sets of clearly legible blue or black-lined copies or drawings and required information shall be submitted to the zoning administrator and shall be accompanied by a receipt from the administrator evidencing the payment of all required site plan fees. No permit or variance shall be issued unless the applicant in support of their application shall submit engineering data, surveys, site plans and other information as the city may require in order to determine the effects of such development on the affected lands and water areas. Such data, etc. shall be prepared by hydrologists, biologists, botanists or other technical persons as required by the zoning administrator.

b. Approval may be expressly given in conjunction with other permits applied for, but no approval shall be implied from the grant of such permits.

1. The site plans shall be prepared to a scale appropriate to the size of the project and suitable for the review to be performed which shall not be less than one inch equals 200 feet or more than one inch equals ten feet.

2. The following information shall be provided in the site plan:

- i. The name and address of the landowner and developer, the legal description and address of the property, north point, date and scale of drawing and number of sheets.
- ii. Location of the property including such information as the names and numbers of adjoining railroads, roads, existing subdivisions, building and other landmarks.
- iii. Existing topography as indicated on a contour map having contour intervals of one foot, on a zero percent to three percent slope; two feet, on a three percent to ten percent slope; and five feet, on a ten percent or greater slope. The topography map shall also clearly delineate any bluff line, all streams, including intermittent streams and

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swales, rivers, water bodies and wetlands located on the site, including depth of water, bottom slope, a description of body materials and all vegetation which may be found in the water body, a statement of water turbidity, a statement of water quality, and a classification given to the water body by the state department of natural resources and the Minnesota PCA, if any. The topography map shall indicate the floodway and/or flood fringe lines and shall indicate the ordinary high water mark of the river.

iv. A plan delineating existing drainage of the water setting forth in which direction the volume and at what rate stormwater is conveyed from the site and setting forth those areas of the site where stormwater collects and is gradually percolated into the ground or slowly released to a stream or lake. The quality of water runoff and water infiltrated to the water table or aquifer shall be as high after development as it was before development of the site. The quantity of runoff shall be limited to the discharge rates listed in the city's comprehensive storm drainage plan.

v. A description of the soils of the site, a map indicating soil types by areas to be disturbed, as well as a soil report prepared by a soil scientist containing information on the suitability of the soils for type of development proposed and for the type of sewage disposal and describing any remedial steps to be taken by the developer to render the soils suitable. All areas proposed for grading shall be identified by soil type, both as to soil type of existing top soil and soil type of the new contour. The location and extent of any erosion areas shall be indicated.

vi. A description of the flora and fauna which occupy the site and are occasionally found thereon, setting forth with detail those areas where unique plant or animal species may be found on the site.

vii. A description of any features, buildings or areas that are of historic significance.

viii. A map indicating proposed finished grade showing contours are the same intervals as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features.

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- xi. A landscape plan drawn to an appropriate scale including dimensions and distances and the location species, size and description of all existing vegetation, clearly locating and describing any vegetation proposed for removal and all proposed landscape materials which will be added to the site as part of the development.
- x. A proposed drainage plan of the developed site delineating in which direction, the volume and at what rate stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect and gradually percolate into the ground or be slowly released to stream or lake. The plan shall also set forth hydraulic capacity of all structures to be constructed or existing structures to be utilized including volume of holding ponds and the design year of the storm.
- xi. An erosion and sedimentation control plan indicating the type, location and necessary technical information on control measures to be taken both during and after construction, including a statement expressing the calculated anticipated gross soil loss expression in ton/acre/year both during and after construction. The gross soil loss shall not exceed five tons per acre per year during construction or two tons per acre per year during construction when the site is adjacent to a water body or watercourse; and one-half ton per acre per year after the construction activities are completed as calculated in accordance with the Uniform Soil Loss Equation. Wetlands and other natural water bodies shall not be used as primary sediment traps during or after construction.
- xii. A plan of erosion protection measures which shall make maximum use of natural in-place vegetation rather than the placing of new vegetation on site as erosion control facilities. The use of natural erosion control devices shall be preferred to the maximum extent over the construction of artificial drainage devices including culverts, holding ponds and ditches. The development shall be located in such a manner as to minimize the removal of vegetation and alteration of the natural topography.

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- xiii. The proposed size, alignment, height and intended use of any structures to be erected or located on the site including building elevations (front, side and rear).
- xiv. A clear delineation of all areas that shall be paved or surfaced including a description of the surface material to be used.
- xv. A description of the method to be provided for vehicular and pedestrian access to the proposed development and public access to the river and/or public river view opportunities both before and after development; a description of the development's impact on existing views along the river.
- xvi. Trail right-of-way shall be provided to the city in accordance with the general alignment as shown on the Proposed Mississippi River Trail Corridor Map dated 12/1/89 and approved by the council on 12/12/89 to allow for development of the Mississippi River Corridor Trail. Trail right-of-way shall be inclusive of street rights-of-way in existing developed areas as of August 12, 1985. The following standards shall be used for trail right-of-way (R.O.W.) widths:

<u>Trail Segment</u>	<u>R.O.W. Width</u>
<u>From the easterly limits of the city along Rivlyn Ave. to the west terminus of Rivlyn Ave.</u>	<u>17 feet</u>
<u>From the west terminus of Rivlyn Ave. to the east boundary of Lot 3, Auditor's Subdivision No. 96</u>	<u>17 feet</u>
<u>From the east boundary of Lot 3 Auditor's Subdivision No. 96 to the east boundary of Lot 1, Block 5 Riverside West</u>	<u>20 feet</u>
<u>Through Riverside West</u>	<u>17 feet</u>
<u>From the west boundary of Riverside West to Mississippi West County Park</u>	<u>35 feet</u>
<u>Through Mississippi West County Park</u>	<u>Alignment to be developed in cooperation with the county</u>
<u>From the west boundary of Mississippi West County Park to the east boundary of Alpaca Estates</u>	<u>75 feet</u>
<u>Each side of 142nd Ave. NW through Alpaca Estates</u>	<u>17 feet</u>
<u>From the west boundary of Alpaca Estates to the Highway 10 R.O.W. north of Bower's Mississippi Acres</u>	<u>75 feet - Alignment to be determined during platting but within limits shown on trail map.</u>
<u>Within the Highway 10, 169 R.O.W. to the Wayside Park</u>	<u>Alignment to be developed in cooperation w/ Mn/DOT</u>
<u>From the west boundary of the Wayside Park to the West boundary of the city</u>	<u>75 feet - Alignment to be determined during platting but within limits shown on trail map.</u>

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- xvii. A description of all parking facilities to be provided as part of the development of the site including analysis of parking needs generated by the proposed development.
 - xviii. A delineation of the area to be dedicated for public use.
 - xix. A delineation of the location and amounts of excavated soils to be stored on the site during construction.
 - xx. Any other information pertinent to the particular project which in the opinion of the inspector or applicant is necessary or helpful for the review of the project.
3. It is recognized that not all types of development have the same potential for causing harm to the environment; therefore, three classifications of development are established:
- i. Construction of one new single-family home on a lot in a plat.
 - ii. Construction of one new single-family home on a lot described by metes and bounds.
 - iii. Development on more than one parcel of residential property or any development of commercial or industrial property. It is intended that this classification shall include all proposed plats and subdivisions that create two or more parcels.
 - iv. Classification of subsection (6)b.3.ii and iii of this section must provide all of the information requested in section 117-146(6)b. Classification of subsection (6)b.3.i of this section shall provide a certificate of survey to the building inspector at the time the building permit is applied for. The building inspector shall review the lot for which the building permit is requested by reviewing that data submitted for the environmental permit for the plat in which the lot is located. This review shall be made in order to ensure that the permit standards adopted herein are complied with and that the construction of such a single-family home will be consistent with said permit standards.

- (7) Expiration, extension and revisions.
- a. A permittee shall begin the work authorized by the permit within 60 days from the date of issuance of the permit unless a different date for the commencement of work is set forth in the permit. The permittee shall complete the work authorized by the permit within the

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time limit specified in the permit which in no event shall exceed more than 12 months from the date of issuance. The permittee shall notify the zoning administrator at least 24 hours prior to the commencement of work.

b. Should the work not be commenced as specified herein, then the permit shall become void. However, if prior to the date established for commencement of work the permittee makes written request to the zoning administrator for an extension of time to commence the work, setting forth the reasons for the required extension of not greater than one single year, then the permit shall remain in force.

c. Any revision of the originally approved site plan must be approved by the council after findings by the planning commission and zoning administrator.

d. A permit may be approved subject to compliance with conditions that are specifically set forth in the permit and are necessary to ensure compliance with the requirements contained in this subdivision. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of other structures including special foundations and soil stabilization structures, establish required monitoring procedures, require such alterations of the site as may be necessary, require execution of an agreement between the city and the developer, require a surety in the form of a performance bond, cash escrow or letter of credit in an amount of 150 percent of the expected development costs as determined by the city engineer. Accompanying such agreement shall be a statement from the owner indicating the city's right of entry to the property if it becomes necessary to complete the agreed upon work.

(8) Fees. A schedule of fees for the examination and approval of site plans leading to an environmental permit and the inspection of all required improvements and conditions in such plans shall be determined by ordinance. Prior to approval of any site plan, such fees shall be paid to the zoning administrator and be deposited to the credit of the general fund.

(9) Effect of permit. The granting of an environmental permit under the provisions of this subdivision shall in no way affect the owner's or the permittee's responsibility to obtain the approval required by any other statute, ordinance or regulation of any federal or state agency or subdivision thereof.

(Code 1978, § 9.21.05; Ord. No. 75-08, 6-27-1975; Ord. No. 85-02, 8-12-1985; Ord. No. 88-11, 3-19-1989; Ord. No. 90-02, 2-26-1990)

State law reference— Fees, Minn. Stats. § 462.353, subs. 4, 4a.

(g) *Certificate of zoning compliance.* The zoning administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in this subdivision. This certificate will specify that the use of land conforms to the requirements of this

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508 subdivision. Any use, arrangement, or construction at variance with that authorized
509 by permit shall be deemed a violation of this subdivision and shall be punishable as
510 provided in this subdivision.

511
512 (h) *Variances.* Variances may only be granted in accordance with [section 117-53](#) and
513 Minn. Stats. ch. 462, as applicable. In addition to the criteria established in [section](#)
514 [117-53](#), the board of adjustment must also determine whether the property is used
515 seasonally or year-round. Conditions may be imposed in the granting of a variance to
516 ensure compliance and to protect adjacent properties and the public interest. For
517 existing developments, the application for variance must include documentation,
518 either through existing records or an inspection report by a licensed Minnesota
519 Pollution Control Agency septic inspector, documenting that a conforming individual
520 sewage treatment system is present for the intended use of the property. If a
521 variance is issued that will have the ~~effect~~ of allowing additional bedroom on the
522 property, the property owner shall be required, if necessary, to upgrade the
523 nonconforming individual sewage treatment system in conjunction with the issuance
524 of the variance. If the variance does not have the ~~effect~~ of allowing additional
525 bedrooms, the property owner shall have a maximum of two years to upgrade the
526 nonconforming system. A failed system determined to be an imminent public health
527 threat must be reconstructed within 45 days, regardless of the intended use
528 permitted by the variance.

529
530 (i) *Notifications to the department of natural resources.*
531 (1) Copies of all notices of any public hearings to consider variances, zoning
532 amendments, subdivisions, or conditional uses under local shoreland
533 management controls must be sent to the commissioner or the
534 commissioner's designated representative and postmarked at least ten days
535 before the hearings. Notices of hearings to consider proposed
536 subdivisions/plats must include copies of the subdivision/plat.
537
538 (2) A copy of approved amendments and subdivisions/plats, and final decisions
539 granting variances or conditional uses under local shoreland management
540 controls must be sent to the commissioner or the commissioner's designated
541 representative and postmarked within ten days of final action. When a
542 variance is approved after the department of natural resources has formally
543 recommended denial in the hearing record, the notification of the approved
544 variance shall also include the board of adjustment's summary of the public
545 record/testimony and the findings of fact which supported the issuance of the
546 variance.

547 (Code 1978, § 9.25.03; Ord. No. 04-32, 5-30-2005)

548 (Code 1978, § 9.25.03; Ord. No. 04-32, 5-30-2005)

549 **Sec. 117-224222 - Shoreland Management Overlay District, ~~classification system~~**
 550 **~~and land use districts; shoreland management, and development standards.~~**

551 (a) *Shoreland classification system.*

552 (1) The public waters of the city have been classified in subsection (a)(2) of this
 553 section consistent with the criteria found Minn. Rules pt. 6120.3300, and the
 554 protected waters inventory map for the county. In order to guide the wise
 555 development and utilization of shorelands of protected waters for the
 556 preservation of water quality, natural characteristics, economic values and
 557 the general health, safety and welfare, certain protected waters in the city
 558 have been given a shoreland management classification.

559 (2) These protected waters of the city have been classified by the commissioner
 560 of natural resources as follows:
 561

562

	Natural Environment Lakes	DNR I.D. #
a.	Shack Eddy	2-109
b.	Itasca	2-110
	<i>Recreational Development Lakes</i>	DNR I.D. #
a.	Jeglens Marsh	2-111
b.	Peltzer Pond	2-112
c.	Rogers	2-104
d.	Grass (Sunfish)	2-113

564

	General Development Lakes	DNR I.D. #
a.	Ramsey Terrace Pond	2-114
b.	Magnesium Street Pond	2-116
c.	Industry Avenue Pond South	2-117
d.	Industry Avenue Pond North	2-118
	Tributary Streams	Locations
a.	Trott Brook	Sections 1, 2, 3, 6, 7, 8, 9, 10, T32N, R25W
b.	Ford Brook	Sections 1 and 2 T32N, R25W

565 (3) The shorelands of the city in subsection (a)(2) of this section are designated
 566 as a Shoreland Overlay District. The purpose of the Shoreland Overlay
 567 District is to provide for the wise utilization of shoreland areas in order to
 568 preserve the quality and natural character of these protected waters of the
 569 city. Boundaries of the Shoreland Overlay District shall be as defined by
 570 shoreland in [section 117-1](#)

571 (b) *Land use district descriptions.* Within the shoreland area, land use descriptions and
572 allowable uses therein shall be identified in the respective zoning districts established
573 in this chapter.

574 (Code 1978, § 9.25.04; Ord. No. 04-32, 5-30-2005)

575

576 ~~Sec. 117-225.~~

577 (c.) Shoreland Overlay District development standards

578 (1) *Permitted uses.* All permitted uses allowed and regulated by the applicable
579 zoning district underlying this Shoreland Overlay District as indicated on the official
580 environmental overlay map of the city.

581

582 (2) *Conditional uses.*

583 a. All conditional uses and applicable attached conditions allowed and
584 regulated by the applicable zoning district underlying this Shoreland Overlay
585 District as defined by shoreland in section 117-1

586

b. Boathouses.

587

588 (3) *Substandard uses.* Any uses of shorelands in existence prior to the date of
589 enactment of this Code which are permitted within the applicable zoning district, but
590 do not meet the minimum lot area, setbacks or other dimensional requirements of
591 this Code are substandard uses. Substandard uses, including substandard sanitary
592 facilities, shall be allowed to continue. However, any structural alteration or addition
593 to a substandard use that will increase the substandard dimensions shall not be
594 allowed.

595

596 (4) *Prohibited uses.* Any uses which are not permitted or conditional uses as
597 regulated by the applicable zoning district underlying this Shoreland Overlay District,
598 as defined by shoreland in section 117-1

599

600 (5) *Zoning provisions; lot area and width standards.* The following standards
601 shall apply to all shorelands of the protected waters listed in section 117-224 222
602 within the city. Where the requirements of the underlying zoning district as shown on
603 the official zoning map are more restrictive than those set forth herein, then the more
604 restrictive standards shall apply. The lot area (in square feet) and lot width standards
605 (in feet) for single, double, triple, and quad unit residential lots created after the date
606 of enactment of the ordinance from which this subdivision is derived for the lake and
607 river/stream classifications are the following:

608

1. *Unsewered lakes.*

609

610

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Natural Environment:				
Single	80,000	200	80,000	200
Double	120,000	300	160,000	400
Triple	160,000	400	240,000	600
Quad	200,000	500	320,000	800
Recreational Development:				
Single	40,000	150	40,000	150
Double	80,000	225	80,000	265
Triple	120,000	300	120,000	375
Quad	160,000	375	160,000	490
General Development:				
Single	20,000	100	40,000	150
Double	40,000	180	80,000	265
Triple	60,000	260	120,000	375
Quad	80,000	340	160,000	490

611

2. Sewered lakes.

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Natural Environment:				
Single	40,000	125	20,000	125
Double	70,000	225	35,000	220
Triple	100,000	325	52,000	315
Quad	130,000	425	65,000	410
Recreational Development:				
Single	20,000	75	15,000	75
Double	35,000	135	26,000	135
Triple	50,000	195	38,000	190
Quad	65,000	255	49,000	245
General Development:				
Single	15,000	75	10,800	75
Double	26,000	135	17,500	135
Triple	38,000	195	25,000	190
Quad	49,000	255	32,500	245

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613

(6)c. Stream lot width standards. There is no minimum lot size requirements are no minimum lot size requirements for streams. The lot

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width standards for single-, double-, triple- and four-unit residential developments for the stream classifications are:

	Tributary	
	No Sewer	Sewer
Single	100	75
Double	150	115
Triple	200	150
Quad	250	190

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~~(7)~~ d. *Additional special provisions.*

1. Residential subdivisions with dwelling unit densities exceeding those in the tables in subsections ~~(e)~~~~(2)~~b. and ~~(3)~~c. of this section can only be allowed if designed and approved as residential planned unit developments under ~~section 117-227 subsection one~~ ~~(e)~~. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in subsection ~~(e)~~~~(2)~~b. of this section can only be used if publicly owned sewer system service is available to the property.
2. Subdivisions of double, triple, and quad unit buildings on natural environment lakes must also meet the following standards:
 - i. Each building must be set back at least 200 feet from the ordinary high water level;
 - ii. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
 - iii. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
 - iv. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
3. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in subsections ~~(e)~~~~(1)~~ through ~~(3)~~ ~~(8)~~ ~~(5)~~ a-c of this section, provided the following standards are met:
 - i. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
 - ii. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and

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648 iii.. A guest cottage must be located or designed to reduce its visibility as
649 viewed from public waters and adjacent shorelands by vegetation,
650 topography, increased setbacks or color, assuming summer leaf-on
651 conditions.

652 **4.** Lots intended as controlled accesses to public waters or as
653 recreation areas for use by owners of nonriparian lots within subdivisions
654 are permissible and must meet or exceed the following standards:

- 655 i. They must meet the width and size requirements for residential lots,
656 and be suitable for the intended uses of controlled access lots;
657 ii. If docking, mooring, or over-water storage of more than six watercraft
658 is to be allowed at a controlled access lot, then the width of the lot
659 (keeping the same lot depth) must be increased by the percent of the
660 requirements for riparian residential lots for each watercraft beyond
661 six, consistent with the following table:
662

Controlled Access Lot Frontage Requirements	
Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100–200	20
201–300	15
301–400	10
Greater than 400	5

663 **eiii.** They must be jointly owned by all purchasers of lots in the
664 subdivision or by all purchasers of nonriparian lots in the subdivision
665 who are provided riparian access rights on the access lot; and

666 **fv.** Covenants or other equally effective legal instruments must
667 be developed that specify which lot owners have authority to use the
668 access lot and what activities are allowed. The activities may include
669 watercraft launching, loading, storage, beaching, mooring, or docking.
670 They must also include other outdoor recreational activities that do
671 not significantly conflict with general public use of the public water or
672 the enjoyment of normal property rights by adjacent property owners.
673 Examples of the non-significant conflict activities include swimming,
674 sunbathing, or picnicking. The covenants must limit the total number
675 of vehicles allowed to be parked and the total number of watercraft
676 allowed to be continuously moored, docked, or stored over water, and
677 must require centralization of all common facilities and activities in the
678 most suitable locations on the lot to minimize topographic and
679 vegetation alterations. They must also require all parking areas,
680

681 storage buildings, and other facilities to be screened by vegetation or
 682 topography as much as practical from view from the public water,
 683 assuming summer, leaf-on conditions.

684
 685 **(86)** *Placement, design, and height of structures.*

686 a. *Placement of structures on lots.* When more than one setback applies
 687 to a site, structures and facilities must be located to meet all setbacks. Where
 688 structures exist on the adjoining lots on both sides of a proposed building
 689 site, structure setbacks may be altered without a variance to conform to the
 690 adjoining setbacks from the ordinary high water level, provided the proposed
 691 building site is not located in a shore impact zone or in a bluff impact zone.
 692 Structures shall be located as follows:

693 **b1.** *Structure and on-site sewage system setbacks (in feet) from*
 694 *ordinary high water level*.*

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Classes of Public Waters	Structures		Setbacks*
	Unsewered	Sewered	Sewage Treatment System
Lakes			
Natural environment	150	150	150
Recreational development	100	75	75
General development	75	50	50
Tributary streams	100	50	75

696 *One water-oriented accessory structure designed in accordance with
 697 subsection ~~(f6)~~(2)b. of this section may be set back a minimum
 698 distance of ten feet from the ordinary high water level.

699 **e2.** *Additional structure setbacks.* The following additional
 700 structure setbacks apply, regardless of the classification of
 701 the water body:

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Setback From:	Setback (in feet)
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads or streets not classified	20

705 **e** **3.** *Bluff impact zones.* Structures and accessory
 706 facilities, except stairways and landings, must not be placed
 707 within bluff impact zones.

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e- 4. *Uses without water-oriented needs.* Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

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~~(9)~~b. *Design criteria for structures.*

- a1. *High water elevations.* Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or floodproofed must be determined as follows:
- i. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
 - ii. 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 level, or by conducting a technical evaluation to determine 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 or hydrologist consistent with Minn. Rules pts. 6120.5000—6120.6200 governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
 - iii. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

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b2. *Water-oriented accessory structures.* Each lot may have one water-oriented accessory structure not meeting the normal structure

748 setback in this subdivision if this water-oriented accessory structure
749 complies with the following provisions:
750 i. The structure or facility must not exceed ten feet in height,
751 exclusive of safety rails, and cannot occupy an area greater
752 than 250 square feet. Detached decks must not exceed eight
753 feet above grade at any point;
754 ii. The setback of the structure or facility from the ordinary high
755 water level must be at least ten feet;
756 iii. The structure or facility must be treated to reduce visibility as
757 viewed from public waters and adjacent shorelands by
758 vegetation, topography, increased setbacks or color,
759 assuming summer, leaf-on conditions;
760 iv. The roof may be used as a deck with safety rails, but must
761 not be enclosed or used as a storage area;
762 v. The structure or facility must not be designed or used for
763 human habitation and must not contain water supply or
764 sewage treatment facilities; and
765 vi. As an alternative for general development and recreational
766 development waterbodies, water-oriented accessory
767 structures used solely for watercraft storage, and including
768 storage of related boating and water-oriented sporting
769 equipment, may occupy an area up to 400 square feet
770 provided the maximum width of the structure is 20 feet as
771 measured parallel to the configuration of the shoreline.

772
773 | e3. *Stairways, lifts, and landings.* Stairways and lifts are the preferred
774 alternative to major topographic alterations for achieving access up
775 and down bluffs and steep slopes to shore areas. Stairways and lifts
776 must meet the following design requirements:

- 777 i. Stairways and lifts must not exceed four feet in width on
778 residential lots. Wider stairways may be used for commercial
779 properties, public open-space recreational properties, and
780 planned unit developments;
781 ii. Landings for stairways and lifts on residential lots must not
782 exceed 32 square feet in area. Landings larger than 32
783 square feet may be used for commercial properties, public
784 open-space recreational properties, and planned unit
785 developments;
786 iii. Canopies or roofs are not allowed on stairways, lifts, or
787 landings;

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- iv. Stairways, lifts, and 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;
 - v. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - vi. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of the items in subsections ~~(f6)(29)e-4b.3.-i~~ to ~~5v~~ of this section are complied with in addition to the requirements of Minn. Rules ch. 1340.
- ~~e4.~~ *Significant historic 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.
 - ~~e5.~~ *Steep slopes.* The city engineer must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits 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 vegetation.
- ~~(40)c.~~ *Height of structures.* All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 35 feet in height.
- ~~(e7)~~ *Shoreland alterations.* Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.
- ~~(4)a.~~ *Vegetation alterations.*
 - ~~a1.~~ Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this subdivision are exempt from the vegetation alteration standards that follow.
 - ~~b2.~~ Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in this subdivision is allowed subject to the following standards:

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- i. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - ii. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - ~~(a)~~(A) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - ~~(b)~~(B) Along rivers, existing shading of water surfaces is preserved; and
 - ~~(c)~~(C) The provisions of this subsection ~~(g7)(4)a~~ of this section are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- ~~(2)~~b. *Topographic alterations/grading and filling.*
- a1. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this subdivision must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
 - b2. Public roads and parking areas are regulated by this subdivision.
 - c3. Notwithstanding subsections ~~(g7)(2)b_1a~~ and b2 of this section, a grading and filling permit will be required for:
 - i. The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - ii. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
 - d4. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling

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permits, conditional use permits, variances and subdivision approvals:

- ~~4~~i. 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 following functional qualities of the wetland. 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 state department of natural resources, or the United States Army Corps of Engineers. The applicant will be so advised.
 - ~~(a)~~(A) Sediment and pollutant trapping and retention;
 - ~~(b)~~(B) Storage of surface runoff to prevent or reduce flood damage;
 - ~~(c)~~(C) Fish and wildlife habitat;
 - ~~(d)~~(D) Recreational use;
 - ~~(e)~~(E) Shoreline or bank stabilization; and
 - ~~(f)~~(F) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
- ~~2~~ii. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- ~~3~~iii. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- ~~4~~iv. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- ~~5~~v. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
- ~~6~~vi. Fill or excavated material must not be placed in a manner that creates an unstable slope;
- ~~7~~vii. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- ~~8~~viii. Fill or excavated material must not be placed in bluff impact zones;

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- ~~9~~ix. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minn. Stats. § 103G.245;
 - ~~40~~x. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - ~~44~~xi. Placement of natural rock rip-rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the rip-rap is within ten feet of the ordinary high water level, and the height of the rip-rap above the ordinary high water level does not exceed three feet.
- e5. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.
- ~~(3)~~c. *Placement and design of roads, driveways, and parking areas.*
- a1. 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 by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
 - b2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
 - e3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this section are met. For private facilities, the grading and filling provisions of subsection ~~(g7)~~~~(2)~~b of this section must be met.

951 | ~~(4)~~d. *Stormwater management.* The following general and specific standards shall
952 | apply:
953 | a1. *General standards:*
954 | 4i. When possible, existing natural drainageways, wetlands, and
955 | vegetated soil surfaces must be used to convey, store, filter,
956 | and retain stormwater runoff before discharge to public
957 | waters.
958 | 2ii. Development must be planned and conducted in a manner
959 | that will minimize the extent of disturbed areas, runoff
960 | velocities, erosion potential, and reduce and delay runoff
961 | volumes. Disturbed areas must be stabilized and protected as
962 | soon as possible and facilities or methods used to retain
963 | sediment on the site.
964 | 3iii. When development density, topographic features, and soil
965 | and vegetation conditions are not sufficient to adequately
966 | handle stormwater runoff using natural features and
967 | vegetation, various types of constructed facilities such as
968 | diversions, settling basins, skimming devices, dikes,
969 | waterways, and ponds may be used. Preference must be
970 | given to designs using surface drainage, vegetation, and
971 | infiltration rather than buried pipes and manmade materials
972 | and facilities.
973 | b2. *Specific standards:*
974 | 4i. Impervious surface coverage of lots must not exceed 25
975 | percent of the lot area.
976 | 2ii. When constructed facilities are used for stormwater
977 | management, documentation must be provided by a qualified
978 | individual that they are designed and installed consistent with
979 | the field office technical guide of the local soil and water
980 | conservation districts.
981 | 3iii. New constructed stormwater outfalls to public waters must
982 | provide for filtering or settling of suspended solids and
983 | skimming of surface debris before discharge.
984 |
985 | ~~(5)~~e. *Special provisions for commercial, industrial, public/semipublic, agricultural,*
986 | *forestry and extractive uses and mining of metallic minerals and peat.*
987 | a1. *Standards for commercial, industrial, public, and semipublic uses.*
988 | 4i. Surface water-oriented commercial uses and industrial,
989 | public, or semipublic uses with similar needs to have access
990 | to and use of public waters may be located on parcels or lots

991 with frontage on public waters. Those uses with water-
992 oriented needs must meet the following standards:

993 ~~(#)(A)~~ In addition to meeting impervious coverage limits,
994 setbacks, and other zoning standards in this
995 subdivision, the uses must be designed to incorporate
996 topographic and vegetative screening of parking
997 areas and structures;

998 ~~(#)(B)~~ Uses that require short-term watercraft mooring for
999 patrons must centralize these facilities and design
1000 them to avoid obstructions of navigation and to be the
1001 minimum size necessary to meet the need; and

1002 ~~(##)(C)~~ Uses that depend on patrons arriving by watercraft
1003 may use signs and lighting to convey needed
1004 information to the public, subject to the following
1005 general standards:

1006
1007 ~~A1)-~~ No advertising signs or supporting facilities for
1008 signs may be placed in or upon public waters.
1009 Signs conveying information or safety
1010 messages may be placed in or on public
1011 waters by a public authority or under a permit
1012 issued by the county sheriff;

1013 ~~B2)-~~ Signs may be placed, when necessary, within
1014 the shore impact zone if they are designed
1015 and sized to be the minimum necessary to
1016 convey needed information. They must only
1017 convey the location and name of the
1018 establishment and the general types of goods
1019 or services available. The signs must not
1020 contain other detailed information such as
1021 product brands and prices, must not be
1022 located higher than ten feet above the ground,
1023 and must not exceed 32 square feet in size. If
1024 illuminated by artificial lights, the lights must
1025 be shielded or directed to prevent illumination
1026 out across public waters; and

1027 ~~C3)-~~ Other outside lighting may be located within
1028 the shore impact zone or over public waters if
1029 it is used primarily to illuminate potential
1030 safety hazards and is shielded or otherwise
1031 directed to prevent direct illumination out

1032 across public waters. This does not preclude
1033 use of navigational lights.

1034
1035 **2ii.** Uses without water-oriented needs must be located on lots or
1036 parcels without public waters frontage, or, if located on lots or
1037 parcels with public waters frontage, must either be set back
1038 double the normal ordinary high water level setback or be
1039 substantially screened from view from the water by vegetation
1040 or topography, assuming summer, leaf-on conditions.

1041 **b2.** *Agriculture use standards.*

1042 **4i.** General cultivation farming, grazing, nurseries, horticulture,
1043 truck farming, sod farming, and wild crop harvesting are
1044 permitted uses if steep slopes and shore and bluff impact
1045 zones are maintained in permanent vegetation or operated
1046 under an approved conservation plan (Resource
1047 Management Systems) consistent with the field office
1048 technical guides of the local soil and water conservation
1049 districts or the United States Soil Conservation Service, as
1050 provided by a qualified individual or agency. The shore impact
1051 zone for parcels with permitted agricultural land uses is equal
1052 to a line parallel to and 50 feet from the ordinary high water
1053 level.

1054 **2ii.** Animal feedlots must meet the following standards:

1055 **(i)(A)** New feedlots must not be located in the shoreland of
1056 watercourses or in bluff impact zones and must meet
1057 a minimum setback of 300 feet from the ordinary high
1058 water level of all public waters basins; and

1059 **(ii)(B)** Modifications or expansions to existing feedlots that
1060 are located within 300 feet of the ordinary high water
1061 level or within a bluff impact zone are allowed if they
1062 do not further encroach into the existing ordinary high
1063 water level setback or encroach on bluff impact
1064 zones.

1065 **e3.** *Forest management standards.* The harvesting of timber and
1066 associated reforestation must be conducted consistent with the
1067 provisions of the Minnesota Nonpoint Source Pollution Assessment-
1068 Forestry and the provisions of Water Quality in Forest Management
1069 "Best Management Practices in Minnesota."

1070 **e4.** *Extractive use standards.*

1071 **4a.** *Site development and restoration plan.* An extractive use site
1072 development and restoration plan must be developed,

1073 approved, and followed over the course of operation of the
1074 site. The plan must address dust, noise, possible pollutant
1075 discharges, hours and duration of operation, and anticipated
1076 vegetation and topographic alterations. It must also identify
1077 actions to be taken during operation to mitigate adverse
1078 environmental impacts, particularly erosion, and must clearly
1079 explain how the site will be rehabilitated after extractive
1080 activities end.

1081 | 2b. *Setbacks for processing machinery.* Processing machinery
1082 must be located consistent with setback standards for
1083 structures from ordinary high water levels of public waters
1084 and from bluffs.

1085 | e5. *Mining of metallic minerals and peat.* Mining of metallic minerals and
1086 peat, as defined in Minn. Stats. §§ 93.44—93.51, shall be a permitted
1087 use provided the provisions of Minn. Stats. §§ 93.44—93.51, are
1088 satisfied.

1089 | (e)f. *Conditional uses.* Conditional uses allowable within shoreland areas shall be
1090 subject to the review and approval procedures, and criteria and conditions for
1091 review of conditional uses established communitywide. The following
1092 additional evaluation criteria and conditions apply within shoreland areas:

1093 | a1. *Evaluation criteria.* A thorough evaluation of the waterbody and the
1094 topographic, vegetation, and soils conditions on the site must be
1095 made to ensure:

1096 | 4i. The prevention of soil erosion or other possible pollution of
1097 public waters, both during and after construction;

1098 | 2ii. The visibility of structures and other facilities as viewed from
1099 public waters is limited;

1100 | 3iii. The site is adequate for water supply and on-site sewage
1101 treatment; and

1102 | 4iv. The types, uses, and numbers of watercraft that the project
1103 will generate are compatible in relation to the suitability of
1104 public waters to safely accommodate these watercraft.

1105 | b2. *Conditions attached to conditional use permits.* The city council, upon
1106 consideration of the criteria listed in subsection ~~(e7)~~~~(e)fa1~~ of this
1107 section and the purposes of this subdivision, shall attach such
1108 conditions to the issuance of the conditional use permits as it deems
1109 necessary to fulfill the purposes of this subdivision. Such conditions
1110 may include, but are not limited to, the following:

1111 | 4i. Increased setbacks from the ordinary high water level;

- 1113 | ~~2~~ii. Limitations on the natural vegetation to be removed or the
1114 | requirement that additional vegetation be planted; and
1115 | ~~3~~iii. Special provisions for the location, design, and use of
1116 | structures, sewage treatment systems, watercraft launching
1117 | and docking areas, and vehicle parking areas.

1118 | ~~(7)g~~ *Water supply and sewage treatment.*

- 1119 | ~~a~~1. *Water supply.* Any public or private supply of water for domestic
1120 | purposes must meet or exceed standards for water quality of the
1121 | state department of health and the state pollution control agency.
1122 | ~~b~~2. *Sewage treatment.* Any premises used for human occupancy must be
1123 | provided with an adequate method of sewage treatment, as follows:
1124 | ~~4~~i. Publicly owned sewer systems must be used where available.
1125 | ~~2~~ii. All private sewage treatment systems must meet or exceed
1126 | the Minn. Rules. ch. 7080, a copy of which is adopted by
1127 | reference and declared to be a part of this subdivision.
1128 | ~~3~~iii. On-site sewage treatment systems must be set back from the
1129 | ordinary high water level in accordance with the setbacks
1130 | contained in this subdivision.
1131 | ~~4~~iv. All proposed sites for individual sewage treatment systems
1132 | shall be evaluated in accordance with the criteria in
1133 | subsections ~~(g)(7)b.4(i) through (iv)~~ ~~(d)(7)g2~~ of this section. If
1134 | the determination of a site's suitability cannot be made with
1135 | publicly available, existing information, it shall then be the
1136 | responsibility of the applicant to provide sufficient soil borings
1137 | and percolation tests from on-site field investigations.
1138 | Evaluation criteria:
1139 | ~~(i)(A)~~ Depth to the highest known or calculated groundwater
1140 | table or bedrock;
1141 | ~~(ii)(B)~~ Soil conditions, properties, and permeability;
1142 | ~~(iii)(C)~~ Slope;
1143 | ~~(iv)(D)~~ The existence of lowlands, local surface depressions,
1144 | and rock outcrops.
1145 | ~~5~~v. Nonconforming sewage treatment systems shall be regulated
1146 | and upgraded in accordance with ~~section 117-226~~ subsection
1147 | ~~(e)(3)a.~~

1149 | (Code 1978, § 9.25.05; Ord. No. 04-32, 5-30-2005)

1150 | ~~Sec. 117-226. — (e) Nonconformities.~~

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1152 | ~~(e)~~(d) *Nonconformities*. All legally established nonconformities as of the date of the
1153 ordinance from which this subdivision is derived may continue, but they will be
1154 managed according to applicable state statutes and other regulations of this
1155 community for the subjects of alterations and additions, repair after damage,
1156 discontinuance of use, and intensification of use; except that the following standards
1157 will also apply in shoreland areas:

1158 (1) *Construction on nonconforming lots of record.*

- 1159 a. Lots of record in the office of the county recorder on the date of
1160 enactment of local shoreland controls that do not meet the
1161 requirements of this subdivision may be allowed as building sites
1162 without variances from lot size requirements provided the use is
1163 permitted in the zoning district, the lot has been in separate
1164 ownership from abutting lands at all times since it became
1165 substandard, was created compliant with official controls in effect at
1166 the time, and sewage treatment and setback requirements of this
1167 subdivision are met.
- 1168 b. A variance from setback requirements must be obtained before any
1169 use, sewage treatment system, or building permit is issued for a lot.
1170 In evaluating the variance, the board of adjustment shall consider
1171 sewage treatment and water supply capabilities or constraints of the
1172 lot and shall deny the variance if adequate facilities cannot be
1173 provided.
- 1174 c. If, in a group of two or more contiguous lots under the same
1175 ownership, any individual lot does not meet the requirements of this
1176 subdivision, the lot must not be considered as a separate parcel of
1177 land for the purposes of sale or development. The lot must be
1178 combined with the one or more contiguous lots so they equal one or
1179 more parcels of land, each meeting the requirements of this
1180 subdivision as much as possible.

1182 (2) *Additions/expansions to nonconforming structures.*

- 1183 a. All additions or expansions to the outside dimensions of an existing
1184 nonconforming structure must meet the setback, height, and other
1185 requirements of this subdivision. Any deviation from these
1186 requirements must be authorized by a variance.
- 1187 b. Deck additions may be allowed without a variance to a structure not
1188 meeting the required setback from the ordinary high water level if all
1189 of the following criteria and standards are met:
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1. The structure existed on the date the structure setbacks were established;
 2. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 3. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
 4. The deck is constructed primarily of wood, and is not roofed or screened.
- (3) *Nonconforming sewage treatment systems.*
- a. A sewage treatment system not meeting the requirements of [chapter 113](#), article II must be upgraded, at a minimum, at any time a variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
 - b. The city has adopted the following by reference: Minn. Rules pts. 7080.0020, 7080.0060, 7080.0065, 7080.0110, 7080.0120, 7080.0125, 7080.0150, 7080.0160, 7080.0170, 7080.0175 7080.0176, being the sections containing the technical standards and criteria contained in the "Individual Sewage Treatment Systems Program." The city currently requires and monitors septic system pumping permits that indicate the status of each system. The city will require upgrading or replacement of any nonconforming system within a reasonable period of time, which will not exceed two years following issuance of written notification from the city to the property owner of said nonconforming system. Sewage systems installed according to all applicable local shoreland management standards adopted under Minn. Stats. §§ 103F.201—103F.221 in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater

1231 than required by Minn. Rules ch. 7080 for design of on-site sewage
1232 treatment systems, shall be considered nonconforming.

1233 (Code 1978, § 9.25.06; Ord. No. 04-32, 5-30-2005)

1234 ~~Sec. 117-227. —Planned unit developments (PUDs).~~

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1235 (fe) *Planned Unit Developments (PUDs)*

1236 (1) *Types of PUDs permissible.* Planned unit developments (PUDs) are allowed
1237 for new projects on undeveloped land, redevelopment of previously built
1238 sites, or conversions of existing buildings and land. The land use districts in
1239 which they are an allowable use are identified in the land use district
1240 descriptions in this subdivision and the official zoning map.

1241 (2) *Processing of PUDs.* Planned unit developments must be processed as a
1242 conditional use, except that an expansion to an existing commercial PUD
1243 involving six or less new dwelling units or sites since the adoption date of the
1244 ordinance from which this subdivision is derived is permissible as a permitted
1245 use provided the total project density does not exceed the allowable densities
1246 calculated in the project density evaluation procedures. Approval cannot
1247 occur until the environmental review process (EAW/EIS) is complete.

1248 (3) *Application for a PUD.* The applicant for a PUD must submit the following
1249 documents prior to final action being taken on the application request:
1250 a. A site plan and/or plat for the project showing locations of property
1251 boundaries, surface water features, existing and proposed structures
1252 and other facilities, land alterations, sewage treatment and water
1253 supply systems (where public systems will not be provided), and
1254 topographic contours at ten-foot intervals or less. When a PUD is a
1255 combined commercial and residential development, the site plan
1256 and/or plat must indicate and distinguish which buildings and portions
1257 of the project are residential, commercial, or a combination of the two.

1258 b. A property ~~owner's~~ association agreement (for residential
1259 PUDs) with mandatory membership, and all in accordance with the
1260 requirements of this subdivision.

1261 c. Deed restrictions, covenants, permanent easements or other
1262 instruments that:
1263 1. Properly address future vegetative and topographic
1264 alterations, construction of additional buildings, beaching of
1265 watercraft, and construction of commercial buildings in residential
1266 PUDs; and
1267
1268
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- 1271 2. Ensure the long-term preservation and maintenance of open
 1272 space in accordance with the criteria and analysis specified in this
 1273 subdivision.
 1274
 1275 d. When necessary, a master plan/drawing describing the project and
 1276 the floor plan for all commercial structures to be occupied.
 1277
 1278 e. Those additional documents as requested by the city that are
 1279 necessary to explain how the PUD will be designed and will function.
 1280 (4) *Site "suitable area" evaluation.* Proposed new or expansions to existing
 1281 planned unit developments must be evaluated using the following procedures
 1282 and standards to determine the suitable area for the dwelling unit/dwelling
 1283 site density evaluation.
 1284 a. The project parcel must be divided into tiers by locating one or more
 1285 lines approximately parallel to a line that identifies the ordinary high water
 1286 level at the following intervals, proceeding landward:

	Shoreland Tier Dimensions	
	Unsewered (feet)	Sewered (feet)
General development lakes—first tier	200	200
General development lakes—second and additional tiers	267	200
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes	300	300

- 1287 b. The suitable area within each tier is next calculated by excluding from
 1288 the tier area all wetlands, bluffs, or land below the ordinary high water level of
 1289 public waters. This suitable area and the proposed project are then subjected
 1290 to either the residential or commercial planned unit development density
 1291 evaluation steps to arrive at an allowable number of dwelling units or sites.
 1292
 1293 (5) *Residential and commercial PUD density evaluation.* The procedures for
 1294 determining the base density of a PUD and density increase multipliers are
 1295 as follows. Allowable densities may be transferred from any tier to any other
 1296 tier further from the waterbody, but must not be transferred to any other tier
 1297 closer.
 1298
 1299 a. *Residential PUD base density evaluation.* The suitable area within
 1300 each tier is divided by the single residential lot size standard for lakes or, for
 1301 rivers, the single residential lot width standard times the tier depth, unless the
 1302 local unit of government has specified an alternative minimum lot size for
 1303 rivers which shall then be used to yield a base density of dwelling units or

1304 sites for each tier. Proposed locations and numbers of dwelling units or sites
 1305 for the residential planned unit developments are then compared with the tier,
 1306 density, suitability analysis, and the design criteria contained herein.

- 1307
- 1308 b. *Commercial PUD base density evaluation.*
- 1309 1. Determine the average inside living area size of dwelling units
 1310 or sites within each tier, including both existing and proposed units
 1311 and sites. Computation of inside living area sizes need not include
 1312 decks, patios, stoops, steps, garages, or porches and basements,
 1313 unless they are habitable space.
- 1314 2. Select the appropriate floor area ratio from the following table:

1315 Commercial Planned Unit Development
 1316 Floor Area Ratios*; Public waters classes

*Average unit floor area (sq. ft.)	Sewered general development lakes; first tier on unsewered general development lakes; tributary river segments	Second and additional tiers on unsewered general development lakes; recreational development lakes	Natural environment lakes
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

1317 *For average unit floor areas less than shown, use the floor area
 1318 ratios listed for 200 square feet. For areas greater than shown, use
 1319 the ratios listed for 1,500 square feet. For recreational camping
 1320 areas, use the ratios listed at 400 square feet. Manufactured home
 1321 sites in recreational camping areas shall use a ratio equal to the size
 1322 of the manufactured home, or if unknown, the ratio listed for 1,000
 1323 square feet.

- 1324 3. Multiply the suitable area within each tier by the floor area
 1325 ratio to yield total floor area for each tier allowed to be used for
 1326 dwelling units or sites.
 1327 4. Divide the total floor area by tier computed in subsection
 1328 ~~(ee)(25)e-b.3~~ of this section by the average inside living area size
 1329 determined in subsection ~~(ee)(25)a-b.1~~ of this section. This yields a
 1330 base number of dwelling units and sites for each tier.
 1331 5. Proposed locations and numbers of dwelling units or sites for
 1332 the commercial planned unit development are then compared with
 1333 the tier, density and suitability analyses herein and the design criteria.
 1334 c. *Density increase multipliers.*
 1335 1. Increases to the dwelling unit or dwelling site base densities
 1336 previously determined are allowable if the dimensional standards are
 1337 met or exceeded and the design criteria are satisfied. The allowable
 1338 density increases in subsection ~~(ee)(35)b-c.2~~ of this section will only
 1339 be allowed if structure setbacks from the ordinary high water level are
 1340 increased to at least 50 percent greater than the minimum setback, or
 1341 the impact on the waterbody is reduced an equivalent amount
 1342 through vegetative management, topography, or additional means
 1343 acceptable to the local unit of government and the setback is at least
 1344 25 percent greater than the minimum setback.
 1345 2. Allowable dwelling unit or dwelling site density increases for
 1346 residential or commercial planned unit developments:

Density Evaluation Tiers	Maximum Density Increase Within Each Tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

- 1347 (6) *Maintenance and design criteria.*
 1348 a. *Maintenance and administration requirements.*
 1349 1. Before final approval of a planned unit development,
 1350 adequate provisions must be developed for preservation and
 1351 maintenance in perpetuity of open spaces and for the
 1352 continued existence and functioning of the development.
 1353 2. Open space preservation. Deed restrictions, covenants,
 1354 permanent easements, public dedication and acceptance, or
 1355 other equally effective and permanent means must be
 1356 provided to ensure long-term preservation and maintenance

1357 of open space. The instruments must include all of the
1358 following protections:
1359 (i) Commercial uses prohibited (for residential PUDs);
1360 (ii) Vegetation and topographic alterations other than
1361 routine maintenance prohibited;
1362 (iii) Construction of additional buildings or storage of
1363 vehicles and other materials prohibited; and
1364 (iv) Uncontrolled beaching of watercraft prohibited.
1365 3. Development organization and functioning. Unless an equally
1366 effective alternative community framework is established,
1367 when applicable, all residential planned unit developments
1368 must use an owners association with the following features:
1369 (i) Membership must be mandatory for each dwelling
1370 unit or site purchaser and any successive purchasers;
1371 (ii) Each member must pay a pro rata share of the
1372 association's expenses, and unpaid assessments can
1373 become liens on units or sites;
1374 (iii) Assessments must be adjustable to accommodate
1375 changing conditions; and
1376 (iv) The association must be responsible for insurance,
1377 taxes, and maintenance of all commonly owned
1378 property and facilities.
1379 b. *Open space requirements.* Planned unit developments must contain
1380 open space meeting all of the following criteria:
1381 1. At least 50 percent of the total project area must be preserved
1382 as open space;
1383 2. Dwelling units or sites, road rights-of-way, or land covered by
1384 road surfaces, parking areas, or structures, except water-
1385 oriented accessory structures or facilities, are developed
1386 areas and shall not be included in the computation of
1387 minimum open space;
1388 3. Open space must include areas with physical characteristics
1389 unsuitable for development in their natural state, and areas
1390 containing significant historic sites or unplatted cemeteries;
1391 4. Open space may include outdoor recreational facilities for use
1392 by owners of dwelling units or sites, by guests staying in
1393 commercial dwelling units or sites, and by the general public;
1394 5. Open space may include subsurface sewage treatment
1395 systems if the use of the space is restricted to avoid adverse
1396 impacts on the systems;

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6. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
 7. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
 8. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUDs, at least 50 percent of the shore impact zone must be preserved in its natural state.
- c. *Erosion control and stormwater management.* Erosion control and stormwater management plans must be developed and the PUD must:
1. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
 2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUDs 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with this subdivision.
- d. *Centralization and design of facilities.* Centralization and design of facilities and structures must be done according to the following standards:
1. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site

1438 water supply and sewage treatment systems must be
1439 centralized and designed and installed to meet or exceed
1440 applicable standards or rules of the state department of
1441 health and this subdivision. On-site sewage treatment
1442 systems must be located on the most suitable areas of the
1443 development, and sufficient lawn area free of limiting factors
1444 must be provided for a replacement soil treatment system for
1445 each sewage system;

1446 2. Dwelling units or sites must be clustered into one or more
1447 groups and located on suitable areas of the development.
1448 They must be designed and located to meet or exceed the
1449 following dimensional standards for the relevant shoreland
1450 classification: setback from the ordinary high water level,
1451 elevation above the surface water features, and maximum
1452 height. Setbacks from the ordinary high water level must be
1453 increased in accordance with this subdivision for
1454 developments with density increases;

1455 3. Shore recreation facilities, including but not limited to
1456 swimming areas, docks, and watercraft mooring areas and
1457 launching ramps, must be centralized and located in areas
1458 suitable for them. Evaluation of suitability must include
1459 consideration of land slope, water depth, vegetation, soils,
1460 depth to groundwater and bedrock, or other relevant factors.
1461 The number of spaces provided for continuous beaching,
1462 mooring, or docking of watercraft must not exceed one for
1463 each allowable dwelling unit or site in the first tier
1464 (notwithstanding existing mooring sites in an existing
1465 commercially used harbor). Launching ramp facilities,
1466 including a small dock for loading and unloading equipment,
1467 may be provided for use by occupants of dwelling units or
1468 sites located in other tiers;

1469 4. Structures, parking areas, and other facilities must be treated
1470 to reduce visibility as viewed from public waters and adjacent
1471 shorelands by vegetation, topography, increased setbacks,
1472 color, or other means acceptable to the local unit of
1473 government, assuming summer, leaf-on conditions.
1474 Vegetative and topographic screening must be preserved, if
1475 existing, or may be required to be provided;

1476 5. Accessory structures and facilities, except water oriented
1477 accessory structures, must meet the required principal
1478 structure setback and must be centralized; and

- 1479 6. Water-oriented accessory structures and facilities may be
1480 allowed if they meet or exceed design standards contained in
1481 this subdivision and are centralized.
- 1482 (7) *Conversions.* Local governments may allow existing resorts or other land
1483 uses and facilities to be converted to residential planned unit developments if
1484 all of the following standards are met:
- 1485 a. Proposed conversions must be initially evaluated using the same
1486 procedures for residential planned unit developments involving all
1487 new construction. Inconsistencies between existing features of the
1488 development and these standards must be identified.
- 1489 b. Deficiencies involving water supply and sewage treatment, structure
1490 color, impervious coverage, open space, and shore recreation
1491 facilities must be corrected as part of the conversion or as specified in
1492 the conditional use permit.
- 1493 c. Shore and bluff impact zone deficiencies must be evaluated and
1494 reasonable improvements made as part of the conversion. These
1495 improvements must include, where applicable, the following:
- 1496 1. Removal of extraneous buildings, docks, or other facilities
1497 that no longer need to be located in shore or bluff impact
1498 zones;
- 1499 2. Remedial measures to correct erosion sites and improve
1500 vegetative cover and screening of buildings and other
1501 facilities as viewed from the water; and
- 1502 3. If existing dwelling units are located in shore or bluff impact
1503 zones, conditions are attached to approvals of conversions
1504 that preclude exterior expansions in any dimension or
1505 substantial alterations. The conditions must also provide for
1506 future relocation of dwelling units, where feasible, to other
1507 locations, meeting all setback and elevation requirements
1508 when they are rebuilt or replaced.
- 1509 d. Existing dwelling unit or dwelling site densities that exceed standards
1510 may be allowed to continue but must not be allowed to be increased,
1511 either at the time of conversion or in the future. Efforts must be made
1512 during the conversion to limit impacts of high densities by requiring
1513 seasonal use, improving vegetative screening, centralizing shore
1514 recreation facilities, installing new sewage treatment systems, or
1515 other means.

(Code 1978, § 9.25.07; Ord. No. 04-32, 5-30-2005)

1516 | **Sec. 117-228. ~~(j)~~ Enforcement.**

1518 ~~(g)(f)~~ *Enforcement.* The city shall be responsible for the administration and enforcement of
 1519 this subdivision. Any violation of the provisions of this subdivision or failure to comply
 1520 with any of its requirements (including violations of conditions and safeguards
 1521 established in connection with grants of variances or conditional uses) shall constitute
 1522 a misdemeanor. Violations of this subdivision can occur regardless of whether or not a
 1523 permit is required for a regulated activity pursuant to ~~section 117-223~~ section 117-
 1524 221(a).

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1525 (Code 1978, § 9.25.08; Ord. No. 04-32, 5-30-2005)

1526 ~~Sec. 117-229. – (k) Interpretation.~~

1527 ~~(h)(g)~~ *Interpretation:* In their interpretation and application, the provisions of this subdivision
 1528 shall be held to be minimum requirements and shall be liberally construed in favor of
 1529 the city council and shall not be deemed a limitation or repeal of any other powers
 1530 granted by state statutes.

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1531 (Code 1978, § 9.25.09; Ord. No. 04-32, 5-30-2005)

1532 ~~Secs. 117-230 – 117-251. – Reserved.~~

1533 ~~Sec. 117-448223. - Critical River Overlay District development standards.~~

1534 ~~(a)~~ *District Boundaries.* The Mississippi River Corridor Critical Area as set forth and
 1535 legally described in Minnesota State Executive Order No. 7919 as recorded in the
 1536 State Register, Monday, March 12, 1979. This district hereinafter is called Critical
 1537 River Area and shall be identified on the official environmental overlay map
 1538 referenced in this section.

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1540 ~~(ab)~~ *Zoning provisions.* The following standards shall apply to the Critical River Area, of
 1541 the Mississippi River, as shown on the official environmental overlay map of the city.
 1542 Where the requirements of the underlying zoning district as shown on the official
 1543 zoning map are more restrictive than those set forth herein, then the more restrictive
 1544 standards shall apply:

- 1545 (1) Area standards and permitted uses for the lots located in the Critical River
 1546 Area and rural service area.

	Residential District	Business District	Employment District
Lot size without public sewer any permitted use (riparian)	2.5 acres * 4 acres	2.5 acres	2.5 acres
Lot size without public sewer any permitted use (non-riparian)	2.5 acres*	2.5 acres	2.5 acres
Lot width without public sewer any permitted use	200 feet 300 (at bldg. line and OHW)	200 feet 300 (at bldg. line and OHW)	200 feet 300 (at bldg. line and OHW)

Front yard setback without public sewer any permitted use	40 feet ^{***}	40 feet ^{***}	40 feet ^{***}
Rear yard setback without public sewer any permitted use	35 feet	35 feet	35 feet
Side yard setback without public sewer any permitted use	10 feet	10 feet	10 feet
River setback without public sewer any permitted use	35 feet from bluff line or 200 feet from ordinary high water mark whichever is greater ^{***}		
Maximum building height any permitted building	35 feet	35 feet	35 feet
Maximum impervious surface area permitted as percent of total lot area**	30%	30%	30%
On-site sewage treatment system setback from ordinary high water level	75 feet 100 feet	75 feet 100 feet	75 feet 100 feet

1547 *The underlying zoning limits the density to a maximum of one per ten acre.

1548 **Includes all structures, surfaced roads, parking lots, and other impervious
1549 areas.

1550 ~~***River setbacks may be less than 40 feet provided that the front setback~~
1551 ~~matches the front setback of existing properties on each side of the proposed~~
1552 ~~building~~Where a setback pattern from the ordinary high water level already
1553 has been established on both sides of a proposed building site, the setback
1554 of the proposed structure may be allowed to conform to that pattern. This
1555 provision shall only apply to lots that do not meet the minimum lot width
1556 requirement of subsection (b) (1) and (2) of this section.

1557 (2) Area standards and permitted uses for the lots located in the critical river
1558 area and urban service area.

	Residential District	Business District	Employment District
Lot size with public sewer (riparian)	20,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.
Lot size with public sewer (non-riparian)	12,150 sq. ft.	20,000 sq. ft.	20,000 sq. ft.
Lot width at building line and river frontage (riparian)	90 feet	125 feet	125 feet
Lot width at building line (non-riparian)	<u>90 feet</u>	<u>125 feet</u>	<u>125 feet</u>
Front yard setback	35 feet [*]	35 feet [*]	35 feet [*]
Rear yard setback	35 feet	35 feet	35 feet
Side yard setback	10 feet	10 feet	10 feet
River setback any permitted use	20 feet bluff line or 100 feet from ordinary high water mark whichever is greater [*]		
Maximum impervious surface area permitted as percent of total lot area.	30%	30%	30%
Maximum building height any permitted building	35 feet	35 feet	35 feet

On-site sewage treatment system setback from ordinary high water level	75 feet	75 feet	75 feet
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1559 *River yard setbacks may be less than 40 feet provided that the front setback
1560 match the front setback of existing properties on each side of the proposed
1561 building. Where a setback pattern from the ordinary high water level already
1562 has been established on both sides of a proposed building site, the setback
1563 of the proposed structure may be allowed to conform to that pattern. This
1564 provision shall only apply to lots that do not meet the minimum lot width
1565 requirement of subsection (b) (1) and (2) of this section.

1566
1567 Permitted uses: The permitted uses for the Critical River Area shall be those
1568 uses presently permitted in the respective zoning districts.

1569 ~~(bc)~~ Existing uses.

1570 (1) Existing structures. Existing structures, the location or the use of which is
1571 inconsistent with this subdivision or the critical areas designation order shall
1572 not be eligible for any permit granted by the city for expansion, change of
1573 use, renewal of existing permit or building permit unless the following criteria
1574 are met:

- 1575 a. The applicant shall provide and maintain adequate screening of the
1576 structure from the water through the use of natural vegetative means.
- 1577 b. Expansion of existing structures shall be in a direction away from the
1578 riverfront.
- 1579 c. The public's ability to view the river and river corridor from existing
1580 public streets shall not be further degraded by the proposed activity.

1581 (2) Signs.

- 1582 a. Advertising signs are prohibited between the flood fringe borderline
1583 and all county, state or federal highway located within 1,000 feet of
1584 the line except where the river cannot be viewed from the highway
1585 due to natural topography or existing buildings.
- 1586 b. All advertising signs permitted within the critical area outside the area
1587 set forth in subsection ~~(bc)~~(2)a of this section shall conform with the
1588 provisions of article II, division 8 of this chapter.
 - 1589 1. Views of the water from vistas and public roads shall not be
1590 impaired by the placement of business or advertising signs;
1591 and
 - 1592 2. Advertising signs may be located only on the shore side of
1593 public transportation routes that are parallel and adjacent to
1594 the riverfront.
- 1595 c. All advertising signs, the location of which is not in conformance with
1596 this subdivision, are deemed nonconforming uses and shall be

- 1597 removed within seven years of the effective date of the ordinance
1598 from which this subdivision is derived.
- 1599 (3) *Existing lots of record.*
- 1600 a. Lots of record in the office of the county register of deeds (or registrar
1601 of titles) prior to the date of enactment of the ordinance from which
1602 this subdivision is derived, which do not meet the requirements of
1603 ~~section 117-148 section 117-223~~(ab), may be allowed as building
1604 sites provided:
- 1605 1. Such use is permitted in the zoning district;
 - 1606 2. The lot is in separate ownership from abutting lands; and
 - 1607 3. All other sanitary and dimensional requirements of this
1608 subdivision are complied with insofar as practical.
- 1609 (ed) *River crossing.*
- 1610 (1) *Utility facilities.* Utility crossings of the Critical Area Corridor or routing within
1611 the corridor shall meet the following standards:
- 1612 a. Underground placing of the utility facility shall be required unless
1613 economic, technological and land characteristic factors make
1614 underground placement infeasible. Economic considerations alone
1615 shall not be made the major determinate regarding feasibility.
- 1616 b. Overhead crossings, if required, shall meet the following criteria:
- 1617 1. The crossings shall be adjacent to or part of an existing utility
1618 corridor, including bridge or overhead utility lines;
 - 1619 2. All structures utilized shall be as compatible as practicable
1620 with land use, scenic views and existing transmission
1621 structures in height, material, color and design;
 - 1622 3. Right-of-way clearance shall be kept to a minimum;
 - 1623 4. Vegetative screening shall be utilized to the maximum extent
1624 consistent with safety requirements;
 - 1625 5. Routing shall avoid unstable soils, bluff lines or high ridges,
1626 the alteration of the natural environment, including grading,
1627 shall be minimized; and
 - 1628 6. The crossings shall be subject to the site planning
1629 requirements set forth in ~~section 117-146 section 117-~~
1630 ~~221~~(df)(26)b.
- 1631 c. Utility substations. Utility substations shall be subject to the following
1632 standards:
- 1633 1. All substations shall be subject to the site planning
1634 requirements set forth in ~~section 117-146 section 117-~~
1635 ~~221~~(df)(26)b; and
 - 1636 2. New substations or refurbishment of existing substations shall
1637 be compatible in height, scale, building materials, landscaping

- 1638 and signing with the surrounding natural environment or land
 1639 uses. Screening by natural means is encouraged and should
 1640 be compatible with the surrounding environment.
- 1641 d. Pipelines. Pipelines and underground utility facilities shall be subject
 1642 to the following standards:
- 1643 1. All pipelines and underground facilities shall be subject to the
 1644 site planning requirements set forth in ~~section 117-146~~
 1645 ~~section 117-221(d)(26)b~~; and
 - 1646 2. The facilities shall be located to avoid wetlands, woodlands
 1647 and areas of unstable soils; and
 - 1648 3. All underground placing of utility facilities and pipelines shall
 1649 be followed by revegetation and rehabilitation to the
 1650 conditions that existed on site prior to development.
- 1651 (2) *Public and private roads and railways.* New roads and railways crossing the
 1652 Critical Area Corridor or routed within the Critical Area Corridor shall meet the
 1653 following standards:
- 1654 a. Roads and railways shall be constructed to minimize impacts on the
 1655 natural terrain and natural landscape.
 - 1656 b. Cuts and fills are to be avoided.
 - 1657 c. All roads and railways shall be subject to the site planning
 1658 requirements set forth in ~~section 117-146~~ ~~section 117-221(d)(26)b~~.
 - 1659 d. New roads and railways shall not utilize the river corridor as a
 1660 convenient right-of-way for new arterials or main lines.
 - 1661 e. New roads and railways shall be restricted to those facilities needed
 1662 to access existing and planned residential, commercial and industrial
 1663 uses.
 - 1664 f. All new roads and railways shall provide safe pedestrian crossing
 1665 points to allow access to the riverfront. Rest areas, vistas and
 1666 waysides shall be provided.
- 1667 (de) *Riverfront uses/access.*
- 1668 (1) *Public property.* Public pedestrian access shall be provided to the riverfront of
 1669 all public property.
 - 1670 (2) *Public pedestrian access.* Public pedestrian access shall be provided to the
 1671 riverfront of developments on publicly owned and publicly controlled riverfront
 1672 property whether leased to private leases or not, except where:
 - 1673 a. Unavoidable hazards exist to the public.
 - 1674 b. Public pedestrian access at a particular location cannot be designed
 1675 or developed to provide a pleasant view or recreational experience.
 - 1676 c. Access to the riverfront may be denied to any person who creates a
 1677 nuisance or who engages in illegal conduct on the property and
 1678 public access may be temporarily or permanently closed upon a

- 1679 finding by the city that such offensive conduct cannot otherwise be
1680 reasonably controlled.
- 1681 (3) *Public access, private property.* Public pedestrian access shall be provided to
1682 the riverfront for all non-water-dependent uses that are:
- 1683 a. Commercial or industrial.
1684 b. Developed as a planned unit development or requiring subdivision
1685 approval.
1686 c. Access to the riverfront may be denied to any person who creates a
1687 nuisance or who engages in illegal conduct on the property and
1688 public access may be temporarily or permanently closed upon a
1689 finding by the city that such offensive conduct cannot otherwise be
1690 reasonably controlled.
- 1691 (4) *Riverfront uses.* Riverfront uses shall be preferred in the following order:
1692 a. Water dependent;
1693 b. Non-water dependent with public pedestrian access; and
1694 c. Non-water dependent without public pedestrian access.
- 1695 (e) *Marinas, barge fleeting areas and loading facilities.*
- 1696 (1) *Boat launching ramps.*
- 1697 a. Boat launching ramps may be located only where access streets are
1698 adequate to handle the traffic load generated by the facility.
1699 b. Shared or joint use accessory parking will be preferred. Loading will
1700 be permitted only at ramps. Parking areas must be screened from the
1701 river and adjoining residential property and located at least 50 feet
1702 from the normal high water mark.
1703 c. The impact of the accessory parking must not adversely affect the
1704 environmental quality of the site or the surrounding neighborhood.
1705 d. Boat launching ramps and minor accessory buildings and haul-off
1706 facilities must be in character and scale with the surrounding
1707 neighborhood.
- 1708 (2) *Public marinas.* Public marinas shall be permitted subject to the following
1709 conditions:
- 1710 a. The marina must have lavatory facilities adequate to service the
1711 marina clientele.
1712 b. Off-street parking areas should be provided in accordance with the
1713 requirements set forth for boat launching ramps.
1714 c. Areas for the winter storing of boats should be naturally screened
1715 from view from the river and from upland lots.
1716 d. The marina shall be designed for and used only by pleasure craft.
1717 e. Maximum height of any buildings or structures shall be 35 feet.

1718 f. Accessory uses customarily incidental to public marinas including
1719 fueling stations may be permitted providing they are consistent in
1720 scale and intensity with the marina and surrounding uses.

1721 (fg) *Vegetation management.*

1722 (1) In rural open space, urban developed and urban open space districts, the
1723 following standards shall apply:

1724 a. On undeveloped islands, public recreation lands, the slope or face of
1725 bluffs, within 200 feet of the normal high water mark of the river, and
1726 within the area 40 feet landward from bluff-lines, clear cutting shall
1727 not be permitted.

1728 b. On all other lands within these districts, clear cutting shall be guided
1729 by the following provisions:

- 1730 1. Any selective or clear cutting shall require an environmental
1731 permit from the city. The permittee shall submit a plan to the
1732 city showing the size and location of all trees on the site and
1733 which trees are proposed to be cut. The plan shall be drawn
1734 to an accurate scale. The permit application shall be reviewed
1735 by both the building inspector and the tree inspector;
- 1736 2. Clear cutting shall not be used where soil, slope or other
1737 water shed conditions are fragile and subject to injury;
- 1738 3. Clear cutting shall be conducted only where clear cut blocks,
1739 patches or strips are, in all cases, shaped and blended with
1740 the natural terrain;
- 1741 4. The size of clear cut blocks, patches or strips shall be kept at
1742 the minimum necessary; and
- 1743 5. Where feasible, all selective cuts shall be conducted between
1744 September 15 and May 15. If natural regeneration will not
1745 result in adequate vegetation cover, areas in which clear
1746 cutting is conducted shall be replanted to prevent erosion and
1747 to maintain the aesthetic quality of the area; and where
1748 feasible, replanting shall be performed in the same spring or
1749 the following spring.

1750 c. The selective cutting of trees greater than four inches in diameter
1751 may be permitted by local units of government when the cutting is
1752 appropriately spaced and staged so that a continuous natural cover is
1753 maintained.

1754 (2) These vegetative management standards shall not prevent the pruning and
1755 cutting of vegetation to the minimum amount necessary for the construction
1756 of bridges and roadways and for the safe installation, maintenance and
1757 operation of essential services and utility transmission services which are
1758 permitted uses.

1759 | (gh) Administration of the Mississippi River Critical Area.
1760 | (1) ~~In areas when overlapping standards are present the city council shall apply~~
1761 | ~~the most restrictive standards.~~
1762 | (21) No development or alteration of the Critical Area shall take place without
1763 | complete compliance with this chapter. All permits for conditional uses,
1764 | building, sewer system construction or extension (public or private), DNR and
1765 | EQB review if applicable, and variances shall be obtained prior to any
1766 | construction. Variances shall be issued only upon demonstration of hardship
1767 | as defined by section 117-1. Failure to comply with all the standards and
1768 | regulations of this chapter may be enjoined by the city council through proper
1769 | legal channels. Each day a violation is permitted to exist shall constitute a
1770 | separate offense.
1771 | (32) Notification procedures and certification.
1772 | a. Certain land use decisions which directly affect the use of land within
1773 | the Mississippi Critical River Area District and involve ~~any adopting or~~
1774 | ~~amending an ordinance regulating the use of land including rezoning~~
1775 | ~~of particular tracts of the land of the following actions~~ must be certified
1776 | by the commissioner as specified in subsection (gh)(32)b of this
1777 | section:
1778 | 1. ~~Adopting or amending an ordinance regulating the use of land~~
1779 | ~~including rezoning of particular tracts of the land.~~
1780 | 2. ~~Granting a variance from a provision of this subdivision which~~
1781 | ~~related to the zoning dimension provision of subsection (a) of~~
1782 | ~~this section and any other zoning dimension provisions~~
1783 | ~~established in the Mississippi River Critical Area.~~
1784 | 3. ~~Approving a plat that is inconsistent with the local land use~~
1785 | ~~code.~~
1786 | 4. ~~Granting a conditional use permit for a private or commercial~~
1787 | ~~recreational development.~~
1788 | b. Certification process.
1789 | 1. A copy of all notices of any public hearings, or where a public
1790 | hearing is not required, a copy of the application to consider
1791 | zoning amendments, ~~variances, or inconsistent plats~~ under
1792 | this Code shall be sent so as to be received by the
1793 | commissioner at least 30 days prior to such hearings or
1794 | meetings to consider such actions. The notice of application
1795 | shall include a copy of the proposed ordinances or
1796 | amendment, ~~or a copy of the proposed inconsistent plat, or a~~
1797 | ~~description of the requested variance, or a copy of the~~
1798 | ~~conditional use permit application, where applicable.~~

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2. The city shall notify the commissioner of its final decision on the proposed action within ten days of the decision.
 3. The action becomes effective when and only when either:
 - (i) The final decision taken by the city has previously received certification of approval from the commissioner;
 - (ii) The city received certification of approval after its final decision;
 - (iii) 30 days have elapsed from when the commissioner received notice of the final decision, and the city has received from the commissioner neither certification of approval nor notice of non-approval; or
 - (iv) The commissioner certifies approval within 30 days after conducting a public hearing.
 4. In the case the commissioner gives notice of non-approval of an ordinance or zoning amendment, variance, or inconsistent plat, either the applicant or the administrator may, within 30 days of said notice, file with the commissioner a demand for hearing. If the demand for hearing is not made within 30 days, the notice of non-approval shall become final.
 - (i) The hearing will be held in an appropriate local community within 60 days of the demand and after at least two weeks published notice.
 - (ii) The hearing will be conducted in accordance with Minn. Stats. § 103G.311.
 - (iii) The commissioner shall either certify approval or disapproval of the proposed action within 30 days of the hearing.
 - ~~5. The following recreational uses shall require certification approval by the commissioner:
 - (i) ~~Governmental campgrounds.~~
 - (ii) ~~Private campgrounds.~~
 - (iii) ~~Public accesses, road access type with boat launching facilities.~~
 - (iv) ~~Public accesses, trail access type.~~
 - (v) ~~Temporary docks.~~
 - (vi) ~~Other governmental open space recreational uses.~~~~
- c. Notification process.
1. The City shall submit all notices of public hearings for variances, conditional use permits, interim use permits, and plats to the commissioner of natural resources at least thirty (30) days prior to such hearings or meetings to consider such

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actions as required by Minnesota Rules, part 6105.0230, subpart 3, item A, and part 6105.0240, and the notice(s) must include a detailed description of the proposal.
i. The City shall, within ten (10) days of final action, submit to the commissioner of natural resources copies of final decisions on variances, conditional use permits, interim use permits, and plats.
2. The City shall, prior to considering the proposal or requests, submit copies of all preliminary plats and Planned Unit Developments to the commissioner of natural resources for approval.

(3) Enforcement.

- a. It is declared unlawful for any person to violate any of the terms and provisions of this subdivision. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.
- b. In the event of a violation or a threatened violation of this subdivision, the city or the commissioner of natural resources, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.
- c. Any taxpayer of the city may institute mandamus proceedings in the district court to compel specific performance by the proper official of any duty required by this subdivision.

(Code 1978, § 9.21.07; Ord. No. 75-08, 6-27-1975; Ord. No. 85-02, 8-12-1985; Ord. No. 86-2, 8-25-1986; Ord. No. 88-11, 3-19-1989)

~~Secs. 117-149—117-179.—Reserved.~~

~~Sec. 117-252224. - Scenic River Protection Overlay District Policy and authorization.~~

The purpose of this subdivision is to control bluff land and river land development in order to protect and preserve the outstanding scenic, recreational, natural, historical, and scenic values of the Rum River in Ramsey, Minnesota, in a manner consistent with Minn. Stats. §§ 103F.301—103F.345.84, Minn. Rules pts. 6105.0010—6105.0250, 6105.1400—6105.1500.

(Code 1978, § 9.23.01; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

~~Sec. 117-253232.—~~

(a) Scope and interpretation

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- 1878 (1) The provisions of this subdivision shall apply only within the designated
1879 Scenic River Land Use District of the Rum River in accordance with the
1880 property descriptions contained in Minn. Rules pt. 6105.1400.
1881
1882 (2) In their interpretation and application, the provisions of this subdivision shall
1883 be held to be minimum requirements, and shall not be deemed a limitation or
1884 repeal of any powers or rights granted by Minnesota Statutes.
1885
1886 (3) It is not intended by this subdivision to repeal, abrogate, or impair any
1887 existing easement, covenants, deed restrictions, or land use controls. Where
1888 this subdivision imposes greater restrictions, the provisions of this subdivision
1889 shall prevail.
1890
1891 (4) Compliance. The use of any land within the Scenic River Land Use District;
1892 the size and shape of lots; the use and location of structures on lots; the
1893 installation and maintenance of water supply and waste disposal facilities; the
1894 filling, grading, lagooning, or dredging of any river area; the cutting of
1895 vegetation or alteration of the natural topography within the district; and the
1896 subdivision of land shall be in full compliance with the terms of this
1897 subdivision and other applicable regulations. Permits from the zoning
1898 authority are required by this Code, for the construction of buildings, public or
1899 private water supply and sewage treatment systems, the grading and filling of
1900 the natural topography, and erection of signs within the Scenic River Land
1901 Use District of the Rum River.
1902
1903 (5) The term "wetland" shall be as defined in Minn. Stats. § 103G.005, subd. 19.

1904 *(Code 1978, § 9.23.03; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)*

1905 **~~Sec. 117-254233. – District application.~~**

1906 (b) *District application*

- 1907 (1) The Scenic River Land Use District of the Rum River, within the city, is
1908 divided into two areas: The portion of the Scenic River Land Use District
1909 located within the 2000 Urban Area as defined and located in article II,
1910 division 3 of this chapter shall be classified as an urban area; and the
1911 remainder of the Scenic River Land Use District within the city shall be
1912 classified as a rural area.
1913
1914 (2) The Scenic River Land Use District shall be shown on the official zoning
1915 map, as shall the urban and rural area portions of the district contained
1916 therein.
1917

1918 (3) The provisions of Minn. Rules pts. 6105.0010—6105.0250 shall apply within
 1919 the Scenic River Land Use District, as specified in the Minn. Rules pts.
 1920 6105.1400—6105.1500. Where the provisions of this Code are in conflict with
 1921 Minn. Rules pts. 6105.1400—6105.1500, the provisions of Minn. Rules pts.
 1922 6105.1400—6105.1500 shall apply. Copies of Minn. Rules pts. 6105.0010—
 1923 6105.0250 and 6105.1400—6105.1500 shall be kept on file in the office of
 1924 the administrator.

(Code 1978, § 9.23.04; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

~~Sec. 117-255234.~~ - Uses.

- 1927 (c) *Uses*
- 1928 (1) Urban area. The urban area of the Scenic River Land Use District is
 1929 designated the Urban Area Overlay District.
- 1930 (2) Permitted uses are all permitted uses allowed and regulated by the
 1931 applicable zoning district underlying the urban area overlay district, as
 1932 indicated on the official zoning map of the city, except that public roads, utility
 1933 crossings, and all private and commercial recreation uses shall be conditional
 1934 uses.
- 1935 (3) Conditional uses are all conditional uses and applicable attached conditions
 1936 allowed and regulated by the applicable zoning district underlying the urban
 1937 area overlay district, as indicated on the official zoning map of the city.
- 1938
- 1939 (4) *Rural areas.* The uses allowed within the rural area of the Rum River Scenic
 1940 Land Use District shall be those prescribed for a Scenic River Minn. Rules pt.
 1941 6105.0100 as follows:

	Scenic River	
(1)	Governmental campgrounds, subject to management plan specifications and the provisions of section 117-264 section 117-224(gj) .*	P*
(2)	Private campgrounds, subject to management plan specifications and the provisions of section 117-264 section 117-224(gj) .	C**
(3)	Public accesses, road access type with boat launching facilities subject to management plan specifications and the provisions of section 117-264 section 117-224(gj) .	P
(4)	Public accesses, trail access type, subject to management plan specifications and the provisions of section 117-264 section 117-224(gj) .	P
(5)	Temporary docks.	C
(6)	Other governmental open space recreational uses, subject to management plan specifications and the provisions of section 117-264 section 117-224(gj) .	P
(7)	Other private open space recreational uses, subject to management plan specifications and the provisions of section 117-264 section 117-224(gj) .	C
(8)	Agricultural uses.	P
(9)	Single-family residential uses.	P
(10)	Forestry uses.	P

(11)	Essential services.	P
(12)	Sewage disposal systems.	P
(13)	Private roads and minor public streets.	P
(14)	Signs approved by federal, state, or local government which are necessary for public health and safety and signs indicating areas that are available or not available for public use.	P
(15)	Signs not visible from the river, that are not specified in section 117-253(e).	P
(16)	Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads.	P
(17)	Underground mining that does not involve surface excavation in the Land Use District.	C
(18)	Utility transmission power lines and pipelines, subject to the provisions of section 117-260 section 117-224(eh)(7).	C
(19)	Public roads, subject to the provisions in section 117-260 section 117-224(dh)(8).	C

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1942 P* means permitted use

1943 C** means conditional use

1944 (Code 1978, § 9.23.05; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

1945 **~~Sec. 117-256235. – District provisions.~~**

1946 (d) District provisions

1947 (1) The following chart sets forth the minimum dimensional requirements of the
1948 urban area overlay district:

	Unsewered Area	Sewered Areas Riparian Lots	Sewered Areas Non-Riparian Lots
(1) Lot size (in square feet)	43,560	20,000	12,150
(2) Lot width at building line and ordinary high water level	150'	90'	90'
(3) Building setback from ordinary high water level	100'	75'	75'
(4) Building setback from federal, state and county trunk highway rights-of-way	50'	50'	50'
(5) Building setback from other roads and public street rights-of-way	20'	20'	20'
(6) On-site sewage treatment system setback from ordinary high water level	75'	NA	NA
(7) Maximum structure height*	35'	35'	35'
(8) Maximum total area of all impervious surfaces on each lot**	30%	30%	30%
(9) Minimum road parking area setback from ordinary high water level	***50'	50'	50'
(10) Controlled vegetative cutting area measured from the ordinary high water level	100'	75'	75'

1949 *Does not apply to buildings used primarily for agricultural purposes.

1950 **Includes all structures, surfaced roads, parking lots, and other impervious
1951 areas.

1952 ***Where practical and feasible, all roads and parking areas shall meet the
1953 setback requirements established for structures in subsection (9) of this
1954 section.

1955 (2) The following chart sets forth the minimum dimensional requirements for the
1956 rural areas of the Rum River Scenic Land Use District:

(1)	Minimum lot size above ordinary high water level	
	Riparian lots	4 acres
	Non-riparian lots	2½ acres
(2)	Lot width at building line	300 feet
(3)	Lot width at ordinary high water level	300 feet
(4)	Building setback from ordinary high water level	150 feet
(5)	Building setback from bluff line	30 feet
(6)	On-site sewage treatment system setback from ordinary high water level	100 feet
(7)	Maximum structure height*	35 feet
(8)	Controlled vegetative cutting area (see section 117-260 section 117-224(ah))	
	Setback from ordinary high water level	150 feet
	Setback from bluff line	30 feet

1957 *This requirement shall not apply to buildings used primarily for agricultural
1958 uses.

1959 (3) Trott Brook is a designated tributary of the Rum River and the following
1960 setbacks shall also apply:

- 1961 1. Building setback from the OHW level of Trott Brook: 100 feet.
- 1962 2. On-site sewage treatment system setback from OHW level of Trott
1963 Brook: 75 feet.
- 1964 3. Controlled vegetative cutting area setback from ordinary high water
1965 level of Trott Brook: 100 feet. (See [section 117-260](#) [section 117-224\(ah\)](#).)

1966 (Code 1978, § 9.23.06; Ord. No. 81-04, 8-18-1981; Ord. No. 81-07, 11-21-1981; Ord. No. 86-2, 8-25-1986)

1967 **~~Sec. 117-257236. – Sanitary provisions; sewage disposal and water supply.~~**

1968 (e) *Sanitary provisions; sewage disposal and water supply.*

1969 (1) Any premises intended for human occupancy must provide for an adequate
1970 method of sewage treatment. Public or municipal collection and treatment
1971 facilities must be used where available and feasible. Where public or
1972 municipal facilities are not available, all on-site individual sewer treatment
1973 systems shall conform to the minimum standards and administration
1974 procedures set forth in other applicable city regulations and the minimum
1975 standards of the Minnesota Pollution Control Agency (Minn. Rules ch. 7080)
1976 and [section 117-256](#) [subsection \(d\) of this section.](#)

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- (2) No person, firm, or corporation shall install, alter, repair, or extend any individual sewer disposal system or private well without first obtaining a permit for such action from the zoning authority for the specific installation, alteration, repair, or extension. Prior to issuance of any such permit, the zoning authority may require that soil boring tests be done on the proposed site to determine whether or not the site is capable of supporting a conforming sewage treatment system.
- (3) Any public or private supply of water for domestic purposes must conform to state department of health standards for water quality and the administrative procedures of other applicable local ordinances.

(Code 1978, § 9.23.07; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

1988 **~~Sec. 117-258237. – Placement of structures.~~**

- 1990 (f) *Placement of structures*
- 1991 (1) Structures proposed within a floodplain area shall be consistent with all
- 1992 floodplain management regulations of the city.
- 1993
- 1994 (2) No structure shall be placed on any slope greater than 12 percent (12 feet
- 1995 vertical rise in 100 feet horizontal distance) unless such structures can be
- 1996 screened. Sewage disposal facilities can be installed so as to comply with the
- 1997 sanitary provisions of ~~section 117-257~~, subsection (e) of this section and the
- 1998 permit applicant can prove to the zoning authority that any potential erosion
- 1999 or sedimentation problems related to locating such a structure either do not
- 2000 exist, or that adequate measures will be taken to prevent such problems
- 2001 through special construction methods.

(Code 1978, § 9.23.08; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

2002 **~~Sec. 117-259238. – Subdivision of land.~~**

- 2004 (g) *Subdivision of land.*
- 2005 (1) No land shall be subdivided which is determined by the city, or the
- 2006 commissioner of natural resources, to be unsuitable by reason of flooding,
- 2007 inadequate drainage, soil and rock formations with severe limitations for
- 2008 development, severe erosion potential, unfavorable topography, inadequate
- 2009 water supply or sewage treatment capabilities or any other feature likely to be
- 2010 harmful to the health, safety, or welfare of the future residents of the
- 2011 proposed subdivision or the community. Soil percolation rate tests and soil
- 2012 borings shall be required on each proposed subdivision within the Rum
- 2013 Scenic River Land Use District, to establish the suitability of the land for
- 2014 development. Such testing is required before any final plat may be approved,

2015 but may be waived by the zoning administrator when adequate data is
2016 already available.

2017
2018 (b2) Planned unit or cluster developments may be allowed in the Scenic River
2019 Land Use District if preliminary plans are first approved by the commissioner
2020 of natural resources and the applicable provisions of Minn. Rules pts.
2021 6105.0010—6105.0250 pertaining to such development are satisfied, and the
2022 provisions of this Code are satisfied.

2023 (Code 1978, § 9.23.09; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

2024 **~~Sec. 117-260239. -- Landscape alterations.~~**

2025 (h) *Landscape alterations*

2026 (1) The vegetative cutting provisions of this section shall apply to those areas as
2027 specified in ~~section 117-256~~ subsection (d) of this section.

2028 (2) General provisions within designated setback areas:

2029 a. Clear-cutting, except for any authorized public services such as roads
2030 and utilities, shall not be permitted within 200 feet of the OHW.

2031 b. Selective cutting of trees in excess of four inches in diameter at
2032 breast height shall be permitted providing cutting is spaced in several
2033 cutting operations and a continuous cover is maintained.

2034 c. The cutting provisions of subsections (ah)(2)a and b of this section
2035 shall not be deemed to prevent:

2036 1. The removal of diseased or insect infested trees or of rotten
2037 or damaged trees that present safety hazards.

2038
2039 2. Pruning understory vegetation, shrubs, plants, brushes,
2040 grasses, or from harvesting crops, or cutting suppressed
2041 trees or trees less than four inches in diameter at breast
2042 height.

2043 (3) Clear-cutting. Clear-cutting anywhere within the Scenic River Land Use
2044 District of the Rum River is subject to the following standards and criteria:

2045 a. Clear-cutting shall not be used as a cutting method where soil, slope,
2046 or other watershed conditions are determined by the zoning authority
2047 to be fragile and subject to severe erosion and/or sedimentation.

2048 b. Clear-cutting shall be conducted only where clear-cut blocks, patches
2049 or strips are, in all cases, shaped and blended with the natural terrain.

2050 c. The size of clear-cut blocks, patches or strips shall be kept at the
2051 minimum necessary.

2052 d. Where feasible, all clear cuts shall be conducted between September
2053 15 and May 15. If natural regeneration will not result in adequate
2054 vegetative cover, areas in which clear-cutting is conducted shall be

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2055 replanted to prevent erosion and to maintain the aesthetic quality of
2056 the area. Where feasible, replanting shall be performed in the same
2057 spring or the following spring.

(4) Grading, filling, alterations of the bed of public waters. Any grading and filling
2058 work done within the Scenic River Land Use District of this section shall
2059 require a permit and shall comply with the following:
2060

a. Grading and filling of the natural topography that is not accessory to a
2061 permitted or conditional use shall not be permitted in the Scenic River
2062 Land Use District.
2063
2064

b. Grading and filling of the natural topography that is accessory to a
2065 permitted or conditional use shall not be conducted without a grading
2066 and filling permit from the zoning authority. A grading and filling
2067 permit may be issued only if the conditions of the following
2068 subsections (~~eh~~)(14)c and d of this section are properly satisfied.
2069 |
2070

c. Grading and filling of the natural topography which is accessory to a
2071 permitted or conditional use shall be performed in a manner which
2072 minimizes earthmoving, erosion, tree clearing, and the destruction of
2073 natural amenities.
2074

d. Grading and filling in of the natural topography shall also meet the
2075 following standards:
2076

- 2077 1. The smallest amount of bare ground is exposed for as short a
2078 time as feasible.
- 2079 2. Temporary ground cover such as mulch is used and
2080 permanent ground cover such as sod, is planted.
- 2081 3. Methods to prevent erosion and to trap sediment are
2082 employed.
- 2083 4. Fill is stabilized to accepted engineering standards.
2084

(5) Excavation of material from, or filling in a wild, scenic or recreational river, or
2085 construction of any permanent structures or navigational obstructions therein
2086 is prohibited unless authorized by a permit from the commissioner of DNR
2087 pursuant to Minn. Stats. § 103G.245.
2088
2089

(6) Drainage or filling in of wetlands is not allowed within the Scenic River Land
2090 Use District designated by this subdivision.
2091
2092

(7) Utility transmission lines. All utility transmission crossings of land within the
2093 Scenic River Land Use District designated by this subdivision shall require a
2094
2095

2096 conditional use permit. The construction of such transmission services shall
2097 be subject to the standards and criteria of Minn. Rules pt. 6105.0170. No
2098 conditional use permit shall be required for high voltage transmission lines
2099 under control of the environmental quality council pursuant to Minn. Stats. §
2100 216E.10.

2101
2102 (8) Public roads. In addition to such permits as may be required by Minn. Stats.
2103 § 103G.245, a conditional use permit shall be required for any construction or
2104 reconstruction of new public roads within the Scenic River Land Use District
2105 of this subdivision. Such construction or reconstruction shall be subject to the
2106 standards and criteria of Minn. Rules pt. 6105.0200. A conditional use permit
2107 is not required for minor public streets that are streets intended to serve
2108 primarily as an access to abutting properties. Public roads include township,
2109 county, and municipal roads and highways that serve or are designed to
2110 serve flows of traffic between communities or other traffic generating areas.

2111 (Code 1978, § 9.23.10; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

2112 **Sec. 117-261240. -- Administration.**

2113 (i) Administration

2114 ~~Organization provisions.~~

- 2115 (1) The provisions of this subdivision shall be administered by the city's zoning
2116 authority.
- 2117 (2) The board of adjustment shall act upon all questions as they arise in the
2118 administration of this subdivision, to hear and decide appeals; and to review
2119 any order, requirement, decision or determination made by the zoning
2120 authority, who is charged with enforcing this subdivision as provided by
2121 Minnesota Statutes.
- 2122 (3) Permit fees and inspection fees as may be established by ordinance shall be
2123 collected by the zoning authority for deposit with the city and credited to the
2124 appropriate general fund.
- 2125 (4) Substandard lots and uses, nonconforming uses.
- 2126 a. *Substandard lots.*
- 2127 1. Lots of record in the office of the county recorder on the
2128 effective day of enactment of this subdivision that do not meet the
2129 dimensional requirements of this Code shall be allowed as building
2130 sites; provided that such use is permitted in the land use district; the
2131 lot was in separate ownership from abutting lands on the date of
2132 enactment of this Code; and all sanitary and dimensional
2133 requirements are complied with to the greatest extent practicable.
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2. If in a group of two or more contiguous lots under single ownership any individual lot does not meet the lot width requirements of this Code, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of this Code, except that such lots which meet or exceed 60 percent or more of the lot width standards of these regulations may be considered as a separate parcel of land for the purpose of sale or development, if on-site sewage disposal systems can be installed so as to comply with these regulations.

b. *Nonconforming uses.*

1. *Nonconforming uses.* Uses which are prohibited by this subdivision but which are in existence prior to the effective date of the ordinance from which this subdivision is derived shall be nonconforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in most current permit issued prior to the adoption of the ordinance from which this subdivision is derived.

2. *Nonconforming sanitary systems.* All sanitary facilities inconsistent with the performance standards of other applicable local ordinances and the minimum standards of MPCA shall be brought into conformity or discontinued within five years of the date of enactment of the ordinance from which this subdivision is derived or other applicable ordinances.

(5) *Substandard uses.* All uses in existence prior to the effective date of enactment or amendment of the ordinance from which this subdivision is derived which meet the allowable use criteria within the newly established land use district provisions of this subdivision, but do not meet the minimum lot area, setback, or other dimensional requirements of this subdivision are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

a. Any structural alteration or addition to a substandard use that will increase the substandard dimensions shall not be allowed.

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- b. Substandard signs shall be gradually eliminated over a period of time not to exceed five years from the date of enactment of the ordinance from which this subdivision is derived.
 - c. Where a setback pattern from the ordinary high water level already has been established on both sides of a proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. This provision shall only apply to lots that do not meet the minimum lot width requirement of ~~section 117-256~~ subsection (d) of this section.
- (6) *Variances.* The granting of a variance requires the presence of the following conditions:
- a. The strict enforcement of the land use controls will result in unnecessary hardship.
 - b. Granting of the variance is not contrary to the purpose and intent of the zoning provisions herein established by these standards and criteria, and is consistent with Minn. Rules pts. 6105.1400—6105.1500.
 - c. There are exceptional circumstances unique to the subject properties that were not created by the landowner.
 - d. Granting of the variance will not allow any use which is neither a permitted or conditional use in the land use district in which the subject property is located.
 - e. Granting of the variance will not alter the essential character of the locality as established by Minn. Rules pts. 6105.1400—6105.1500.
 - ~~(f) All variances to the requirements of this subdivision must be certified in accordance with subsection (g) of this section.~~
- (7) *Plats.*
- a. Copies of all plats within the boundaries of the Scenic River Land Use District shall be forwarded to the commissioner within ten days of final approval by the city.
 - b. Inconsistent plats: Approval of a plat which is inconsistent with this subdivision is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.

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~~e. — All inconsistent plats approved by the council must be certified in accordance with subsection (g) of this section.~~

(8) *Amendments.*

a. This subdivision may be amended whenever the public necessity and the general welfare require such amendments by the procedure specified in this subdivision. Amendments to this subdivision must be certified by the commissioner as specified in subsection (g)(10) of this section.

b. Requests for amendments of this subdivision shall be initiated by a petition of the owner of the actual property; or by action of the council.

c. An application for an amendment shall be filed with the zoning authority.

d. Upon receipt in proper form of the application and other requested materials, the planning commission shall conduct a public hearing in the manner prescribed in article II, division 2 of this chapter.

e. Following the public hearing, the planning agency shall make a report of its recommendations on the proposed amendment and shall file a copy with the council within 60 days after the hearing for the city council's action. Certification from the commissioner must be obtained as specified in subsection (g)(10) of this section before the proposed amendment becomes effective.

f. To defray the administrative costs of processing requests for an amendment to this subdivision, a fee not exceeding administrative costs shall be paid by the petitioners. Such fee shall be determined by the council.

(9) *Conditional use permit review.*

a. A copy of all notices of any public hearing, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be sent so as to be received by the commissioner at least 30 days prior to such hearings or meetings to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the commissioner within ten days of such action.

~~b. — Conditional use permits relating to private or commercial recreational development must be certified in accordance with subsection (g) of this section.~~

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- (10) Notification procedure and Certification.
- a. Certain land use decisions which directly affect the use of land within the Scenic River Land Use District and involve adopting or amending an ordinance regulating the use of land, including rezoning of particular tracts of the land, any of the following actions must be certified by the commissioner as specified in subsection (g)(~~21~~) of this section.
- ~~1. Adopting or amending an ordinance regulating the use of land including rezoning of particular tracts of the land.~~
 - ~~2. Granting a variance from a provision of this subdivision that related to the zoning dimension provisions of section 117-256 subsection (d) and any other zoning dimension provisions established in Minn. Rules pts. 6105.1400 – 6105.1500.~~
 - ~~3. Approving a plat that is inconsistent with the local land use.~~
 - ~~4. Granting a conditional use permit for a private or commercial recreational development.~~
- b. Notification process.
1. The City shall submit all notices of public hearings for variances, conditional use permits, interim use permits, and plats to the commissioner of natural resources at least thirty (30) days prior to such hearings or meetings to consider such actions as required by Minnesota Rules, part 6105.0230, subpart 3, item A, and part 6105.0240, and the notice(s) must include a detailed description of the proposal.
 - i. The City shall, within ten (10) days of final action, submit to the commissioner of natural resources copies of final decisions on variances, conditional use permits, interim use permits, and plats.
 2. The City shall, prior to considering proposals or requests, submit copies of all preliminary plats and Planned Unit Developments to the commissioner of natural resources for approval.
- (11) Certification process.
- a. A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, ~~variances, or inconsistent plats under local code~~ shall be sent so as to be received by the commissioner at least thirty (30) days prior to such hearings or meetings to consider such actions. The notice of application shall include a copy of the proposed ordinance or amendment, ~~or a copy of the proposed inconsistent plat, or a description of the requested variance, or a copy of the conditional use permit application, where applicable.~~

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- b. The city shall notify the commissioner of its final decision on the proposed action within ten (10) days of the decision.
 - c. The action becomes effective when and only when either:
 - 1. The final decision taken by the city has previously received certification of approval from the commissioner;
 - 2. The city received certification of approval after its final decision;
 - 3. Thirty (30) days have elapsed from the day the commissioner received notice of the final decision, and the city has received from the commissioner neither certification of approval nor notice of non-approval; or
 - 4. The commissioner certifies approval within thirty (30) days after conducting a public hearing.
 - d. In case the commissioner gives notice of non-approval of an ordinance, ~~variance or inconsistent plat,~~ either the applicant or the administrator may, within thirty (30) days of said notice, file with the commissioner a demand for hearing. If the demand for hearing is not made within thirty (30) days, the notice of non-approval becomes final.
 - 1. The hearing will be held in an appropriate local community within sixty (60) days of the demand and after at least two weeks published notice.
 - 2. The hearing will be conducted in accordance with Minn. Stats. § 103G.311.
 - 3. The commissioner shall either certify approval or disapproval of the proposed action within thirty (30) days of the hearing.
 - ~~e. The following recreational uses shall require certification approval by the commissioner:
 - 1. ~~Governmental campgrounds.~~
 - 2. ~~Private campgrounds.~~
 - 3. ~~Public accesses, road access type with boat launching facilities.~~
 - 4. ~~Public accesses, trail access type.~~
 - 5. ~~Temporary decks.~~
 - 6. ~~Other governmental open space recreational uses.~~~~
- (12) *Enforcement.* It is declared unlawful for any person to violate any of the terms and provisions of this subdivision section. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.
- a. In the event of a violation or a threatened violation of this subdivision, the city or the commissioner of natural resources, in addition to other remedies may

2339 institute appropriate actions or proceedings to prevent, restrain, or abate
2340 such violations or threatened violations.
2341 b. Any taxpayer of the city may institute mandamus proceedings in the district
2342 court to compel specific performance by the proper official of any duty
2343 required by this subdivision.

2344 (Code 1978, § 9.23.11; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

2345 **Sec. 117-252225. - Wetlands.**

2346
2347 **(a) Wetlands.**

- 2348 1. The state department of natural resources (DNR) uses the U.S. Fish
2349 and Wildlife classification system for wetlands and currently requires
2350 a permit for alteration of wetland Types 3—5 which are 2.5 acres or
2351 larger.
- 2352 2. Wetland Types 1, 2 and 6 and wetlands as small as one acre are
2353 recognized as having importance as storm sewer ponding basins, but
2354 the DNR does not presently require permits for alteration of these
2355 areas.
- 2356 3. In the city, there is an abundance of wetlands, some found along the
2357 edges of the streams and rivers and the others in upland
2358 depressional areas. The wetlands are not concentrated in one area,
2359 but rather scattered throughout the community. All Type 3, 4 and 5
2360 wetlands of 2.5 acres or more as referenced in this section have been
2361 mapped by the DNR and the county and shall be identified on the
2362 official environmental map referenced in this section. A copy of the
2363 public waters/wetlands map as prepared by the county is on file at the
2364 city offices and is adopted as part of this Code. This Code shall apply
2365 to an impact area within 50 feet of all Type 3, 4, and 5 wetlands and
2366 Type 1, 2, and 6 wetlands one acre in size or larger.

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2369 **Secs. 117-262—117-285. - Reserved.**

2370 **SECTION 3 SUMMARY**

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2372 The following official summary of Ordinance #12-__ has been approved by the City Council of the City
2373 of Ramsey as clearly informing the public of the intent and effect of the Ordinance.
2374

2375 It is the intent and effect of Ordinance #12-__ to amend Ramsey City Code Chapter 117 (Zoning and
2376 Subdivision of Land) Article II (Zoning) Division 4 (District Regulations) by consolidating Subdivisions

2377 II, IV and V ~~are hereby repealed and replaced with~~ into one Subdivision subdivision (Subdivision II,
2378 (Shoreland Management Overlay District) Section 117-349 (Accessory Structures) and to:

2379

- 2380 • Establish Sections 117-221 (Background, statutory authority, policy, general definition,
2381 compliance and administration), 117-222 (Shoreland management overlay district), 117-223
2382 (Critical river overlay district), 117-224 (Scenic river protection overlay district) and 117-225
2383 (Wetlands).
- 2384 • Repeal language related to DNR certification for variances, inconsistent plats, conditional use
2385 permits and interim use permits.

2386 **SECTION 4 EFFECTIVE DATE**

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2388 The effective date of this ordinance is thirty (30) days after its passage and publication, subject to City
2389 Charter Section 5.07.

2390

2391 Adopted by the Ramsey City Council the ___ day of _____, 2012.

2392

2393

2394 _____

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Mayor

2396 **ATTEST:**

2397

2398 _____

2399 City Administrator

2400

2401 **Introduction Date:** _____

2402 **Posting Dates:** _____

2403 **Adoption Date:** _____

2404 **Publication Date:** _____

2405 **Effective Date:** _____

2406