

CHAPTER 82

RRM, RUM RIVER MANAGEMENT DISTRICT

SECTION

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10-82-1: PURPOSE: This Chapter is adopted to: (1) establish a Scenic River District along the bluff land and shoreline of the Rum River as required by NR 2700; (2) regulate, within the Rum River land use district, the area of a lot, and the length of bluff land and water frontage suitable for building sites; (3) regulate the setback of structures and sanitary waste treatment facilities from bluff lines and shorelines to protect the existing and/or natural scenic values, vegetation, soils, water quality, structures or facilities; (4) regulate alterations of the natural vegetation and topography; (5) maintain property values and prevent poorly planned development; (6) conserve and protect the natural scenic values and resources of the Rum River and maintain a high standard of environmental quality; and, (7) comply with Minnesota Regulations NR 78-81 and NR 2700.

10-82-2: JURISDICTION: The jurisdiction of this Chapter shall include all lands designed within the Rum River land use district within the jurisdiction of St. Francis as defined in NR 2700.

10-82-3: COMPLIANCE: The use of any land within the Rum River land use district; the size and shape of lots; the use and water supply and waste disposal facilities; the filling, grading, lagooning, or dredging of any river area; the cutting of vegetation or alteration of the natural topography within the district; and the subdivision of land shall be in full compliance with the terms of this Chapter and other applicable regulations. Permits from the City are required by this Chapter and other applicable City Code provisions for the construction of buildings, public or private water supply and sewage treatment systems, the grading and filling of the natural topography and erection of signs within the Rum River land use district.

10-82-4: LAND USE DISTRICT PROVISIONS:

A. Designation of Districts.

1. In order to preserve and protect the Rum River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values, the Rum River in St. Francis has been given the Scenic River classification and the uses and classification of this river and its adjacent lands are hereby designated by land use zoning districts, the boundaries of which are based on the Rum River Management Plan, NR 2700.
 - a. The portion of the Scenic River Land Use District located within the following sections or portions thereof shall be classified as a Rural Area:
 - (1) N-1/2 Section 29 T34 R24
 - (2) S-1/2 Section 29 T34 R24 east of River only.
 - (3) NW-1/4 Section 28 T34 R24.
 - b. The remainder of the Scenic River Land Use District located in the City of St. Francis, Anoka County, Minnesota shall be classified as an Urban Area.
2. The boundaries of the Rum River Scenic Land Use Districts are as shown on the map designated as the St. Francis Official Zoning Map, which is made a part of this Chapter and is on file with the Administrator. In case of a conflict between the map and the property descriptions in NR 2700, the latter shall prevail. In cases where a lot to be developed is partially in the Scenic River Land Use Districts it shall comply with these regulations if more than one-half of the lot area is within the District.

B. Minimum District Dimensional Requirements for Rural District.

The following chart sets for the minimum area, setbacks and other requirements of the Rum River Rural Scenic District:

1. Minimum lot size ¹	Riparian lots 4 acres Non-riparian lots 2 ½ acres
2. Lot width at building site	300 feet
3. Lot width at ordinary high water mark	300 feet

- 4. Building setback from ordinary high water mark 150 feet
- 5. Building setback from bluffline 30 feet
- 6. On-site sewage treatment system setback from ordinary high water mark 100 feet
- 7. Maximum structure height ² 35 feet
- 8. Minimum of 1 acre buildable at proposed building site as specified in the Subdivision Ordinance

¹ Smaller lot sizes may be permitted for planned unit developments

² Does not apply to buildings used primarily for agricultural purposes.

C. Minimum District Dimensional Requirements for Urban District. The following chart sets forth the minimum dimensional requirements of the Urban Area of the Rum River Scenic District:

	Unsewered <u>Lots</u>	Sewered Riparian <u>Lots</u>	Sewered Non- Riparian <u>Lots</u>
1. Lot size (in square feet)	43,560 SF	20,000 SF	12,150 SF
2. Lot width at building setback line from River and water line	150 feet	90 feet	N/A
3. Building setback from ordinary high water mark	100 feet	75 feet	N/A
4. Lot width at building setback line off public street	200 feet	90 feet	90 feet
5. Building setback from State and County Highways	75 feet	50 feet	50 feet
6. Building setback from local streets	35 feet	35 feet	35 feet
7. On-site sewage treatment system from ordinary high water mark	75 feet	N/A	N/A
8. Maximum structure height ¹	35 feet	35 feet	35 feet

9.	Maximum total area of all impervious surface on each lot ²	30%	30%	30%
10.	Impervious surface setback from ordinary high water mark ³	50 feet	50 feet	50 feet

¹ Does not apply to buildings used primarily for agricultural purposes.

² Includes all structures, surfaced roads, parking lots, and other surfaced areas.

³ Applies to all surfaced roads or parking lots.

D. Structure Placement.

1. No structure shall be placed on any slope greater than twelve (12) percent (twelve [12] vertical rise in one hundred [100] feet horizontal distance) unless such structures can be screened from river view with natural vegetation. Where practicable, sewage disposal system facilities can be installed so as to comply with the Sanitary Provisions of Section 10-82-6 and the building permit applicant can prove to the Administrator that any potential erosion or sedimentation problems related to locating such a structure either do not exist, or that adequate measures will be taken to prevent such problems through special construction methods.
2. No structures shall be placed in any floodway. Structures proposed within a floodplain shall be consistent with the City or Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota. (Minnesota Regulations NR 85-93).

E. Substandard Lots.

1. Lots of record in the office of the County Recorder on the effective date of this Chapter which do not meet the dimensional requirements of this Chapter shall be allowed as building sites; provided, such use is permitted in the land use district; the lot was in separate ownership on the effective date of this Chapter; and all sanitary and dimensional requirements of this Chapter are to be complied with as far as practicable.
2. If in a group of contiguous lots under single ownership, any individual lot does not meet the lot width requirements of this Chapter, 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 Chapter. Such lots which meet or exceed 60% or more of the lot width standard of these regulations may be considered as a separate parcel of land for the

purpose of sale and development, if on-site sewage disposal systems can be installed so as to comply with these regulations.

10-82-5: USES WITHIN THE SCENIC LAND USE DISTRICTS:

- A. Purpose. The purpose of establishing standards and criteria for uses in the Rum River Land Use Districts shall be to protect and preserve existing natural, scenic, historical, scientific, and recreational values to maintain proper relationships between various land use types, and to prohibit new residential, commercial, or industrial uses that are inconsistent with the Statewide Standards and Criteria for Wild and Scenic River, NR 78-81, and NR 2700.
- B. Uses in the Urban District. The urban area of the Scenic River Land Use District is hereby designated the Urban Area Overlay District.
 - 1. Permitted Uses. All permitted uses allowed and regulated by the applicable zoning district underlying the Urban Area Overlay District, as indicated on the Official Zoning Map, are permitted in the Urban District except that public roads, utility crossings, and all private and commercial recreation uses shall be special uses.
- C. Special Uses in the Urban District. All special uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying the Urban Area Overlay District, as indicated on the Official Zoning Map, are provided for under the terms of this Chapter.
- D. Uses in the Rural District. Uses in the Rural Area of the Scenic River Land Use District, shall be those prescribed by Minnesota Regulations NR79 (b) which includes single family dwellings, agricultural uses, public recreational uses, essential services and forestry uses.
- E. Other Uses Not Listed. All uses not covered by the above referenced regulation shall not be allowed within the applicable land use district without an amendment to the management plan to provide for such use.

10-82-6: SANITARY PROVISIONS:

- A. Sewage Disposal. Any new dwelling intended for human occupancy must provide for an adequate method of sewage treatment. Public or municipal collection and treatment facilities must be used where available and feasible. Where public or municipal facilities are not available, all new on-site individual sewer treatment systems shall conform to the minimum standards and administrative procedures set forth in other applicable City Code provisions, the minimum standards of the Minnesota Pollution Control Agency (6MCA §4.8040) and this Chapter.

- B. Permit Required. It is unlawful for any person to install, alter, repair, or extend any individual sewage disposal system without first obtaining a permit for such action from the City for the specific installation, alteration, repair or extension. Prior to issuance of any such permit, the City shall require that percolation-rate tests and, at the discretion of the Building Official, soil boring tests be done on the proposed site for an individual sewer disposition to determine whether or not the site is capable of supporting a conforming sewage treatment system.
- C. Water Supply. Any new public or new private supply of water for domestic purpose must conform to Minnesota Department of Health standards for water quality and the administrative procedures of other applicable City Code provisions.

10-82-7: LANDSCAPE ALTERATIONS:

- A. Vegetative Cutting. Within the applicable building setback areas (including bluffline setback areas), clear cutting of trees over four inches in diameter, except for authorized public services, shall be prohibited. All vegetative cutting in the Rum River Scenic District shall comply with the conditions of Minnesota Regulations NR 79 (g) (1) (bb), (cc) and (2).
- B. General Provisions within Designated Setback Areas.
 - 1. Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted.
 - 2. Selective cutting of trees in excess of four inches in diameter at breast height shall be permitted providing cutting is spaced in several cutting operations and a continuous tree cover is maintained.
 - 3. The cutting provisions of Section 10-82-7.A of this Ordinance, shall not be deemed to prevent:
 - a. The removal of diseased or insect-infested trees, or of rotten or damaged trees that present safety hazards.
 - b. Pruning under story vegetation, shrubs, plants, brushes, grasses, or from harvesting crops or cutting suppressed trees or trees less than four inches in diameter at breast height.
- C. Clear Cutting. Clear cutting anywhere in the designated land use district on the Rum River is subject to the following standards and criteria:
 - 1. Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the Administrator to be fragile and subject to erosion and/or sedimentation.

2. Clear cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.
 3. The size of clear-cut blocks, patches or strips shall be kept at the minimum necessary.
 4. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.
- D. Grading, Filling, Alterations of the Beds of Public Waters. Any grading and filling work done within the designated land use district of this Chapter shall require a permit and shall comply with the following:
1. Grading and filling of the natural topography which is not accessory to a permitted or special use shall not be permitted in the land use district.
 2. Grading and filling of the natural topography which is accessory to a permitted or special use shall not be conducted without a grading or filling permit from the City. A grading and filling permit may be issued only if the conditions of this subdivision are properly satisfied.
 3. Grading and filling of the natural topography which is accessory to a permitted or special use shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities.
 4. Grading and filling of the natural topography shall also meet the following standards:
 - a. The smallest amount of bare ground is exposed for as short a time as feasible.
 - b. Temporary ground cover such as mulch is used and permanent ground cover is planted.
 - c. Methods to prevent erosion and to trap sediment are employed.
 - d. Fill is stabilized to accepted engineering standards.
- E. Permit Required. Any activity which will change or diminish the course, current or cross-current of any public waters, including but not limited to, filling, excavation or placing of any materials in or on the beds of public waters is prohibited unless

authorized by a permit from the Commissioner of Natural Resources pursuant to Minnesota Statutes Section 105.42.

- F. Wetlands. Drainage or filling in of wetlands types 3, 4, 5, which are 2.5 acres in size or larger shall not be allowed within the land use district designated by this Chapter.
- G. Utility Transmission Lines. All utility transmission crossings of land within the Rum River Land Use District shall require a special use permit. The construction of such transmission services shall be subject to the standards and criteria of Minnesota Regulations NR (i) 2. With respect to electric power utility transmission crossings, a special use permit shall be required for crossings of 69 kilo-volts thru 199 kilo-volts. No special use permit shall be required for high voltage (200 kilo-volts or greater) transmission lines under control of the Environmental Quality Board pursuant to Minnesota Statutes Section 116C.61. However, lines of 200 kilo-volts or more which are exempt by the Environmental Quality Board shall require a special use permit.
- H. Public Roads. In addition to such permits as may be required by Minnesota Statutes Section 105.42, a special use permit shall be required for any construction or reconstruction of public roads within the Rum River Land Use District. Such construction or reconstruction shall be subject to the standards and criteria of Minnesota Regulations NR 79 (j) (2), and City Street and Road Standards as adopted by the Council. A special use permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties; however, all streets shall be constructed or reconstructed to comply with City Street and Road Standards. Public roads include County and City roads and highways, which serve or are designed to serve flows of traffic between communities or other traffic generating areas.

10-82-8: SUBDIVISIONS:

- A. Land Suitability. No land shall be subdivided which is determined by the City or the Commissioner to be wholly unsuitable by reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or the community. Percolation-rate tests and soil boring tests shall be required as deemed necessary by the City Engineer, to be done by the subdivider, and their results submitted to the Administrator to assure that each lot in the proposed subdivision is capable of supporting an on-site sewage treatment system of the type recommended by the Minnesota Pollution Control Agency's standards for individual sewage treatment systems. In subdividing the land within the Scenic River District the lot dimension shall be the gross land area of the lot. The developer must provide evidence to the City that a suitable building site exists

that is free of restricting characteristics and complies with all applicable City Code provisions. The provisions elsewhere set forth in this Chapter and in other applicable City Code provisions shall apply to all plats and subdivisions within the Rum River Scenic River District.

- B. Planned Unit Developments. A planned unit development may be allowed in the Scenic River Urban District if preliminary plans are first approved by the Commissioner and the applicable provisions of the Minnesota Regulations NR 78-84 pertaining to such development are satisfied. Cluster developments may be allowed in the Scenic River Rural District if preliminary plans are first approved by the Commissioner and the applicable provisions of Minnesota Regulations NR 78-84 pertaining to such developments are satisfied.

10-82-9: ADMINISTRATION:

- A. Organization Provisions. The provisions of this Chapter shall be administered by the Administrator in accordance with the requirements of the Zoning Chapter except where superseded by more restrictive requirements of this Chapter. The Council shall act upon all questions as they arise in the administration of this Chapter; to hear and decide appeals; and to review any order, requirements, decisions or determination as provided by Minnesota Statutes.
- B. Fees. Permit fees and inspection fees shall be established by resolution of the Council and shall be collected by the City for deposit and credited to the general fund.
- C. Non-Conforming Uses; Substandard Uses.
 - 1. Non-Conforming Uses. Uses which are prohibited by this Chapter but which are in existence prior to the effective date of this Chapter shall be non-conforming uses. Such uses shall not be intensified, enlarged, or expanded.
 - 2. Non-Conforming Private Sanitary Sewer Systems. All private sanitary sewer systems inconsistent with the performance standards of the Sanitary Sewer provisions and the minimum standards of the Minnesota Pollution Control Agency and the Minnesota State Plumbing Code within the Rum River Scenic River District shall be brought into conformity or discontinued within five (5) years of the effective date of this Chapter.
 - 3. Substandard Uses. All uses in existence prior to the effective date or amendment of this Chapter which are permitted uses within the newly established land use district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this Chapter 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 which will increase the substandard dimensions shall not be allowed.
- b. Substandard signs shall be gradually eliminated over a period of time not to exceed five (5) years from the effective date of this Chapter.
- c. Where a setback pattern from the ordinary high water mark has already been established on both sides of a proposed building site, the setback of the proposed structure may be allowed to conform to that pattern.

D. Variance. The granting of a variance requires the presence of all the following conditions:

1. The strict enforcement of the land use controls will result in unnecessary hardship.
2. 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 NR 2700.
3. There are exceptional circumstances unique to the subject property which were not created by the landowners.
4. Granting of the variance will not allow any use which is neither a permitted or special use in the land use district in which the subject property is located.
5. Granting of the variance will not alter the essential character of the locality as established by the Management Plan, NR 2700.

E. Plats.

1. Copies of all plats within the boundary of the Rum River Land Use District shall be forwarded to the Commissioner within ten (10) days of final approval by the City.
2. Inconsistent Plat. Approval of a plat which is inconsistent with this Chapter is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal. All inconsistent plats approved by the City shall be certified in accordance with Section 10-82-9.H of this Ordinance.

- F. Amendments. This Chapter may be amended whenever the public necessity and the general welfare require such amendments by the procedure specified in this Subdivision. Amendments to this Chapter must be certified by the Commissioner as specified in Subdivision 8 of this Section. Amendments of this Chapter may be initiated by a petition to the Planning Commission or by action of the Council. An application for and amendment shall be filed with the Administrator. Upon receipt in proper form of the application and other requested materials, the Planning Commission shall conduct a public hearing in the manner prescribed by Minnesota Statutes. Within sixty (60) days following the public hearing, the Council shall make a report of its recommendation on the proposed amendment and shall file a copy with the Commissioner. Certification from the Commissioner must be obtained as specified in this Chapter before the proposed amendment becomes effective.
- G. Special Use Permit Review. A copy of all notice of any public hearing, or where a public hearing is not required, a copy of the application to consider issuance of a special use permit shall be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider issuance of a special use permit. A copy of the decision shall be forwarded to the Commissioner within ten (10) days of such action. Special use permits relating to private or commercial recreational development must be certified in accordance with Section 10-82-9.H of this Ordinance.
- H. Certification.
1. Certain land use decisions which directly affect the use of land within the designated land use district and involve any of the following actions must be certified by the Commissioner:
 - a. Adopting or amending an ordinance including rezoning of particular tracts of land.
 - b. Granting a variance from a provision of this Chapter which relates to the zoning dimension provisions of Section 9.10 and any other zoning dimensions provisions established by NR 2700.
 - c. Approving a plat which is inconsistent with this Chapter.
 - d. Granting a special use permit for a private or commercial recreational development.
 2. Certification Procedure.
 - 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 by ordinance shall be received by the Commissioner at least thirty (30) days prior to such

hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinances or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.

- b. The Council shall notify the Commissioner of its decision on the proposed action within ten (10) days of the decision.
- c. The action becomes effective when either:
 - (1) The final decision taken by the City has previously received certification of approval from the Commissioner; or,
 - (2) The City received certification of the approval after its final decision; or,
 - (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 his approval within thirty (30) days after conducting a public hearing.
- d. In case the commissioner give notice of non-approval of an ordinance, variance or inconsistent plat, either the applicant or the Council may within thirty (30) days of said notice, file with the Commissioner a request for hearing. If the demand for hearing is not made within thirty (30) days, the notice of non-approval becomes final. Where a hearing is requested it shall be:
 - (1) The hearing will be held in the City within sixty (60) days of the demand and after at least two (2) weeks published notice.
 - (2) The hearing will be conducted in accordance with Minnesota Statutes 105.44, Subdivisions 5 and 6 (1971) as amended.
 - (3) The Commissioner shall certify his approval or disapproval of the proposed action within thirty (30) days of the hearing.

- I. Permits. The following table summarizes the permit and certification process within the land use districts designated by this Chapter:

<u>Land Use District Permits</u>	<u>Action Necessary</u>
Building Permits	LP
Sign Construction Permits	LP
Septic Permits	LP
Water Supply Permits	LP
Grading, Filling Permits	LP
Special Use Permit, General Special Use	PH-FD
Special Use Permits for Private Recreational Developments	PH-CC
Amendments to this Chapter	PH-CC
Amendments to District Boundary	PH-CC
Inconsistent Plats	PH-CC
Planned Unit Developments	PH-WA
Variances	PH-CC
Plats	PH (Notification Not Required)-FD

LP – Permit issued by the Council in accordance with this Chapter and all other City Code provisions.

CC – Certifications by the Commissioner of Natural Resources prior to final local approval.

PH – Public hearing necessary by the Council giving thirty (30) days notice of the hearing to the Commissioner of Natural Resources.

FD – Council forwards any decisions to the Commissioner of Natural Resources within ten (10) days after taking final action.

WA – The Commissioner of Natural Resources shall submit, after notice of public hearing and before the Council give preliminary approval, a written review and approval or denial of the project.