



## City of Lake St. Croix Beach

City Hall  
16455 20<sup>th</sup> Street South  
Lake St Croix Beach, MN 55043

# Planning Commission October 1, 2025 - 6:00 PM

Will be held *in person* at City Hall - and electronically/telephonically by Zoom

Topic: Planning Commission

Time: October 1, 2025 6:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/9924417375?pwd=dmJGMXgzMmFMSzZGNWptaUNUclg4Zz09>

+1 312 626 6799 US

Meeting ID: 992 441 7375

Passcode: 502054

## AGENDA

1. **CALL TO ORDER**
  - a. Roll Call
2. **APPROVE AGENDA**
3. **APPROVE MINUTES – September 3rd, 2025**
4. **PUBLIC COMMENTS – Items not on the Agenda**
5. **PUBLIC HEARING – CODE CHAPTER 153: LOWER ST. CROIX RIVER BLUFFLAND AND SHORELAND MANAGEMENT**
  - Close Regular Meeting
  - Open Public Hearing
    - Hear Public Comments
  - Close Public Hearing
  - Reopen Regular Meeting
    - Commissioners discuss Public Comments and make any final changes to Chapter 153. If agreed, make a Recommendation to send to City Council for approval.
6. **COMMISSIONER REPORTS AND REQUESTS**
  - Samantha Fink
  - Greg Ewig
  - Linda O'Donnell
  - John Sievert
  - Chair Mary Ashby
7. **ADJOURN**





## City of Lake St. Croix Beach

City Hall

16455 20<sup>th</sup> Street South

Lake St Croix Beach, MN 55043

# Planning Commission Minutes September 3, 2025 - 6:00 PM

Will be held *in person* at City Hall - and electronically/telephonically by Zoom

Topic: Planning Commission

Time: September 3, 2025 6:00 PM Central Time (US and Canada)

Join Zoom Meeting

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Meeting ID: 992 441 7375

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### Minutes

1. **CALL TO ORDER 6:04pm**

a. Roll Call: All members of Planning Commission were present.

2. **APPROVE AGENDA**

Motion to approve the agenda as presented was made by Commissioner Fink and seconded by Commissioner Sievert. Motion passed 5:0.

3. **APPROVE MINUTES – August 6th, 2025**

Motion to approve the Minutes of the August 6<sup>th</sup> Meeting was made by Commission Ewig and seconded by Commissioner O'Donnell. Motion passed 5:0.

4. **PUBLIC COMMENTS – Items not on the Agenda**

None

5. **CODIFICATION – RIVERWAY SECTION FOR REVIEW**

- Updates to the Ordinance per DNR comments

Commissioners discussed:

- Bluffline definition and asked for clarification from City Engineer on various aspects of this definition. City staff will request information from John Parotti and also ask him to attend the Public Hearing, if available.
- Definition of Ordinary High Water Mark and also Structure Height.
- "No Structures in floodplain" item. Maps were provided showing floodplain areas.
- "Vacant bluffland" item discussed including clarification of setbacks

A public Hearing will be set for October 1<sup>st</sup>, as long as DNR is able to accommodate our request as it falls within the 30 day notice that they require. City Staff will work with DNR and schedule Public Hearing for 10/1 or 11/5 depending on DNR response.

6. **COMMISSIONER REPORTS AND REQUESTS**

Samantha Fink – Nothing to report

Greg Ewig – nothing to report

Linda O'Donnell – nothing to report

John Sievert – Comments on increased ATV and e-bike activity within the city.

Chair Mary Ashby - Nothing

7. **ADJOURN – 7:28pm**

Part of Ch. 153	Planning Commission Meeting	Individual Assigned to Topic
Impervious Surface Definition	January 15, 2025	Linda is providing information
Single-Family Residential Change	January 15, 2025	Christina is researching
May 1, 1974 references	January 15, 2025	Christina is researching
Ordinary High Water Mark Definition	January 15, 2025	Christina is researching
Accessory Structure Ord.	January 15, 2025	Christina is researching
Impervious Surface Definition	February 5, 2025	All PC
Substandard Structures	March 5, 2025	All PC
153.04 (B) (3) Change	March 5, 2025	All PC
Site Preservation	July 2, 2025	All PC
153.04 (B) (3) Change	August 6, 2025	All PC



Central Region Headquarters  
1200 Warner Road  
Saint Paul, MN 55106

July 30, 2024

Dave Engstrom, City Clerk/ Administrator  
City of Lake St. Croix Beach  
16455 20th Street South  
Lake St. Croix Beach, MN 55043

**Re: Preliminary Comments, City of Lake St. Croix Beach Lower St. Croix Riverway Ordinance Recodification**

Dear Mr. Engstrom:

Thank you for submitting your recodified Lower St. Croix Riverway Ordinance, adopted February 2024, to me for review and comment. We have identified language in the adopted ordinance that is inconsistent with the accessory apartment ordinance amendment certified by DNR on March 17, 2022, and must be revised. Further, we have reviewed the ordinance for inconsistencies with the statewide rules as well as for opportunities to ease ordinance administration and improve resource protection. The purpose of this review is to help you develop "near final" language that can be conditionally approved by the DNR.

#### **Ordinance Evaluation**

Although the scope of your proposed amendment at the time is narrow, we have reviewed the entirety of Chapter 153 for compliance with the statewide LSCR River rules (Minn. R. 6105.0351 – 6105.0440). We have offered a number of recommended revisions we encourage the City to consider. Please share these comments with your staff and Planning Commission for consideration.

Attached is the proposed ordinance draft with our comments, color-coded as follows:

**Red Comments.** These comments explain why certain provisions do not meet the minimum standards in rule and must be changed to receive DNR approval. Please modify these provisions as requested into the near-final draft you submit for conditional approval.

**Non-colored Comments.** These may include suggestions to further clarify provisions, improve resource protection, or other information.

#### **Next Steps**

1. **Revise the Ordinance and Submit it for Conditional Approval Review**

Revise the ordinance based on our comments shown on the attached Word document and submit the near-final draft to me for conditional approval. Submit the draft at least 30-days prior to a public hearing to consider the ordinance. This will give me time to review your revisions and make a conditional approval

decision in time for the public hearing. If the ordinance is substantially compliant with the rules, the DNR will conditionally approve the ordinance. Conditional approval means that no changes, or only minor changes are needed to receive final approval. Having the DNR's conditional approval at the time of the public hearing will expedite city council adoption and implementation.

2. Public Hearing to Consider the Ordinance

Hold the public hearing. The DNR's conditional approval is read and/or entered into the hearing record.

3. Adoption

The city council adopts the ordinance that was conditionally approved.

4. Final Review and Approval

Send the adopted ordinance to me within 10 days of adoption by the city council. I will review the adopted ordinance for consistency with the ordinance we conditionally approved. If the adopted ordinance is consistent, the DNR will send you a final ordinance certification letter and the ordinance will be effective. State rules require DNR final approval of wild and scenic river ordinances and amendments for those ordinances to be effective.

Please call me if you have any questions on my comments and the review process. I'd be happy to discuss my comments further.

Sincerely,



Dan Scollan  
East Metro Area Hydrologist

Attachments:

Lake St. Croix Beach LSCR Ordinance received 7/8/2024 with DNR Comments  
DNR Certification of Approval Letter dated March 17, 2022

c: Christina Benson, Eckberg Lammers, P.C.  
John (Jack) Gleason, DNR Hydrologist Supervisor  
Megan Moore, DNR District Manager  
[Ordinance.review.dnr@state.mn.us](mailto:Ordinance.review.dnr@state.mn.us)

TITLE XV:

CHAPTER 153: LOWER ST. CROIX RIVER BLUFFLAND  
AND SHORELAND MANAGEMENT

Section

- 153.01 Title
- 153.02 Intent and purpose
- 153.03 Definitions
- 153.04 District provisions generally
- 153.05 Uses within the St. Croix Riverway
- 153.06 General conditional provisions
- 153.07 Subdivisions
- 153.08 Administration
- 153.09 Severability
- 153.10 Enforcement

§ 153.01 TITLE.

This chapter shall be known, cited and referred to as the Lower St. Croix River Bluffland and Shoreland Management Ordinance, except as referred to herein, where it shall be known as “this chapter.”

(Ord. passed - -)

§ 153.02 INTENT AND PURPOSE.

This chapter is adopted for the purposes of:

(A) Designating suitable land use districts along the bluffland and shoreland of the Lower St. Croix River;

(B) Regulating the area of a lot, and the length of bluffland and water frontage suitable for building sites;

(C) Regulating the setback of structures and sanitary waste treatment facilities from blufflines to protect the existing and/or natural scenic values, vegetation, soils, water and bedrock from disruption by human-made structures or facilities;



(D) Regulating the setback of structures and sanitary waste treatment facilities from shorelines to protect the natural scenic value, floodplain and water quality;

(E) Regulating alterations of the natural vegetation and topography; and

(F) Conserving and protecting the natural scenic values and resources of the river valley and maintaining a high standard of environmental quality to comply with State Department of Natural Resources Standards and Criteria for the Lower St. Croix National Scenic Riverway (Minnesota Rules, parts 6105.0351 to 6105.0440).

(Ord. passed - -)

### § 153.03 DEFINITIONS.

(A) Construction.

(1) In the event of conflicting provisions in the text of this chapter, and/or other ordinances, the more restrictive provision shall apply. The Zoning Administrator shall determine which is more restrictive and appeals from such determination may be made in the manner provided herein.

(2) Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word SHALL is mandatory, the word MAY is permissive.

(3) Unless otherwise specified, all distances shall be measured horizontally.

(B) Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY USE.** A use subordinate to and serving the principal use on the same lot and customarily incidental thereto, such as vegetative cutting and grading and filling.

**APPURTENANCE.** A structure subordinate to and serving the principal structure on the same lot and customarily incidental thereto such as garages, decks, essential services, signs, docks and stairways and lifts, except that APPURTENANCE does not include private water supply and sewage and waste disposal systems below the ground.

**BLUFFLINE.** A line along the top of a slope connecting the points at which the slope, proceeding away from the river or adjoining watershed channel, becomes less than 12% and it only includes slopes greater than 12% visible from the river or any water course tributary to the river. The location of the BLUFFLINE for any particular property shall be certified by a registered land surveyor or the Zoning Administrator. More than one BLUFFLINE may be encountered proceeding away from the river or adjoining watershed channel. All setbacks required herein shall be applicable to each BLUFFLINE.

**BUILDING LINE.** A line measured across the width of the lot at the point where the principal structure is placed in accordance with setback provisions.

**CHANNEL.** A natural or artificial depression of perceptible extent with a definite bed and banks to confine and conduct flowing water either continuously or periodically.

**DWELLING UNIT.** A residential accommodation which is arranged, designed, used or intended for use exclusively as living quarters for one family.

**HARBOR.** A portion of a body of water along or landward of the natural shoreline deep enough for recreational watercraft navigation, and so situated with respect to shoreline features as to provide protection from winds, waves, ice and currents. Natural HARBORS consist of bays and estuaries, while artificial HARBORS are constructed by dredging.

**MARINA.** An area of concentrated small craft mooring, where ancillary facilities may be provided for some or all of such services as fueling, sewage pumpout, boat launching, boat repair and boat storage; except that MARINA does not mean temporary docks associated with riparian residential development if the mooring area is of a size not to exceed the resource limitations of the site and the needs of the residents of the development.

**NON-CONFORMING USE.** Any use of land established before the 1974 Lower St. Croix National Scenic Riverway, which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

**ORDINARY HIGH WATER MARK.** A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. For the purposes of measuring setback, this elevation is 675.0' MSL (674.6' NAVD88).

**RIVERWAY BOUNDARY.** A legally described line delineating the landward extent of the St. Croix Riverway.

**SCENIC EASEMENT.** An interest in land, less than fee title, that limits the use of the land for the purpose of protecting the SCENIC, recreational and natural characteristics of areas in the St. Croix Riverway. Unless otherwise expressly and specifically provided by mutual agreement of the parties, the EASEMENT shall be: perpetually held for the benefit of the people of the state; specifically enforceable by its holder or any beneficiary; and binding on the holder of the servient estate, their heirs, successors or assigns. Unless specifically provided by the parties, no such EASEMENT shall give the holder or any beneficiary the right to enter on the land except for enforcement of the EASEMENT.

**SCREENING.** The presence of vegetation or topography which makes any structure on any property visually inconspicuous in summer months as viewed from the river.

**SETBACK.** The minimum horizontal distance between any part of a structure and the ordinary high water mark or a bluffline. In areas where the ordinary high water mark is not evident, SETBACKS shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters and sloughs.

**SLOPE.** All lands between the ordinary high water mark and the riverway boundary having an angle of ascent or descent of more than 12% from the horizontal.

ST. CROIX RIVERWAY. All lands and public waters within the riverway boundary subject to the Standards and Criteria for the Lower St. Croix National Scenic Riverway in the state.

STRUCTURE. Any building or appurtenance thereto, except transmission services.

STRUCTURE HEIGHT. The distance between the average height of the natural ground level at the building line and the uppermost portion of the structure.

SUBSTANDARD STRUCTURE. Any structure established before the effective date of this chapter which is permitted within a particular zoning district but does not meet the structure setbacks or other dimensional standards of this chapter.

VARIANCE. Any modification or variation of the dimensional standards of this chapter where it is determined that, because of practical difficulties, strict enforcement of this chapter is impractical.

VISUALLY INCONSPICUOUS. Difficult to see or not readily noticeable in summer months as viewed from the river.

WATERCOURSE. A channel in which a flow of water occurs either continuously or intermittently. The term applies to either natural or artificially constructed channels.

WETLANDS. Land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, marsh or slough.

(Ord. passed - -)

#### § 153.04 DISTRICT PROVISIONS GENERALLY.

##### (A) Designation of districts.

(1) For the purpose of protecting the natural resources and natural scenic values of the land within the boundaries of the Lower St. Croix Riverway and because there is a difference in development patterns, rural and urban districts shall be established.

(2) The boundaries of the Lower St. Croix Riverway and the urban and rural zoning districts within the riverway include all of the land riverward of the legally described boundary line in the official copy of the Lower St. Croix National Scenic Riverway Master Plan and as shown on the map designated as the official zoning map.

(3) The boundaries of the Lower St. Croix Riverway zoning districts on the map designated as the official zoning map published herewith is made a part of this chapter and is on file with the Zoning Administrator.

(4) Lake St. Croix Beach is an urban district. M.S. § 103F.351..

##### (B) Minimum district dimensional requirements.

(1) The following chart sets forth the minimum area, setbacks and other requirements of each district:

	Urban District
	Urban District
Structure setback from bluffline	40 feet
Structure setback from ordinary high water mark	100 feet
Lot width at building setback line	150 feet
Lot width at water line	150 feet
Maximum structure height	35 feet
Maximum total lot area covered by impervious surface	20% (8,700 square feet)
Minimum lot size above ordinary high water mark	1 acre
On slopes less than 12%, the controlled vegetative cutting areas setback are from:	
ordinary high water mark	100 feet
Blufflines	40 feet
On-site sewage treatment system setback from bluffline	40 feet
On-site sewage treatment system setback from ordinary high water mark	100 feet

(2) No structures shall be placed or grading done on any slopes greater than 12% (12 feet vertical rise in 100 feet horizontal distance). The physical alteration of slopes shall not be permitted for the purposes of overcoming this limitation.

(3) No structures shall be placed in any floodway. Structures proposed within a floodplain shall be consistent with city and state floodplain ordinances.

(4) Exceptions to the minimum dimensional requirements include the following:

(a) In rural districts, structure setback from the bluffline may be varied to within the 40-100 foot range from the bluffline only by the variance procedure of this chapter. In the event that such a variance is necessary, the following items shall be considered conditions of the variance.

1. The existing drainage patterns shall not be disturbed.

2. All construction and grading excavation or disruption of the natural ground cover due to the on-site construction shall be resodded or seeded within 180 days of the date of issuance of the building permit.

3. To the greatest extent possible, vegetation over six inches in diameter shall not be removed.

4. The structure shall be visually inconspicuous as viewed from the river during summer months.

5. The site shall be capable of supporting a standard septic treatment system as required in Chapter 52.

(b) Developments which provide service to the public and which by their nature require a location on or adjacent to the public waters and which also require approval of the Commissioner of Natural Resources;

(c) Temporary or seasonal docks which extend into the water a minimum distance necessary for the launching or mooring of watercraft;

(d) Signs which are necessary for public health and safety or which designate areas available or not available for public use;

(e) Visually inconspicuous stairways and lifts enabling access to the river from steep slopes; and

(f) On a vacant bluffland or shoreland lot which has two adjacent lots, with principal dwelling structures on both such adjacent lots within 200 feet of the common lot line, any new structure shall be setback the average setback of said adjacent structures plus 40 feet or the minimum standard setback, whichever is less. This exception shall apply only to substandard lots which do not meet the minimum lot width requirements of Section 153.04(B)(1).

(Ord. passed - -) Penalty, see § 10.99

#### § 153.05 USES WITHIN THE ST. CROIX RIVERWAY.

(A) Purpose. The purpose of establishing standards and criteria for uses in the St. Croix Riverway shall be to protect and preserve existing natural, scenic 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 National Wild and Scenic Rivers Act (being 16 U.S.C. §§ 1271 et seq.), and the Federal and State Lower St. Croix River Acts (being Minn. Rules 6105.0300 - 6105.0440).

(B) Permitted uses.

(1) All structures associated with the following uses are permitted in the St. Croix Riverway, subject to the dimensional requirements of a St. Croix Riverway Ordinance:

- (a) Conservancy;
- (b) Agriculture; and
- (c) Single-family residential.

(2) Accessory uses. Accessory uses which are incidental to the permitted primary uses of the property are permitted.

(3) Existing uses. In the urban districts, existing zoning districts in effect and uses permitted on May 1, 1974, by the existing City of Lake St. Croix Beach Zoning Ordinance may again be permitted by the City Council of the City of Lake St. Croix Beach, provided the project is listed in 153.05 (D)(2) has been approved in writing by the Commissioner of Natural Resources and meets or exceeds the following standards:

(a) The proposed use is consistent with and complimentary to the existing, adjacent, urban land uses and municipal plans.

(b) The dimensional requirements of § 4

(c) The sideyard setbacks and frontage requirements of the local zoning ordinance.

(d) A parking layout and site plan which provide on-site, off-street parking spaces for all employees of the project, an exclusive area for loading docks where required by local ordinance, and off-street customer parking spaces as required by local ordinance.

(e) An on-site grading and surface water run-off plan for the site which minimizes soil erosion and degradation of surface water quality.

(f) In sewered areas, public sewer will service the proposed project.

(g) A landscaping plan for the site is illustrated which minimizes the visual impact of the proposed project as viewed from the river and which visually screens all parking areas from the river. The applicant shall provide the community with a performance bond for the cost of all landscaping to ensure compliance with the landscaping plan.

(h) A public hearing, as per Section 153.08, and forwarding of the final action of the local community to the Commissioner of Natural Resources within ten days of the final action.

(i) The project meets all other existing local zoning and subdivision requirements.

(j) The project requires no alteration of fill of shoreline, bluffland, or floodway, except for temporary docking and launching of watercraft.

(k) No lighted or flashing signs shall face riverward.

(l) Detailed plans and specifications as presented at the public hearing are sufficient to obtain all local access, building, zoning, and sewer permits.

(C) Site preservation. The following standards and criteria are provided to preserve vegetative and topographical screening, and to retard surface run-off, soil erosion and nutrient loss.

- (1) Vegetative cutting. On land within 100 feet of the ordinary high water mark in urban districts and 40 feet landward of bluff lines and on slopes greater than 12% in all districts, there shall be no vegetative cutting of live trees or shrubs without a vegetative cutting permit from the Zoning Administrator.

(a) Vegetative Cutting Permit. A permit may be issued only if:

1. The cutting, including topping, involves trees less than six inches in diameter at a height of four and one-half (4 ½) feet above ground;
2. The cutting, including topping, involves vegetation which is not screening any structure from view from the river;
3. The essential character, quality and density of existing growths is preserved and continuous canopy cover is maintained; or
4. The cutting involves diseased, noxious, or hazardous trees or shrubs and their removal is in the public interest.

(b) Permit not required. A vegetative cutting permit is not required for the following activities, provided the existing quality, character, density and canopy is maintained as viewed from the river:

1. Clearing the minimum necessary for a validly permitted structure, septic system, roadway and parking areas;
2. Maintenance trimming or pruning on a particular parcel or in transportation or utility rights-of-way; and
3. Clearing on land that is not within one hundred (100) feet of the ordinary high water mark in urban districts, on slopes greater than twelve (12) percent or within forty (40) feet landward of blufflines, provided the vegetation to be cleared is not screening any structure from view from the river.

(c) Vegetation Restoration

1. As a condition of permit approval, the tree inspector may require a vegetation restoration plan meeting the standards below.
2. Standards for Vegetation Restoration:
  - i. Vegetation restorations, when required, must be accompanied by a restoration plan approved by the tree inspector.
  - ii. Restorations must utilize native plant species for replacement, and located near shore, within setback areas, and/or steep slopes.

- iii. Any removal of woody trees must be replaced Replacement trees are subject to restoration for noncompliance or unsuccessful restorations for two growing seasons.
  - iv. Restoration is subject to inspection by the tree inspector to make a finding that tree survival/growth and integrity and inherent stability of the existing landscape will be maintained.
- (d) Penalty. A property owner shall be subject to a vegetation restoration plan upon the occurrence of vegetative cutting of live trees or shrubs without a vegetative cutting permit from the tree inspector on their property unless a vegetative cutting permit is not required in accordance with § 153.05(C)(1)(b).

(3) Grading and filling. Grading, filling, excavating or otherwise changing the topography landward of the ordinary high water mark shall not be conducted without a grading permit from the Zoning Administrator. A grading permit may be issued only if:

- (a) Slopes greater than 12% (12 feet vertical rise in 100 horizontal feet) are preserved to the greatest extent possible;
- (b) Earthmoving, erosion, vegetative cutting, draining or filling of wetlands, and the destruction of natural amenities is minimized;
- (c) The smallest amount of ground is exposed for as short a time as feasible;
- (d) During construction, temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted upon completion;
- (e) Methods to prevent erosion and trap sediment are employed; and
- (f) Fill is stabilized to accepted engineering standards.

(4) When separate permit not required. A separate grading and filling permit is not required for grading, filling or excavating the minimum area necessary for a structure, sewage disposal system and private road and parking area undertaken pursuant to a validly issued building permit, however the standards and criteria in 153.05(C)(3)) shall be satisfied.

(D) Conditional uses.

(1) Description of conditional uses. Conditional uses are uses which normally are not permitted in the urban or rural districts of the St. Croix Riverway unless it is determined by the City Council, after a public hearing, that the proposed use shall:

- (a) Preserve the scenic and recreational resources of the St. Croix Riverway, especially in regard to the view from and use of the river;
- (b) Maintain safe and healthful conditions; and
- (c) Limit erosion potential of the site based on degree and direction of slope, soil type and vegetative cover.



(2) Urban district conditional uses. In urban districts of this chapter, existing zoning districts and uses permitted on May 1, 1974, by the city may again be permitted, provided the use has been listed in this chapter by the City Council and has been approved in writing by the Commissioner of Natural Resources. The following urban district uses are considered conditional uses:

(a) Parks, beaches and related structures.

(b) Accessory apartments pursuant to Zoning Code Section 157.067 (Q)1

(E) Prohibited uses. In all districts within the St. Croix Riverway, the following new uses or expansion of existing uses shall be prohibited:

(1) Sand and gravel operations;

(2) Junk yards;

(3) Manufactured home parks;

(4) Downhill ski areas;

(5) Marinas

(6) All uses not authorized in the local zoning ordinances.

(F) Non-conforming uses. Uses which are prohibited by this chapter but which are in existence prior to May 1, 1974 shall be non-conforming uses and may continue as lawful, non-conforming uses. Such uses shall not be intensified, enlarged or expanded beyond the permitted or delineated boundaries of the use, activity or reclamation plan as stipulated in the most current permit issued prior to May 1, 1974.

(Ord. passed - -) Penalty, see § 10.99

## § 153.06 GENERAL CONDITIONAL PROVISIONS.

(A) Substandard structures.

(1) All structures in existence prior to May 1, 1974 which do not meet the structure setbacks and other dimensional standards of this chapter shall be considered substandard structures.

(2) Any extension, enlargement or alteration of an existing substandard structure or sanitary facility shall meet the setback standards of this chapter.

(3) Exceptions to the setback standards for substandard structures may include the following.

(a) An extension, enlargement or alteration of an existing substandard structure or sanitary facility may be permitted on the side of the structure or facility facing away from the river and/or bluffline.

(b) Any alteration or expansion of a substandard structure which increases the horizontal or vertical riverward building face shall not be allowed unless it can be demonstrated that the structure will be visually inconspicuous in summer months as viewed from the river.

(4) If a substandard structure needs replacing due to destruction, deterioration or obsolescence, such replacement shall comply with the dimensional standards of this chapter.

(B) Substandard lots.

(1) A lot or parcel of land for which a deed has been recorded in the office of the County Recorder on or prior to May 1, 1974, shall be deemed a buildable lot, or eligible for expansion without variances, provided it has frontage on a maintained public right-of-way, maintained by the city or other unit of government, or frontage on a private road established and of record in the office of the County Recorder prior to May 1, 1974, and it can be demonstrated that a proper and adequate sewage disposal system can be installed. The dimensional standards in §153.04 (B) shall be complied with to the greatest extent practicable.

(2) If in a group of contiguous lots under a single ownership, any individual vacant lot does not meet the minimum requirements of this chapter, such individual vacant 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 full minimum requirements of this chapter.

(C) Sewage disposal.

(1) Any premises intended for human occupancy must be provided with an adequate method of sewage disposal. Public or municipal collection and treatment facilities must be used where available and where feasible. Where public or municipal facilities are not available, all on-site individual sewer disposal systems shall conform to the minimum standards as set forth in Chapter 52 and § 153.04. A septic tank/drainfield system shall be the only acceptable system for installation unless it can be demonstrated that this system is not feasible on the particular lot in question and it can be demonstrated that the system being proposed as an alternate will not cause a pollution problem.

(2) No person, firm or corporation shall install, alter, repair or extend any individual sewer disposal system without first obtaining a permit therefor from the Zoning Administrator for the specific installation, alteration, repair or extension.

(D) Color of structures. The exterior color of new or renovated structures, including roofs, shall be of earth or summer vegetation tones, unless completely screened from the river.

(F) Alterations in public waters. Changing the course, current or cross section of public waters shall require state and federal permits as specified in Minnesota Rules, parts 6115.0150 to 6115.0280 before any local permits may be issued.

(G) Transmission services. A permit from the Commissioner of Natural Resources is required pursuant to M.S. §§ 84.415 or 103G.245, as they may be amended from time to time, before transmission services may cross state-owned lands or public waters and shall be in accordance with the Natural Resources Regulations including Minnesota Rules, parts 6135.0100 to 6135.1800.

(H) Public roads. A permit from the Commissioner of Natural Resources is required before construction, reconstruction, removal or abandonment of any road or railroad crossing of public waters within the Riverway. Said permit shall be in accordance with the Natural Resources Regulations including Minnesota Statutes, Section 103G.245 and Minnesota Rules, part 6105.0200.

(Ord. passed - -) Penalty, see § 10.99

## § 153.07 SUBDIVISIONS.

(A) Land suitability. No land shall be subdivided which is found by the City Council to be unsuitable for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography. Inadequate water supply or sewer disposal 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 city. The City Council, in applying the provisions of this section, shall in writing cite the particular features upon which it bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing. Thereafter the City Council may affirm, modify or withdraw its determination of unsuitability.

(B) Preliminary plans.

(1) All subdivisions shall comply with the applicable provisions of Chapter 156.

(C) Planned cluster developments.

(1) A pattern of subdivision development which places dwelling units into compact groupings may be allowed when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands and other features of the natural environment than traditional subdivision development.

(2) Except for minimum setbacks and height limits, altered dimensional standards may be allowed as exceptions to this chapter for planned cluster developments, provided:

(a) In rural districts of this chapter the number of dwelling units allowed shall not exceed the total number of dwelling units allowed if the development was based on the minimum lot size requirements for a single-family residential subdivision;

(b) In urban districts of this chapter and only where public sewer and water will be installed in the proposed cluster development, the number of dwelling units shall not

exceed 50% more than the total number of dwelling units allowed if the development was based on the minimum lot size requirements for single-family residential subdivision;

(c) Open space shall be preserved. At least 50% of the length of shoreland or bluffland frontage as viewed from the river shall be kept in its natural state.

(d) Temporary docks, if allowed, shall be centralized and of a size not to exceed the needs of the residents of the development.

(Ord. passed - -) Penalty, see § 10.99

#### § 153.08 ADMINISTRATION.

(A) Administrative procedure.

(1) In addition to the applicable administrative procedures set forth in the zoning ordinance, the following procedures shall be implemented with respect to land, subject to this chapter.

(a) A public hearing shall be held by the local authority for all zoning district amendments, conditional use permits, subdivision and variances.

(b) No less than 20 days prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicant's information as specified in division (C) below to the following agencies for review and comment:

1. Department of Natural Resources;
2. City Planning Commission;
3. Middle St. Croix WMO and Watershed District;
4. Valley Branch Watershed District.

(2) The applicant for any permit requiring a public hearing shall submit to the City Council at least 30 days prior to such hearing, an abstractors certificate showing the names and addresses of all property owners within 500 feet of the affected incorporated areas, or one-half mile in unincorporated areas, the affected Board of Town Supervisors, and the Municipal Council of any municipality within two miles of the affected property.

(3) Notice of the purpose, time and place of any such public hearing shall be mailed to all property owners and the elected officials listed in division (A)(2) above by the local authority at least ten days prior to the date of the hearing.

(4) Notice of the purpose, time and place of any such public hearing shall be published in the official newspaper of the affected communities at least ten days prior to the date of the hearing.

(B) Forwarding of a final decision. The City Council shall forward decisions within ten days of final action on all conditional use permits and subdivisions to the Commissioner of Natural Resources.

(C) Permit process.

<b><i>St. Croix Riverway Ordinance Permits</i></b>		<b><i>Urban District</i></b>	
Amendments to district boundary		PH - CC	
Amendments to ordinance		PH - CC	
Building permits		LP	
Conditional use permits		PH - FD	
Grading permits		LP	
Plats and cluster developments		PH - WA - FD	
Septic permits		LP	
Tree cutting permits		LP	
Variances		PH – FD	
CC	Certification by the Commissioner of Natural Resources prior to final local approval		
FD	Local authority forwards any decisions to the Commissioner of Natural Resources within ten days after taking final action.		
LP	Permit issued by the local authority in accordance with this chapter and all other local permits.		
PH	Public hearing necessary by the local authority giving 20 days notice of meeting to the Commissioner of Natural Resources and other agencies listed in division (A)(1)(b) above.		
WA	The Commissioner of Natural Resources shall submit, after notice of public hearing and before the local authority gives preliminary approval, a written review and approval of the project.		

(D) Variances.

(1) Variances shall only be granted where there are practical difficulties in complying with the official control. PRACTICAL DIFFICULTIES, as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute PRACTICAL DIFFICULTIES. PRACTICAL DIFFICULTIES include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in M.S. § 216C.06, subdivision 15, when in harmony with the ordinance. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The variance, if granted, must be in harmony with the general purpose and intent of the ordinance and consistent with the comprehensive plan. Conditions may be imposed in the

granting of a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

(2) The formal public hearing for a variance shall be held by the City Council as set forth in the zoning ordinance.

(E) Requirements of the applicant for a public hearing. The applicant shall submit sufficient copies of the following information and additional information as requested to the local authority 30 days prior to the public hearing on the application for a conditional use, variance or subdivision:

- (1) Plat of survey showing the property location, boundaries, dimensions, elevations, blufflines, utility and roadway corridors, the ordinary high water mark, floodway and floodplain;
- (2) The most recent aerial photo of the property with property lines drawn in;
- (3) Location of existing and proposed structures including height and setback dimensions;
- (4) Location of existing and proposed alterations of vegetation and topography;
- (5) Stormwater management and erosion control plans and supporting calculations as may be required by this and other city regulations;
- (6) Adjoining water-oriented uses;
- (7) Suitability of the area for on-site waste disposal. Type, size and location of the system shall be indicated. If a public or municipal wastewater collection and treatment system is to be utilized, the applicant must submit a written agreement from the municipality or sanitary authority indicating that the system has the capacity to handle the development;
- (8) Water supply system; and
- (9) An estimate of permanent and transient residents.

(F) Factors to be considered. When considering a proposal or zoning amendment within the St. Croix River District, the City Council shall address the following items in making its decisions:

- (1) Preserving the scenic and recreational resources of the St. Croix Riverway, especially in regard to the view from and use of the river;
- (2) The maintenance of safe and healthful conditions;
- (3) The prevention and control of water pollution, including sedimentation;
- (4) The location of the site with respect to floodways, floodplains, slopes and blufflines.
- (5) The erosion potential of the site based on degree and direction of slope, soil type and vegetative cover;

- (6) Potential impact on game and fish habitat;
- (7) Location of the site with respect to existing or future access roads;
- (8) The amount of wastes to be generated and the adequacy of the proposed disposal systems;
- (9) The anticipated demand for police, fire, medical and school services and facilities; and
- (10) The compatibility of the proposed development with uses on adjacent land.

(Ord. passed - -) Penalty, see § 10.99

#### § 153.09 SEVERABILITY.

It is hereby declared to be the intention that the several provisions of this chapter are separable in accordance with the following.

(A) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provisions of this chapter not specifically included in said judgment.

(B) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this chapter to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

(C) Nothing contained in this chapter repeals or amends any ordinance requiring a permit or license to engage in any business or occupation.

(Ord. passed - -)

#### § 153.10 ENFORCEMENT.

(A) It is declared unlawful for any person to violate any of the terms and provisions of this chapter. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense. In the event of a violation or a threatened violation of this chapter, the City Council or the Commissioner of Natural Resources, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations and it is the duty of the City Attorney to institute such action.

(B) All misdemeanor violations shall be punishable in accordance with Minnesota Statute 609.02 Subd. 3 as it may be amended from time to time; and the cost of prosecution may be added pursuant to Minn. Stat. §631.48.

(Ord. passed - -)

