



**PLANNING COMMISSION
REGULAR MEETING
ANOKA CITY HALL
Wednesday, September 6, 2023
7:00 P.M.**

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes**
 - a. August 1, 2023, Regular Meeting
- 4. Old Business**
- 5. New Business**
- 6. Public Hearings**
 - a. Zoning Text Amendment to Mississippi River Corridor Critical Area (MRCCA) Ordinance; Establishing Chapter 78, Section 78-341 and Amending Chapter 78, Article VI.
- 7. Miscellaneous**
- 8. Adjournment**



Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please call the City Manager's office at (763) 576-2710 to make arrangements.

NOT APPROVED
ANOKA PLANNING COMMISSION
REGULAR MEETING
ANOKA CITY HALL
TUESDAY, AUGUST 1, 2023
7:00 P.M.

CALL TO ORDER:

The regular meeting of the Anoka Planning Commission was called to order at 7:00 p.m.

ROLL CALL:

Planning Commissioners present: Chair Borgie Bonthuis, Karna Brewer, Nancy Coleman, Don Kjonaas, Shari Nemec, Peter Rech and Logan Thompson

Planning Commissioners absent: None.

Staff present: City Planner Clark Palmer

APPROVAL OF MINUTES:

- a. Approval of July 18, 2023 Regular Meeting Minutes

MOTION WAS MADE BY COMMISSIONER KJONAAS, SECONDED BY COMMISSIONER RECH, TO APPROVE THE MEETING MINUTES OF JULY 18, 2023, REGULAR MEETING.

Further discussion: Chair Bonthuis noted on page five, the sixth paragraph, line four, it should state, "...which uses four different colored block architecturally painted blocks..." On page five, the last paragraph, it should state "John Pierce, Real Estate Director representing HOM..." On page seven, the sixth paragraph, it should state, "...few options from an architect, a good, better, or best plan for that north side..."

The Commission accepted the changes proposed.

7 ayes – 0 nays. Motion carried.

OLD BUSINESS:

Site Plan/Landscaping Plan Amendment; 911 Lund Blvd (HOM Furniture)

City Planner Palmer stated that at the last meeting the Commission postponed action on a proposed landscaping amendment for HOM Furniture. He stated that Mr. Pierce is present to provide details on his updated plan.

John Pierce, HOM Furniture Real Estate Department, displayed the original landscaping plan which would have an estimated cost of \$23,600. He summarized the tree removal that occurred during construction due to contaminated soils that had to be mitigated in work with the MPCA, Mn DNR, and Stormwater Management Officials from the Lower Rum River Water Management Organization. He commented that the contamination removed approximately 30,000 square feet worth of trees that they had no intention on even disturbing during construction. He noted that HOM did everything possible to keep as many mature trees on the property during the construction phase. He identified the irrigation and sod that is still planned, which has a cost of \$46,905 and will be completed this year. He commented that their plan proposes to remove the dogwood shrubs, 10 red maples, and 39 white spruce from the landscaping plan as those items would not be expected to survive the impacts of the snow. He stated that in lieu of the tree plantings, they would agree to architecturally enhance the building via a new paint scheme on the north elevation. He provided a photo of the proposed enhancement noting that the cost for that painting would be \$26,275 which is almost \$3,000 more than doing the plantings that were approved by the Commission and City Council on their original proposal.

Commissioner Brewer asked if the red stripes would be included.

Mr. Pierce confirmed that the red color would be included in the painting as red is a part of the HOM brand. He noted that they are thinking about having identifying signage on that portion of the building as well but are still debating as that building handles deliveries for three of their brand names.

Commissioner Brewer asked the life expectancy of painted cement.

Mr. Pierce replied that he would have a ten-year warranty on the labor and the paint would have a 20-year lifespan. He stated that the paint is meant for this type of material.

Commissioner Rech commented that it is his feeling to deny the site plan as presented. He explained that the reason they are looking at an amended plan is because of errors and omissions from the applicant in the first plan that was approved two years ago. He stated that the applicant put up a 140 – 175-foot precast concrete wall with no architectural softening elements. He stated that was brought to the attention of the applicant and the suggestion was then made to provide a walnut brown fence. He stated that a fence almost the same color as the precast panels was put up which makes it difficult to distinguish the fence from the building. He stated that the applicant presented a significant landscape plan, but the architects appear to have given no thought to snow storage in the large parking area. He stated that once the fence went up, the offer was made to plant dogwoods, but no thought was given to the corridor and whether the plantings would survive. He stated that the Commission then approved a walnut brown fence with dogwoods two years ago. He stated that the applicant has now returned to say their plans are not feasible and it would like relief because of the errors and omissions in the original plans. He commented that it is not the job of the City to recognize a lack of snow storage. He stated

that returning two years later with an amended plan is not reason for approval. He stated that the applicant mentioned the contaminated soil that needed to be removed and stated that as recently as 2012 the building at 740 Bunker was the site of Egan Oil Company, noting that business existed for over 30 years. He was unsure if there were soil samples of backchecking to verify what had previously been in that location, noting that perhaps that contamination should have been known before bringing the plans to the City. He believed the original planting plan should be followed.

Mr. Pierce commented that in order for them to dig into the ground they need to take soil samples, noting that 16 to 18 samples were taken in the area of the stormwater treatment and none of those showed anything negative or signs of contamination. He believed they completed their due diligence as required by the WMO and MPCA. He stated that in order to receive the walnut fence color it would have taken 108 weeks because of product delays, therefore the other fence was chosen as the fence was needed in order for them to occupy the property.

City Planner Palmer explained that the project needs to be closed out before a certificate of occupancy (CO) is provided.

Chair Bonthuis asked if the CO was provided before the landscaping was completed.

City Planner Palmer replied that the Building Official issued the CO without his knowledge. He commented that typically they conduct a site plan inspection before issuing the CO. He stated that they have emphasized that planning staff needs to be involved in that review to ensure the conditions of approval have been met.

Chair Bonthuis asked if the applicant came to staff to receive approval for the fence.

City Planner Palmer replied that he did speak with the applicant about the fence but did not recall discussion about changing the color but did recall a long lead time on the eight-foot-high fence. He commented that it was important to see that the fence was constructed, noting that he was not aware of the change in color or texture.

Chair Bonthuis commented that on the proposed amended landscape plan, the applicant still proposed the eight-foot-tall fence in the walnut color rather than what exists today, therefore even the details on the amended plan were incorrect.

City Planner Palmer replied that it is the same plan, simply highlighting the proposed changes and noting that the fence was already constructed.

Commissioner Thompson commented that he agrees with Commissioner Rech. He acknowledged that lead times can be challenging but noted that the applicant chose a different product that is not the same finish, compromising in order to receive the CO. He commented on the difference between the two fencing materials, noting that the white is shiny and reflective.

He stated that he would also support denial.

Commissioner Coleman asked if the Commission would expect the applicant to plant according to the original plan if this amended plan is denied, which would result in all those plantings dying.

Chair Bonthuis stated that they do not know that the materials will die.

Commissioner Coleman commented that it seems silly.

Commissioner Kjonaas commented that Commissioner Rech painted a glum picture. He stated that the City owns a little of this as well for not reacting. He commented that they need to do something to resolve this. He stated that HOM has identified what they want, and the City would need to identify what it wants. He commented that they will not get any solution unless there is a compromise.

Commissioner Brewer commented that this is for a landscaping plan because the building is already up, therefore it seems like this is taking a small item of trees on the north side of the building to create a dilemma. She stated that they should be looking at the whole picture, there is a large building that is being used already and they are squabbling over details of a fence color and trees. She was baffled that this has become so important compared to the whole site itself. She asked what they would be doing if the landscape is denied and the impact that would have on the business itself.

City Planner Palmer replied that a condition of the site plan approval was to be consistent with the approved plans, which included the landscaping plan. He noted that an amended plan has since been submitted, which was discussed at the last meeting and one of the options suggested at that meeting was to look at the paint color of the building therefore the applicant has returned with another amended plan to present the painting plan. He commented that staff was mindful that the building would be coming closer to Bunker Lake Boulevard, where there had previously been trees. He commented that the revised plan to paint the building could be accepted or they could choose to stick with the original landscaping plan.

Commissioner Brewer asked the impact this would have on the ability for the business to keep doing business.

City Planner Palmer commented that if this revised plan is denied, the original landscaping plan would need to be followed. He stated that the applicant has stated that they would follow the plan if that is what the City wants.

Commissioner Brewer asked if the plantings were then not done, would there be legal ramifications.

City Planner Palmer replied that there is other leverage the City could use. He stated that the applicant has been forthcoming in bringing these facts forward and bringing an amended plan. He stated that the business would not have to stop operating because the shrubs were not planted. He stated that the intention of the plantings was to lessen the appearance from Bunker Lake Boulevard and this is another option to consider.

Commissioner Nemec commented that she is baffled by this. She acknowledged that there were errors on both sides but at the last meeting there was agreement that the landscaping plan should not be followed, and the applicant was directed to bring back a paint scheme. She commented that it now seems that some members are stepping backwards to debate the color of the fence. She stated that although she does not like the idea that the color of the fence was not discussed with staff, the fence is still constructed, and the applicant has brought back a paint scheme as discussed at the last meeting.

Commissioner Rech commented that he would like to maintain the integrity of the Planning Commission process. He acknowledged that these were not major problems, but many applicants have come forward in the past and details are changed in different aspects of the plan prior to approval. He stated that in this case, approval was given and two years later the applicant is returning and asking for changes because the original plan was not very good. He asked if this would cause other applicants to come back in similar fashion. He commented that these are very significant changes being requested because of mistakes from the architect and the City. He was unsure what that would do to the integrity of the City Planning Commission process.

Chair Bonthuis commented that the Council also approved the landscaping plan. She provided an example of another application that was recently approved and the scenario that they would come back with changes because they change their mind. She commented that trees were removed unbeknown to the City. She stated that HOM purchased the property in 2002 from Lund Industries and found it hard to believe that the contamination was not known when Dean Oil was next door. She commented that the applicant now does not want to plant the trees proposed in addition to the trees that were removed, does not want to plant the dogwoods, and the fence was changed from the approved plans. She asked why the irrigation would be placed along Bunker Lake Boulevard. She asked if there is not currently sod at Thurston and Lund. She asked if signage is required on the north side of the building. She noted that this is the largest piece of one building, and no one will know what it is.

Commissioner Brewer stated that she takes exception to the idea that they are impeding on the integrity of the Planning Commission by some of the action that is being considered. She commented that in due diligence they pointed out some flaws and asked the applicant to enhance the architecture at the last meeting, which the applicant has done. She asked what would happen if the original were followed, those trees and shrubs die within two years, and then they will be left with the same situation they are in now with the unpainted building and fence.

Chair Bonthuis commented that they do not know that the trees will die. She commented that Elm Creek Boulevard has median plantings and trees that have survived the winters as have places in Anoka.

Commissioner Nemec commented that these shrubs are proposed within a ditch.

Chair Bonthuis commented that she was on the Commission when the plan was approved and although there were errors and a lack of consideration on both sides related to snow storage, it is not known that the trees and plantings would die. She stated that the painting plan could be approved but would prefer to see the name of the business included. She commented that she is sad that the applicant thought that putting the fence in was the architectural enhancement, noting that it would have been if the fence were the walnut color, but not a fence of the same color.

Commissioner Thompson commented that the color of the fence is pretty trivial. He stated that the point is that there was an agreed upon fence and in order to save time and gain occupancy, the fence was changed without approval and therefore it is the principle. He was unsure if the solution is to wrap the fence or paint it and treat it but believes it to be poor business to change the fence.

Chair Bonthuis stated that another option would have been for the business to ask if temporary occupancy could be given without the fence while they waited for the agreed upon fence.

City Planner Palmer replied that the Building Official would have that discretion.

Mr. Pierce commented that they occupied the building during the entirety of construction as this was an addition to the existing building. He noted that the majority of the addition was rack storage.

Chair Bonthuis asked if the applicant requested to change the color of the fence.

Mr. Pierce replied that he did speak with City Planner Palmer as well as other staff members, noting that he has emails and call logs.

Commissioner Nemec asked if there could be a condition that the name of the business be placed on the building. She noted that the applicant did mention that they were considering that but were unsure how to brand it because they have multiple brand names.

City Planner Palmer replied that this would go forward to the City Council for consideration, regardless of the recommendation of the Commission. He stated that he would not want to get caught in the situation where they are applying additional conditions of approval that do not directly relate to the item at hand. He stated that brand identification does not necessarily fall under the purview of the Commission.

Commissioner Rech asked if this could be approved with conditions.

City Planner Palmer confirmed that conditions could be placed upon the recommendation.

Commissioner Rech asked and received confirmation that the Council could choose whether or not to accept those conditions. He suggested that the Commission recommend approval of the original landscaping plan and painting of the building.

Commissioner Coleman commented that would be cost prohibitive.

City Planner Palmer replied that the applicant could simply withdraw the application for amendment and follow the original landscaping plan which would have a lesser cost than painting.

Chair Bonthuis asked if there is signage on all the buildings with the different brand names. She commented that on the front of the building it says HOM shipping.

Mr. Pierce stated that all the HOM Furniture stores have that branding, while sub brands would have additional signage. He commented that this is a distribution center with over 200 employees.

Commissioner Rech asked and received confirmation that the warehouse stores pieces for each of the brand names and therefore the thought would be to place each brand name on the back of the building.

Chair Bonthuis stated that she would believe that the three brand names would be desired for the back of the building.

City Planner Palmer replied that the sign allowance is not that generous. He stated that there is residential property across the street and therefore if there is an illuminated signage on the back of the building, that could cause complaints.

Mr. Pierce provided an example of the allowed size that could be placed on the back of the building, which would only identify one brand.

Commissioner Rech asked if a variance could be issued for signage.

City Planner Palmer replied that the business could request a sign variance. He noted that the building is oriented close to the road, where a previously approved signage variance was approved because of the distance from the road.

Commissioner Brewer commented that the amendment would propose to have the painting on the building in lieu of the trees. She asked if there could be a lesser painting done on the

building with a few trees planted as well.

Mr. Pierce commented that he does want to work with the City but also has to report to his Board. He noted that it is cheaper to do the landscaping plan compared to the painting. He noted that there would be a mobilization fee for each service and therefore he would prefer to simply pay one mobilization fee.

Mr. Pierce stated that he will formally withdraw his application and follow the landscaping plan they originally submitted as that seems to be the easiest path forward.

Chair Bonthuis commented that she believes the building could be painted and a variance could be obtained for signage.

City Planner Palmer stated that when they talked about the building addition staff talked about doing something to soften the architectural impact. He stated that the painting plan was not originally mentioned, and they instead worked together to come up with the fence and plantings. He asked if the applicant would have presented a painting plan at that time with a fence and no landscaping, perhaps that would have been accepted. He stated that they are figuring out a way to get this across the finish line and mitigate the impact of the north side of the building.

Chair Bonthuis commented that they want something that looks good from Bunker Lake Boulevard because this is the largest visible building from the industrial park.

City Planner Palmer commented that the applicant reserves the ability to withdraw their application for amendment.

Commissioner Rech recognized that he was hard on the applicant but recognized that the painting plan is what is best for the City rather than landscaping that might die. He commented that they want the building to look good from the street and if the way to do that is to approve the painting plan, he could support that.

City Planner Palmer commented that the building was built in accordance with the approved architectural plans and the City Code allows for the precast panels in the industrial park. He commented that the applicant built what they said they were going to build and what was approved in terms of the building.

Chair Bonthuis commented that she would support the painting but would like signage. She stated that if that means three different signs were needed, then that should be reviewed for a variance. She stated that she would support the paint and the sign could come back separately.

City Planner Palmer commented that the applicant had stated that they had a sign that could be moved to the building but that exceeded the allowable size, therefore new signage would need to be created.

Chair Bonthuis asked if the applicant has a plan for three signs.

Mr. Pierce stated that the sign concept he displayed with one name was \$34,000, so adding two additional signs would have a total cost exceeding \$100,000. He stated that the cost of the signage would need to be compared to the use. He noted that the drivers coming to the business are coming from Highway 10, so they would not even see the signage on the back of the building and the general public does not really care as they are not going to the warehouse.

Chair Bonthuis commented that she continues to hear about the dollars.

Mr. Pierce commented that it is a dollars and cents game.

Commissioner Nemec commented that the paint recommendation would move forward to the City Council and signage would come forward in the future if a variance were requested.

City Planner Palmer commented that the painting plan would not be approved, they would be approving the revised landscaping plan with the condition that the painting plan be completed.

Chair Kjonaas commented that this would seem to be piecemealing this based on the recently submitted plan.

City Planner Palmer commented that the applicant came back taking the input from the previous meeting which was that it would not make sense to plant the additional trees where they would not be seen or needed and instead focus on the painting in lieu of the plantings.

Chair Bonthuis asked what happens typically when trees are removed.

City Planner Palmer commented that there was a tree replacement fee that was paid because those trees were not all going to be replanted according to the tree replacement policy. He noted that this would be an additional removal of trees proposed in order to complete the painting.

Chair Bonthuis commented that she would want signage.

Mr. Pierce commented that would be cost prohibitive.

MOTION WAS MADE BY COMMISSIONER COLEMAN, SECONDED BY COMMISSIONER BREWER, TO RECOMMEND APPROVAL OF THE REVISED LANDSCAPING PLAN AS PRESENTED WITH THE FOLLOWING CONDITION:

- 1. THE PAINTING PLAN SHALL BE COMPLETED FOR THE NORTH ELEVATION OF THE BUILDING.**

A roll call vote was performed:

Commissioner Brewer	aye
Commissioner Coleman	aye
Commissioner Kjonaas	aye
Commissioner Nemec	aye
Commissioner Rech	aye
Commissioner Thompson	aye
Chair Bonthuis	nay

Motion carried.

NEW BUSINESS:

None

PUBLIC HEARINGS ON NEW APPLICATIONS:

Zoning Text Amendment; City Code Sections 78-518 – B-1 Highway Business and 78-519 Shopping Center Business District

City Planner Palmer reported that staff is proposing an amendment to City Code Sections 78-518 (B-1 Highway Business District) and 78-519 (B-2 Shopping Center Business District). The proposed text amendment proposed to limit the height of freestanding pole/pylon signs to no more than 35 feet above the average grade of the abutting highway (U.S. HWY 10).

Commissioner Kjonaas asked if this would follow the contour of the land, meaning that one sign may be higher than another because of the contour of the land.

City Planner Palmer confirmed that to be correct.

Chair Bonthuis opened the public hearing at 8:10 p.m.

No comments.

As no one further wished to appear, Chair Bonthuis closed the public hearing at 8:11 p.m.

MOTION WAS MADE BY COMMISSIONER KJONAAS, SECONDED BY COMMISSIONER RECH, TO RECOMMEND APPROVAL OF THE ZONING TEXT AMENDMENT FOR CITY CODE SECTIONS 78-518, B-1 HIGHWAY BUSINESS, AND 78-519 SHOPPING CENTER BUSINESS DISTRICT AS PRESENTED.

7 ayes – 0 nays. Motion carried.

MISCELLANEOUS:

City Planner Palmer noted the open house related to the MRCCA rule changes that will be held on August 24th in lieu of the typical worksession of the Planning Commission.

ADJOURNMENT:

MOTION WAS MADE BY COMMISSIONER THOMPSON, SECONDED BY COMMISSIONER NEMEC, TO ADJOURN THE MEETING.

7 ayes - 0 nays. Motion carried.

Time of adjournment: 8:16 p.m.

Submitted by: Amanda Staple, *TimeSaver Off Site Secretarial, Inc.*

STAFF REPORT



Application A2023-015
Zoning Text Amendment
Establishing Chapter 78, Section 78-341; and Amending Chapter 78, Article VI.
Mississippi River Corridor Critical Area (MRCCA)

BACKGROUND

The Mississippi River Corridor Critical Area (MRCCA) is a corridor of land along each side of the Mississippi River in the Twin Cities Metro Area. Land development in the MRCCA has been regulated by city- and township-adopted MRCCA plans and zoning regulations since 1976. The MRCCA was designated a critical area in 1976 by Executive Order following the passage of the Minnesota Critical Areas Act of 1973. The Executive Order was superseded by MRCCA rules in 2017.

The City of Anoka along with the cities of Coon Rapids, Brooklyn Park, Champlin, Ramsey and Dayton formed a north metro cities peer group who participated in the 2017 rule making. Joint response letters were submitted relating to the proposed rules. The group worked to ensure the rules are needed, reasonable, and serve a rational purpose. Other comments sought clarification in a number of areas.

As part of the 2040 Comprehensive Plan updates, all communities in the MRCCA were required to adopt new local MRCCA plans (Chapter 8 of the Anoka 2040 Comprehensive Plan). Many communities in the Twin Cities have already adopted new ordinances or received conditional approval from the DNR. Along with other communities, Anoka must update its MRCCA ordinance consistent with the 2017 MRCCA rules and locally adopted MRCCA plans.

A model ordinance has been developed consistent with these rules. Staff has been working on a comprehensive zoning text amendment that will amend the City Code to be consistent with the rules.

Local MRCCA zoning regulations are administered as an overlay district. These standards, generally speaking, address:

- Building and construction
- Structure height
- Setbacks
- Decks and patios
- Water-oriented accessory structures
- Expansion of nonconforming structures
- Land alteration (grading and filling)
- Vegetation removal and management
- River access
- Paths
- Stairways, lifts and landings

Includes in your packet is the Guide to City and Township MRCCA Zoning Updates which summarizes key elements of the ordinance.

See attached proposed zoning text amendments. The first amendment proposed to establish a new section of City Code, Section 78-341, which will become the new MRCCA ordinance. The previous MRCCA ordinance, City Code Chapter 78, Article VI, is proposed to be amended to remove any and all references to the MRCCA. This Article will continue to apply to the Rum River environmental overlay.

RECOMMENDATION

Approval as presented

Approval as amended

Postpone action

Deny with finding of fact

Clark Palmer
Senior City Planner

Secs. 78-341. – Mississippi River Corridor Critical Area (MRCCA)

(a) Authority, intent and purpose.

- (1) **Statutory Authorization.** This Mississippi River Corridor Critical Area (MRCCA) section is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter [116G](#), Minnesota Rules, Parts [6106.0010 - 6106.0180](#), and the planning and zoning enabling legislation in Minnesota Statutes, Chapter [462](#) and [473](#).
- (2) **Policy.** The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of designated critical areas and thus preserve and enhance the quality of important historic, cultural, aesthetic values, and natural systems and provide for the wise use of these areas.

(b) General provisions and definitions.

- (1) **Jurisdiction.** The provisions of this section apply to land within the river corridor boundary as defined in this section and shown on the official City of Anoka Zoning Map.
- (2) **Enforcement.** The City of Anoka is responsible for the administration and enforcement of this section. Any violation of its provisions or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this section can occur regardless of whether or not a permit is required for a regulated activity listed in subsection (c)(2) of this section.
- (3) **Severability.** If any subsection, clause, provision, or portion of this section is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.
- (4) **Abrogation and Greater Restrictions.** It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other sections inconsistent with this section are hereby repealed to the extent of the inconsistency only.
- (5) **Underlying Zoning.** Uses and standards of underlying zoning districts apply except where standards of this overlay district are more restrictive.

(6) Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the same meaning they have in common usage and to give this section its most reasonable application. Where this section defines words or phrases defined elsewhere in the City of Anoka City Code, the definitions within this section shall prevail. For the purpose of this section, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

Access path means an area designated to provide ingress and egress to public waters.

Adjacent means having a boundary that physically touches or adjoins.

Agricultural use means a use having the meaning given under Minnesota Statutes, section [40A.02](#).

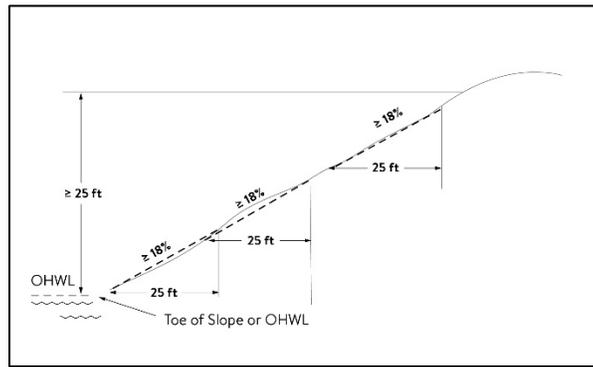
Alternative design means subdivision design methods such as conservation design, transfer of development density, or similar zoning and site design techniques that protect open space and natural areas.

Biological and ecological functions means the functions of vegetation in stabilizing soils and slopes, retaining and filtering runoff, providing habitat, and recharging groundwater.

Bluff means a natural topographic feature having:

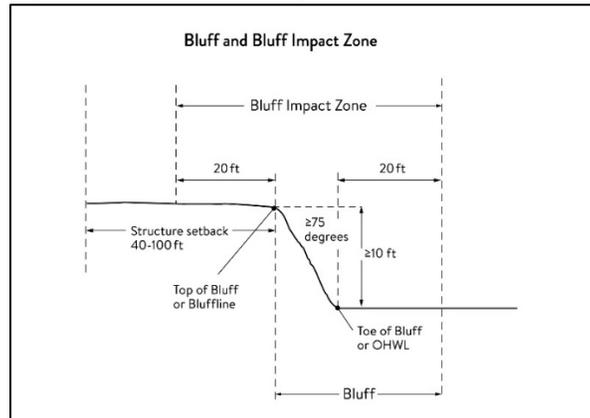
- a. A slope that rises at least 25 feet where the grade of the slope averages 18 percent or greater, measured over any horizontal distance of 25 feet, from the toe of the slope to the top of the slope. Where the slope begins below the ordinary high water level, the ordinary high water level is the toe of the slope. See Figure 1; or

Figure 1. Bluff



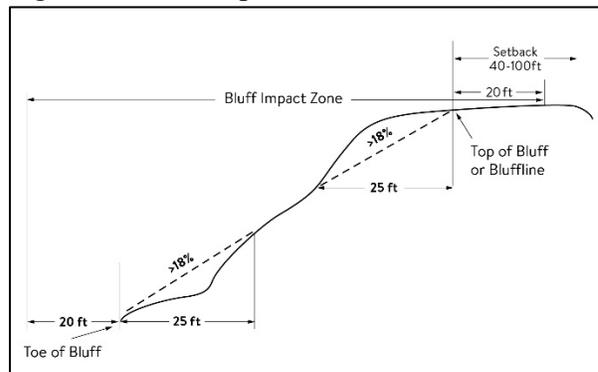
- b. A natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with a slope of 75 degrees or greater. See Figure 2.

Figure 2. Natural Escarpment Bluff and Bluff Impact Zone



Bluff impact zone (BIZ) means a bluff and land located within 20 feet of the bluff. See Figure 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

Figure 3. Bluff Impact Zone, Bluffline, Toe of Bluff, and Top of Bluff



Bluffline means a line delineating the top of the bluff. More than one bluffline may be encountered proceeding landward from the river. See Figures 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

Bluff, Toe of, means a line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds 18 percent and the slope below the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figures 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

Bluff, Top of, means a line along the top of a bluff, requiring field verification, such that the slope below the line exceeds 18 percent and the slope above the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figures 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

Buildable area means the area upon which structures may be placed on a lot or parcel of land and excludes areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic properties, wetlands, designated floodways, land below the ordinary high water level of public waters, and other unbuildable areas.

Building means a structure with two or more outside rigid walls and a fully secured roof and affixed to a permanent site.

Certificate of compliance means a document written after a compliance inspection, certifying that the development complies with applicable requirements at the time of the inspection.

Commissioner means the commissioner of the Minnesota Department of Natural Resources.

Conditional use means a use having the meaning given under Minnesota Statutes, chapters [394](#) and [462](#).

Conservation design means a pattern of subdivision that is characterized by grouping lots within a portion of a parcel, where the remaining portion of the parcel is permanently protected as open space.

Conventional subdivision means a pattern of subdivision that is characterized by lots that are spread regularly throughout a parcel in a lot and block design.

Deck means a horizontal, unenclosed, aboveground level structure open to the sky, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

Developer means having the meaning given under Minnesota Statutes, section [116G.03](#).

Development means having the meaning given under Minnesota Statutes, section [116G.03](#).

Discretionary action means an action under this section related to land use that requires a public hearing by local ordinance or statute, such as preliminary plats, final subdivision plats, planned unit developments, conditional use permits, interim use permits, variances, appeals, and rezonings.

Dock means having the meaning given under Minnesota Rules, chapter [6115](#).

Electric power facilities means equipment and associated facilities for generating electric power or devices for converting wind energy to electrical energy as identified and defined under Minnesota Statutes, section [216E](#).

Essential services means underground or overhead gas, electrical, communications, steam, or water distribution, collection, supply, or disposal systems, including storm water. Essential services include poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, navigational structures, aviation safety facilities or other similar equipment and accessories in conjunction with the systems. Essential services does not include buildings, treatment works as defined in Minnesota Statutes, section [115.01](#), electric power facilities or transmission services.

Feedlot means having the meaning given for animal feedlots under Minnesota Rules chapter [7020](#).

Floodplain means having the meaning given the meaning given under Minnesota Rules chapter [6120](#).

Fully reconstructs mean the reconstruction of an existing impervious surface that involves site grading and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are not considered fully reconstructed.

Hard-surface trail means a trail surfaced in asphalt, crushed aggregate, or other hard surface, for multi-purpose use, as determined by local, regional, or state agency plans.

Historic property means an archaeological site, standing structure, site, district, or other property that is:

- a. Listed in the National Register of Historic Places or the State Register of Historic Places or locally designated as a historic site under Minnesota Statutes, chapter [471](#); or

- b. Determined to meet the criteria for eligibility to the National Register of Historic Places or the State Register of Historic Places as determined by the director of the Minnesota Historical Society; or
- c. An unplatted cemetery that falls under the provisions of Minnesota Statutes, chapter [307](#), in consultation with the Office of the State Archaeologist.

Impervious surface means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, decks, sidewalks, patios, parking lots, storage areas, and driveways, including those with concrete, asphalt, or gravel surfaces.

Intensive vegetation clearing means the removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block.

Interim use means a use having the meaning given under Minnesota Statutes, chapters [394](#) and [462](#).

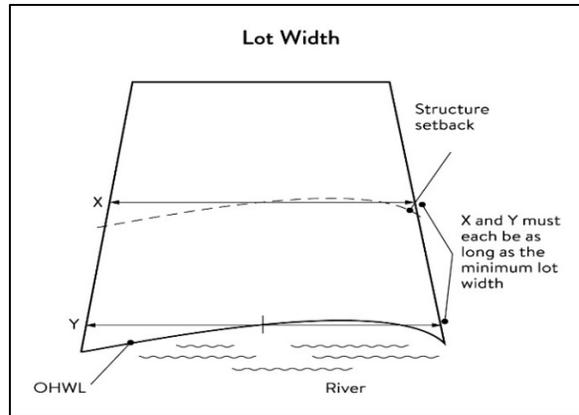
Land alteration means an activity that exposes the soil or changes the topography, drainage, or cross section of the land, excluding gardening or similar minor soil disturbances.

Local government means counties, cities, and townships.

Lot means having the meaning given under Minnesota Rules chapter [6120](#).

Lot width means the shortest distance between lot lines measured at both the ordinary high water level and at the required structure setback from the ordinary high water level. See Figure 4.

Figure 4. Lot Width



Marina means having the meaning given under Minnesota Rules chapter [6115](#).

Mississippi River Corridor Critical Area (MRCCA) means the area within the river corridor boundary as defined in this section.

Mississippi River Corridor Critical Area (MRCCA) Plan means a chapter in the City of Anoka comprehensive plan.

Mooring facility means having the meaning given under Minnesota Rules part [6115.0170](#).

Native plant community means a plant community identified by the Minnesota Biological Survey or biological survey issued or adopted by a local, state, or federal agency.

Natural-surface trail means a trail composed of native soil and rock or compacted granular stone, primarily intended for hiking, equestrian, or mountain bike use, as determined by local, regional, or state agency plans.

Natural vegetation means any combination of ground cover, understory, and tree canopy that, while it may have been altered by human activity, continues to stabilize soils, retain and filter runoff, provide habitat, and recharge groundwater.

Nonconformity means having the meaning given under Minnesota Statutes, section [394.22](#).

Nonmetallic mining means construction, reconstruction, repair, relocation, expansion, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such a stone, sand, and

gravel. Nonmetallic mining does not include ancillary facilities such as access roads, bridges, culverts, and water level control structures. For purposes of this definition, “facility” includes all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures that drain or divert public waters to allow mining.

Off-premise advertising signs means those signs that direct attention to a product, service, business, or entertainment venue that is not exclusively related to the premises where the sign is located.

Ordinary high water level (OHWL) means having the meaning given under Minnesota Statutes, section [103G.005](#).

Overlay district means a zoning district applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Overlay districts are often used to protect historic features and natural resources such as shoreland or floodplain.

Parcel means having the meaning given under Minnesota Statutes, section [116G.03](#).

Patio means a constructed hard surface located at ground level with no railings and open to the sky.

Picnic shelter means a roofed structure open on all sides, accessory to a recreational use.

Planned unit development (PUD) means a method of land development that merges zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, characterized by a unified site design, a mix of structure types and land uses, and phasing of development over a number of years. Planned unit development includes any conversion of existing structures and land uses that utilize this method of development.

Plat means having the meaning given under Minnesota Statutes, sections [505](#) and [515B](#).

Port means a water transportation complex established and operated under the jurisdiction of a port authority according to Minnesota Statutes, chapter [458](#).

Primary conservation areas (PCAs) means key resources and features, including shore impact zones, bluff impact zones, floodplains, wetlands,

gorges, areas of confluence with tributaries, natural drainage routes, unstable soils and bedrock, native plant communities, cultural and historic properties, and significant existing vegetative stands, tree canopies, and other resources identified in local government plans.

Private facilities means private roads, driveways, and parking areas, private water access and viewing facilities, decks and patios in setback areas, and private signs.

Professional engineer means an engineer licensed to practice in Minnesota.

Public facilities means public utilities, public transportation facilities, and public recreational facilities.

Public recreation facilities means recreational facilities provided by the state or a local government and dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks, fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities used for recreation.

Public river corridor views (PRCVs) means views toward the river from public parkland, historic properties, and public overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore, as seen during the summer months and documented in the MRCCA plan/chapter of the comprehensive plan.

Public transportation facilities means all transportation facilities provided by federal, state, or local government and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.

Public utilities means electric power facilities, essential services, and transmission services.

Public waters means having the meaning given under Minnesota Statutes, section [103G.005](#).

Readily visible means land and development that are easily seen from the ordinary high water level of the opposite shore during summer months.

Resource agency means a federal, state, regional, or local agency that engages in environmental, natural, or cultural resource protection or restoration activities, including planning, implementation, and monitoring.

Retaining wall means a vertical or nearly vertical structures constructed of mortar and rubble masonry, rock, or stone regardless of size, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable materials.

Rock riprap means natural coarse rock placed or constructed to armor shorelines, streambeds, bridge abutments, pilings and other shoreline structures against scour, or water or ice erosion.

River corridor boundary means the boundary approved and adopted by the Metropolitan Council under Minnesota Statutes, section [116G.06](#), as approved and adopted by the legislature in Minnesota Statutes, section [116G.15](#), and as legally described in the State Register, volume 43, pages 508 to 518.

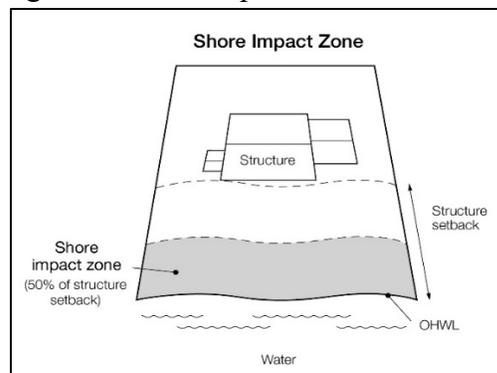
River-dependent use means the use of land for commercial, industrial, or utility purposes, where access to and use of a public water feature is an integral part of the normal conduct of business and where the use is dependent on shoreline facilities.

Selective vegetation removal mean the removal of isolated individual trees or shrubs that are not in a contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or understory cover.

Setback means a separation distance measured horizontally.

Shore impact zone (SIZ) means land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50 percent of the required structure setback or, for agricultural use, 50 feet landward of the ordinary high water level. See Figure 5.

Figure 5. Shore Impact Zone



Shoreline facilities means facilities that require a location adjoining public waters for ingress and egress, loading and unloading, and public water intake and outflow, such as barge facilities, port facilities, commodity loading and unloading equipment, watercraft lifts, marinas, short-term watercraft mooring facilities for patrons, and water access ramps. Structures that would be enhanced by a shoreline location, but do not require a location adjoining public waters as part of their function, are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

Steep slope a natural topographic feature with an average slope of 12 to 18 percent, measured over a horizontal distance equal to or greater than 50 feet, and any slopes greater than 18 percent that are not bluffs.

Storm water management facilities means facilities for the collection, conveyance, treatment, or disposal of storm water.

Structure means a building, sign, or appurtenance thereto, except for aerial or underground utility lines, such as sewer, electric, telephone, or gas lines, and utility line towers, poles, and other supporting appurtenances.

Subdivision means having the meaning given under Minnesota Statutes, section [462.352](#).

Subsurface sewage treatment system means having the meaning given under Minnesota Rules, part [7080.1100](#).

Transmission services means

- a. Electric power lines, cables, pipelines, or conduits that are:
 1. Used to transport power between two points, as identified and defined under Minnesota Statutes, section [216E.01, Subd. 4](#); or
 2. For mains or pipelines for gas, liquids, or solids in suspension, used to transport gas, liquids, or solids in suspension between two points; and
- b. Telecommunication lines, cables, pipelines, or conduits.

Treeline means the more or less continuous line formed by the tops of trees in a wooded area when viewed from a particular point. The treeline is determined during all seasons as if under full foliage.

Variance means having the meaning given under Minnesota Statutes, section [394.22](#).

Water access ramp means a boat ramp, carry-down site, boarding dock, and approach road, or other access that allows launching and removal of a boat, canoe, or other watercraft with or without a vehicle and trailer.

Water-oriented accessory structure means a small building or other improvement, except stairways, fences, docks, residential irrigation pump covers, and retaining walls, that, because of the relationship of its use to public waters, needs to be located closer to public waters than the normal structure setback. Examples include gazebos, sheds, screen houses, fish houses, pump houses, and detached decks and patios.

Water quality impact zone means land within the shore impact zone or within 50 feet of a public water, wetland, or natural drainage route.

Wetland means the meaning given under Minnesota Statutes, section [103G.005](#).

Wharf means having the meaning given under Minnesota Rules, part [6115.0170](#).

(c) *Administration.*

- (1) Purpose. The purpose of this Section is to identify administrative provisions to ensure this section is administered consistent with its purpose.
- (2) Permits. A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, vegetation removal consistent with this section.
- (3) Variances. Variances to the requirements under this section may only be granted in accordance with Minnesota Statutes, Section [462.357](#) and must consider the potential impacts of variances on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the variance application, the governing body shall:
 - a. Evaluate the impacts to these resources. If negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, and

b. Make written findings that the variance is consistent with the purpose of this section.

(4) Conditional and interim use permits. All conditional and interim uses, required under this section must comply with Minnesota Statutes, section [462.3595](#) and must consider the potential impacts on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the application, the governing body shall:

a. Evaluate the impacts to these resources and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts.

(5) Application materials. Applications for permits and discretionary actions required under this section must submit the following information unless the Zoning Administrator determines that the information is not needed.

a. A detailed project description; and

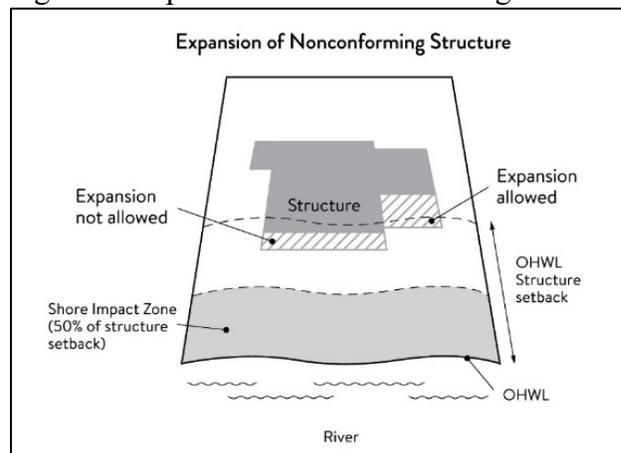
b. Scaled maps and plans, dimensional renderings, maintenance agreements, and other materials that identify and describe:

1. Primary conservation areas;
2. Public river corridor views;
3. Buildable area;
4. Existing and proposed topography and drainage patterns;
5. Proposed storm water and erosion and sediment control practices;
6. Existing and proposed vegetation to be removed and established;
7. Ordinary high water level, blufflines, and all required setbacks;
8. Existing and proposed structures;
9. Existing and proposed impervious surfaces; and

(6) Nonconformities.

- a. All legally established nonconformities as of the date of this ordinance may continue consistent with Minnesota Statutes, section [462.357, Subd. 1e.](#)
- b. New structures erected in conformance with the setback averaging provisions of this section are conforming structures.
- c. Site alterations and expansion of site alterations that were legally made prior to the effective date of this ordinance are conforming. Site alterations include vegetation, erosion control, storm water control measures, and other nonstructural site improvements.
- d. Legally nonconforming principal structures that do not meet the setback requirements of this section may be expanded laterally provided that:
 1. The expansion does not extend into the shore or bluff impact zone or further into the required setback than the building line of the existing principal structure (see Figure 6); and
 2. The expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

Figure 6. Expansion of Nonconforming Structure



(7) Notifications.

- a. Amendments to this section and to the MRCCA plan must be submitted to the Commissioner as provided in Minnesota Rules, part 6106.0070, Subp. 3, Items B – I.
- b. Notice of public hearings for discretionary actions, including conditional and interim use permits, variances, appeals, rezonings,

preliminary plats, final subdivision plats, and PUDs, must be sent to the following entities at least ten (10) days prior to the hearing:

1. The Commissioner in a format prescribed by the DNR;
 2. National Park Service; and
 3. Where building heights exceed the height limits specified in this section as part of the conditional use or variance process, adjoining local governments within the MRCCA, including those with overlapping jurisdiction and those across the river.
- c. Notice of final decisions for actions in subsection (c)(7)b. of this section including findings of fact, must be sent to the Commissioner, the National Park Service, and adjoining local governments within the MRCCA within ten (10) days of the final decision.
- d. Requests to amend district boundaries must follow the provisions in Minnesota Rules, part 6106.0100, Subp. 9, Item C.

(8) Accommodating disabilities. Reasonable accommodations for ramps or other facilities to provide persons with disabilities access to the persons' property, as required by the federal Americans with Disabilities Act and the federal Fair Housing Act and as provided by Minnesota Rules, chapter 1341, must:

- a. Comply with this section; or
- b. If this section cannot be complied with, ramps or other facilities are allowed with an administrative permit provided:
 1. The permit terminates on either a specific date or upon occurrence of a particular event related to the person requiring accommodation; and
 2. Upon expiration of the permit, the ramp or other facilities must be removed.

(d) *MRCCA Districts.*

(1) Purpose. The purpose of this Section is to establish districts under which building height and structure placement are regulated to protect and enhance the Mississippi River's resources and features consistent with the natural and built character of each district.

(2) District description and management purpose. The MRCCA within the city is divided into the following MRCCA Districts:

a. Rural and Open Space (ROS).

1. Description. The ROS District is characterized by rural and low-density development patterns and land uses, and includes land that is riparian or visible from the river, as well as large, undeveloped tracts of high ecological and scenic value, floodplain, and undeveloped islands. Many primary conservation areas exist in the district.
2. Management purpose. The ROS District must be managed to sustain and restore the rural and natural character of the corridor and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas.

b. River Neighborhood (RN).

1. Description. The RN District is characterized by primarily residential neighborhoods that are riparian or readily visible from the river or that abut riparian parkland. The district includes parks and open space, limited commercial development, marinas, and related land uses.
2. Management purpose. The RN District must be managed to maintain the character of the river corridor within the context of existing residential and related neighborhood development, and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated storm water into the river and enhancing habitat and shoreline vegetation are priorities in the district.

c. River Towns and Crossings (RTC).

1. Description. The RTC District is characterized by historic downtown areas and limited nodes of intense development at specific river crossings, as well as institutional campuses that predate designation of the MRCCA, and that include taller buildings.

2. Management purpose. The RTC district must be managed in a manner that allows continued growth and redevelopment in historic downtowns and more intensive redevelopment in limited areas at river crossings to accommodate compact walkable development patterns and connections to the river. Minimizing erosion and the flow of untreated storm water into the river, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are priorities in the district.

d. Separated from River (SR).

1. Description. The SR District is characterized by its physical and visual distance from the Mississippi River. The district includes land separated from the river by distance, topography, development, or a transportation corridor. The land in this district is not readily visible from the Mississippi River.
2. Management purpose. The SR district provides flexibility in managing development without negatively affecting the key resources and features of the river corridor. Minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the Mississippi River are priorities in the district. The RTC district must be managed in a manner that allows continued growth and redevelopment in historic downtowns and more intensive redevelopment in limited areas at river crossings to accommodate compact walkable development patterns and connections to the river. Minimizing erosion and the flow of untreated storm water into the river, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are priorities in the district.

- (3) MRCCA district map. The locations and boundaries of the MRCCA districts established by this section are shown on the official Anoka Zoning Map which is incorporated herein by reference. The district boundary lines are intended to follow the centerlines of rivers and streams, highways, streets, lot lines, and municipal boundaries, unless a boundary line is otherwise indicated on the map. Where district boundaries cross un-subdivided property, the district boundary line is determined by use of dimensions or the scale appearing on the map.

(e) *Special Land Use Provisions.*

- (1) Purpose. To identify development standards and considerations for land uses that have potential to negatively impact primary conservation areas and public river corridor views.
- (2) Underlying zoning. Uses within the MRCCA are generally determined by underlying zoning, with additional provisions for the following land uses:
 - a. Agricultural Use. Perennial ground cover is required within 50 feet of the ordinary high water level and within the bluff impact zone.
 - b. Feedlots. New animal feedlots and manure storage areas are prohibited. Existing animal feedlots and manure storage areas must conform with Minnesota Rules, chapter [7020](#).
 - c. Forestry. Tree harvesting and biomass harvesting within woodlands, and associated reforestation, must be consistent with recommended practices in [Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota](#).
 - d. Nonmetallic mining. Nonmetallic mining requires a conditional use permit or interim use permit issued by the local government, subject to the following:
 1. New nonmetallic mining is prohibited within the shore impact zone and bluff impact zone and within the required structure setback from the bluffline and OHWL;
 2. Processing machinery must be located consistent with setback standards for structures as provided in this section;
 3. Only one barge loading area, which must be limited to the minimum size practicable, is permitted for each mining operation;
 4. New and, where practicable, existing nonmetallic mining operations must not be readily visible and must be screened by establishing and maintaining natural vegetation. The unscreened boundaries of nonmetallic mining areas are limited to only the barge loading area;
 5. A site management plan must be developed by the operator and approved by the local government before new nonmetallic

mining commences. Operations must be consistent with the site plan throughout the duration of operations at the site. The site management plan must:

- I. Describe how the site will be developed over time with an emphasis on minimizing environmental risk to public waters;
 - II. Explain where staged reclamation may occur at certain points during the life of the site;
 - III. Address dust, noise, storm water management, possible pollutant discharges, days and hours of operation, and duration of operations; and
 - IV. Describe any anticipated vegetation and topographic alterations outside the pit, and reclamation plans consistent with the stated end use for the land
6. Existing and new nonmetallic mining operations must submit land reclamation plans to the local government compatible with the purposes of this ordinance.
- e. River-dependent uses. River-dependent uses must comply with the following design standards:
1. Structures and parking areas, except shoreline facilities and private roads and conveyances serving river-dependent uses as provided in this section must meet the dimensional and performance standards in this section, must be designed so that they are not readily visible, and must be screened by establishing and maintaining natural vegetation;
 2. Shoreline facilities must comply with Minnesota Rules, chapter [6115](#) and must:
 - I. Be designed in a compact fashion so as to minimize the shoreline area affected;
 - II. Minimize the surface area of land occupied in relation to the number of watercraft or barges to be served;

3. Dredging and placement of dredged material are subject to existing federal and state permit requirements and agreements.
- f. Wireless communication towers. Wireless communication towers require a conditional or interim use permit and are subject to the following design standards:
1. The applicant must demonstrate that functional coverage cannot be provided through co-location, a tower at a lower height, or a tower at a location outside of the MRCCA;
 2. The tower must not be located in a bluff or shore impact zone; and
 3. Placement of the tower must minimize impacts on public river corridor views.
 4. Comply with the general design standards in this section.

(f) *Structure height and placement and lot size.*

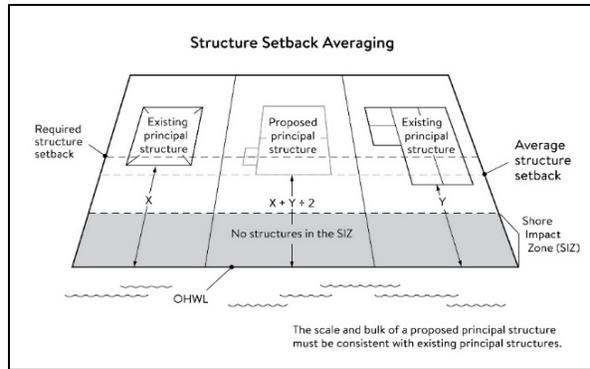
- (1) Purpose. To establish standards that protect primary conservation areas and public river corridor views from development impacts and ensure that new development is sited consistent with the purpose of the MRCCA.
- (2) Structure height. Structures and facilities must comply with the following standards unless identified as exempt in subsection (1) of this section.
 - a. Structures and facilities must comply with the following standards unless identified as exempt in subsection (1) of this section.
 1. ROS District: 35 feet.
 2. RN District: 35 feet.
 3. RTC District: 48 feet, provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimizes interference with public river corridor views. Structures over 48 feet are allowed as a conditional use in accordance with this section.
 4. SR District: Height is determined by underlying zoning, provided the allowed height is consistent with that of the

mature treeline, where present, and existing surrounding development, as viewed from the OWHL of the opposite shore.

- b. Height is measured on the side of the structure facing the Mississippi River.
- c. In addition to the conditional use permit requirements of this section, criteria for considering whether to grant a conditional use permit for structures exceeding the height limits must include:
 1. Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities;
 2. Determination that the proposed structure meets the required bluff and OHWL setbacks;
 3. Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:
 - I. Placing the long axis of the building perpendicular to the river;
 - II. Stepping back of portions of the facade;
 - III. Lowering the roof pitch or use of a flat roof;
 - IV. Using building materials or mitigation techniques that will blend in with the natural surroundings such as green roofs, green walls, or other green and brown building materials;
 - V. Narrowing the profile of upper floors of the building; or
 - VI. Increasing the setbacks of the building from the Mississippi River or blufflines;
 4. Identification of techniques for preservation of those view corridors identified in the MRCCA Plan; and
 5. Opportunities for creation or enhancement of public river corridor views.

- d. Structure and impervious surface placement.
 1. Structures and impervious surface must not be placed in the shore or bluff impact zones unless identified as an exemption in subsection (l) of this section.
 2. Structures, impervious surfaces, and facilities must comply with the following OHWL setback provisions unless identified as exempt in subsection (l) of this section.
 - I. ROS District: 200 feet from the Mississippi River
 - II. RN District: 100 feet from the Mississippi River and 75 feet from the Rum River.
 - III. RTC District: 75 feet from the Mississippi and Rum River.
 3. Structures, impervious surfaces, and facilities must comply with the following bluffline setback provisions unless identified as exempt in subsection (l) of this section:
 - I. ROS District: 100 feet.
 - II. RN District: 40 feet.
 - III. RTC District: 40 feet.
 - IV. SR District: 40 feet.
 4. Where principal structures exist on the adjoining lots on both sides of a proposed building site, the minimum setback may be altered to conform to the average of the adjoining setbacks, if the new structure's scale and bulk riverward or bluffward of the setbacks required under this section are consistent with adjoining development. See Figure 7.

Figure 7. Structure Setback Averaging



5. Subsurface sewage treatment systems, including the septic tank and absorption area, must be located at least 75 feet from the ordinary high water level of the Mississippi River and all other public waters.

e. Lot size and buildable area.

1. The width of lots abutting the Mississippi River in the ROS District must be at least 200 feet, unless alternative design methods are used that provide greater protection of the riparian area.
2. All new lots must have adequate buildable area to comply with the setback requirements of Sections 6.32 and 6.33 so as to not require variances to use the lots for their intended purpose.

(g) *Performance standards for private facilities.*

- (1) Purpose. To establish design standards for private facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan.
- (2) General design standards. All private facilities must be developed in accordance with the vegetation management and land alteration requirements of this section.
- (3) Private roads, driveways, and parking areas. Except as otherwise provided in this section, private roads, driveways and parking areas must:
 - a. Be designed to take advantage of natural vegetation and topography so that they are not readily visible;

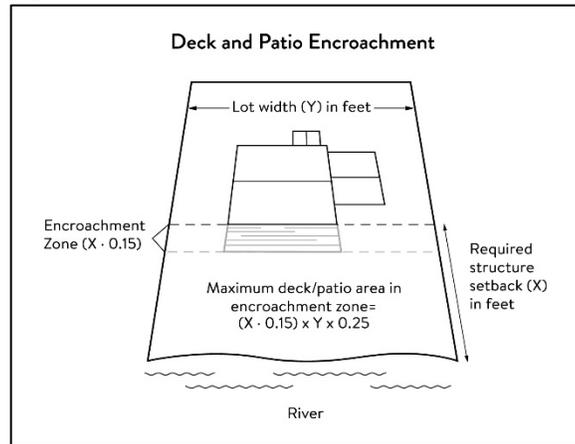
- b. Comply with structure setback requirements in accordance with this section; and
- c. Not be placed within the bluff impact zone or shore impact zone, unless otherwise exempt under this section, and designed in accordance with this section.

(4) Private water access and viewing facilities.

- a. Private access paths must be no more than:
 - 1. Eight feet wide, if placed within the shore impact zone; and
 - 2. Four feet wide, if placed within the bluff impact zone.
- b. Private water access ramps must:
 - 1. Comply with Minnesota Rules, parts [6115.0210](#) and [6280.0250](#); and
 - 2. Be designed and constructed consistent with the applicable standards in Design Handbook for Recreational Boating and Fishing Facilities.
- c. Design and construction of private stairways, lifts, and landings are subject to the following standards:
 - 1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties and residential facilities held in common, if approved by the Zoning Administrator;
 - 2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet area allowed for commercial properties and residential facilities held in common, if approved by the Zoning Administrator;
 - 3. Canopies or roofs are prohibited on stairways, lifts, or landings;
 - 4. Stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and

5. Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas in accordance with this section.
- d. One water-oriented accessory structure is allowed for each riparian lot or parcel less than 300 feet in width at the ordinary high water level, with one additional water-oriented accessory structure allowed for each additional 300 feet of shoreline on the same lot or parcel. Water-oriented accessory structures are prohibited in the bluff impact zone and must:
 1. Not exceed 12 feet in height;
 2. Not exceed 120 square feet in area; and
 3. Be placed a minimum of 10 feet from the ordinary high water level.
- (5) Decks and patios in setback areas. Decks and at-grade patios abutting the principal structure may encroach into the required setbacks from the ordinary high water level and blufflines without a variance, when consistent with this section, provided that:
- a. The encroachment of the deck or patio into the required setback area does not exceed 15 percent of the required structure setback;
 - b. The area of the deck or patio that extends into the required setback area occupies no more than 25 percent of the total area between the required setback and the 15 percent using the formula:
$$[\text{Required setback depth (feet)} \times 0.15 \times \text{lot width at setback (feet)} \times 0.25 = \text{maximum total area}]$$
 - c. The deck or patio does not extend into the bluff impact zone. See Figure 8.

Figure 8. Deck and Patio Encroachment



(6) Off-premise and directional signs.

a. Off-premise advertising signs must:

1. Meet required structure placement and height standards in this section.
2. Not be readily visible from the Mississippi or Rum rivers

b. Directional signs for patrons arriving at a business by watercraft must comply with the following standards:

1. They must be consistent with Minnesota Statutes, section [86B.115](#)
2. Only convey the location and name of the establishment and the general types of goods and services available, if located in a shore impact zone.
3. Be no greater than ten feet in height and 32 square feet in surface area; and
4. If illuminated, the lighting must be fully shielded and directed downward to prevent illumination out across the river or to the sky.

(7) Fences. Fences between principal structures and the river are allowed if fences are:

- a. Not higher than four feet.
- b. Not solid or opaque.
- c. Not located within the SIZ and BIZ.
- d. Not located in the regulatory floodplain.

(h) *Performance standards for public facilities*

(1) Purpose. To establish design standards for public facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan. Public facilities serve the public interest by providing public access to the Mississippi River corridor or require locations in or adjacent to the river corridor and therefore require some degree of flexibility.

(2) General design standards. All public facilities must be designed and constructed to:

- a. Minimize visibility of the facility from the river to the extent consistent with the purpose of the facility;
- b. Comply with the structure placement and height standards in subsection (f) of this section, except as provided in subsection (l) of this section;
- c. Be consistent with the vegetation management standards and the land alteration and storm water management standards of the section, including use of practices identified in [Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001](#), where applicable;
- d. Avoid primary conservation areas, unless no alternative exists. If no alternative exists, then disturbance to primary conservation areas must be avoided to the greatest extent practicable, and design and construction must minimize impacts; and
- e. Minimize disturbance of spawning and nesting times by scheduling construction at times when local fish and wildlife are not spawning or nesting.

- (3) Right-of-way maintenance standards. Right-of-way maintenance must comply with the following standards:
- a. Vegetation currently in a natural state must be maintained to the extent feasible;
 - b. Where vegetation in a natural state has been removed, native plants must be planted and maintained on the right-of-way; and
 - c. Chemical control of vegetation must be avoided when practicable, but when chemical control is necessary, chemicals used must be in accordance with the regulations and other requirements of all state and federal agencies with authority over the chemical's use.
- (4) Crossings of public water or public land. Crossings of public waters or land controlled by the commissioner are subject to approval by the commissioner according to Minnesota Statutes, sections [84.415](#) and [103G.245](#).
- (5) Public utilities. Public utilities must comply with the following standards
- a. High-voltage transmission lines, wind energy conversion systems greater than five megawatts, and pipelines are regulated according to Minnesota Statutes, chapter [216E](#), [216F](#), and [216G](#) respectively; and
 - b. If overhead placement is necessary, utility facility crossings must minimize visibility of the facility from the river and follow other existing right of ways as much as practicable.
 - c. The appearance of structures must be as compatible as practicable with the surrounding area in a natural state with regard to height and width, materials used, and color.
 - d. Wireless communication facilities in accordance with subsection (e)(2)f. of this section.
- (6) Public transportation facilities. Public transportation facilities shall comply with structure placement and height standards in subsection (f) of this section. Where such facilities intersect or about two or more MRCCA districts, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:
- a. Providing scenic overlooks for motorists, bicyclists, and pedestrians;

- b. Providing safe pedestrian crossings and facilities along the river corridor;
- c. Providing access to the riverfront in public ownership; and
- d. Allowing for use of the land between the river and the transportation facility.

(7) Public recreational facilities. Public recreational facilities must comply with the following standards:

- a. Buildings and parking associated with public recreational facilities must comply with the structure placement and height standards in subsection (f) of this section, except as provided in subsection (l) of this section;
- b. Roads and driveways associated with public recreational facilities must not be placed in the bluff or shore impact zones unless no other placement alternative exists. If no alternative exists, then design and construction must minimize impacts to shoreline vegetation, erodible soils and slopes, and other sensitive resources.
- c. Trails, access paths, and viewing areas associated with public recreational facilities and providing access to or views of the Mississippi River are allowed within the bluff and shore impact zones if design, construction, and maintenance methods are consistent with the best management practice guidelines in [Trail Planning, Design, and Development Guidelines](#).
 - 1. Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30 percent. Natural surface trails are allowed, provided they do not exceed eight feet in width.
 - 2. Trails, paths, and viewing areas must be designed and constructed to minimize:
 - I. Visibility from the river;
 - II. Visual impacts on public river corridor views; and
 - III. Disturbance to and fragmentation of primary conservation areas.

- d. Public water access facilities must comply with the following requirements:
 - 1. Watercraft access ramps must comply with Minnesota Rules chapters [6115.0210](#) and [6280.0250](#); and
 - 2. Facilities must be designed and constructed consistent with the standards in Design Handbook for Recreational Boating and Fishing Facilities.
- e. Public signs and kiosks for interpretive or directional purposes are allowed in the bluff or shore impact zones, provided they are placed and constructed to minimize disturbance to these areas and avoid visual impacts on public river corridor views.
- f. Public stairways, lifts, and landings must be designed as provided in this section.

(i) *Vegetation management*

- (1) Purpose. To establish standards that sustain and enhance the biological and ecological functions of vegetation; preserve the natural character and topography of the MRCCA; and maintain stability of bluffs and steep slopes and ensure stability of other erosion-prone areas.
- (2) Applicability. This section applies to:
 - a. Shore impact zones;
 - b. Areas within 50 feet of a wetland or natural drainage route;
 - c. Bluff impact zones;
 - d. Areas of native plant communities; and
 - e. Significant existing vegetative stands identified in the MRCCA plan.
- (3) Activities allowed without a vegetation permit.
 - a. Maintenance of existing lawns, landscaping and gardens;
 - b. Removal of vegetation in emergency situations as determined by the City of Anoka;

- c. Right-of-way maintenance for public facilities meeting the standards of this section;
- d. Agricultural and forestry activities meeting the standards of this section;
- e. Selective vegetation removal, provided that vegetative cover remains consistent with the management purpose of the MRCCA District, including removal of:
 - 1. Vegetation that is dead, diseased, dying, or hazardous;
 - 2. Vegetation to prevent the spread of diseases or insect pests;
 - 3. Individual trees and shrubs; and
 - 4. Invasive non-native species.

(4) Activities allowed with a vegetation permit.

- a. Only the following intensive vegetation clearing activities are allowed with a vegetation permit:
 - 1. Clearing of vegetation that is dead, diseased, dying, or hazardous;
 - 2. Clearing to prevent the spread of diseases or insect pests;
 - 3. Clearing to remove invasive non-native species.
 - 4. Clearing to prepare for restoration and erosion control management activities consistent with a plan approved by the City of Anoka.
 - 5. The minimum necessary for development that is allowed with a building permit or as an exemption under subsection (l) of this section.
- b. General Performance Standards. The following standards must be met, in addition to a restoration plan under this section, in order to approve a vegetation permit:

1. Development is sited to minimize removal of or disturbance to natural vegetation;
2. Soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by a professional engineer.
3. Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views and other scenic views;
4. Vegetation removal activities are conducted so as to expose the smallest practical area of soil to erosion for the least possible time; and
5. Any other condition determined necessary to achieve the purpose of this section.

(5) Prohibited activities. All other intensive vegetation clearing is prohibited.

(6) Vegetation restoration plan.

- a. Development of a vegetation restoration plan and reestablishment of natural vegetation is required:
 1. For any vegetation removed with a permit under this section;
 2. Upon failure to comply with any provisions in this section; or
 3. As part of the planning process for subdivisions as provided in this section.
- b. Restoration Plan Performance Standards. The vegetation restoration plan must satisfy the application submittal requirements in this section, and:
 1. Vegetation must be restored in one or more of the following restoration priority areas:
 - I. Areas with soils showing signs of erosion, especially on or near the top and bottom of steep slopes and bluffs;

- II. Shoreline areas within 25 feet of the water with no natural vegetation, degraded vegetation, or planted with turf grass;
 - III. Areas on steep slopes and bluffs that are visible from the river with no natural vegetation, degraded vegetation, or planted with turf grass; or
 - IV. Other approved priority opportunity area, including priorities identified in the MRCCA plan, if none of the above exist.
2. Include vegetation that provides suitable habitat and effective soil stability, runoff retention, and infiltration capability. Vegetation species, composition, density, and diversity must be guided by nearby patches of native plant communities and by [Native Vegetation Establishment and Enhancement Guidelines](#);
 3. Any highly erodible soils disturbed during removal and/or restoration must be stabilized with deep-rooted vegetation with a high stem density;
 4. Vegetation removed must be restored with vegetation to the greatest extent practicable. Replacement of non-native vegetation with native vegetation is encouraged. The area (square feet) of the restored vegetation should be similar to that removed to the greatest extent practicable.
 5. For restoration of removed native plant communities, restored vegetation must also provide biological and ecological function equivalent to the removed native plant communities. The area (square feet) of the restored vegetation should be equivalent to that removed;
 6. Be prepared by a qualified individual; and
 7. Include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three years.
- c. A certificate of compliance will be issued after the vegetation restoration plan requirements have been satisfied.

(j) *Land alteration standards and stormwater management.*

(1) Purpose. To establish standards that protect water quality from pollutant loadings of sediment, nutrients, bacteria, and other contaminants; and maintain stability of bluffs, shorelines, and other areas prone to erosion.

(2) Land alteration.

a. Within the bluff impact zone, land alteration is prohibited, except for the following, which are allowed by permit.

1. Erosion control consistent with a plan approved by the local government or resource agency and consistent with this section;

2. The minimum necessary for development that is allowed as an exception under subsection (l) of this section; and

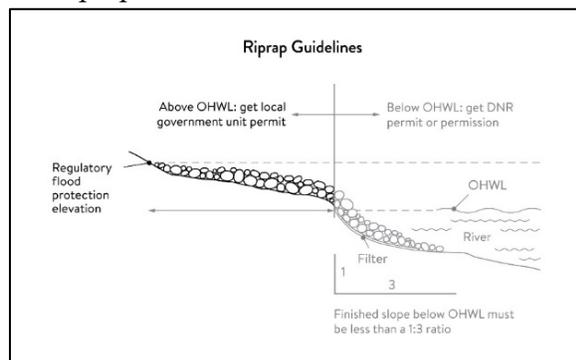
3. Repair and maintenance of existing buildings and facilities.

b. Within the water quality impact zone, land alteration that involves more than ten cubic yards of material or affects an area greater than 1,000 square feet requires a permit.

(3) Rock riprap, retaining walls, and other erosion control structures.

a. Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the OHWL must comply with Minnesota Rules, part [6115.0215, Subp. 4, item E](#), and [6115.0216, Subp. 2](#). Work must not proceed until approved by the commissioner, permitted by the US Army Corps of Engineers, and any other permits are obtained. See Figure 9.

Figure 9. Riprap Guidelines



- b. Construction or replacement of rock riprap, retaining walls, and other erosion control structures within the bluff impact zone and the water quality impact zone are allowed with a permit consistent with provisions of this section provided that:
 - 1. If the project includes work at or below the OHWL, the commissioner has already approved or permitted the project.
 - 2. The structures are used only to correct an established erosion problem as determined by the City of Anoka.
 - 3. The size and extent of the structures are the minimum necessary to correct the erosion problem and are not larger than the following, unless a professional engineer determines that a larger structure is needed to correct the erosion problem:
 - I. Retaining walls must not exceed five feet in height and must be placed a minimum horizontal distance of ten feet apart; and
 - II. Riprap must not exceed the height of the regulatory flood protection elevation.
- c. The use of gabion cages/walls is prohibited unless no other erosion control technique or structure(s) is feasible.
- d. For retaining walls, the use of natural stone is encouraged such as fieldstone boulders.
- e. Repair of existing rock riprap, retaining walls, and other erosion control structures above the OHWL does not require a permit provided it does not involve any land alteration.

(4) Stormwater management.

- a. In the bluff impact zone, storm water management facilities are prohibited, except by permit if:
 - 1. There are no alternatives for storm water treatment outside the bluff impact zone on the subject site;

2. The site generating runoff is designed so that the amount of runoff reaching the bluff impact zone is reduced to the greatest extent practicable;
 3. The construction and operation of the facility does not affect slope stability on the subject property or adjacent properties; and
 4. Mitigation based on the best available engineering and geological practices is required and applied to eliminate or minimize the risk of slope failure.
- b. In the water quality impact zone, development that creates new impervious surface, as allowed by exemption in subsection (l) of this section, or development that fully reconstructs existing impervious surface of more than 10,000 square feet, requires a stormwater permit. Multipurpose trails and sidewalks are exempt if there is down gradient vegetation or a filter strip that is at least five feet wide.
 - c. In all other areas, storm water runoff must be directed away from the bluff impact zones or unstable areas.
- (5) Development on steep slopes. Construction of structures, impervious surfaces, land alteration, vegetation removal, or other construction activities are allowed on steep slopes if:
- a. The development can be accomplished without increasing erosion or storm water runoff;
 - b. The soil types and geology are suitable for the proposed development; and
 - c. Vegetation is managed according to the requirements of this section.
- (6) Conditions of land alteration permit approval.
- a. Temporary and permanent erosion and sediment control measures retain sediment onsite consistent with best management practices in the [Minnesota Stormwater Manual](#);
 - b. Natural site topography, soil, and vegetation conditions are used to control runoff and reduce erosion and sedimentation;

- c. Construction activity is phased when possible;
- d. All erosion and sediment controls are installed before starting any land disturbance activity;
- e. Erosion and sediment controls are maintained to ensure effective operation;
- f. The proposed work is consistent with the vegetation standards in this section; and
- g. Best management practices for protecting and enhancing ecological and water resources identified in [Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001](#).

(7) Compliance with other plans and programs. All development must:

- a. Be consistent with Minnesota Statutes, chapter [103B](#), and local water management plans completed under Minnesota Statutes, chapter [8410](#);
- b. Meet or exceed the wetland protection standards under Minnesota Rules, chapter [8420](#); and
- c. Meet or exceed the floodplain management standards under Minnesota Rules, sections [6120.5000 – 6120.6200](#).

(k) *Subdivision and land development standards*

(1) Purpose.

- a. To protect and enhance the natural and scenic values of the MRCCA during development or redevelopment of the remaining large sites;
- b. To establish standards for protecting and restoring biological and ecological functions of primary conservation areas on large sites; and
- c. To encourage restoration of natural vegetation during development or redevelopment of large sites where restoration opportunities have been identified in MRCCA Plans.

(2) Applicability.

- a. The design standards in this section apply to subdivisions, planned unit developments and master-planned development and redevelopment of

land involving ten or more acres for contiguous parcels that abut the Mississippi River and 20 or more acres for all other parcels, including smaller individual sites within the following developments that are part of a common plan of development that may be constructed at different times:

1. Subdivisions;
2. Planned unit developments; and
3. Master-planned development and redevelopment of land.

b. The following activities are exempt from the requirements of this section:

1. Minor subdivisions consisting of three or fewer lots;
2. Minor boundary line corrections;
3. Resolutions of encroachments;
4. Additions to existing lots of record;
5. Placement of essential services; and
6. Activities involving river-dependent commercial and industrial uses.

(3) Application materials. Project information listed in subsection (c)(5) of this section must be submitted for all proposed developments.

(4) Design standards.

a. Primary conservation areas, where they exist, must be set aside and designated as protected open space in quantities meeting the following as a percentage of total parcel area:

1. CA-ROS District: 50%;
2. CA-RN District: 20%;
3. CA-RTC, CA-UM, and CA-UC Districts: 10%; and

4. CA-SR District: 10% if the parcel includes native plant communities or provides feasible connections to a regional park or trail system, otherwise no requirement.
- b. If the primary conservation areas exceed the amounts specified in this section, then protection of native plant communities and natural vegetation in riparian areas shall be prioritized.
- c. If primary conservation areas exist but do not have natural vegetation (identified as restoration priorities in the MRCCA Plan), then a vegetation assessment must be completed to evaluate the un-vegetated primary conservation areas and determine whether vegetation restoration is needed. If restoration is needed, vegetation must be restored in accordance with this section.
- d. If primary conservation areas do not exist on the parcel and portions of the parcel have been identified in the MRCCA plan as a restoration area, vegetation must be restored in the identified areas in accordance with this section and the area must be set aside and designated as protected open space.
- e. Storm water treatment areas or other green infrastructure may be used to meet the protected open space requirements if the vegetation provides biological and ecological functions.
- f. Land dedicated for public river access, parks, or other open space or public facilities may be counted toward the protected open space requirement.
- g. Protected open space areas must connect open space, natural areas, and recreational areas, where present on adjacent parcels, as much as possible to form an interconnected network.

(5) Permanent protection of designated open space.

- a. Designated open space areas must be protected through one or more of the following methods:
 1. Public acquisition by a government entity for conservation purposes;
 2. A permanent conservation easement, as provided in Minnesota Statutes, chapter 84C;

3. A deed restriction; and
 4. Other arrangements that achieve an equivalent degree of protection.
- b. Permanent protection methods must ensure the long-term management of vegetation to meet its biological and ecological functions, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river.

(1) *Exemptions*

(1) Purpose. To provide exemptions to structure placement, height and other standards for specific river or water access dependent facilities as provided in Minnesota Statutes, section 116G.15 Subd. 4.

(2) Applicability.

- a. Uses and activities not specifically exempted must comply with this section. Uses and activities exempted under shore impact zone and bluff impact zone must comply with the vegetation management and land alteration standards in this section.
- b. Uses and activities in this section are categorized as:
 1. Exempt – E. This means that the use or activity is allowed;
 2. Exempt if no alternative - (E). This means that the use or activity is allowed only if no alternatives exist; and
 3. Not exempt - N. This means that a use or activity is not exempt and must meet the standards of this ordinance.

(3) Use and activity exemptions classification

- a. General uses and activities

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers)	N	E	N	N	Structure design and placement must minimize interference with public river corridor views.
Barns, silos, and farm structures	N	E	N	N	
Bridges and bridge approach roadways	E	E	E	(E)	Subsection (h)
Wireless communication towers	E	E	N	N	Subsection (e)(2)f.
Chimneys, church spires, flag poles, public monuments, and mechanical stacks and equipment	N	E	N	N	
Historic properties and contributing properties in historic districts	E	E	E	E	Exemptions do not apply to additions or site alterations

b. Public utilities.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Electrical power facilities	E	E	E	(E)	Subsection (h)
Essential services (other than storm water facilities)	E	E	E	(E)	Subsection (h)
Storm water facilities	E	N	E	(E)	Subsection (j)
Wastewater treatment	E	N	E	N	Subsection (h)
Public transportation facilities	E	N	(E)	(E)	Subsection (h)

c. Public recreational facilities.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Accessory structures, such as monuments, flagpoles, light standards, and similar park features	E	E	(E)	(E)	Subsection (h); within BIZ, only on slopes averaging less than 30%. Exemptions do not apply to principal structures.
Picnic shelters and other open-sided structures	E	N	(E)	N	Subsection (h)
Parking lots	(E)	N	(E)	(E)	Subsection (h); within BIZ, only within 20 feet of toe of bluff; not on face of bluff; and must not affect stability of bluff
Roads and driveways	(E)	N	(E)	(E)	Subsection (h)
Natural-surfaced trails, access paths, and viewing areas	E	N	E	E	Subsection (h)

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Hard-surfaced trails and viewing platforms	E	N	E	(E)	Subsection (h); within BIZ, only on slopes averaging less than 30%
Water access ramps	E	N	E	(E)	Subsection (h)
Public signs and kiosks for interpretive or directional purposes	E	N	E	(E)	Subsection (h)

d. River-dependent uses.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Shoreline facilities	E	N ¹	E	(E)	Subsection (e)(2)e.; Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility
Private roads and conveyance structures serving river-dependent uses	E	N ¹	E	(E)	Subsection (e)(2)e.

e. Private residential and commercial water access and use facilities.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Private roads serving 3 or more lots	(E)	N	N	(E)	Subsection (g); in BIZ, only on slopes averaging less than 30%. Exemption does not apply to private roads serving fewer 3 lots or to private driveways and parking areas
Access paths	E	N	E	E	Subsection (g)
Water access ramps	E	N	E	N	Subsection (g)
Stairways, lifts, and landings	E	N	E	E	Subsection (g)
Water-oriented accessory structures	E	N	E	N	Subsection (g)
Patios and decks	E	N	N	N	Subsection (g)(5)
Directional signs for watercraft (private)	E	N	E	N	Subsection (g)(6)
Temporary storage of docks, boats, and other equipment during the winter months	E	N	E	N	

¹ River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Erosion control structures, such as rock riprap and retaining walls	E	N	E	(E)	Subsections (j)(3), (j)(5) and (j)(6)
Flood control structures	E	N	E	(E)	Subsection (j)

ARTICLE VI. ~~MISSISSIPPI RIVER CONTROL CORRIDOR~~/RUM RIVER PROTECTION

DIVISION 1. GENERALLY

Sec. 78-397. Findings and purpose.

- (a) The city council finds that the ~~Mississippi River Corridor within the metropolitan area and the city, and the Rum River Corridor within the city~~ are is a unique and valuable local, regional, and state ~~and national~~ resources. ~~These The~~ river s are is an essential elements in the local, regional, and state ~~and national~~ transportation, sewer and water, and recreational systems and serve important biological and ecological functions. The prevention and mitigation of irreversible damage to ~~these this~~ resources and the preservation and enhancement of ~~their its~~ natural, aesthetic, cultural, and historic values is in the furtherance of the health, safety and general welfare of the city.
- (b) The council further finds that the ~~critical area district and the~~ Rum River Management District are is characterized by certain soil types, slopes, and water levels which, without proper corrective action, are unsuitable for development. The preservation of trees and woodlands, marshes, swamps, wetlands, drainage ways, and watercourses within ~~these this~~ districts serves important ecological, recreational and aesthetic functions to the benefit of existing and future residences of the municipality and, therefore, is in furtherance of the health, safety, and general welfare of the city.
- (c) It is the purpose and intent of this article to prevent and mitigate irreversible damage to ~~these this~~ natural resources and to preserve and enhance ~~their its~~ values to the public. Development shall be so regulated so as to minimize the risk of environmental damage to ~~these this~~ areas. By doing so, private homeowners and governmental units are protected from incurring high maintenance and capital costs resulting from the necessity to correct the deficiencies encountered as a result of inappropriate or improper development.

(Prior Code, § 74-281)

Sec. 78-398. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Crown cover means the ratio between the amount of land shaded by the vertical projection of the branches and foliage area of standing trees to the total area of land, usually expressed as percentage.

Development means the construction, installation or alteration of any structure, the extraction, grading or filling, clearing or other alteration of terrestrial or aquatic vegetation, land or the course, current or cross section of any water body or watercourse or the division of land into two or more parcels.

Development permit means any building permit, zoning permit, plat approval, rezoning, certification, conditional or special use permit or variance.

Dimensional requirement means minimum and maximum setbacks, yard requirements or structure height or size restrictions established in this chapter for the various zoning districts.

Litter means slightly decomposed organic material on the floor of a woodland area.

Ordinary high water level means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level shall be the operating elevation of the normal summer pool.

Restrictive soils means soils which have permeability rates of less than five minutes per inch; or in which bedrock is less than five feet below the ground surface; or in which the water table is permanently or seasonably less than five feet below the ground surface; or where the slope of the surface is greater than 12 percent.

Slope means the inclination of the natural surface of the land from the horizontal, usually measured in one of three ways:

- (1) As a ratio, the horizontal distance to the vertical distance;
- (2) As a percentage, the vertical distance over the horizontal distance;
- (3) By degrees, measured from the horizontal to the vertical.

Structure means anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures.

Tree means any woody plant that has at least one trunk with a diameter four feet above the ground of four inches or greater.

Utility line means all transmission or distribution systems of any public, semi-public, or private utility, including, but not limited to, electric lines, sewer lines, water lines, telephone lines, gas lines, oil pipe lines, and any other lines, pipes or cables.

Wetland means any low area permanently or seasonally covered with shallow water, including marsh, swamp, bog, wet meadow, slough, or intermittent lake greater than one acre in size or floodplain and denoted on the city wetlands map.

Woodland means a group of trees at least one-half acre in area and with a crown cover of 50 percent or greater.

(Prior Code, § 74-282)

Sec. 78-399. Establishment of district boundaries.

This article shall apply to all public and private lands in the following described districts:

~~(1) The critical area overlay district, which is the Mississippi River Corridor Critical Area as set forth and legally described in Minnesota State Executive Order No. 7919, as recorded in the state Register, Monday, March 12, 1979.~~

~~(2)~~(1) The Rum River Management Overlay District, which is the Rum River Management Area, as set forth and legally described in the management plan for the Rum River and the Minnesota Wild and Scenic Rivers Act, M.S.A. § 103F.301 et seq.

~~(3)~~(2) ~~These~~ This districts shall be identified on the official zoning map referenced in section 78-62.

(Prior Code, § 74-283)

Sec. 78-400. Administration procedures.

Adoption and administrative procedure for this article shall comply with Minn. Adm. Rules part 116G.15.

(Prior Code, § 74-284)

Sec. 78-401. Substandard lots.

Lots of record in the office of the county register of deeds on March 29, 1981, which do not meet the requirements of Minn. Adm. Rules part 116G.15, may be allowed as building sites provided such use is permitted in the zoning district, the lot is in separate ownership from abutting lands, and sanitary and dimensional requirements of this chapter are complied with, 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 purposes of sale or development, if on-site sewage disposal systems can be installed so as to comply with these regulations.

(Prior Code, § 74-285)

Sec. 78-402. Public areas.

All plans for public campgrounds, accesses (both trails and roads for boat launch facilities), and open space recreational uses within the Rum River Management Overlay District shall be submitted to the state commissioner of natural resources for approval in compliance with Minn. Adm. Rules part 116G.15.

(Prior Code, § 74-286)

Sec. 78-403. Development standards.

The following standards shall be met when any development is undertaken within ~~the critical area overlay district or~~ the Rum River Management Overlay District:

- (1) No filling, grading, dredging, excavation, or construction shall be allowed within any wetland area, nor on lands abutting, adjoining or affecting such areas if such activity upon those adjacent areas are incompatible with city policies expressed herein and in other documents. Development is prohibited if it results in loss and damage to public and private improvements through inundation by flood waters and subsequent construction of storm sewers and other public projects, in the permanent destruction of natural resources, loss of water retention facilities, open space and wild life habitats or impairment of public and private water supplies. Wetland area may not be used in determining minimum area requirements for building sites or subdivision plats unless such development is in accordance with section 78-211 or unless they are dedicated to the public for such uses described in chapter 58, article III, division.
- (2) A minimum amount of filling may be allowed when necessary, as determined by the zoning administrator, but in no case shall the total filling cause the 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, nor shall the total filling cause the total natural nutrient stripping capacity of the wetland to fall below the nutrient production of the wetland water shed for its projected development. Only fill free of chemical pollutants and organic wastes may be used. Wetlands shall not be used for solid waste disposal.
- (3) Dredging may be allowed only when a boat channel is required for access to a navigable lake or river, or when it will not have a significant adverse effect upon the ecological and hydrological characteristics of the wetland. Dredging, when allowed, shall be located so as to maximize the activity in the areas of lowest vegetation density, shall not significantly change the water flow characteristics, and the size of the dredged area shall be limited to the absolute minimum for the permitted purpose.

(Supp. No. 2)

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- (4) Development shall be conducted so that the maximum number of trees is preserved by the clustering of structures in existing cleared areas and natural clearings, and the utilization of other site design techniques. Grading, contouring and paving shall be performed to minimize any detrimental effect 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. When trees are removed, the density of trees must be restored, utilizing nursery stocks of a minimum of 1 3/4-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. 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 litter. 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 in restrictive soils. All of those permitted in other areas must meet requirements of Minn. Adm. Rules, part 6120.3400 involving construction standards and inspection procedures.
 - (6) No development shall be permitted on land having a slope, before alteration, in excess of 18 percent unless the applicant establishes that the following conditions are met:
 - a. The foundation and underlying material of any structure, including roads, shall be adequate for slope condition and soil type.
 - b. The applicant can demonstrate that development can be accomplished without increasing erosion, beyond that anticipated on a less than 18 percent slope, and that there is proper utilization of controls to reduce runoff to nondestructive levels.
 - c. 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.
 - d. All structures other than buildings and roadway surfaces, but, including retaining walls, shall meet the following design requirements:
 1. Retaining walls or terrace contours shall not exceed five feet in height;
 2. Construction shall be of natural stone or wood;
 3. The use of gabions, non-wood pilings, and metal retaining walls is specifically prohibited unless the visible portion has the appearance of natural stone or wood;
 4. The minimum width of terraces shall be in the ratio of 2:1 to the height.
 - (7) Steps shall be taken at all times to limit soil erosion. During any construction period, steps shall be taken to ensure that soil loss will be less than five tons/acre/year, that immediately following any construction, soil loss will be less than two tons/acre/year and that, within 15 days following construction, vegetation shall be planted to reduce the soil loss to less than one-half ton/acre/year.
 - (8) Utility lines and any other associated facilities should be constructed along existing corridors or rights-of-way and make use of existing bridges or utility crossings. New corridors or rights-of-way shall be located so as to minimize potential environmental damage.

(Prior Code, § 74-287)

Secs. 78-404—78-434. Reserved.

DIVISION 2. ENVIRONMENTAL PERMIT

Sec. 78-435. Required.

Any person undertaking development to or on any land within the overlay districts shall, prior to commencing the work, obtain an environmental permit (permit) from the city, except as hereinafter provided in this division. An environmental permit must be obtained prior to construction of any utility line, be it overhead or underground, and prior to construction, reconstruction, removal or abandonment of any road or railroad within these districts under standards of Minn. Adm. Rules part 116G.15.

(Prior Code, § 74-306)

Sec. 78-436. Emergency and exemptions.

When emergency work necessary to preserve life or property is required, the person performing it shall report all 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 authorize in writing the commencement of the emergency work. Within ten days following the commencement of that activity, the person conducting the work shall apply for the issuance of an environmental permit and 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. The removal of trees seriously damaged by storms or other acts of God, or diseased trees, shall not be prohibited.

(Prior Code, § 74-307)

Sec. 78-437. Applications.

- (a) Environmental permits shall be issued by the zoning administrator except where noted in this division. A written application for an environmental permit must be submitted to the zoning administrator. Such application shall include a site plan with adequate evidence to show that the proposed use will conform to the standards set forth in this article. 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 his 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. Approval may be expressly given in conjunction with other development permits applied for, but no approval shall be implied from the granting of such development permits, nor from the necessity to apply for a permit as described in this section. The site plan must comply with this section.
- (b) 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.
- (c) The following information shall be provided in the site plan:
 - (1) The name and address of the owner and developer, the legal description and address of the property, north point, date, scale of drawing, and number of sheets.
 - (2) Location of the property, including such information as the names and numbers of adjoining railroads, roads, existing subdivisions, buildings, and other landmarks.
 - (3) 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 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 state pollution control agency, if any. The topography map shall indicate the floodway or flood fringe lines and shall indicate the ordinary high water level of the river.

- (4) 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.
- (5) A description of the soils of the site, including a map indicating soil types by areas to be distributed as well as a soil report prepared by a soil scientist containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed 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 a soil type of existing topsoil and soil type of the new contour. The location and extent of any erosion areas shall be indicated.
- (6) 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.
- (7) A description of any features, buildings or areas which are of historic significance.
- (8) A map indicating proposed finished grade shown at contours at the same intervals as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features.
- (9) A landscape plan drawn to an appropriate scale, including dimensions and distances and the location, type, 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.
- (10) 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 design of the storm drainage system.
- (11) 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 expressed in tons/acre/year both during and after construction which complies with standards in section 78-403(7).
- (12) The proposed size, alignment, height, and intended use of any structures to be erected or located on the site, including building elevations (front, rear and sides).
- (13) A clear delineation of all areas which shall be paved or surfaced, including a description of the surface material to be used.
- (14) A description of the method to be provided for vehicular and pedestrian access to the proposed development and public access to the river or public river view opportunities both before and after development; a description of the development's impact on existing views of and along the river.
- (15) A description of all parking facilities to be provided as part of the development of the site, including an analysis of parking needs generated by the proposed development.

-
- (16) A delineation of the area to be dedicated for public use.
 - (17) A delineation of the location and amounts of excavated soils to be stored on the site during construction.
 - (18) 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.
- (d) Three classifications of development are established:
- (1) Development on more than one parcel of residential property or any development of commercial or industrial property;
 - (2) Construction of one new single-family home;
 - (3) Any additions, alterations or modifications to one existing single-family home.
- (e) Developments described in subsection (d)(1) of this section must provide all of the information requested in subsection (c) of this section. Developments described in subsection (d)(2) of this section must provide information requested in subsections (c)(1) through (3) and (7) through (9) of this section, as modified to locate and describe any vegetation proposed for removal and all proposed landscape materials which will be added to the site as part of the development and subsections (c)(12), (13), and (18) of this section. Developments described in subsection (d)(3) of this section must provide information requested in subsections (c)(1), (2), (12), (13), and (18) of this section.

(Prior Code, § 74-308)

Sec. 78-438. 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 otherwise specified in the permit. The permittee shall complete the work authorized by the permit within the time limit specified in the permit, which in no event shall be 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 in this section, then the permit shall be 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, the administrator may grant one extension of not greater than one year.
- (c) Any revision of the original approved site plan must be approved by the city council after recommendation by the planning commission and zoning administrator.
- (d) A permit may be approved subject to compliance with conditions which are specifically set forth in the permit and are necessary to ensure compliance with the requirements contained in this article. Such conditions may 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, or require surety in the form of a performance bond, escrow or letter of credit. Accompanying such agreement and surety 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 work.

(Prior Code, § 74-309)

Sec. 78-439. 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 the city council. The city council may from time to time change such schedule. 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.

(Prior Code, § 74-310)

Sec. 78-440. Effect of permit.

The granting of an environmental permit under the provisions of this division 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.

(Prior Code, § 74-311)

Secs. 78-441—78-463. Reserved.

PLANNING TO PROTECT THE MISSISSIPPI RIVER CORRIDOR CRITICAL AREA

What is the Mississippi River Corridor Critical Area?

Designated by Governor's Executive Order in the 1970s, the Mississippi River Corridor Critical Area (MRCCA) is a land corridor along the Mississippi River in the Twin Cities Metropolitan Area governed by special land planning requirements and land development regulations. These regulations, which are implemented through local MRCCA plans and ordinances, protect and preserve the natural, scenic, recreational, and transportation resources of this section of the Mississippi River. The MRCCA comprises 72 miles of river and 54,000 acres of surrounding land in 30 local jurisdictions.

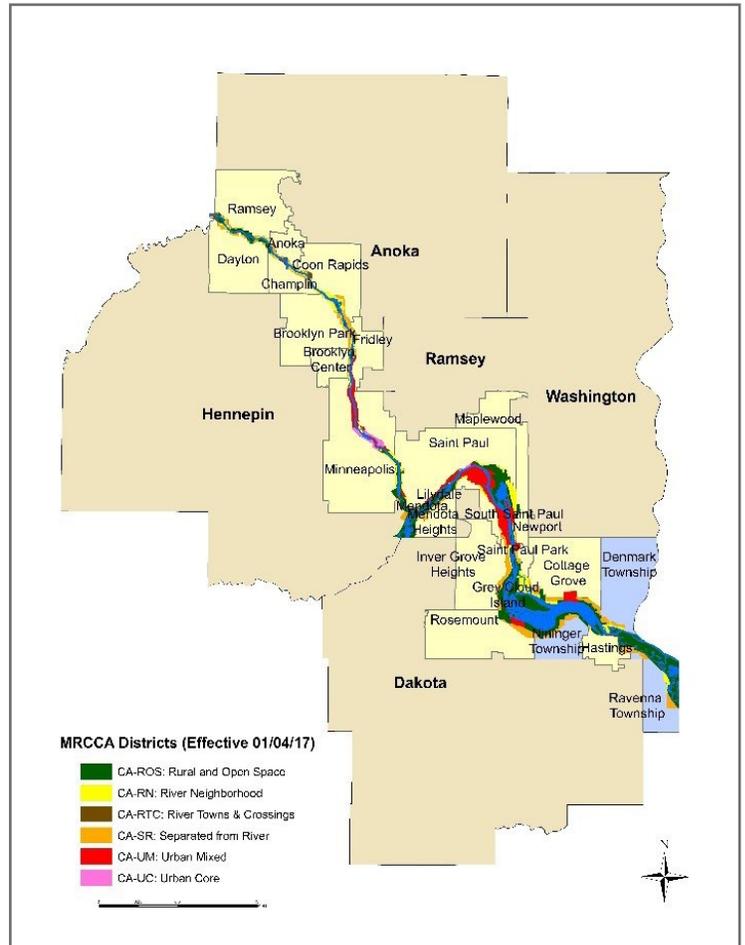
New Rules

Minnesota Rules, chapter 6106, lay out the land planning and regulatory framework that protects the MRCCA's resources. These rules became effective on January 4, 2017, and replace Executive Order 79-19, which previously governed land use in the MRCCA. The rules require local governments to update their MRCCA plans (a chapter of the local comprehensive plan) and MRCCA ordinances for consistency with the rules. The [DNR's MRCCA Program webpage](#) has additional information about the new MRCCA rules, district maps, and FAQs about the program.

Local Government Plan and Ordinance Updates

The Minnesota Department of Natural Resources (DNR) is the state agency with overall responsibility for administering the MRCCA rules. However, the Metropolitan Council plays a key role in ensuring that MRCCA plans are updated on the same schedule as, and incorporated into, the local comprehensive plans as a separate MRCCA chapter. The DNR and the Metropolitan Council coordinate review and approval of local government MRCCA plans for consistency with the planning requirements in Minn. Rules 6106. Please see the [Critical Area section of the Local Planning Handbook](#) for guidance, tools, and resources for developing plans that meet the minimum requirements.

Under the notification schedule developed by the DNR and Metropolitan Council, local governments must submit their updated MRCCA plans to the Metropolitan Council and the DNR by December 30, 2018 - the same time that the 2040 Comprehensive Plan update is due to the Metropolitan Council. Once a local MRCCA plan has been updated, the DNR will notify each local government to update their MRCCA zoning ordinance. Once notified, each local government will have 12 months to update their zoning ordinances. The DNR anticipates that it will notify all affected local governments to update their zoning ordinances between 2019 and 2021.



The MRCCA contains many sensitive features that are not always suitable for intensive development. Bluff setbacks and vegetation requirements help prevent erosion and protect the integrity of natural systems.

Why is the MRCCA Important?

The MRCCA contains many significant natural and cultural resources, including: scenic views, water, navigational capabilities, geology and soils, vegetation, minerals, flora and fauna, cultural and historic resources and land and water-based recreational resources. The MRCCA is home to a full range of residential neighborhoods and parks, as well as river-related commerce, industry, and transportation. Though the river corridor has been extensively developed, many intact and remnant natural areas remain, including bluffs, islands, floodplains, wetlands, riparian zones, and native aquatic and terrestrial flora and fauna. The MRCCA also shares the same border as the Mississippi National River & Recreation Area (MNRRA), a unit of the National Park Service.

MRCCA History

The MRCCA was designated in 1976 by Executive Order following passage of the Minnesota Critical Areas Act of 1973. The Critical Areas Act (Minn. Stat., §116G) provides a general regulatory framework for protecting specific areas of the state that possess important historic, cultural, or aesthetic values or natural systems through a defined local-regional planning and regulation process. The MRCCA was the first and remains the only critical area in the state. The MRCCA protects these resources through local governments' land use plans and zoning ordinances that regulate structure placement, height, vegetation clearing, land alteration, and subdivision of land. Following is a timeline of key milestones in the MRCCA.

- 1973** Minnesota passes Critical Areas Act of 1973 (MN Statutes, Chapter 116G)
EQB adopts rules to implement Act (MN Rules, parts 4410.8100 – 4410.9910)
- 1976** Mississippi River and adjacent corridor designated a state critical area by Governor Wendell Anderson (Executive Order No. 130)
- 1979** Designation continued by Governor Albert Quie (Executive Order 79-19)
Metropolitan Council acts to make designation permanent (Resolution 79-48)
- 1988** Mississippi National River and Recreational Area (MNRRA) established by Congress as unit of NPS (MNRRA shares same boundary as Mississippi River Corridor Critical Area)
- 1991** MNRRA designated a state critical area per Critical Areas Act (MN Statutes, section 116G.15)
- 1995** Responsibility shifts from EQB to DNR by Governor Arne Carlson (Reorganization Order 170)
- 2007** Legislature directs DNR to prepare report on the Mississippi River Corridor Critical Area (Completed January 2008)
- 2009** Legislature amends MN Statutes, section 116G.15 and directs DNR to conduct rulemaking for the Mississippi River Corridor Critical Area (MN Laws 2009, Chapter 172, Article 2, Section 5.e.)
- 2011** DNR develops draft rule after participatory stakeholder process, but rulemaking authority lapses
- 2013** Legislature directs DNR to resume rulemaking process in consultation with local governments
- 2017** Rules become effective January 4.

Content prepared by:



July 2017

**LOCAL PLANNING
HANDBOOK**

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Guide to City and Township MRCCA Zoning Updates

What is the Mississippi River Corridor Critical Area MRCCA?

The Mississippi River Corridor Critical Area (MRCCA) is a corridor of land along each side the Mississippi River in the Twin Cities Metropolitan Area with coordinated state, regional and local land use planning and zoning. It includes 54,000 acres in 30 local governments along a 72-mile stretch of the river. Land development in the MRCCA has been regulated by city and township-adopted MRCCA plans and zoning regulations since 1976 in compliance with state provisions. These local zoning standards have regulated structure height and setbacks from the river and bluffs as well as vegetation management and removal, land alteration, and subdivision of land to preserve the corridor's unique natural, recreational, and cultural features.



The MRCCA was designated a critical area in 1976 by Executive Order following passage of the Minnesota Critical Areas Act of 1973. The Executive Order was the governing regulation until it was superseded by MRCCA rules in 2017 ([Minnesota Rules Chapter 6106](#)). The rules more consistently protect habitat, scenic views and water quality, and allow redevelopment to address contemporary needs such as higher density and mixed uses. In 1988, the National Park Service designated the Mississippi National River & Recreation Area (MNRRA), which shares the same border as the MRCCA. There are no federal land planning or zoning regulations associated with the MNRRA.

Why is the MRCCA important?

The Mississippi River is one of the most famous rivers in the world. It is the defining feature for the many communities along its banks. Through the Twin Cities metro area, the MRCCA supports a diverse mix of residential, commercial, industrial and recreational uses, as well as river-related industry and transportation. Though the river corridor has been extensively developed, many intact and remnant cultural, natural and scenic areas remain, including bluffs, islands, floodplains, wetlands, historic resources, and native plants and animals. The state rules and local MRCCA plans and zoning regulations are designed to protect these resources while accommodating continued growth and redevelopment.

Why is my community updating its MRCCA zoning regulations?

Starting in January 2020 and going through approximately December 2022, all communities in the MRCCA will be adopting new MRCCA zoning standards consistent with 2017 MRCCA rules and local MRCCA plans that were recently updated as part of the comprehensive plan 10-year updates. **Until a community adopts the new standards, its existing MRCCA zoning standards apply.**

Contact your local city or township zoning staff with questions about relevant standards and permit requirements that apply to your property. The DNR's role is to ensure that local government MRCCA zoning regulations comply with the state rules and to provide technical assistance and oversight to local zoning staff.

Overview of New Local Government MRCCA Zoning Regulations

Local MRCCA zoning regulations are administered as an overlay district. Within this overlay district, MRCCA zoning regulations guide building and construction, vegetation management and removal, and land alteration. These regulations also affect local decisions on variances and conditional use permits. Following is an explanation of how the new zoning regulations in the 2017 MRCCA rules will affect some of the most common development activities.

New Terms

Familiarity with the following terms are helpful for understanding MRCCA zoning regulations. These terms are described and mapped in city and township MRCCA plans (a chapter of the comprehensive plan) and summarized below:

Bluff. A natural feature with an average slope exceeding 18%.

Bluff impact zone. The bluff and land within 20 feet of the bluff.

Native plant communities. Plant communities of five acres or greater that meet the quality criteria established by the Minnesota Biological Survey to qualify as a native plant community - identified in local government MRCCA plans.

Natural drainage way. Rivers and streams and any other drainage ways identified by local governments.

Shore impact zone. 50% of the required structure setback from the river.

Significant existing vegetation stands. Largely intact and connected plant communities that contain a sufficient representation of the original native plant community - identified in local government MRCCA plans.

Wetland. Transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface or land covered by shallow water.

Building and Construction

Structure height and structure setbacks from the river and top of bluffs (the top of an 18% slope) vary for each of the six MRCCA districts (See Table 1). These provisions protect scenic views and keep buildings and other development activity away from sensitive shorelines and slopes that provide habitat and are prone to soil erosion and slope failure. Structure height and setback standards will not change for most property owners. See the [MRCCA Boundary and Districts web page](#) to find the district in which your parcel is located.

Table 1. Building and constructions standards for each of the six MRCCA districts.

Build & Construction Standards	Rural Open Space (CA-ROS)	River Neighborhood (CA-RN)	River Towns and Crossings (CA-RTC)	Separated from River (CA-SR)	Urban Mixed (CA-UM)	Urban Core (CA-UM)
Maximum Structure Height	35'	35'	48'*	Underlying Zoning	65'*	Underlying Zoning
Mississippi River Structure Setback	200'	100'	75'	n/a	50'	Underlying Zoning
Bluff Structure Setback	100'	40'	40'	40'	40'	40'

*Greater height may be allowed with a Conditional Use Permit.

Expansion of Nonconforming Structures

Legal nonconforming structures were lawfully permitted when they were built. However, when zoning standards change and these structures no longer conform to the new standards, they become legally nonconforming or “grandfathered.” Nonconforming structures are common in the MRCCA. Minnesota Statute (MS §462.357, Subd. 1e) protects the rights of

the owners of nonconforming structures, and allows for their continued use, including repair, replacement, restoration, maintenance, or improvement. Under the MRCCA rules, local governments may allow the lateral expansion of legally nonconforming principal structures such as homes, as long as they do not expand further into required setbacks from the river and bluff.

Land Alteration Standards (Grading & Filling)

Land alteration in areas near water and on steep slopes increases the risk of soil erosion and the movement of sediment into water. A new local government permit is required for the following land alteration activities:

- Any activity that disturbs more than 10 cubic yards or 1,000 square feet of soil within the shore impact zone or within 50 feet of a public water, wetland, or natural drainage way, whichever is greater.
- Erosion control projects and repair & maintenance of existing structures in the bluff impact zone. All other activities are prohibited in the bluff impact zone.
- Riprap, retaining walls or other erosion control structures to correct an established erosion problem as determined by the local government. There are specific design standards and conditions for constructing these structures. The construction of structures below the ordinary high water level would continue to require a DNR permit or approval.

Vegetation Removal & Management Standards

Retaining vegetation along the river and on slopes is important to stabilize soil and to slow, absorb, and filter stormwater before it runs into the river. Vegetation is also important for retaining the scenic qualities of the river. Local MRCCA regulations include a new vegetation permit and standards for protecting and managing vegetation.

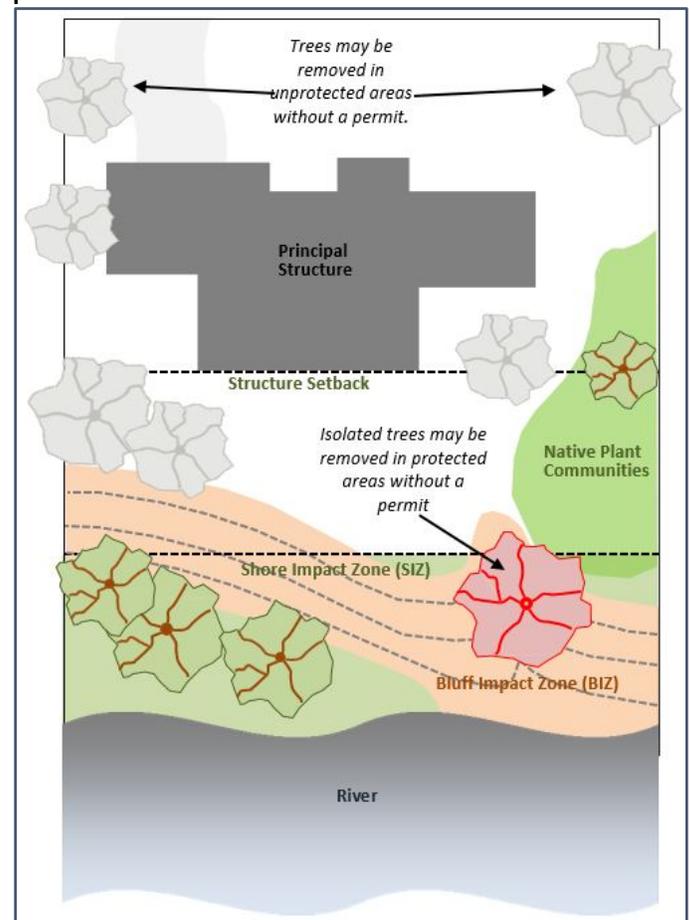
Landscaping & Maintenance Activities that DO NOT Require a Permit:

- Maintenance of existing lawns, landscaping and gardens;
- Removal of vegetation in emergency situations as determined by the local government;
- The removal of isolated individual trees or shrubs that are not in a contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or understory cover.

Prohibited Vegetation Removal Activities

The intensive removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block in protected areas - the shore impact zone, bluff impact zone, within 50 feet of a wetland or natural drainage way or of native plant communities and significant existing vegetative stands - is prohibited. Figure 1 shows some of these protected areas – protected areas are shown in color. Note that isolated trees and shrubs may be removed in protected areas without a permit.

Figure 1. Intensive removal of vegetation is prohibited in protected areas.



Allowed Vegetation Removal Activities with a Permit:

Some vegetation removal activities in protected areas are allowed with a **vegetation permit**, including removal:

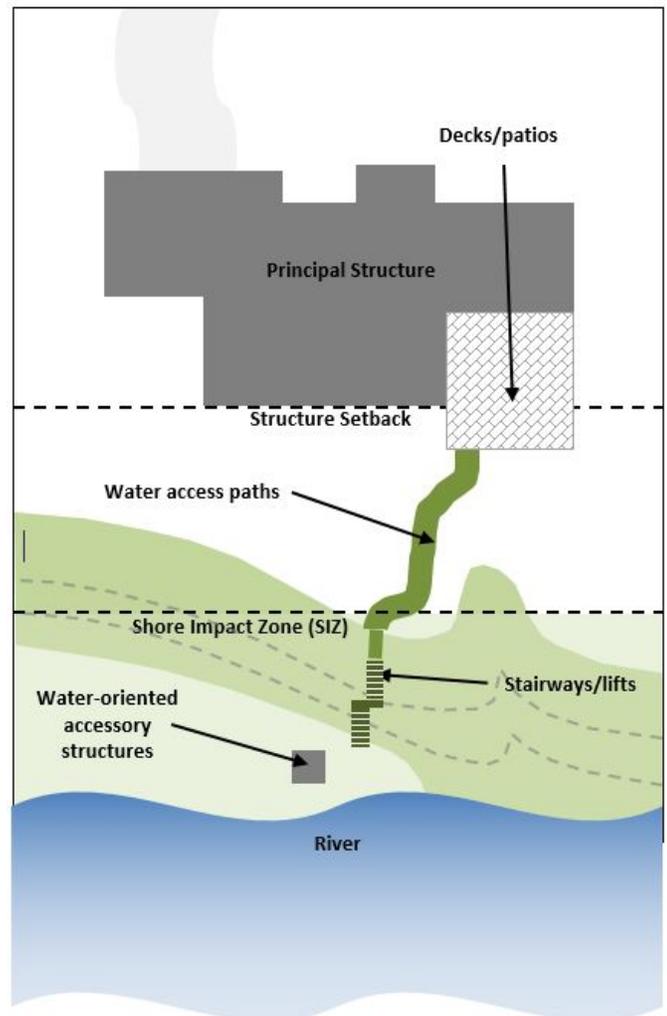
- of vegetation that is dead, diseased, dying, or hazardous;
- to prevent the spread of diseases or insect pests;
- of invasive non-native species;
- to prepare for restoration and erosion control management activities consistent with a plan approved by the local government;
- of the minimum necessary for construction allowed with a building permit.

River Access on Riparian Lots

Local MRCCA regulations include new design standards for river access including access paths and stairways, water-oriented structures and patios and decks (see Figure 2):

- Private driveways, parking areas and other impervious surfaces must not be placed in the shore impact zone or the bluff impact zone, except for:
 - **Access Paths:** Access paths can be no wider than 8 feet wide in the shore impact zone or 4 feet wide in a bluff impact zone.
 - **Stairways, lifts, and landings:** Stairways, lifts, and landings are allowed in the shore impact zone and the bluff impact zone as long as stairways and lifts are no wider than 4 feet and landings no more than 32 square feet.
- Decks and patios may encroach into bluff and river setbacks up to 15% of the required structure setback, provided they don't extend into the bluff impact zone.
- One water-oriented accessory structure is allowed for every 300 feet of river frontage. Lots less than 300 feet may have one structure. The water-oriented accessory structure is limited to a 12-foot height, 120 square foot area, and must be at least 10 feet from the water's edge. These structures are not allowed in the bluff impact zone.
- Temporary storage of docks, boats, and other equipment during the winter months are prohibited in the bluff impact zone but allowed in the shore impact zone.

Figure 2. River Access Design Standards.



MRCCA web address: https://www.dnr.state.mn.us/waters/watermgmt_section/critical_area/index.html

Mississippi River Corridor Critical Area (MRCCA)

- Corridor of land along each side of Miss. River in Twin Cities Metro Area (72-mile corridor).
- Coordinated planning between state and local governments (30 local governments)
- Regulated by city and township-adopted MRCCA plans and zoning regulations since 1976.
- MRCCA designated a critical area in 1976 by Executive Order following passage of the Minnesota Critical Areas act of 1973.
- Executive Order was superseded by MRCCA rules in 2017 (Minnesota Rules Chapter 6106).
- New rules “more consistently protect habitat, scenic views and water quality, and allow redevelopment to address contemporary needs such as higher density and mixed uses” (DNR).

Background

- 2017 rule making process and SONAR
- North metro planners group
- Model ordinance
- 2040 Comp Plan MRCCA Chapter
- **All communities must adopt new MRCCA zoning standards consistent with 2017 MRCCA rules and local MRCCA plans.**

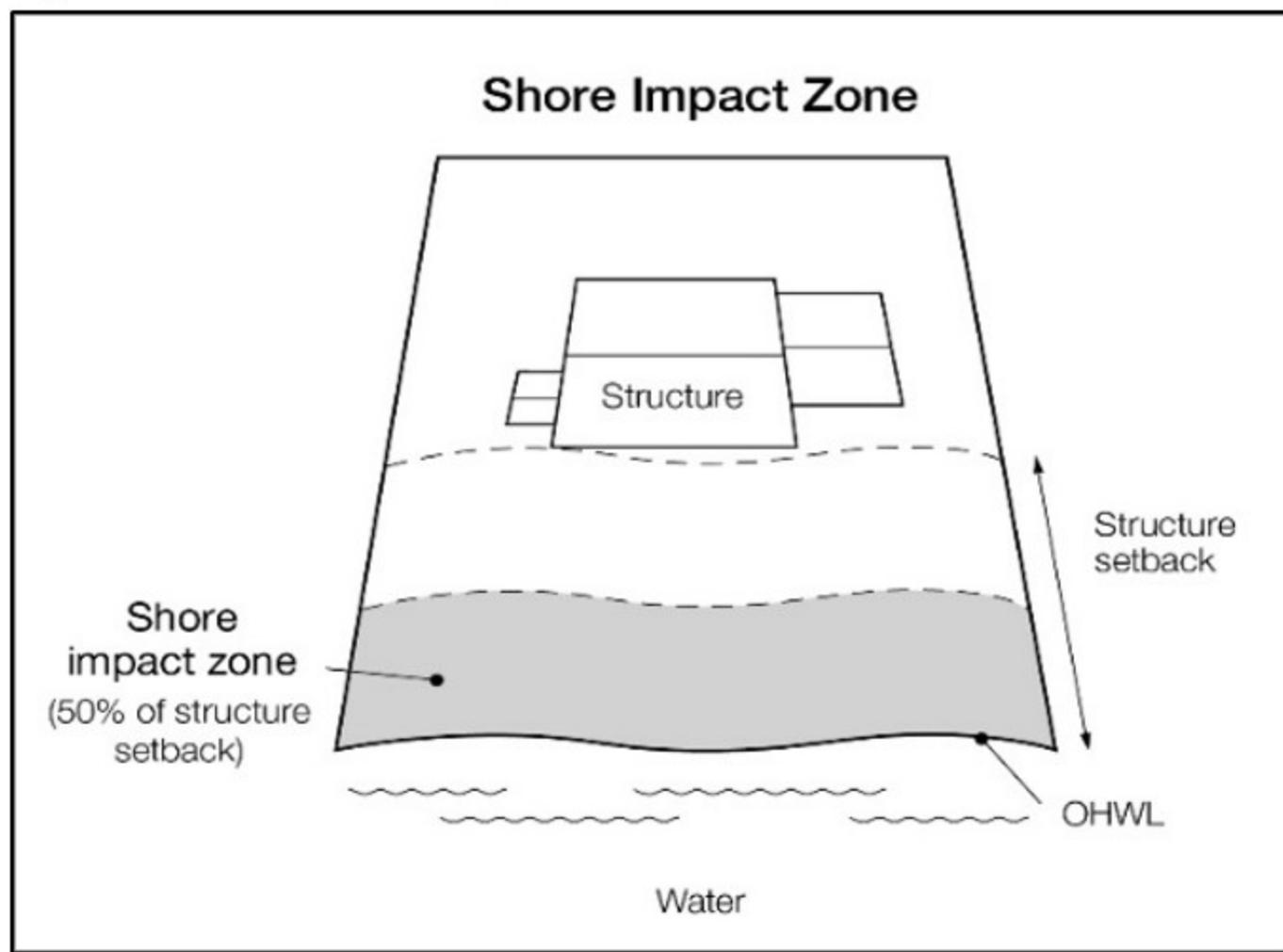
Regulations (overlay)

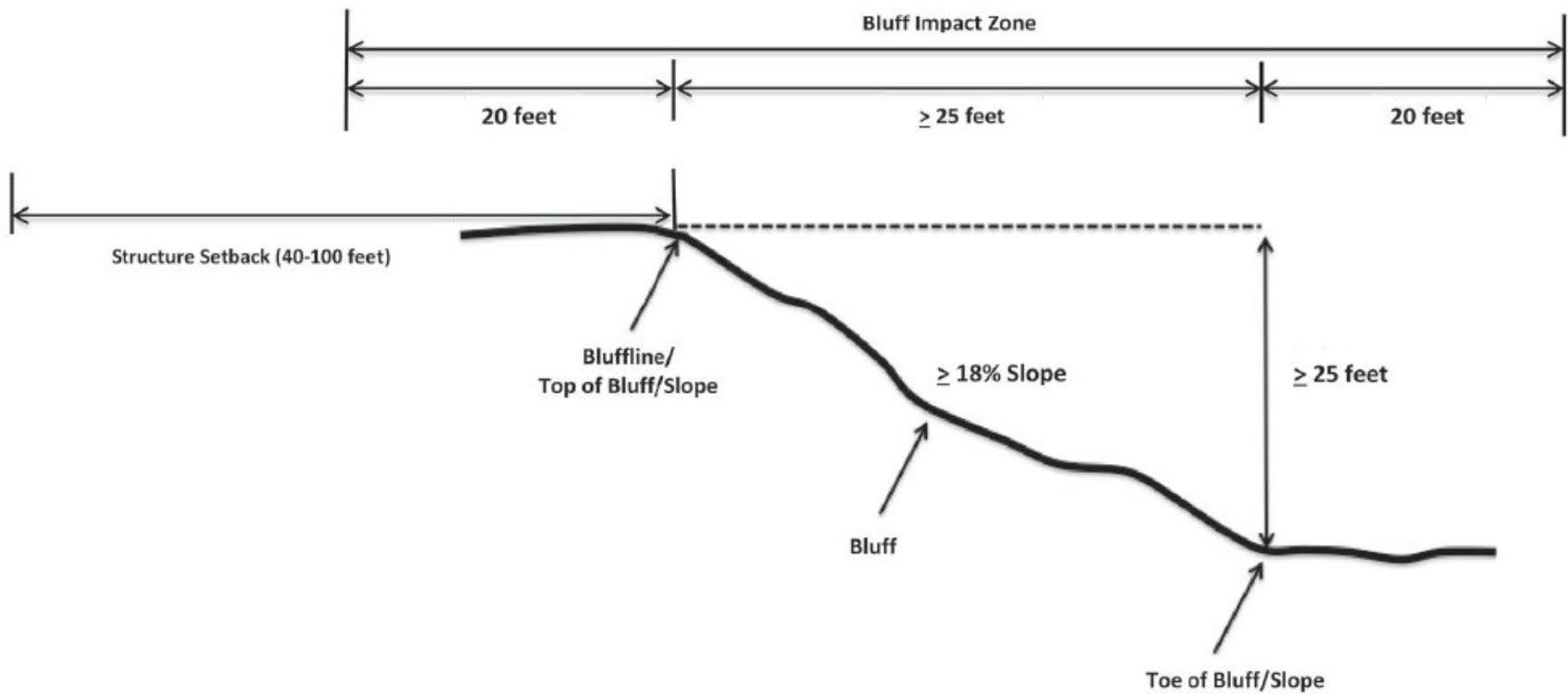
- Subdivisions
- Structure heights and setbacks from river and blufflines.
- Land alteration and erosion control
- Water access and viewing facilities
- Vegetation management
- Permitting

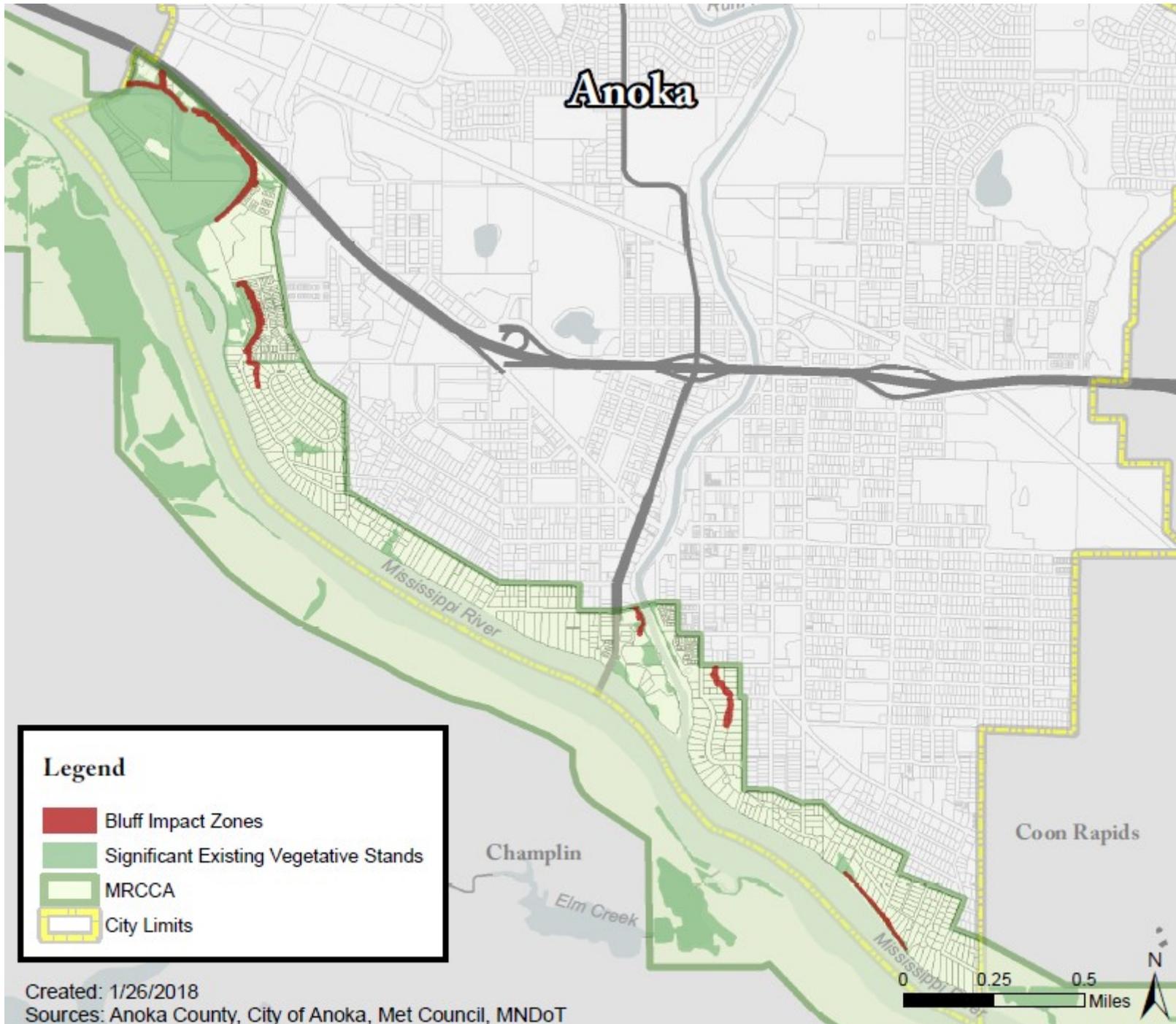
New Defined Terms

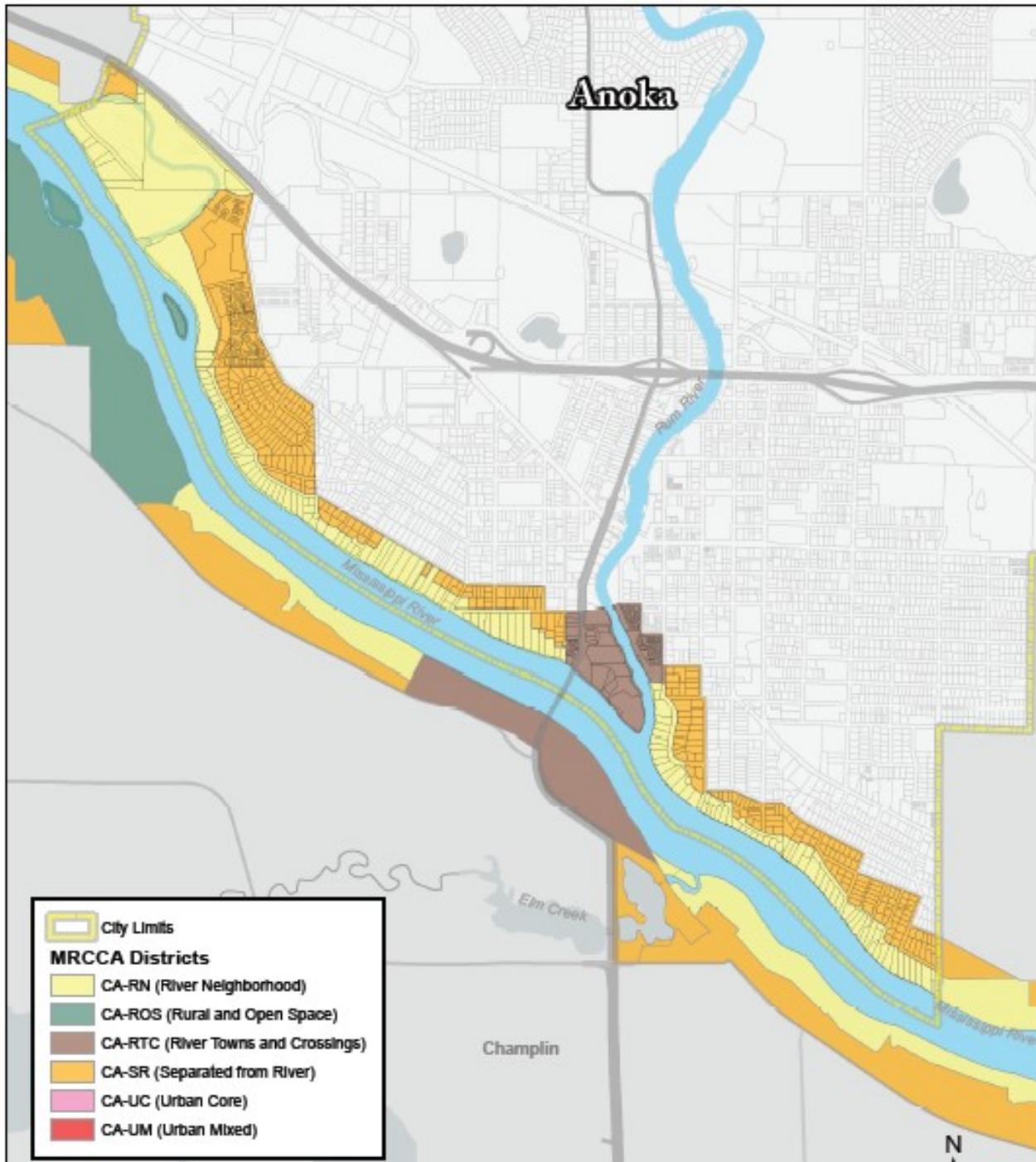
- **Bluff:** A natural feature with an average slope exceeding 18%
- **Bluff impact zone:** the bluff and land within 20 feet of bluff
- **Native plant communities:** Plant communities of 5 acres or more that meet the criteria ... to qualify as native plant community
- **Natural drainage ways:** Rivers and streams and other drainage ways
- **Shore impact zone:** 50% of the required setback from the river
 - (e.g., 100-foot setback from river, shore impact zoning is 50 feet from river.)
- **Significant existing vegetation stands:** largely intact and connected plant communities . . .

Figure 4. Shore Impact Zone









Build & Construction Standards	Rural Open Space (CA-ROS)	River Neighborhood (CA-RN)	River Towns and Crossings (CA-RTC)	Separated from River (CA-SR)	Urban Mixed (CA-UM)	Urban Core (CA-UM)
Maximum Structure Height	35'	35'	48'*	Underlying Zoning	65'*	Underlying Zoning
Mississippi River Structure Setback	200'	100'	75'	n/a	50'	Underlying Zoning
Bluff Structure Setback	100'	40'	40'	40'	40'	40'

*Greater height may be allowed with a Conditional Use Permit.

Nonconformities

- All legally established nonconformities as of the date of this ordinance may continue . . .
- Site alterations legally established prior to adoption are conforming (e.g., vegetation, erosion control)
- Expansion (laterally) of nonconforming structures
- Averaging of setbacks

Figure 5. Expansion of Nonconforming Structure

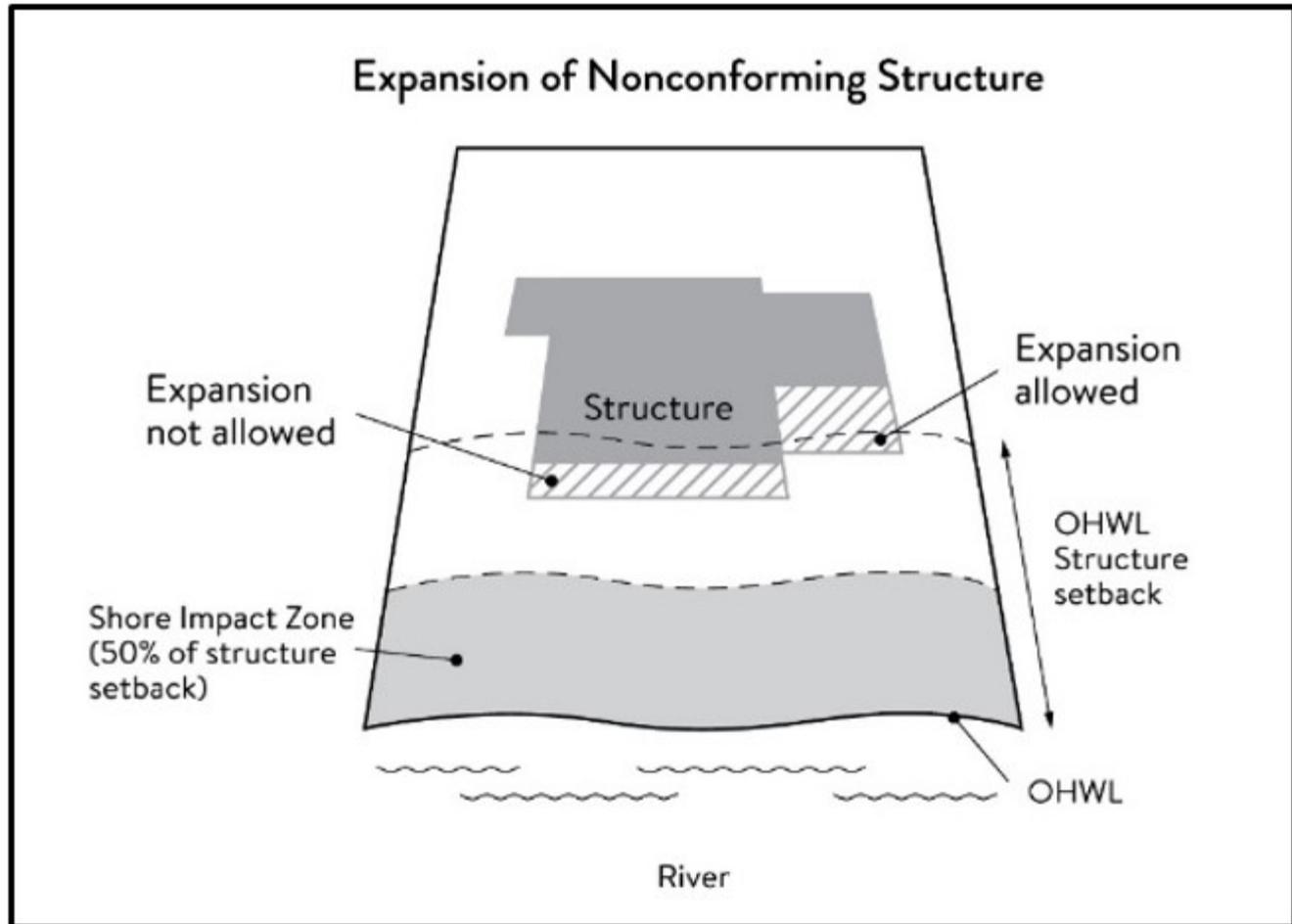
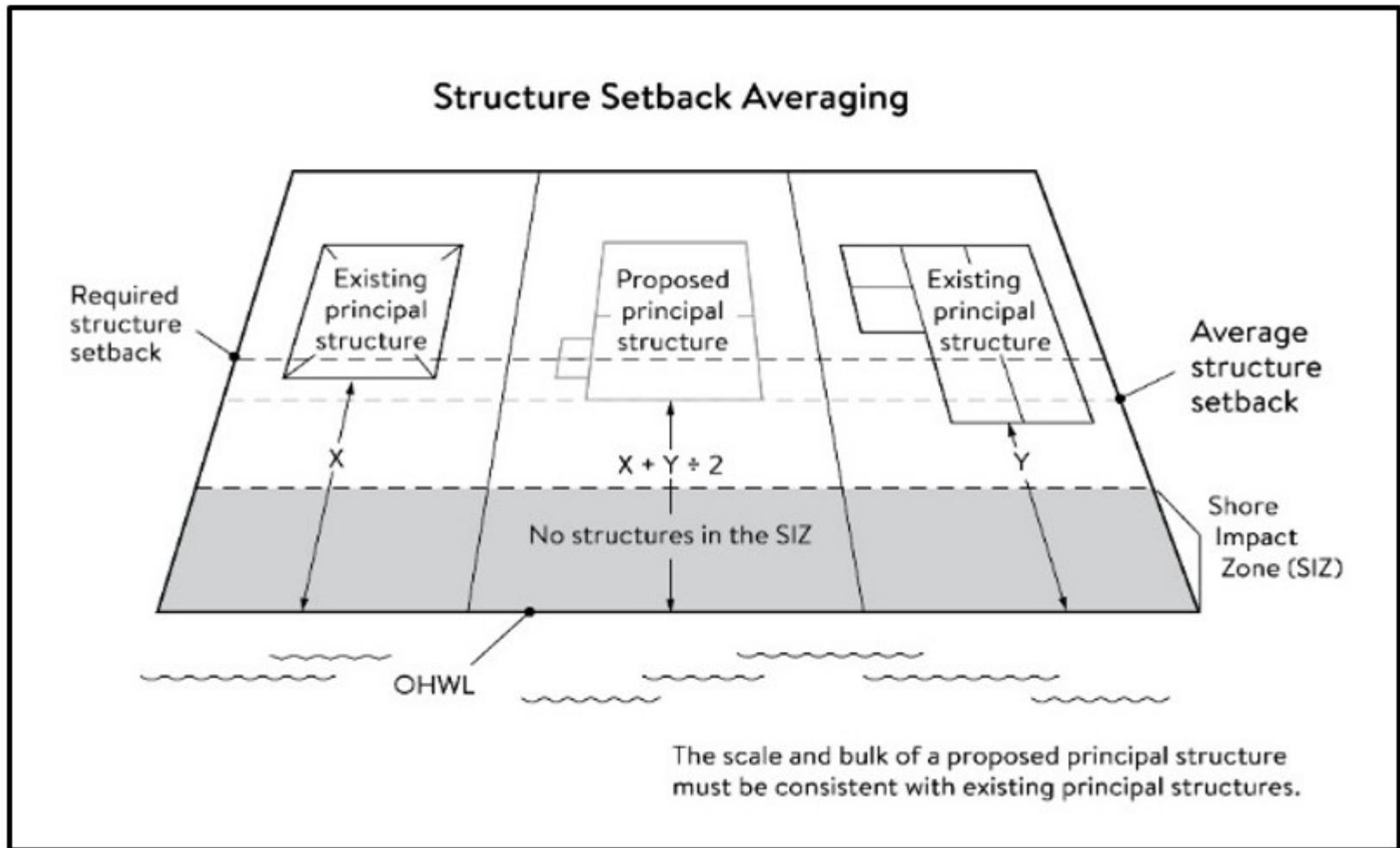
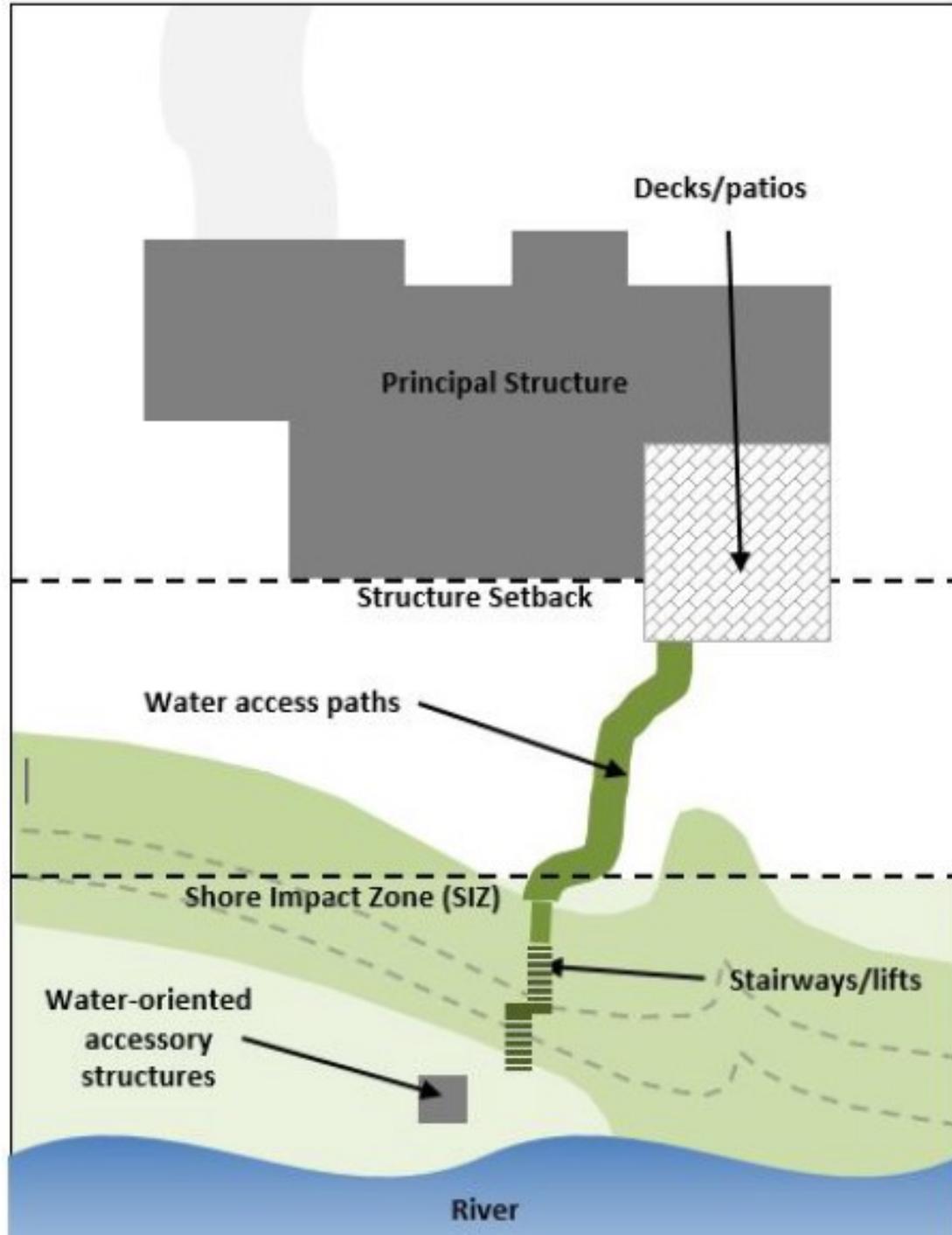


Figure 6. Structure Setback Averaging



Private Water Access and Viewing

- Paths
 - Limited to 8 feet wide within shore impact zone
 - Limited to 4 feet wide within bluff impact zone
- Ramps
 - Comply with Minnesota rules
 - Designed and constructed consistent with standards in Design Handbook for Recreational Boating and Fishing Facilities
- Stairways, lifts, and landings
 - Stairways and lifts limited to 4 feet wide on residential lots (no roofs)
 - Landings limited to 32 SF on residential lots (e.g., 8' x 4')
 - ADA allowances
- Accessory structures
 - Limited to 1 for every 300 feet of frontage
 - 120 SF max.
 - Prohibited in bluff impact zone
 - 12 feet tall max.



Fences

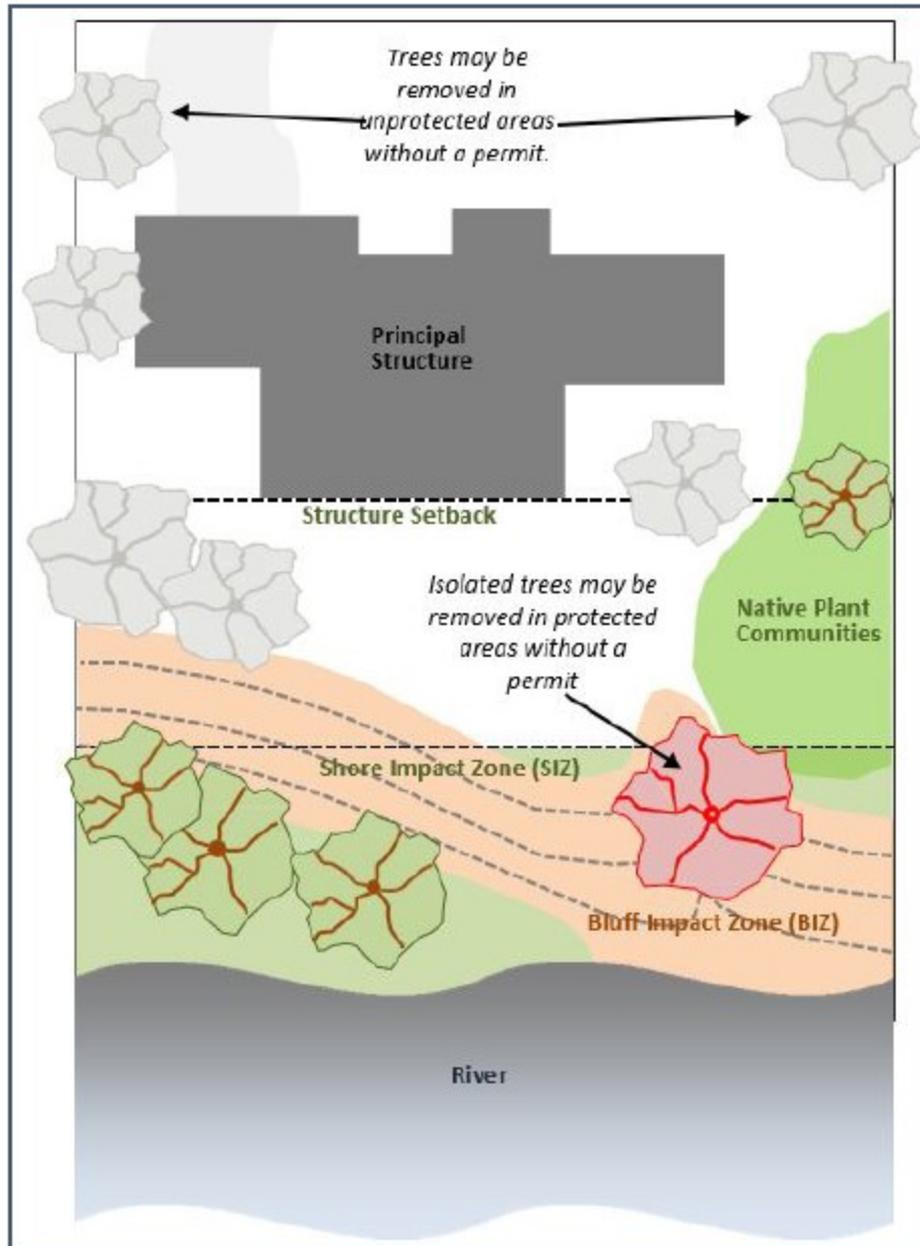
- Allowed between the principal structure and the river if:
 - Not taller than ~~6 feet~~ 4 feet
 - No located within a shore impact zone or bluff impact zone
 - Not located in the regulatory floodplain (100-year flood elevation)

Permitting

- Section applies to:
 - Shore impact zones
 - Bluff impact zones
 - Significant existing vegetative stands
- No permit
 - Lawn main., landscaping, gardens
 - Emergency removal of vegetation
 - Selective vegetation removal
 - Dead, diseased, dying, hazardous
 - To prevent spread of diseases or insect pests
 - Individual trees and shrubs
 - Invasive non-native species
- Vegetation permit:
 - Intensive clearing
- Prohibited
 - **Intensive removal** of all or a majority of trees or shrubs in a contiguous patch, strip, row or block **in protected areas** (shore impact zones, within 50 feet of wetland, native plant communities or significant vegetative stands)

Land Alteration

- Permit required for:
 - Activity that disturbs more than 1000 SF of soil within shore impact zone, 50 feet of public water, wetlands, or natural drainage ways.
 - Erosion control projects and repair of existing structures in the bluff impact zone
 - Riprap, retaining walls



Schedule for Ordinance Update

- July 24, 2023: City Council Work Session
- August 24, 2023: Open house
- September 6, 2023: Planning Commission (public hearing)
- September 18, 2023: City Council (1st reading)
- October 2, 2023: City Council (2nd reading)