CITY OF MARINE ON ST. CROIX
PLANNING COMMISSION
WORKSHOP

Tuesday, August 18, 2020 – 7 pm
Virtual meeting via Zoom

1. Call to Order

2. Zoning Code

    - Review and discuss updates
    - Next steps

3. Adjourn

How to join virtually

Visit https://zoom.us/j/4741920648
Or call: 1-312-626-6799
Meeting ID: 474 192 0648
One tap mobile: +13126266799,,4741920648#

MARINE ON ST. CROIX CODE

Consisting of Two Sections:
Zoning Ordinance and Subdivision Regulations

City of Marine on St. Croix
Washington County
State of Minnesota

Compiled and Published by Authority
of the Mayor and Council of the
City of Marine on St. Croix

November 2008

Last Update: June, 26, 2020

ZONING ORDINANCE

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MARINE ON ST. CROIX ZONING ORDINANCE

AN ORDINANCE REGULATING THE USE OF LAND IN THE CITY OF MARINE ON ST. CROIX, INCLUDING THE REGULATION OF THE LOCATION, SIZE, USE AND HEIGHT OF BUILDINGS, THE ARRANGEMENT OF BUILDINGS ON LOTS AND THE DENSITY OF POPULATION FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, CONVENIENCE AND GENERAL WELFARE OF MARINE ON ST. CROIX.

THE MARINE ON ST. CROIX CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. TITLE/APPLICATION

101. **Title.** This Ordinance shall be known, cited and referred to as the Marine on St. Croix Zoning Ordinance.

102. **Intent and Purpose.** This Ordinance is adopted for the purpose of:

(1) Protecting the public health, safety, morals, comfort, convenience and general welfare.

(2) Protecting and preserving economically viable agricultural land.

(3) Promoting orderly development of the residential, commercial, industrial, recreational and public areas.

(4) Conserving the natural scenic, and historic beauty and attractiveness of the city.

(5) Conserving and developing natural resources in the city.

(6) Providing for the compatibility of different land uses and the most appropriate use of land throughout the city.

(7) Minimizing environmental pollution.

103. **Authority.** This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.363.

104. **Application of This Ordinance.**

(1) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

(2) Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind applicable to the City, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

(3) Except as otherwise specifically provided in this Ordinance, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this Ordinance.

(4) When land is proposed to be annexed to Marine on St. Croix, a public hearing shall be held upon the permanent zoning of said land. The results of the hearing, along with a recommendation, shall be presented to the City Council. In the event of annexation proceedings becoming final before the permanent zoning is determined, the annexed area shall be placed in the most restrictive district and such classification shall be considered an interim step pending permanent classification.

105. **Relationship to Comprehensive Plan.** It is the policy of the City of Marine on St. Croix that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the City Comprehensive Plan as developed and amended from time to time by the Planning Commission and City Council of the City. The City Comprehensive Plan is the guiding document for zoning.

106. **Uses Not Provided for Within Zoning Districts.** Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases, the City Council or the Planning Commission on their own initiative or upon request, may conduct a study to determine if the use, is acceptable and if so, what zoning district would be most appropriate and what conditions and standards shall apply to the development of the use. The City Council, Planning Commission or property owner, upon receipt of the study shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration (as a permitted, conditional, or accessory use) or shall find that the use is not acceptable for development within the City.

107. **Separability.** It is hereby declared that the several provisions of this Ordinance are separable in accordance with the following:

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

(2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings, or structures.

108. **Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Zoning Ordinance are severable; and if any phrase, clause, sentence, paragraph or section of this Zoning Ordinance shall be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Zoning Ordinance.

SECTION 2. RULES AND DEFINITIONS

201. **Rules.** The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

(1) The word "shall" is mandatory, and the word "may" is permissive.

(2) Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.

(3) All measured distances expressed in feet shall be to the nearest tenth of a foot.

(4) In the event of conflicting provisions, the more restrictive provisions shall apply.

202. **Definitions.** The following words and terms, whenever they occur in this Ordinance, are defined as follows:

Accessory Apartment. An apartment clearly subordinate and accessory to a single family dwelling, consisting of kitchen and cooking facilities, a bathroom, and bedroom area.

Accessory Building. A structure subordinate from the principal structure intended for another use (see use, accessory).

Accessory Use of . (see Use, Accessory)

Agricultural Use - The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income, including but not limited to the following:

(1) Field crops/orchards, including: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, sunflowers, fruit growing, tree farms, not including retail nurseries, and garden centers.

(2) Livestock including: dairy and beef cattle, goats, horses, sheep, hogs, Poultry, game birds and other animals including dogs, ponies, deer, rabbits and mink.

(3) Livestock products, including: milk, butter, cheese, eggs, meat, fur, and honey.

Agricultural Building or Structure - Any building or structure existing or erected which is used principally for agricultural purposes, with the exception of dwelling units.

Airport or Heliport - Any land or structure which is used or intended for use for the landing and take-off of aircraft, and any appurtenant land or structure used or intended for use for port buildings or other port structures or rights-of-way.

Alley – A public right-of-way which provides secondary access to the rear yard of an abutting

property.

Antenna Related Definitions:

(1) **Accessory and/or Secondary Use:** Those antenna including radio and television receiving antennas, satellite dishes, television receive onlys (TVROs) two (2) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment such as radio receivers, ham radio transmitters and television receivers that are customary and incidental to allowed principal uses within the various zoning districts of the City.

(2) **Personal Wireless Service:** A device consisting of metal, carbon fiber, or other electromagnetically conducive rods or elements, usually arranged in a circular array on a single supporting pole or other structure, and used for the transmission and reception of wireless communication radio waves including cellular, personal communication service (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services and including the support structure thereof.

(3) **Public Utility Microwave:** A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless telephone communications, and including the support structure thereof.

(4) **Radio and Television, Broadcast Transmitting:** A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio, or television programming, and including the support structure thereof.

(5) **Radio and Television Receiving:** A wire, set of wires, metal or carbon fiber element(s), other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the support structure thereof.

(6) **Satellite Dish:** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television, receive only) and satellite microwave antennas and the support structure thereof.

(7) **Satellite Dish Height:** The height of the antenna or dish measured vertically from the highest point of the antenna or dish when positioned for operation, to the top of the foundation which supports the antenna.

(8) **Short-Wave Radio Transmitting and Receiving:** A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave radio communications, and including the support structure thereof.

(9) **Support Structure:** Any building or other structure other than a tower which is intended to be used for location of antennas.

(10) **Temporary Mobile:** Any mobile tower, pole, or structure located on a trailer, vehicle, or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, also commonly referred to as Cellular on Wheels (COW).

(11) **Tower:** A self-supporting lattice, guyed or monopole structure constructed from grade which supports personal wireless service antennas. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.

Apartment - A room or suite of rooms with cooking facilities available which is occupied as a residence by a single-family, or a group of individuals living together, as a single-family unit. This includes any unit in buildings with more than two dwelling units.

Applicant: The owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this Ordinance are being considered or reviewed.

Auto or Motor Vehicle Reduction Yard - A lot or yard where one or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also Junk Yard)

Barn - a farm building used for storing grain, hay or for housing livestock.

Basement - A portion of a building located partly underground ~~but~~ and having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.

Bluffline – A line along the top of a slope connecting the points at which the slope, proceeding away from the river or adjoining watershed channel, becomes less than twelve (12) percent and it only includes slopes greater than twelve (12) percent visible from the river or any watercourse tributary to the river. The location of the bluffline for any particular property shall be certified by a registered land surveyor or the Zoning Administration Staff. More than one bluffline may be encountered proceeding away from the river or adjoining watershed channel. All setbacks required herein shall be applicable to each bluffline.

Boarding House ~~(Rooming or Lodging House)~~ - A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, ~~meals or lodgings~~ are provided for up to six people. ~~three or more persons, but not to exceed twenty persons.~~

Building - Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind, and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed to be a separate building.

Building Code – Refers to the Building Code adopted by the City including the Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75, and specified

chapters of the Uniform Building Code.

Building Envelope - The boundaries on a ~~homesite~~ lot within which all construction requiring a building permit may occur.

Building Line - A line at grade level which represents the exterior foundation wall surface of a building and from which horizontal setback distances are measured.

Building Line, Shoreland - A line measured across the width of the lot where the main structure is placed in accordance with setback provisions from the ordinary high water mark.

Building Height - The vertical distance to be measured from the mean ground level of the building footprint area before construction to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

Building Setback - The minimum horizontal distance between the building and a lot line, or the normal high water mark of a lake.

Business - Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

Business, Retail – An establishment engaged in the display and sale of products produced off-site directly to consumers within a building or portion of a building excluding any exterior display and sales.

Business, Service – An establishment that provides useful labor, maintenance, repair and activities incidental to business production or distribution.

Carport - An automobile shelter having one or more open sides ~~open~~.

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

Church - A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

City Council – The governing body of the City of Marine on St. Croix.

Clear-Cutting - The removal of an entire stand of vegetation.

Cluster; Cluster Development; Neighborhood Cluster - A grouping of residential or other structures arranged with the expressed intent of preserving open spaces and natural resources for community use, establishing a sense of community among residents, and reducing the costs and impact of infrastructure development and service delivery.

Comprehensive Plan or Policies - A compilation of goals, policy statements, standards, programs, and maps for guiding the physical, social, and economic development, both public and private, of the county and its environs, as defined in the Minnesota City Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Commissioner – Commissioner of the Department of Natural Resources.

Conditional Use - (see Use, Conditional)

Condominium - A form of individual ownership with a multi-family building with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.

Cooperative - A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.

Conservancy - A zoned area, the purpose of which is to protect and manage the natural resources. ~~and manage areas unsuitable for development.~~

Curb Level - The grade elevation established by the City Council of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.

Deck - A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached to a structure and at any point extending above the ground.

Drive-In - Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether service is also provided within a building.

Dwelling – For purposes of this Ordinance, a dwelling shall be defined as a building or portion thereof, designated exclusively for residential occupancy, including the following, but not including hotels, motels and boarding houses:

(1) Dwelling, Multiple Family (Apartment). A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but sharing hallways and main entrances and exits.

(2) Dwelling, Single Family. A detached dwelling unit designed exclusively for occupancy by one family.

(3) Dwelling, Townhouses. Structures housing three (3) or more dwelling units of not more than two (2) stories each and contiguous to each other only by the sharing of one common wall, such structures to be of the town or row house type as contrasted to multiple dwelling apartment structures. Each dwelling unit shall have separate and individual front and rear entrances from the exterior.

(4) Dwelling, Two Family. A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

(5) Dwelling, Twin home. A two-family dwelling with two (2) units side by side.

(6) Dwelling, Duplex. A two family dwelling with one unit above the other.

Easement - A grant by a property owner for the use of ~~a strip of~~ land for the purpose of constructing and maintaining streets, trails, sidewalks, drives, and/or utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

Essential Services - Overhead or underground electrical, gas, steam, or water transmission or distribution systems and structures or collection, communication supply or disposal systems, and structures used by public utilities or governmental departments or commission as are required for the protection of the public health, safety, or general welfare, including towers, poles wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories connection therewith but not including buildings. For the purpose of this ordinance, the word "buildings" does include "structures" for essential services. Essential services shall not include waste facilities or personal wireless service antennas, cell towers or support structures.

Exterior Storage (Includes Open Storage) - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Mineral Extraction Area - Any non-agricultural artificial excavation of earth for the purpose of mining exceeding fifty square feet of surface area ~~or~~ and two feet in depth, excavated for the removal ~~from the natural surface~~ of ~~the~~ earth, soil, sand, gravel, stone, or other ~~natural matter, made by turning or breaking or undermining the surface the earth~~ minerals.

Family - An individual or two or more persons related by blood, marriage, domestic partnership, or adoption, foster care, living together as a single housekeeping unit in a dwelling unit, exclusive of usual service.

Farm - An unplatted tract of land containing approximately more than ten (10) acres, or two or more abutting parcels under the same ownership having a total area of more than ten (10) acres on which crops and often livestock are raised for a principal or major source of income. Such farms may include dwelling and accessory buildings and structures necessary to the operation of the farm.

Farm, Hobby - A platted or unplatted tract of land generally consisting of ten (10) or less acres in size with a house and accessory buildings on which crops and often livestock are raised ~~but not as a principal or major source of income~~. A hobby farm shall not qualify for exemptions provided in this Ordinance for farms.

Feedlots, Livestock - The place of confined feeding of livestock, poultry or other animals for food, fur, pleasure or resale purposes in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which substantial amounts of manure or related other wastes may originate by reason of such feeding of animals. Not permitted in any zoning district.

Fence - A fence is defined, for the purpose of this ordinance, as any partition, structure, wall or gate erected as a divider marker, barrier or enclosure and located along the boundary or within the required yard.

Flood Related Definitions:

(1) Flood - A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

(2) Flood Frequency - The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

(3) Flood Fringe – That portion of the floodplain outside of the floodway which has been or hereafter may be covered by the regional flood.

(4) Floodplain - The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

(5) Flood Proofing - A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

(6) Floodway - The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

(7) Regional Flood – A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

(8) Regulatory Flood Protection Elevation - A point not less than one foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this ordinance are required to be elevated or flood-proofed.

~~**Floor Area** - The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.~~

Floor Area Ratio - The numerical value obtained through dividing the gross floor area of a building or buildings by net area of the lot or parcel of land on which such building or buildings are located.

Floor Plan, General - A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.

~~**Forestry** - The use and management, including logging of a forest, woodland, or plantation and related research and educational activities, including the construction, alteration, or maintenance of wood roads, skid ways, landings, and fences~~.

Frontage - That boundary of a lot which abuts an existing or dedicated public street.

Garage, Private - An accessory building or accessory portion of the principal building, including carports, which is intended for and used to store the private passenger vehicles of the ~~family or families resident upon the premises~~ residence.

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

Home Occupation - Any gainful occupation or profession engaged in by the occupant of a dwelling in the dwelling or accessory building ~~including~~ may include professional offices, minor repair services, photo or art studios, dressmaking, ~~barber shops, beauty shops,~~ salons, crafts, or similar uses.

Horse Boarding - Those uses commonly associated with the raising, maintaining, and training- of horses for riding, racing, or breeding. This shall also apply to cattle, mules, donkeys and llamas.

Horse Boarding related definitions:

1. **Pasture:** An area used by animals for feeding on grasses growing on site, the animals commonly occupying the area without constraints other than peripheral fences.

2. **Corral:** A relatively confined enclosure for the exercising, showing, training, etc. of animal; the more intensive use precluding the growth of significant areas of grasses or other nutrients.

Horticulture - ~~Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.~~ The practice of garden cultivation and management.

Hotel - A building which provides a common entrance, lobby, halls and stairway in which people are, for compensation, lodged with or without meals.

Junk Yard - An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.

Kennel - Any structure or premises on which four (4) or more dogs over four (4) months of age are kept for sale, breeding, profit, etc.

Landscaping - Plantings such as trees, grass, and shrubs.

~~**Lodging Room** - A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.~~

Lot - A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.

Lot of Record - Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County-Recorder for Washington County, Minnesota, prior to the effective date of this Ordinance.

Lot Area - The area of a lot in a horizontal plane bounded by the lot lines.

Lot, Corner - A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five degrees.

Lot Depth - The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line - The property line bounding a lot except that where any portion of a lot extends into the public right-of-way shall be the lot line for applying this ordinance.

Lot Line, Front - That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street. If-the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the County Recorder.

Lot Line, Rear - That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side - Any boundary of a lot which is not a front lot line or a rear lot line.

Lot Substandard - A lot or parcel of land for which a deed has been recorded in the office of the Washington County Recorder upon or prior to the effective date of this ordinance which does not meet the minimum lot area, structure setbacks, or other dimensional standards of this ordinance.

Lot, Through - A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines for applying this Ordinance.

Lot Width - The maximum horizontal distance between the side lot lines of a lot measured at the required front setback line and at the required setback from the ordinary high water level of adjoining lake, river, or tributary for a riparian lot.

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

Metes and Bounds - A method of property description by means of their direction and distance from an easily identifiable point.

Mining - The extraction of ~~land~~ earth, gravel, rock, soil or other mineral material from the land ~~in the mount of one thousand cubic yards or more~~ and the removing thereof from the site with or without processing. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.

Modular Home - A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.

~~**Motel (Tourist Court)** - A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used, or intended to be used primarily for the accommodation of automobile transients.~~

Municipal Government and Utility Buildings – Any building used by the City of Marine on St. Croix.

Neighborhood - A district, or area, distinguishable by some identifiable-feature or point of reference, in which people live in close proximity to one another.

Nursery, Landscape - A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without for the purpose of landscape construction.

Nursing Home - A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provided for in current Minnesota Statute~~, Section 144.50~~.

Obstruction – Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredged soil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile of sand or gravel or other material, or matter in, along, across, or projecting into any channel, watercourse, lake bed, or regulatory floodplain which may impede, retard, or change the direction of flow, either in itself or by catching or collecting debris carried by flood water.

Official Map(s) - ~~The~~ Any map ~~established~~ officially adopted by the City Council~~, in accordance with the County Planning Act, (MSA 394.361), showing streets, highways, parks, and drainage, both existing and proposed~~.

Off-Street Loading Space - A space accessible from a street, alley or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type typically used in the particular business.

Open Space – The undeveloped ~~land~~ portion of ~~the subdivided~~ a property providing ~~visual expanses and recreational~~ areas clear of obstructions other than natural vegetation, or structures directly related to the use and enjoyment of these spaces. Open spaces may include view sheds, natural habitats, places for neighborhood recreation, and pedestrian corridors.

Open Space Natural Habitat - Contiguous, connected areas preserved or restored in their natural condition, where indigenous plants and animals live.

Open Space Neighborhood Recreation - Specific areas, such as playground parks, greens, and commons, spatially defined and maintained for human recreational activity.

Open Space Pedestrian Corridors - Linear areas for pedestrian travel between open spaces or places of destination, such as walking trails and bicycle paths.

Open Space View Shed - A directional view or vista of an open space from a specified location.

Open Sales Lot (Exterior Storage) - Any land used or occupied, for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.

Ordinary High Water Mark - A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from

predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel adjoining side channels, backwaters, and sloughs.

Outlot - A parcel of land having a legal description which has specific deed restrictions regarding use and types of permitted construction, and for which ~~no building permits can be issued, except for the construction of open air structures~~ principle structures may be built.

Parking Space - A suitably surfaced and permanently maintained area ~~on privately owned property~~ either within or outside of a building of sufficient size to store one standard automobile.

Pedestrian Way - A public or private right-of-way across or within a block, parcel or tract to be used by pedestrians.

Person – The term "person" shall extend and be applied to associations, clubs, societies, firms, partnerships, and bodies politic and corporate as well as to individuals. For the purpose of imposing penalties or fines for violation of any section of this Ordinance and whenever the term "person" is used in such section for which a penalty is imposed, the term shall include partners or members of an association, and as to corporations shall include its officers, agents or members who are responsible for any such violation.

Planned Unit Development - An urban development whereby buildings are grouped or clustered in and around common open space areas in accordance with a pre-arranged site plan.

Planning Commission - The Planning commission of Marine On St. Croix, except when otherwise designated.

Pole Building – Any structure possessing any or all of the following characteristics: a structural system consisting of poles set into grade or on individual footings; a foundation which is non-continuous; a metal cladding without sheathing on three or more sides of the structure; a floor which is non-impervious.

Prefabricated Home - A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

Principal Structure or Use - (see Use, Principal)

Productive Acre – An acre of land on which crop tilling or pasturing can take place but is not to include building area or land susceptible to standing water.

Property Line - The legal boundaries of a parcel of property which may also coincide with a right-of-way line of a road, cart way, and the like.

Protective Covenant - A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.

Public Land - Land owned or operated by municipal, school district, county, state, or other governmental units.

Public Water - A body of water capable of substantial beneficial public use. This shall be construed to mean any body of water which has the potential to support any type of recreational pursuit or water supply purpose. ~~However, no lake, pond or flowage of less than twenty-five (25) acres in size and no river or stream having a total drainage area less than two (2) square miles need be regulated by the city for the purpose of these regulations. A body of water created by a private user where there was no previous shore land, as defined herein, for a designated private use authorized by the Commissioner shall be exempt from the provisions of the statewide standards and criteria.~~ (Complete definition as defined by Minnesota State Statute.)

Recreation, Public - Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government or granted by public entity for the purpose of providing recreation.

Recreation, Commercial - Includes all uses such as bowling alleys, driving ranges, and movie theaters that are privately owned and operated with the intention of earning a profit ~~by providing entertainment for the public~~.

Recreation Equipment - Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, playhouses exceeding twenty-five square feet of floor area, or sheds utilized for storage of equipment.

Reclamation Land - The improvement of land by deposition of material to elevate the grade. Any parcel upon which four hundred (400) cubic yards or more of fill are deposited shall be considered as reclaimed land.

Registered Land Survey - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. See ~~Minnesota Statutes 508.47~~ applicable State Statute.

Restaurant – A building with facilities for the preparation and serving of meals and where meals are regularly served at table to the general public.

Residential Care Facilities -

Road - A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated. Ingress and egress easements shall not be considered roads.

St. Croix Riverway - All lands and public waters within the riverway boundary subject to the

Standards and Criteria for the Lower St. Croix National Scenic Riverway in Minnesota.

Scenic Easement - An interest in land, less than fee title, that limits the use of the land for the purpose of protecting the scenic, recreational, and natural characteristics of area. Unless otherwise expressly and specifically provided by mutual agreement of the parties, the easement shall be perpetually held for the benefit of the people of Minnesota; specifically enforceable by its holder or any beneficiary; and binding on the holder of the servient estate, their heirs, successors, or assigns. Unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.

Selective Cutting - The removal of single scattered trees.

Sewage - Sewage is any water-carried domestic waste, exclusive of footing and roof drainage of any residence, industry, agriculture or commercial establishment, whether treated or untreated and includes the liquid wastes produced by bathing, laundry and culinary operation, and from toilets and floor drains. Raw sewage is sewage which has not been subjected-to any treatment process.

Sign Related Definitions:

(1) Sign - A name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

(2) Sign, Advertising - A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located: a billboard.

(3) Sign Area – The entire area within a continuous perimeter enclosing the extreme limits of a sign. The maximum square footage of a multi-faced sign shall not exceed two (2) times the allowed square footage of a single faced sign.

(4) Sign, Farm - A sign on premise identifying a farm or equine operation. A sign advertising farm products which are produced by the owner or occupant of the premises on which the sign is displayed.

(5) Sign, Flashing – An illuminated sign which has a light source not constant in intensity or color at all times while the sign is in use.

(6) Sign, Warning – A sign which warns the public of a danger or hazard in the immediate vicinity and is obviously not intended for advertising.

Significant Tree – Any indigenous tree species measuring six (6) inches or more in diameter measured at a point five (5) feet above the ground, and which is not diseased, dead, or dying.

Site Plan – Detailed plan for the development and intended use of a particular piece of land.

Slope – Angle of ascent or descent as defined by a Certified or Registered Survey.

~~**Significant**~~ **Slope, Riverway -** All lands between the ordinary high water mark and the riverway boundary having an angle of ascent or descent of more than twelve (12) percent from the horizontal.

Slope, Steep – [suggested addition if used in code]

Story - That portion of a building included between the surface of any floor and the surface of the floor next above.

Street - A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road, or way.

Street, Collector - A street which serves or is designed to serve as a traffic-way for a neighborhood or as a feeder to a major road.

Street, Major or Thoroughfare - A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Street, Local - A street intended to serve primarily as an access to abutting properties.

Street Pavement - The wearing or exposed surface of the roadway used by vehicular traffic.

Street Width - The width of the street pavement, measured at right angles to the centerline of the street.

Structural Alteration - Any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Structure - Anything constructed, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

Structure, Open Air – Open sided structure such as gazebo or deck.

Subdivision - The division or re-division of a lot, tract, or parcel of land into two or more lots either by plat or by metes and bounds description.

Tavern - A building with facilities for the serving of alcoholic beverages.

Toxic and Hazardous Wastes - Waste materials, as defined in State and Federal laws, including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar harmful chemicals and wastes which

require special handling and must be disposed of in a manner prescribed by State and Federal governments which conserves the environment and protects the public health and safety.

Use - The purpose or activity for which the land and/or building thereon is designated, arranged, or intended for which it is occupied, utilized or maintained.

Use, Accessory - A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

Use, Conditional - A use classified as conditional generally may be appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

Use, Interim – A temporary use of property until a particular date, until the occurrence of a particular event, or until the use is no longer allowed by zoning regulations.

Use, Non-Conforming - Use of land, buildings, or structures legally existing at the time of the adoption of this Ordinance which do not comply with all the regulations of this ordinance or any amendments hereto governing the zoning district in which such use is located.

Use, Permitted - A public or private use which of itself conforms with the purposes, objectives, requirements, regulations, and performance standards of a particular district.

Use, Principal - The main use of land or building distinguished from subordinate or accessory uses. A "principal use" may be either permitted, interim or conditional.

Variance - A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of this Ordinance would cause ~~an undue or unnecessary hardship~~, practical difficulty with the use of the property or strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances.

Viewshed - the view of an area from a specific vantage point.

Visually Inconspicuous - Difficult to see or not readily noticeable in summer months as viewed from the river.

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

Wetland - Land which has been delineated by Washington County Conservation District or conforms to their definitions. ~~is annually subject to periodic continual inundation by water and commonly referred a bog, swamp, or marsh, including the following conditions:~~

~~(1) Hydric Soils. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.~~

~~(2) Hydrophytic Vegetation. Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.~~

~~(3) Wetlands. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this Ordinance, wetlands must have the following three attributes:~~

~~(a) Have a predominance of hydric soils.~~

~~(b) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.~~

~~(c) Under normal circumstances, support a prevalence of such vegetation.~~

~~**Wetland Transition Area** - Land area around a wetland which could be encroached upon by standing water during a heavy storm, and which provides a natural habitat for local wetland plants and animals.~~

Yard - A required open space on a ~~lot~~ parcel which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. ~~The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.~~

Yard, Measurement – The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

Yard, Rear - The portion of the yard on the same ~~lot~~ parcel with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

Yard, Side - The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

Yard, Front - A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

Zoning Administration Staff - The duly appointed person(s) charged with enforcement of this Ordinance.

Zoning Amendment - A change authorized by the city either in the allowed use within a district or in the boundaries of a district.

Zoning District - An area or areas within the limits of the city for which the regulations and requirements governing use are uniform.

Zoning Map – The map or maps incorporated into this Ordinance as part thereof, geographically depicting the zoning districts in Marine on St. Croix.

SECTION 3. ADMINISTRATION

301. **Zoning Administration Staff.** The City Council of Marine On St. Croix shall appoint or contract for the services of Zoning Administration Staff whose term of office shall terminate at the pleasure of the City Council. The Zoning Administration Staff shall enforce this Ordinance and shall perform the following duties:

(1) Issue building and other permits and make and maintain records thereof.

(2) Conduct inspections of locations of buildings and uses of land to determine compliance with the terms of this Ordinance.

(3) Maintain permanent and current records of this Ordinance, including but not limited to all maps, amendments, conditional uses, variances, appeals, and applications therefore.

(4) Receive, file, and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.

(5) Institute, in the name of the City, any appropriate actions or proceedings against a violator as provided for in this Ordinance.

(6) The Zoning Administration Staff shall have the power to enter, at reasonable times with notice when possible, upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

302. **Appeals and Board of Adjustment.** The Marine On St. Croix City Council shall serve as the Board of Adjustment. The City Council shall act upon all questions as they arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing the Ordinance. Such appeal may be taken by any person (see Section 202, Person).

The City Council shall also have the power to grant variances to provisions of the Zoning Ordinance under certain conditions. The conditions for the issuance of a variance are as indicated in Section 311 of this Ordinance. No use variances (i.e., one authorizing a land use other than one permitted by this Ordinance in the district) shall be issued by the City Council.

Hearings by the City Council shall be held within such time and upon such notice to interested parties as is provided in its adopted rules for the transaction of its business. The City Council shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney. Pursuant to Minnesota Statute 15.99, as may be amended, an appeal shall be approved or denied within sixty (60) days from the date of its official and complete submission unless notice of extension is provided by the City or a time waiver is granted by the applicant.

303. **Duties of the Planning Commission in Zoning Administration.** The Planning Commission shall provide assistance to the City Council and Zoning Administration Staff in the administration of this Ordinance. The recommendations of the Planning Commission shall be advisory in nature. Specifically, the Planning Commission shall review, hold public hearings, and make recommendations to the City Council on all applications for zoning amendments, conditional use permits, interim use permits, and variances using the criteria in Sections 307, 308, 309 and 311.

304. **Applications.**

304.1 **Application Forms, Exhibits, and Fees.** The applicant shall file the completed application form together with the required exhibits with the Zoning Administration Staff, and shall pay a filing fee as established by the City Council. Detailed information about required exhibits is found within subsections for specific application types.

304.2.1 **Cost Recovery.**

(1) Purpose. The costs of the City for receiving, analyzing, processing, and hearing requests of changes, modification, or special consideration under this Ordinance, such as requests for rezoning (area or text), conditional use permits, and variances are considered to be unique to the applicant requesting such consideration, and it is the intent of this section to provide that all costs of the City occasioned by such requests shall be borne by the applicant. The reimbursement to the City shall be limited to out-of-pocket costs of the City. Out-of-pocket costs shall include all engineering, legal, planning, or other consultant fees or costs paid by the City for other consultants for expert review of an application.

(2) Basic Zoning Fee. Each applicant shall pay a non-refundable basic zoning fee at the time an application is presented to the City for a zoning change of any nature, site and building plan review, a conditional use permit, or a variance. This fee is intended to reimburse the City for its reasonable costs for administrative processing of a development application. If this fee proves to be insufficient to cover such costs, such additional costs will be charged as a part of the zoning deposit, or the supplemental zoning deposit.

(3) Zoning Deposit. In addition to the non-refundable basic zoning fee, the City may require the applicant to pay a zoning deposit in an amount prescribed by the City Council by resolution. All out-of-pocket costs including, but not limited to, planning, engineering, legal, or other consultant fees or costs, incurred by the City in the processing of the application shall be paid or reimbursed to the City, from the zoning deposit. Out-of-pocket costs not fully paid or reimbursed from the basic zoning fee shall be paid or reimbursed from this deposit or the supplementary zoning deposit.

(4) Supplemental Zoning Deposit. At any time while the application is pending and before its final conclusion, if the City Clerk determines that the amount of the zoning deposit is or is estimated to be insufficient to pay for present or anticipated out-of-pocket costs of the application, a supplementary zoning deposit shall be required by the Zoning Administration Staff to be paid by the applicant. The one or more supplementary zoning deposits shall be in an amount sufficient to pay all out-of-pocket costs of the City.

(5) Refunds – Administrative Costs. The basic zoning fee is non-refundable.

(6) Refunds – Direct Costs. If the out-of-pocket costs of the City in processing the application are less than the amount of the zoning deposit and any supplementary zoning deposit, any such overage shall be refunded to the applicant upon the conclusion of the proceedings, and any such costs in excess of the supplementary zoning deposits on hand with the City shall be paid by the applicant prior to completion of the proceedings by the City.

Performance Agreement. Except in the case of non-income producing residential property that is not part of a planned unit development, upon approval of a conditional use permit, variance, site plan and/or planned unit development, the City may require the applicant to enter into a performance agreement prior to the issuing of building permits or initiation of work on the proposed improvement or development. Said agreement shall guarantee conformance with the conditions of the approval and the codes of the City. The performance agreement shall be prepared and approved by the City Attorney and shall contain, but not be limited to, the following terms and conditions:

(1) Financial Security. The performance agreement shall require the applicant to provide financial security to assure compliance with the agreement and conditions of the approval. The security may be in the form of a surety bond, cash escrow, certificate of deposit, irrevocable letter of credit, securities or cash deposit. The security shall be in an amount determined by the City Engineer or Building Official under the direction of the Zoning Administration Staff, and approved by the Council, to cover estimated costs of labor and materials for the proposed improvements or development. The project can be handled in stages with prior approval of the City.

(2) Financial Security Release. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the application approval and Building Code of the City has been issued by the City Building Official.

(3) Financial Security Forfeiture. Failure to comply with the conditions of the application approval and/or the ordinances of the City shall result in forfeiture of the security.

(4) Hold Harmless and Indemnification of City. The applicant shall agree to indemnify and hold harmless the City and its agents and employees against any and all claims, demands, losses, damages and expenses (including attorney fees) arising out of or resulting from the applicant's negligent or intentional acts, or any violation of any safety law, regulation or code in the performance of this agreement, without regard to any inspection or review made or not made by the City, its agents or employees or failure to take any other prudent precaution. In the event the City, upon failure of the applicant to comply with any conditions of the approval, performs said conditions, the applicant shall indemnify and hold harmless the City, its employees, agents and representatives from its or their negligent or intentional acts in the performance of the applicant's required work under the permit.

(5) Attorney and Consultant Fees. The applicant shall agree to pay any and all reasonable attorney and consultant fees incurred by the City to enforce the terms and conditions of any application approval or provisions of any performance agreement relating to said performance agreement.

305. **Enforcement.**

305.1 **Violations and Penalties.**

(1) Violations. The violations of any provisions of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance, shall be a misdemeanor, and upon conviction thereof, the violation shall be subject to a fine of not more than the maximum penalty for a misdemeanor prescribed under State law.

(2) Penalties. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense.

(3) Application to Community Personnel. The failure of any officer or employee of the community to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

(4) Equitable Release. In the event of a violation or the threatened violation of any provision of this Ordinance, or any provision or condition of a permit issued pursuant to this Ordinance, the community, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

306. **Building Permit/Site Plan**.

306.1 **Building Permits.** No person shall erect, alter, remodel, wreck, or move any kind of structure or building or part thereof without first securing a Building Permit therefore, provided no such permit shall be necessary for general maintenance of the structure.

(1) Required Exhibits for Building Permit.

(a) A complete application form with an application fee in an amount established by City Council resolution.

(b) For new construction, a site survey of the lot including lot boundaries, building location, setbacks, easements, and proposed site grading and drainage per Section 405.2(2) of this Ordinance. Soil tests and drainfield locations may be required when pertinent to siting a building or on-site independent sewage treatment system.

(c) For alterations or expansion of existing single family homes, a scaled site plan showing property lines, building location, and required setbacks. Where setbacks are in question, the Zoning Administration Staff may require a site survey.

(d) Building Construction Plans.

(2) Procedure.

(a) Persons requesting a building permit shall fill out a building permit form available from the Zoning Administration Staff.

(b) Completed building permit forms and a fee as may be established by resolution of the City Council shall be submitted to the Zoning Administration Staff. If the proposed development conforms in all respects to the Zoning Ordinance, the City Building Code, and septic system regulations, a building permit shall be issued by the Zoning Administration Staff within a period of sixty (60) days following the receipt of complete application pursuant to Minnesota Statute 15.99, as may be amended.

(c) If the proposed development involves a multiple family, commercial/ industrial site plan, zoning amendment, variance, or conditional use permit, land reclamation or land grading as regulated by Section 405.1 of this Ordinance, the application shall be submitted both to the Planning Commission and the City Council for review and appropriate action according to the procedures set forth in Sections 306 through 311 of this Ordinance.

306.2 **Site Plans.** Site plans for new construction or building expansion of multiple family, commercial, or industrial land use shall be subject to the review by the Planning Commission and approved by the City Council. Land reclamation and land grading, as regulated by Section 405.1 of this Ordinance, shall also be subject to the site plan procedure of this section.

(1) Site Plan Exemptions. Building expansions having a construction value of less than ten thousand dollars ($10,000.00) building maintenance alterations may be exempt from the site plan procedures of this section.

(2) Required Exhibits for Site Plan Review.

(a) A complete application form with an application fee in an amount established by City Council resolution.

(b) Boundary survey of an area including the property in question showing existing utilities, lot boundaries and dimensions, buildings, easements, foliage, and topography and waterways if pertinent. Soil tests may be required when pertinent to siting a building or on-site sewer system.

(c) Preliminary building and site (scaled) development plans showing building locations, dimensional parking and loading arrangement, vehicular and pedestrian access and egress, surface drainage plan, landscaping, utility plan, screening, size and location of all signs, building floor plans of all floors, elevations of all sides of buildings, sections and outline material specifications as appropriate.

(3) Site Plan Review Criteria. Plans which fail to meet the following criteria shall not be approved.

(a) The site and buildings shall be designed to avoid:

1. Commercial buildings that are incompatible with the historical architecture of the Village Center.

2. Noise incompatibility.

3. Traffic pattern incompatibility.

4. Accelerated erosion.

5. Unnecessary loss of existing natural features (vegetation, steep slopes, wetlands, water bodies).

6. Increased flood potential.

(b) No development shall be allowed which will result in unusual maintenance or repair costs of municipal roads, parking areas or utility lines.

(c) The types and intensity of land use proposed for the site shall be suited to the site conditions and shall adequately correct problems due to soil

limitations, including but not limited to bearing strength, shrink-swell potential, slope stability, high ground water or wetness.

(d) The applicant shall demonstrate how buildings will be sited, designed, oriented, and landscaped to produce a harmonious relationship of building and grounds to surrounding buildings and properties and the total neighborhood environment.

(e) The proposed use shall promote the objectives of this Ordinance and shall be consistent with the policies and recommendations of the Comprehensive Plan.

306.3 **Lower St. Croix River Overlay District.** See Section 510 for additional procedures, standards and requirements for site and building plans within the St. Croix River Overlay District.

307. **Zoning Amendments.**

307.1 **Criteria for Granting Zoning Amendments.**

(1) The City Council may adopt amendments to the zoning ordinance and zoning map in relation both to land uses within a particular district or to the location of the district line. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the Comprehensive Plan or changes in conditions in the City.

307.2 **Kinds of Amendments.**

(1) A change in a district's boundary (rezoning).

(2) A change in a district's regulations.

(3) A change in any other provision of this ordinance.

307.3 **Initiation of Proceedings.** Proceedings for amending this ordinance shall be initiated by at least one of the following three methods:

(1) By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.

(2) By recommendation of the Planning Commission.

(3) By action of the City Council.

307.4 **Required Exhibits for Rezoning or District Regulation Changes Initiated by**

Property Owners.

(1) Abstractor's Property Certificate showing names and addresses of owners of all property within the affected zone and within three hundred fifty (350) feet of the outer boundaries of the property in question.

(2) A boundary survey and preliminary building and site development plan.

(3) A narrative explaining the need for the zoning amendment and reasons why the amendment is in the best interest of the City.

307.5 **Procedure.** The procedure for a property owner to initiate a zoning amendment is as follows:

(1) The property owner or their agent shall meet with the Zoning Administration Staff to explain their situation, learn the procedures, and obtain an application form. The applicant may also pursue a pre-application meeting with the Planning Commission to outline issues and concerns that may develop in the review of the application.

(2) The applicant shall file the completed application form together with the required exhibits with the Zoning Administration Staff and shall pay a filing fee as established by the City Council.

(3) Upon receipt of a complete application, the Zoning Administration Staff shall transmit the application and required exhibits to the Planning Commission and shall notify owners of the affected property and when the amendment involves changes in district boundaries affecting an area of five (5) acres or less, owners or property within three hundred fifty (350) feet of the outer boundaries of the property in question shall be notified; however, failure of any property owner to receive such notification shall not invalidate the proceedings.

(4) The Zoning Administration Staff shall set the date for a public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing.

(5) The Zoning Administration Staff may instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation of action to the City Council.

(6) The Planning Commission shall hold the public hearing and then shall consider the possible effects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following factors:

(a) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the City Comprehensive Plan.

(b) The proposed amendment is or will be compatible with present and future land uses of the area.

(c) The proposed amendment conforms with all performance standards contained herein and the City Code.

(d) The proposed amendment can be accommodated with existing public services and will not overburden the City's service capacity.

(e) Traffic generation by the proposed use is within capabilities of streets serving the property.

(7) The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to obtain expert advice and/or testimony at the expense of the applicant concerning operational factors. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

(8) Unless excused by the Planning Commission Chair, the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the application.

(9) The Planning Commission shall, as appropriate, make findings of fact and shall recommend approval or denial of the request.

(10) The City Council shall not act upon an amendment until the Planning Commission has had an opportunity to hold a public hearing and make its report. If, however, the Planning Commission has not acted upon the request after sixty (60) days from the first regular meeting at which the request was considered, the City Council may proceed with its consideration and action on the request. The City Council shall act upon the amendment within sixty (60) days from the date of submission of a complete application, unless an extension has been provided, pursuant to Minnesota Statutes 15.99.

(11) Upon receiving the report and recommendation of the Planning Commission, the City Council shall have the option to set and hold a public hearing if deemed necessary.

(12) Approval of an amendment shall require passage by a two-thirds (2/3) vote of the City Council.

(13) No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

307.6 **Amendment Procedure for Lower St. Croix River Overlay District.** For procedures to amend provisions of the Lower St. Croix River Overlay District, see Section 510.

308. **Conditional Use Permits.**

308.1 **Existing Uses.** Existing uses shall be in conformance with zoning and building standards in effect at the time of initial construction and development, and may not be enlarged or expanded except under the terms for newly established uses and shall continue to be governed by the Zoning Ordinance in the future.

308.2 **Criteria for Granting Conditional Use Permits**. In granting a conditional use permit, the Marine On St. Croix City Council shall consider the advice and recommendations of the Planning Commission, the consistency of the proposed use with the Comprehensive Plan, and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands. Among other things, the City Council shall make the following findings where applicable.

(1) The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.

(2) The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

(3) The structure and site shall have an appearance or operation that will not have an adverse effect upon adjacent residential properties.

(4) The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use.

(5) The use is consistent with the purposes and performance standards of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

(6) The use is consistent with the policies and provisions of the Comprehensive Plan.

(7) The use will not cause traffic hazard or congestion.

(8) Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

308.3 **Additional Conditions**. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which the City Council considers necessary to protect the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

(1) Increasing the required lot size or yard dimension.

(2) Limiting the height, size, or location of buildings.

(3) Controlling the location and number of vehicle access points.

(4) Increasing the street width.

(5) Increasing the number of required off-street parking spaces.

(6) Limiting the number, size, location, or lighting of signs.

(7) Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.

(8) Designating sites for open space.

(9) Impose limits on hours of operation.

The Zoning Administration Staff shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the City Council, review dates, and such other information as may be appropriate.

308.4 **Required Exhibits for Conditional Use Permits**. The following exhibits shall be required unless waived by the Planning Commission:

(1) ~~Abstractor's Certificate showing names and addresses of owners of property within three hundred fifty (350) feet of the outer boundaries of the property in question.~~ Narrative describing the proposed use.

(2) A boundary survey and preliminary building and site development plan as described in Section 306 of this Ordinance.

(3) Building plans and exterior elevations.

(4) Applicant shall be responsible for providing additional information as requested by City as deemed necessary for review.

308.5 **Procedure.** The procedure for obtaining a Conditional Use Permit is as follows:

(1) The property owner or their agent shall meet with the Zoning Administration Staff to explain their situation, learn the procedures and obtain an application form. The applicant may also pursue a pre-application meeting with the Planning Commission to outline issues and concerns that may develop in the review of the application.

(2) The applicant shall file the completed application form together with the required

exhibits with the Zoning Administration Staff and shall pay a filing fee as established by the City Council.

(3) Upon receipt of a complete application, the Zoning Administration Staff shall transmit the application to the Planning Commission and shall notify all property owners within three hundred fifty (350) feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.

(4) The Zoning Administration Staff shall set the date for a public hearing and shall have notice of such hearing published at least once in the legal newspaper, not less than ten (10) days and not more than thirty (30) days prior to said hearing.

(5) The Planning Commission shall hold the public hearing and then shall study the application to determine possible adverse effects of the proposed special use and to determine what additional requirements may be necessary to reduce such adverse effects and recommend one (1) of three (3) actions approval, denial, or conditional approval.

(6) The Planning Commission shall have the authority to request additional information from the applicant concerning operational factors or to obtain expert advice and/or testimony at the expense of the applicant concerning operational factors. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

(7) Unless excused by the Planning Commission Chair, the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use permit.

(8) The Planning Commission shall make findings of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of the Ordinance. Such recommendation shall be entered in and made part of the permanent written record of the City Council meeting.

(9) The City Council shall not grant a conditional use permit until the Planning Commission has had an opportunity to hold a public hearing and make its report. If, however, the Planning Commission has not acted upon the request after sixty (60) days from the first regular meeting at which the request was considered, the City Council may proceed with its consideration and action on the request. The City Council shall act upon the conditional use permit within sixty (60) days from the date of submission of a complete application, unless an extension has been provided, pursuant to Minnesota Statutes 15.99.

(10) Approval of a request shall require passage by a simple majority of the City Council.

(11) Revocation of Conditional Use Permits. Where a Conditional Use Permit has

been issued pursuant to the provisions of this Ordinance, such permit shall become null and void without further action by the Planning Commission or the City Council unless work thereon commences within one (1) year of the date of granting such permit. A Conditional Use Permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than twelve (12) consecutive months.

(12) In the event that the applicant violates any of the conditions set forth in a conditional use permit, the City Council shall have the authority to revoke such permit.

(13) A certified copy of any conditional use permit shall be filed with the Office of the County Recorder or Registrar of Titles. The conditional use permit shall include the legal description of the property involved.

308.6 **Conditional Use Permit Procedures for the Lower St. Croix River Overlay District.** For conditional use procedures and standards for the Lower St. Croix Overlay District, see Section 510.

309. **Interim Use Permits.** Any permitted accessory

309.1 **Purpose and Intent.** The purpose and intent of allowing interim uses is:

(1) To allow a use for a ~~brief~~ period of time up to 24 months while a permanent location is obtained or constructed; or

(2) At the request of the applicant, to allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future; or

(3) To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the performance standards of this Ordinance.

309.2 **Procedure.** The procedure for obtaining an interim use permit shall be the procedures outlined in Section 308.4.

309.3 **General Standards.** An interim use shall comply with the following:

(1) Existing Uses. Existing uses shall be in conformance with zoning and building standards in effect at the time of initial construction and development, and may not be enlarged or expanded except under the terms for newly established uses and shall continue to be governed by such regulations in the future.

(2) New Uses.

(a) Meets the standards of a conditional use permit set forth in Section 308 of this Ordinance.

(b) Conforms to the applicable performance standards of this Ordinance.

(c) The use is allowed as an interim use in the respective zoning district.

(d) The date or event that will terminate the use can be identified with certainty.

(e) The use will not impose additional costs on the public if it is necessary for the public to acquire the property in the future.

(f) The user agrees to any conditions that the City Council deems appropriate for permission of the use.

309.4 **Termination.** An interim use shall terminate on the happening of any of the following events, whichever occurs first:

(1) The date or event stated in the permit.

(2) Upon violation of conditions under which the permit was issued.

(3) Upon change in the City's zoning regulations which renders the use non-conforming.

(4) The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

(5) Upon sale of the property.

309.5 **Recording.** A certified copy of any interim use permit shall be filed with the Office of the County Recorder or Registrar of Titles. The interim use permit shall include the legal description of the property involved.

310. **Planned Unit Development (PUD).**

310.1 **Purpose.** The purposes of this section are:

(1) To encourage a more creative and efficient development of land and its improvements than is possible under the more restrictive application of zoning requirements such as lot sizes and building setbacks, while at the same time, meeting the standards and purposes of the Comprehensive Plan for Marine On St. Croix and preserving the health, safety, and welfare of the citizens of Marine On St. Croix.

(2) To ensure concentration of open space into more useable areas, and a preservation of the natural resources of the site.

(3) To facilitate the economical provision of streets and public utilities.

310.2 **Permitted Uses**.

(1) Permitted, accessory, conditional, and interim uses described within the residential zoning district.

310.3 **Conditional Use Permit.** Planned Unit Developments are allowed only in the Single-Family Rural (SFR), Single Family Urban (SFU), and St. Croix Rural Residential (SC-RR) Districts. A conditional use permit shall be required of all Planned Unit Developments. The City may approve the Planned Unit Development only if it finds that the development satisfies all the following standards:

(1) The Planned Unit Development is consistent with the Comprehensive Plan of the City.

(2) The Planned Unit Development is an effective and unified treatment of the development possibilities on the project site and the development plan provisions for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.

(3) The Planned Unit Development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.

(4) Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the Planned Unit Development.

(5) The tract under consideration is under single ownership or control.

(6) The tract is at least four (4) times the standard minimum lot size or density of the base zoning district.

~~(7) Meets the standards of the Subdivision Regulations.~~

310.4. **General Requirements.**

(1) Density.

(a) In the planned unit development, the number of dwelling units proposed for the entire site shall not exceed the total number permitted under the density control provision of the zoning district(s) in which the land is located, except that for planned unit developments (PUD) a bonus of one additional unit for each eight units shall be allowed as a bonus to

encourage PUD's. The bonus system is not applicable if the density transfer system is in effect on the particular project.

(b) The Zoning Administration Staff shall determine the number of dwelling units which may be constructed within the planned unit development by dividing the net acreage of the project area by the required lot area per dwelling unit which is required in the district in which the planned unit development is located. The net acreage shall be defined as the project area less the land area dedicated for public streets. The project area includes all the land within the planned unit development which is allocated for residential uses, or for common open space as defined in this ordinance. Land to be dedicated for public streets is to be excluded from the project area.

(2) Density Transfer System.

(a) The purpose of this section of the Zoning Ordinance is to provide a means by which parcels of land in residential districts having unusual building characteristics due to sub-soil conditions, elevation of water table, water area, relative location or shape of the parcel may be more efficiently utilized. Density transfer system also provides open space as a means to preserve and protect natural resource areas such as wetlands, woodlands, steep slopes, prairies, meadows, as well as good agricultural land and scenic views. Basically, this approach allows a developer to cluster housing units in a buildable area in return for leaving the natural resource areas or agricultural land open from development. The owner or owners of any tract of land in the residential districts may submit to the Planning Commission for approval, a plan for the use and development of such a tract of land as a planned density area by making an application for a planned unit development/conditional use permit (PUD/CUP) authorizing completion of the project according to the plan. The plan for the proposed project shall conform to the requirements of the use district within the land is located except as hereinafter modified.

(i) The tract of land for which a project is proposed and a permit requested shall not be less than five (5) acres.

(ii) The applicant shall state precisely what, in his opinion, are the unusual characteristics of the site for purposes of justifying the granting of a conditional use permit.

(iii) The plan shall be submitted in the form of a preliminary plat and in complete conformance with the subdivision regulations.

(iv) The number of dwelling units proposed for the entire site shall not exceed the total number permitted for the use district within which

the land is located.

(v) The average density in the plan shall not be greater than the maximum for the area. The lot area of any one (1) lot as required within the use district shall not be reduced more than one-third (~~1/3~~)(2/3).

(vi) That land which is set aside as unbuildable and on which the plan is justified shall be clearly indicated on the plan. Provisions for continual maintenance of that area not dedicated and accepted by the City shall be required.

(3) Coordination with Subdivision Regulations.

(a) It is the intent of this ordinance that subdivision review under the subdivision control ordinance be carried out simultaneously with the review of a planned development under this Zoning Ordinance.

(b) The plans required under this section must be submitted in a form which will satisfy the requirements of the subdivision control ordinance for the preliminary and final plats required under those regulations.

(4) Conveyance and Maintenance of Common Open Space.

(a) All land shown on the final development plan as common open space must be conveyed under one of the following options:

(i) Open space may be deeded to an established land trust. Management shall be the responsibility of the land trust. Maintenance may be performed by the neighborhood homeowner association, through written agreement between the association and the land trust.

(ii) Open space may be owned in common by the property owners of the subdivision. In the case where at least one (1) outlot of open space is held in common ownership, a unit owners association shall be established for that subdivision and membership in the association by all property owners in the subdivision shall be mandatory. Management shall be the responsibility of that subdivision's homeowner association and shall submit plans and documents which explain:

a. Ownership and membership requirements

b. Organization of the Association

c. Time at which the developer turns the Association over to

the unit owners.

d. Approximate monthly or yearly association fee for unit owners.

e. Specific listing of items owned in common including such items as roads, recreation facilities, parking, common open space grounds, and utilities.

(iii) Open space may be deeded to the City of Marine on St. Croix Management shall be the responsibility of the City.

(iv) Open space may be protected by establishing conservation restrictions in perpetuity in favor of the City as provided in Minnesota Statutes 84.64-84.65. Unless the document establishing the restrictions specifically provides to the contrary, the City shall have no responsibility for the maintenance or management of the area subject to the restrictions. The form and content of the deed or other instrument establishing the restrictions must be approved by the City prior to the execution and delivery thereof. Notwithstanding any provision of this Ordinance to the contrary, the City may, in cases where conservation restrictions are utilized to meet open space dedication requirements of this Ordinance, waive the requirement that the area subject to the restrictions be platted as a separate outlot.

(5) Standards for Common or Public Open Space.

(a) No open area may be accepted as common open space under the provisions of this ordinance unless it meets the following standards:

(i) The location, shape, and character of the common open space must be suitable for the planned development.

(ii) Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings to be developed.

(iii) Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and

unimproved condition.

310.5 **Procedures.** (Also see Section 510 for Lower St. Croix Overlay District requirements.)

(1) Pre-Application Meeting**.** Prior to the submission of any plan to the Planning Commission, the applicant may meet with the Zoning Administration Staff and with the Planning Commission to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps and exhibits required. This includes the procedural steps for a conditional use permit and a preliminary plat. The applicant may submit a simple sketch plan at this stage for informal review and discussion. The applicant is urged to avail himself or herself of the advice and assistance of the planning staff to facilitate the review of the outline plan and preliminary plat.

(2) Outline Development Plan.

(a) An applicant shall make an application for a conditional use permit following the procedural steps as set forth in Section 308 of this ordinance.

(b) In addition to the criteria and standards set forth in Section 308 for the granting of Conditional Use Permits, the following additional findings shall be made before the approval of the outline development plan.

(i) The proposed PUD is in conformance with the Comprehensive Plan for Marine on St. Croix.

(ii) The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.

(iii) Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated.

(iv) The PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the district.

(v) The proposed total development and each phase is designed in such a manner as to form a desirable and unified environment within its own boundaries and in relationship to the entire municipality.

(c) Outline Development Plan Documentation - the following exhibits shall be submitted to the Zoning Administration Staff by the developer as part of the application of a conditional use permit.

(i) An explanation of the character of the planned development and the manner in which it has been planned to take advantage of the planned unit development regulations.

(ii) A statement of proposed financing of the PUD.

(iii) A statement of the present ownership of all of the land included within the planned unit development and a list of property owners within 350 feet of the outer boundaries of the property.

(iv) A general indication of the expected schedule of development including progressive phasing and time schedules.

(v) A survey giving the legal description of the property including approximate total acreage and also indicating existing property lines and dimensions, ownership of all parcels, platting, easements, street rights-of-way, utilities, and buildings for the property and for the area three hundred and fifty (350) feet beyond.

(vi) Natural features map or maps of the property and area three hundred and fifty (350) feet beyond showing contour lines at no more than two (2) foot intervals, drainage patterns, wetlands, vegetation, soil, and subsoil conditions.

(vii) A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.

(viii) Full description as to how all necessary governmental services will be provided to the development including sanitary sewers, storm sewers, water system, streets, and other public utilities.

(ix) An engineering report presenting results of percolation tests and soils analysis of the site.

(x) Any additional information requested by the Planning Commission and City Council that may be required for clarification of the proposed project.

(d) Preliminary Plat - the applicant shall also submit a preliminary plat and all the necessary documentation as required under the Subdivision Regulations of all or that portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the conditional use permit and preliminary plat may be combined into one

hearing or may be held concurrently.

(3) Final Development Plan.

(a) Within ninety (90) days following the approval of the outline development plan with recommended modifications, if any, and the preliminary plat, the applicant shall file with the Zoning Administration Staff a final development plan containing in final form the information required in the outline development plan plus any changes recommended by the Planning Commission and the City Council as a result of the public hearing. The applicant shall also submit a final plat for all or that portion of the property to be platted.

(b) The Zoning Administration Staff shall submit a final development plan and the final plat to the Planning Commission for review.

(c) The final development plan and the final plat shall conform to the outline development plan and preliminary plat plus any recommended changes by the Planning Commission or City Council to the outline development plan and preliminary plat.

(d) The City Council shall review the final outline plan and final plat. The City Council shall give notice and provide opportunity to be heard on the final development plan to any person who has indicated to the Planning Commission in writing that they wish to be notified.

(e) If the final development plan is approved by the City Council, the Zoning Administration Staff shall issue a conditional use permit to the applicant. A performance agreement may be required pursuant to Section 304.3 of this Ordinance.

(4) Enforcing Development Schedule. The construction and provision of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every six months following the approval of the final development plan, the Zoning Administration Staff shall review all of the building permits issued for the planned unit development and examine the construction which has taken place on the site. If the Zoning Administration Staff shall find that the rate of construction of dwelling units is greater than the rate at which common open spaces and public improvements and recreational facilities have been constructed and provided, the Zoning Administration Staff shall forward this information to the City Council, which may revoke the planned unit development permit.

311. Variances.

311.1 ~~**Criteria for Granting**~~ **Variances to Zoning Code.** ~~A variance from the listed provisions of the Zoning Ordinance may be issued by the City Council to provide relief to the landowner in those cases where the Ordinance imposes undue hardship because of circumstances unique to the individual property under consideration. No use variances may be issued. A variance may be granted only in the event that the following circumstances exist:~~ The City Council shall have the exclusive power to order the issuance of variances from the requirements of the Zoning Ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the Zoning Ordinance, and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

No variance may be granted that would allow any use that is not allowed in the zoning district in which the property is located.

Practical Difficulties Standard. "Practical difficulties", as used in connection with the granting of a variance, means:

1) that the property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance;

2) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3) the variance, if granted, will not alter the essential character of the locality.

Economic conditions alone do not constitute practical difficulties.

Findings. When considering all requests for a variance, the city council shall adopt findings addressing the following questions:

1) Does the property owner propose to use the property in a reasonable manner not permitted by the zoning ordinance?
2) Is the plight of the landowner due to circumstances unique to the property not created by the landowner?
3) Will the variance, if granted, alter the essential character of the locality?
4) Is the variance is in harmony with the purposes and intent of the ordinance?
5) Is the variance consistent with the comprehensive plan?

Practical Difficulties Considerations. When determining reasonable manner or essential character, the city council will consider, but will not be limited to the following:

a) Impair an adequate supply of light and air to adjacent property.
b) Unreasonably increase the congestion in the public street.
c) Increase the danger of fire or endanger the public safety.

d) Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this ordinance.

For additional variance considerations for the Lower St. Croix River District see Section 510.

Conditions. The city council may impose conditions in the granting of variances as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Lifespan of Variances Granted. Where a variance has been approved pursuant to the provisions of this Ordinance, such approval shall become null and void without further action by the Planning Commission or the City Council unless work thereon commences within two (2) years of the date of granting such variance and is diligently pursued to completion.

~~(1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this Ordinance have had no control.~~

~~(2) The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.~~

~~(3) That the special conditions or circumstances do not result from the actions of the applicant.~~

~~(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district.~~

~~(5) That the variance requested is the minimum variance which would alleviate the hardship. Economic conditions alone shall not be considered a hardship.~~

~~(6) The variance would not be materially detrimental to the purposes of this Ordinance, or to other property in the same zone.~~

~~(7) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. The City Council may impose such restrictions and conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and~~

~~to better carry out the intent of the variance.~~

~~(8) The proposed variance is consistent with the Comprehensive Plan.~~

311.2 **Required Exhibits for Variances**.

(1) ~~Abstractor's Property Certificate showing names and addresses of owners of property within three hundred fifty (350) feet of the outer boundaries of the property in question.~~ One full sized scalable certified survey and one 11x17 copy that illustrates the following: legal description and street address, parcel size, topography of the site, location and dimensions of all improvements existing and proposed, impervious surface calculations existing and proposed, setback lines, delineation of all wetlands, bluffs, easements and driveways, trees and streams.

(2) ~~The boundary survey and preliminary building and site development plan as described in Section 306 of this Ordinance~~. One full sized scalable and one 11x17 copy of the existing and proposed structure elevations on all sides. Include building height per ordinance definitions.

1) ~~A narrative explaining the need for the variance and a description of the undue hardship unique to the property that supports the variance~~. One full sized scalable and one 11x17 copy of the structure floor plans existing and proposed.
2) Tree preservation plan if applicable.
3) Exterior / Site lighting plans for buildings, accessory structures, sport courts, pools, driveways and parking if applicable.
4) A narrative explaining the need for the variance and a description of the practical difficulties unique to the property that supports the variance.
5) Additional information as may be deemed necessary by the Zoning Administrator, Planning Commission or City Council.

311.3 **Procedures**. The procedure for obtaining a variance from the provisions of this Ordinance are as follows:

(1) The property owner or his agent shall meet with the Zoning Administration Staff to explain their situation, learn the procedures and obtain an application form. The applicant may also pursue a pre-application meeting with the Planning Commission to outline issues and concerns that may develop in the review of the application.

(2) The applicant shall file the completed application form together with the required exhibits with the Zoning Administration Staff and shall pay a filing fee as established by the City Council.

The city shall advise the applicant within 10 business days of submission of variance filings, of any omission or deficiency in the variance application and

supporting documents.

(3) Upon receipt of a complete application, the Zoning Administration Staff shall refer the variance application to the Planning Commission for review.

(4) After review and recommendation by the Planning Commission, the Zoning Administration Staff shall transmit the application to the City Council and shall notify all property owners within three hundred fifty (350) feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.

The planning commission shall hold a public hearing and shall, at the close of the public hearing, consider the application, the testimony of the applicant, all exhibits, public comment, staff reports, and other evidence, and shall then record its advice on the granting of the applicant's variance request by motion to either recommend to the city council"

a) Approval of the request, together with comments and suggested conditions, if any or
b) Denial of the request, together with comments and suggested conditions, if any.

(5) The City Council shall study the application and shall make a decision within sixty (60) days from the date of submission of a complete application, unless an extension has been provided, pursuant to Minnesota Statutes 15.99, as amended. The City Council shall make findings of fact and take one (1) of three (3) actions – approval, denial, or conditional approval

Right to request additional information

The city council may request additional information from the applicant concerning the proposed variance, statistical data, alternative plans; etc. Failure of an applicant to supply any and all necessary supportive information, including supplemental requests, shall be grounds for denial of the requested variance.

The applicant or the applicant's representative shall appear before the planning commission and the city council to answer questions concerning the proposed variance.

(6) The City Council shall study the application and shall make a decision ~~within sixty (60) days from the date of submission of a complete application, unless an extension has been provided, pursuant to Minnesota Statutes 15.99, as amended.~~ within the time period specified in state law. The City Council shall make findings of fact and take one (1) of three (3) actions – approval, denial, or conditional approval. A copy of the final order shall be served upon the person requesting the variance by mail.

~~(6)~~(7) A variance application approval shall require a simple majority vote of the entire

City Council.

~~(7)~~(8) No application by a property owner for a variance shall be submitted to the City Council within a six (6) month period following a denial of such a request, except the City Council may permit a new application if, in the opinion of The City Council new evidence or change of circumstances warrant it.

~~(8)~~(9) The City Council may revoke a variance if and conditions established by the City Council as part of granting the variance request are violated.

~~(9) Where a variance has been approved pursuant to the provisions of this Ordinance, such approval shall become null and void without further action by the Planning Commission or the City Council unless work thereon commences within two (2) years of the date of granting such variance and is diligently pursued to completion.~~

~~(10) An approved variance shall become null and void if an ordinance amendment is put into effect prior to work commencing on said variance that changes the nature of the variance.~~

311.4 **Variance Criteria and Procedures for Lower St. Croix River District**. For additional variance criteria and procedures and standards for the Lower St. Croix River District see Section 510.

~~311.5 **Solar**.~~ . **DELETE IN ENTIRETY? SINCE WE WILL HAVE A NEW SOLAR ORDINANCE? JUST USE OUR NORMAL VARIANCE PROCESS AND CRITERIA**

~~(1) A variance to the provisions of the Zoning Ordinance may be issued to allow additions to existing buildings or alterations of natural features, by the City Council to provide relief to the landowner for solar energy systems when the variance is found to comply with the standards and procedures for relief found in Subdivision 311.1 and 311.3, and where applicable, Section 311.4, upon the Council making the following Findings upon evidence provided by the applicant:~~

~~(a) That a variance is required under the Marine on St. Croix City Code as the result of inadequate access to direct sunlight for solar energy systems, said inadequate access being caused by existing buildings failure to meet the dimensional requirements of the Zoning Ordinance, and that no solar energy alternative exists, which is in greater harmony with the Comprehensive Plan and Development Code.~~

~~(b) The applicant has provided adequate proof that the proposed system is truly a functional solar energy system. Solar energy system means a set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy using processes, or to produce generated power by means of~~

~~any combination of collecting, transferring, or converting solar generated energy.~~

~~(c) That the strict enforcement of the literal provisions of the ordinance would cause undue hardship because of circumstances unique to the individual property under consideration, and shall grant such variance only when it is demonstrated that such actions will be in keeping with the spirit and intent of the zoning ordinance.~~

~~(d) That upon evidence provided by the applicant the visual impact of the variance is in keeping with the spirit and intent of the Development Code and the Marine on St. Croix Comprehensive Plan.~~

~~(e) Whether the variance, by allowing additions to existing buildings, thus allowing access to sunlight, is visually inconspicuous as viewed from the river during the summer months, and does not increase the visibility of existing structures, and preserves the scenic and recreational resources of the St. Croix River. The City Council shall determine that methods to prevent erosion and trap sediment are employed and structures are not placed on slopes with a greater than twelve (12) percent grade.~~

~~(2) Should the City Council, serving as the Board of Appeals, determine any of the above stated issues to the negative, or should the applicant fail to provide evidence for the same, the Board shall deny the variance. Should the City Council determine that the applicant is in compliance with this section in addition to compliance with the other above stated variance sections of the Marine on St. Croix City Code, then the City Council may grant a solar energy system variance. Should the City Council grant such as a variance, the scope of the variance shall be the minimum variance necessary to allow a solar energy system. Conditions may be imposed in the granting of a solar energy variance to insure compliance and to protect adjacent properties and the public interest, especially in regard to the view from the river. Conditions shall be imposed to insure that methods to prevent erosion and trap sediment are employed and structures are not placed on slopes with greater than twelve (12) percent grade~~

SECTION 4. GENERAL PROVISIONS

401. **Non-Conforming Use and Structures.** The lawful use of any land or buildings existing at the time of the adoption of this Ordinance may be continued even if such use does not conform to the regulations of this Ordinance, except as provided below.

401.1. **Grandfather Clause.** ~~Any structure or use lawfully existing on or before~~ All Structures in existence prior to May 18,1978, shall not be enlarged, but may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or subsequently amended.

401.2 **Substandard Structures**. All structures in existence prior to the adoption date of this Ordinance which do not meet the structure setbacks and other dimensional standards of this Ordinance shall be considered substandard structures.

(1) All dimensionally substandard structures that need replacing due to destruction or obsolescence shall be allowed to be replaced, restored, or rebuilt as necessary to remain the same ~~as they exist on the date of the enactment of this Ordinance~~ in footprint and height (or profile) as they exist on the date of the enactment of this ordinance, provided the current city standards for private sanitary sewer systems can be met ~~(Marine on St. Croix Sewer Use Ordinance No. 72)~~, but any change beyond the established structural dimensions of each substandard structure shall be in compliance with the setback requirements of this Ordinance or any, variance that may be obtained or issued for such increase in size.

(2) A legal non-conforming principal structure which is only non-conforming due to an encroachment into a required setback (except as regulated in Section 401.2(3)) may be enlarged in compliance with all other ordinance requirements provided that:

(a) The expansion will not decrease the setback between the structure and the applicable lot line where the building is non-conforming.

(b) Vertical expansions along the non-conforming setback are allowed provided building complies with the building height standard of the respective district.

(c) All building expansions shall comply with required setbacks of the respective district.

(3) The following standards shall apply to the expansion of a substandard structure located in the SC-RR, SC-UR, and VC Zoning Districts:

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

(b) An improvement to an existing structure or facility may be allowed to extend laterally (parallel to the river or bluff) when the improvement is in compliance with the dimensional standards of this Ordinance and the side yard setbacks of the local Ordinance.

(c) Exterior decks attached to the structure which do not extend any roof or foundation may be permitted to extend laterally (parallel to the river or bluffline) at the same setback as the substandard structure if said deck is visually inconspicuous in summer months as viewed from the river and provided the deck has no roof or building foundation.

(d) Substandard structures which do not meet the bluff land and/or shoreland setbacks shall not be raised in elevation or roof line, except in floodplain areas and then only to protect the structure.

(e) Reconstruction of an historic structure, its appurtenances and site development to preserve its historic character if the structure is recognized and designated as an historic site on the National Register of Historic Places.

(4) A legal nonconforming structure which is only nonconforming due to noncompliance with minimum lot area requirements may be enlarged or replaced if done in compliance with all other requirements of this Ordinance, including but not limited to those governing on-site sewer systems.

401.3 **Non-Conforming Use of Building or Land**.

(1) Extension. A non-conforming use of building or land shall-not be extended or enlarged.

(2) Abandonment. A non-conforming use of a building or land which has been discontinued for a period of six (6) months shall not be reestablished, and any future use shall be in conformity with the regulations of this Ordinance.

(3) Relocation. A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this Ordinance.

(4) Inspection. The enforcing officer may make an annual inspection each June of known non-conforming uses and report to the City Council within 60 days. Zoning Administration Staff and Planning Commissioners may enter upon or in the premises at reasonable hours for inspection purposes.

(5) Maintenance. Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the

non-conforming use.

401.4 **Substandard Lots.** If in a group of contiguous platted lots under a single ownership, any individual lot does not meet the minimum requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one (1) or more parcels of land, each meeting the full minimum requirements of this Ordinance.

402. **General Building Requirements.**

402.1 **Dwelling Units Prohibited.** No garage, tent, trailer, or accessory building shall at any time be used as a permanent principal residence. A temporary residence shall be allowed for a maximum period of nine (9) months. The basement portion of finished home or apartment may be used for normal eating and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the Zoning Administration Staff. A temporary residence shall be used only in the event of repair or rebuilding of a principal structure.

402.2 **Relocating Structures.**

(1) Permit Required. Every licensed house mover shall, in each and every instance, before raising, holding up or moving any building, obtain a permit thereafter from the Zoning Administration Staff. An application for such permit shall designate the lot on which the house is to be located, the dimensions of the lot and the proposed location of the structure on the lot along with setback distance. No permit to move a building shall be issued unless and until the following conditions are fully complied with and approved by the Zoning Administration Staff:

(a) The building to be moved must comply in all respects with the State Building Code and the Marine On St. Croix Zoning Ordinance.

(b) The lot on which the building is to be located must meet all the minimum dimensional requirements of the zoning district in which it is located.

(c) The building must be placed on the lot so as to meet all the front, side, and rear yard requirements as set forth in the Zoning Ordinance.

(2) Electrical Correction Requirements. In every case in which a permit shall be issued, as herein provided, for the removal required or the displacement of any overhead electrical or other wires, it shall be the duty of the person, association, or corporation owning, operating or controlling such wires to effect the removal thereof authorized by such permit. The person to whom said permit shall have been issued shall notify the person, association, or corporation owning, operating, or controlling said wire to remove or displace the same to facilitate the removal of said building, and shall at the same time prohibit to said person, association, or corporation the properly issued permit authorizing the removal of said wires

sufficiently to allow the passage of said building along the street over which said wires are suspended. Any expense incurred or to be incurred in the moving, removing or displacing of such wire shall be paid for by the person who makes application for said permit.

(3) Application Procedure. The Zoning Administration Staff shall submit the application to the Planning Commission for approval and recommendations to the City Council at the next stated meeting of said commission. The Planning Commission shall determine whether such applications shall conform to the immediate surrounding community. The Planning Commission, at its discretion, shall call a public meeting of resident owners within a radius of three hundred fifty (350) feet from subject property for owner's review of the proposed application. The Planning Commission will determine the application on its recommendation to the City Council. The City Council shall take action to approve or disapprove the permit within the timeframe allowed by Minnesota Statutes Section15.99.

402.3 **Accessory Building and Structures.**

(1) Purpose. The purpose of this section of the Zoning Ordinance is to provide for uses and buildings that are auxiliary and subordinate to the principal use and building of a property. The standards of this section are intended to lessen the visual impact of accessory structures from adjacent properties and the public right-of-way and ensure that accessory structures are aesthetically and architecturally compatible with the principal structure on the property.

(2) In All Districts.

(a) No accessory building or use shall be constructed or developed on a lot prior to construction of the principle structures, except by the issuance of an interim use permit within the SFR and SFU zoning districts for any homeowner's association formed in connection with the platting of land or any organization or non-individual property owner, the principle purpose of which in not ownership of the land.

(b) An accessory building may be located within the required rear yard setback provided that the lot is not a through lot and said accessory building does not occupy more than twenty-five (25) percent of a required rear yard.

(3) In Residential Districts.

(a) No accessory buildings in the SFU, SC-RR, and SC-UR Districts may be located within ten (10) feet of the side property line and in the SFR District, no accessory building shall be located within twenty (20) feet of the side property line.

(b) No accessory building shall be located nearer the front property line than the principal building on the lot, except by administrative permit subject to the following conditions.

(i) The front yard location is necessary to mitigate a physical feature, lake or stream frontage, topography, tree preservation, lot narrowness, and/or other conditions unique to the lot that prevents an accessory structure from being located behind the front building line of the principal structure.

(ii) The maximum size of the accessory structure is seven hundred fifty (750) square feet in foundation area or seventy-five (75) percent of the principal structure foundation size, whichever is less.

(iii) The accessory structure is oriented with respect to the street ~~parallel to the street~~ so that the garage door faces a side or rear lot line.

~~(iv)~~ The accessory building shall meet the setback ~~be set~~ requirements of its district. ~~back thirty (30) feet from the front lot line and shall be located on the site in a manner that does not obstruct the total view of the principal building.~~

(v) The accessory structure complies with the architectural standards of this Section.

(vi) No access door or other opening shall exceed the height of ten (10) feet.

(c) When a private garage is oriented so as to face onto a public street, it shall not be less than thirty-five (35) feet from the front property line.

(d) Where the garage is located in a rear yard with access to an alley, the following setbacks shall apply:

(i) Garages that are oriented on a lot parallel to the alley with the garage door facing the side lot line so that the direction of the vehicle access to the garage parallels a rear lot line may be located not less than five (5) feet from the rear lot line. This design is intended to prohibit direct backing from the garage into an alley.

(ii) Garages that receive direct access from an alley shall be set back twenty (20) feet from the rear lot line.

(iii) Accessory buildings not receiving any vehicle access to an alley shall be set back not less than five (5) feet from the rear lot line.

(e) No accessory building shall exceed the height of the principal building.

(f) Within the SFU and SC-UR Zoning Districts, attached garages and detached accessory buildings shall meet the following building size standards:

(i) The sum total of square footage of attached garages and all detached accessory buildings for non-farm or non-agricultural purposes shall be limited to one thousand four hundred fifty (1,450) square feet of foundation area.

(ii) No individual detached garage or accessory building shall exceed seven hundred fifty (750) square feet of foundation area.

(iii) No attached garage shall exceed seventy-five (75) percent of the foundation area of the principal building or seven hundred fifty (750) square feet of foundation area, whichever is less.

(g) Within the SFR and SC-RR Zoning Districts, attached garages and detached accessory buildings shall meet the following building size standards:

(i) The sum total square footage of attached garages and all detached accessory buildings for non-farm or non-agricultural purposes shall be limited to two thousand four hundred (2,400) square feet of foundation area.

(ii) No individual detached garage or accessory building shall exceed one thousand five hundred (1,500) square feet in foundation area.

(iii) Attached garages shall not exceed seventy-five (75) percent of the foundation area of the principal building or one thousand five hundred (1,500) square feet of foundation area, whichever is less.

(h) For accessory buildings with non-farm or non-agricultural purposes, the choice of the exterior building materials, color, roof line, and architectural style shall be similar and complementary with the principal building. A concrete slab or other suitable foundation is required. Pole buildings are prohibited except for farm or agricultural purposes in the proper zoning district.

(i) No access door or other opening shall exceed the height of ten (10) feet.

(4) In ~~Commercial and Industrial~~ Village Center and Limited Industry Districts.

(a) No accessory building shall exceed the height of the principal building except by conditional use permit.

(b) Accessory buildings may be located any place to the rear of the principal building, subject to the building code and the fire zone regulations.

402.4 **Building and Structure Heights.**

(1) All buildings and structures shall not exceed the maximum building height of the applicable zoning districts.

(2) Exceptions. The building height limits established herein for zoning districts shall not apply to the following:

a. Belfries.
b. Chimneys or flues.
c. Church spires.
d. Cupolas and domes which do not contain useable space.
e. Flag poles mounted on a building.
f. Parapet walls extending not more than three (3) feet above the limiting height of the building.
g. Necessary mechanical and electrical appurtenances.
h. Poles, towers and other structures for essential services.
i. ~~Personal wireless service and commercial broadcasting antennas not exceeding twenty (20) feet above the roof of the antenna support structure.~~

(3) Aviation Obstructions. In the case of any proposal to construct or alter a structure which will exceed a height of two hundred (200) feet above ground level of the site, or any proposal to construct or alter a structure to a height greater than an imaginary surface extending upward and outward at a slope of one hundred to one (100:1) from the nearest point of the runway of a public airport, the applicant shall notify the Commissioner of the Minnesota Department of Transportation in writing of the plans at least thirty (30) days in advance of making applicable permit requests to the City. The applicant shall provide the Zoning Administration Staff with the materials submitted to and any comments received from the Commission of the Minnesota Department of Transportation as part of the required applicable permit request. This local reporting is in addition to any federal permitting and review processing which may be simultaneously required.

402.5 **Private Sewer Systems.** The standards as found in the current Marine on St. Croix Sewer Use Ordinance ~~No. 72~~ apply to all individual and communal septic systems.

403. **General Yard Requirements.**

403.1. **Minimum Lot Area Requirements.**

(1) Lots become eligible for development provided they meet the lot size requirements of their respective zoning district and can satisfy the provisions of this Ordinance.

(2) All lots providing on-site sewer systems must include sufficient buildable area to conform to the minimum standards of the current Marine on St. Croix Sewer Use Ordinance ~~No. 72~~.

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

403.3 **Number of Principal Buildings on a Lot.** Not more than one principal building shall be located on a lot.

403.4 **Permitted Encroachments.** The following shall be considered as permitted encroachments on setback requirements in any yard. Posts, off-street open parking spaces, flues, belt course, leaders, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, chimneys, flag poles, ornamental features, open fire escapes, sidewalks and fences, and all other similar devices incidental and appurtenant to the principal structure except as hereinafter provided.

403.5 **Sight Triangle Setback.** On corner lots in residential districts, nothing shall be placed or allowed to grow, with the exception of seasonal crops, within the sight visibility triangle setback in a manner that may interfere with traffic or pedestrian visibility along a public right-of-way between the heights of two (2) feet and eight (8) feet above the street centerline grade. The sight triangle is defined as follows: beginning at the intersection of the projected property lines of two intersecting streets, thence twenty (20) feet along one property line, thence diagonally to a point twenty (20) feet from the point of beginning on the other property line, thence to the point of beginning.

404. Performance Standards.

404.1 **Purpose.** The performance standards established in this section are intended to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are intended to prevent and eliminate those conditions that cause blight. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated. Before any building permit is approved, the Zoning Administration Staff shall determine whether the proposed use, buildings and structures will conform to the performance standards. The applicant shall supply data necessary to demonstrate such conformance. Such data may include a description of equipment to be used, hours of operation, method of refuse disposal, and type and location of exterior storage.

404.2 **Exterior Storage.**

(1) In residential districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials, if these are used or intended for use on the premises, off-street parking of passenger automobiles and pick-up trucks. Boats and unoccupied trailers, less than twenty (20) feet in length, are permissible if stored in the rear yard more than ten (10) feet from any property line. Seasonal storage of boats and boat trailers in excess of twenty (20) feet in length may be allowed provided the following conditions are met:

(a) The boat and trailer belong to the property owner of the premises where the boat is stored.

(b) Seasonal storage shall not exceed nine (9) consecutive months.

(c) The boat and/or trailer shall not exceed twenty-four (24) feet in length.

(d) The boat and/or trailer shall not be stored in the required front yard setback except within a driveway.

(2) Within the Village Center District and the Limited Industry District, exterior storage is a conditional use subject to the conditions of the specific zoning district.

404.3 **Screening.**

(1) Where any commercial or industrial use or parking lot is adjacent to property zoned or developed for residential use the owner of such commercial or industrial premises shall provide screening along the boundary of the residential property. Screening shall also be provided where a commercial or industrial use or parking lot is located across the street from a residential zone, but not on that side of a business or industry considered to be the front.

(2) All open, off-street parking areas of four (4) or more spaces shall be screened from abutting or surrounding residential districts.

(3) All exterior storage shall be screened. The exceptions are: (1) merchandise being displayed for sale; (2) materials and equipment presently being used for construction on the premises; (3) merchandise located on service station pump islands.

(4) The screening shall be placed along property lines or in case of screening along a street, five (5) feet from the street right-of-way with landscaping between the screening and pavement.

(5) All the screening specifically required by this Ordinance shall consist of either a fence or green belt planting strip as provided for below:

(a) Green Belts. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and large shrubs and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall contain no structures. Such planting strips shall be designed to provide visual screening of at least eighty (80) percent opacity to a minimum height of six (6) feet. Earth mounding or berms may be used but shall not be used to achieve more than three (3) feet of the required screen. The planting plan and type of plantings shall require the approval of the Zoning Administration Staff.

(b) Screen Fencing. A required screening fence shall be constructed of masonry, brick, wood or steel. Such fence shall provide a screening effect up to at least eighty (80) percent opacity and not exceed eight (8) feet in height or be less than six (6) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the Zoning Administration Staff.

404.4 **Fencing.** All boundary line fences shall be entirely located upon the property of the person, firm or corporation constructing, or causing the construction of such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. The Zoning Administration Staff may require the owner of the property upon which a fence now exists, or may require any applicant wishing to construct a fence to establish the boundary lines of this property by a survey thereof to be made by any Registered Land Surveyor.

Fences shall not exceed six (6) feet in height in residential districts or eight (8) feet in height in commercial - industrial districts, except deer fences not exceeding ten (10) feet in height are permitted providing that the fence, including any supports other than naturally occurring trees, exceed eighty-three (83) percent open area, is of earth tone colors, and is set back from front lot lines a minimum of five (5) feet. Banners, streamers, reflectors, or other moving adjuncts to a fence meeting the requirements of this exception are permitted for a maximum of twenty-one (21) days per year. Fences exceeding these height standards shall require a conditional use permit.

404.5 **Landscaping.** In all urban districts, all developed uses shall provide a landscaped yard along all streets. This yard shall be kept clear of all structures, storage, and off-street parking. Except for driveways, the yard shall extend along the entire frontage of the lot, and along both streets in the case of a corner lot, such yard shall have a depth of at least ten (10) feet. In all districts, all structures and areas requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions. The area disturbed by construction or reconstruction shall be restored or landscaped within nine (9) months after issuance of an occupancy permit.

404.6 **Bulk Storage (Liquid).** All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall require a conditional use permit in order that the City Council may have assurance that fire, explosion, or water or soil contamination hazards are not present (that would be detrimental to the public health, safety, and general welfare). The City Council may require the development of diking around said tanks. Diking shall be suitably sealed and shall hold a leakage capacity equal to one hundred fifteen (115) percent of the tank capacity.

404.7 **Nuisance Characteristics.** No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities. The following standards apply to all districts.

(1) Glare. In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, including glare from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 foot candles (meter reading) as measured from said property.

(2) Noise. Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Rules Chapter 7030.

(3) Vibration. The following vibrations are prohibited:

(a) Any vibration discernible (beyond property line) to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.

(b) Any vibration resulting in any combination of amplitudes and frequencies

beyond the safe range of the most current standards of the United States Bureau of Mines on any structure.

(4) Toxic or Noxious Matter No use shall discharge any toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property or business. For the purpose of this Ordinance, the regulations and standards adopted by the Minnesota Pollution Control Agency shall be employed.

(5) Air Pollution. Any use shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental or an endangerment to the public health, safety, comfort, or general welfare of the public. For the purpose of this Ordinance, the regulations and standards adopted by the Minnesota Pollution Control Agency shall be employed.

(6) Refuse. Expand section to discuss trash enclosures.

(a) In all districts, all waste material, with the exception of crop residue shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

(b) Passenger vehicles and trucks in an inoperative state shall, for 7 or more days, ~~not~~ be parked in a building or be fully screened in residential districts ~~for a period exceeding seven (7) days~~; inoperative shall mean incapable of movement under their own power and in need of repairs or junk yard.

(c) All exterior storage not included as a permitted accessory use, a permitted use, or included as part of a conditional use permit, or otherwise permitted by provisions of this Ordinance, shall be considered as refuse

(7) Miscellaneous Nuisances.

(a) No person may store or keep any vehicle of a type requiring a license to operate on the public highway without a current license attached thereto, whether such vehicle be dismantled or not, outside of an enclosed building in residential or agricultural districts.

(b) No person may create or maintain a junkyard or vehicle dismantling yard.

(c) The following are declared to be nuisances affecting public health or safety:

(1) The effluent from any cesspool, septic tank, drainfield or human sewage disposal system discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.

(2) The pollution of any public well or cistern, stream or lake, canal or

body of water by sewage, industrial waste or other substances.

405. **Environmental Standards.** **Environmental standards shall meet the requirements of this section ~~and the Conservation District~~ and/or other regulatory authority. Where requirements conflict the more restrictive shall govern.**

405.1 **Land Reclamation and Land Grading.**

(1) Within this Ordinance, land reclamation is the reclaiming of land by depositing or moving material so as to alter the grade. Land reclamation shall be permitted by Grading and Filling Permit in all districts. Depositing a total of more than fifty (50) cubic yards of material per 1/2 acre or less, either by hauling in or regarding the area, shall constitute land reclamation. The permit shall be issued only after the City has received and approved a finished grading plan, pursuant to Section 306 of this Ordinance, which shows that the land reclamation will not adversely affect the adjacent land. The permit may include conditions regarding the type of material permitted, program for rodent control, plan for fire control, and general maintenance of the site controls of vehicular ingress and egress, drainage and control of material dispersed from wind or hauling of material to or from the site.

(2) A grading and filling permit may be issued only if:

(a) Slopes greater than twelve (12) percent (twelve (12) feet vertical rise in one hundred (100) horizontal feet) are preserved to the greatest extent possible;

(b) Earth moving, erosion, vegetative cutting, drainage to adjacent properties, filling of wetlands, and the destruction of natural amenities is minimized;

(c) The smallest amount of ground is exposed for as short a time as possible;

(d) During construction, temporary ground cover such as mulch is used and permanent ground cover such as sod is planted upon completion, taking into consideration seasonal conditions;

(e) Methods to prevent erosion and trap sediment are employed; and

(f) Fill is stabilized to accepted engineering standards.

(3) A separate grading and filling permit is not required for grading, filling, or excavating the minimum area necessary for a structure, sewage disposal system and private road and parking area undertaken pursuant to a validly issued building permit.

(4) No water area shall be filled, partially filled, dredged, altered by grading, mining or otherwise utilized or disturbed in any manner without first securing a permit from the Minnesota Department of Natural Resources, the U.S. Army Corps of

Engineers, and the affected Watershed District or Watershed Management Organization, as applicable. Such grading may be reviewed and approved by the Department of Natural Resources, the city engineer, the Watershed District, Watershed Management Organization, and the Planning Commission.

(5) Water areas shall include all lakes, ponds, swamps, streams, drainage ways, floodways, natural water courses, underground water resources and similar features involving directly or indirectly the use of water within the community

405.2 **Drainage Plans**.

(1) In case of all residential subdivisions containing three (3) or more lots, and business and industrial developments, the grading and drainage plans shall be submitted to the City Engineer for review and the final grading and drainage plans shall be subject to the City Engineer's written approval. The grading and drainage plans must show compliance with all of the applicable performance standards of Section 405 of this Ordinance.

(2) As part of a building permit application for a single family home, a site survey showing grading, drainage, and building pad (location and elevation) must be submitted. Such documents shall be consistent with the approved final grading plan of the subdivision. If a final grading plan for the subdivision does not exist, the grading plan must demonstrate site drainage that meets the standard of this section and will not result in drainage or flood that may encumber adjoining properties.

(3) Prior to issuance of a certificate of occupancy, the holder of the building permit must submit certification that the grading and drainage was performed consistent with the approved grading and drainage plan. The City may, at the permit holder's expense, direct the City Engineer to review, inspect, and verify that the actual site grading has been completed in accordance with the approved grading and drainage plan.

(4) Storm water drainage may be discharged into marshlands, swamps, retention basins after passing through appropriate water quality treatment facilities. Diversion of storm water to marshlands or swamps may be considered for existing or planned surface drainage. Marshlands and swamps used for storm water storage shall provide for natural or artificial water level control. Retention and water quality treatment basins scattered throughout developed areas shall be encouraged to improve storm water quality, reduce peak flow, erosion damage, and construction cost.

(5) Storm water drainage plans for any development site or subdivision, except those sites in the Village Center Zoning District, shall manage storm water flows from the site at pre-development volumes and rates both during and at the completion

of site development.

405.3 **Soil Erosion and Sedimentation Control.** All site grading shall meet the following soil erosion and sediment control standards:

(1) All grading, filling and development shall conform to the natural limitations presented by the topography and soil so as to create the best potential for preventing soil erosion.

(2) Slopes over eighteen percent in grade shall not be developed.

(3) Development on slopes with a grade between twelve to eighteen percent shall be carefully reviewed to insure adequate measures are taken to prevent erosion, sedimentation, and structural damage.

(4) Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.

(5) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

(6) The drainage system shall be constructed and operational as quickly as possible during construction.

(7) Whenever possible, natural vegetation shall be retained and protected.

(8) Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.

(9) When soil is exposed, the exposure shall be for the shortest feasible period of time. No exposure shall exceed sixty (60) days. Said time period may be extended only if the Planning Commission is satisfied that adequate measures have been established and will remain in place.

(10) The natural drainage system shall be used as far as is feasible for storage and flow of runoff.

(11) A signed Erosion Control Agreement providing that erosion control standards and requirements will be met must be secured by the City before a building permit shall be issued.

405.4 **Exposed Slopes**. The following control measures shall be taken to control erosion during construction:

(1) No exposed slope steeper in grade than five (5) feet horizontal to one (1) foot vertical is permitted.

(2) Exposed slopes steeper in grade than ten (10) feet horizontal to one (1) foot vertical shall be contour plowed to minimize direct runoff of water.

(3) At the foot of each exposed slope, a channel and berm shall be constructed to control runoff. The channelized water shall be diverted to a sedimentation basin (debris basin, silt basin, or silt trap) before being allowed to enter the natural drainage system.

(4) Along the top of each exposed slope, a berm shall be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures shall consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain or flow apron, a gravel energy dissipator shall be installed to prevent erosion at the discharge end.

(5) Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of slope, soils material, and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seedlings of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark, or other protective material. Mulch shall be anchored to slopes with liquid asphalt, stakes, and netting, or shall be worked into the soil to provide additional slope stability.

(6) Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

405.5 **Preservation of Natural Drainage ways.**

(1) Waterways.

(a) All new development and subdivisions shall be designed to retain the natural drainage systems in the City, including existing wetlands and ponds. The natural drainage system will be maintained by the City where they exist within a public easement. Above-ground runoff disposal waterways may be constructed to augment the natural drainage system. The natural and constructed waterways may be coordinated with an open space trail system.

(b) The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage

area is reached.

(c) No structures except bridges shall be constructed across ~~the~~ any waterway, tributary, stream, or wetland.

(d) No building shall be located within twenty (20) feet of the ordinary high water level of any waterway, tributary, stream, or wetlands.

(e) No fence or bridge shall be constructed across or over any waterway, tributary, stream, or wetland that will reduce or restrict the flow of water.

(f) The banks of the waterway shall be protected with a permanent turf vegetation.

(g) The banks of the waterway shall not exceed five (5) feet horizontal to one (1) foot vertical in gradient.

(h) The gradient of the waterway bed shall not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.

(i) The bed of the waterway shall be protected with turf, sod, or concrete. If turf or sod will not function properly, rip rap may be used. Rip rap shall consist of queried limestone, fieldstone (if random rip rap is used) or construction materials provided said construction materials are limited to asphalt, cement and concrete. The rip rap shall be no smaller than two (2) inches square nor no larger than two (2) feet square. Construction materials shall be used only in those areas where the waterway is not used as part of a recreation trail system.

(j) If the flow velocity in the waterway is such that erosion of the turn side-wall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Either gravel or rip rap would be allowed to prevent erosion at these points.

(2) Waterway Velocity.

(a) The flow velocity of runoff in waterways shall be controlled to a velocity that will not cause erosion of the waterway.

(b) Flow velocity shall be controlled through the installation of diversions, berms, slope drains, and other similarly effective velocity control structures.

(3) Sediment Control.

(a) To prevent sedimentation of waterways, pervious and impervious

sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.

(b) Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction stage of development. Development of housing and other structures shall not be permitted in the area on either side of the waterway required to channel a twenty-five (25) year storm.

(c) Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

(4) Maintenance of Erosion Control Systems.

(a) The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this ordinance.

(b) Sediment basins shall be maintained as the need occurs to insure continuous desilting action.

(c) The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basins and waterways shall be landscaped.

(d) Prior to the approval of any plat for development, the developer shall make provisions for continued maintenance on the erosion and sediment control system.

405.6 **Wetland Preservation.**

(1) General Provisions.

(a) All wetlands in the city including marshlands and swamps shall be retained in their natural state to serve as storm water runoff basins and also as wildlife habitat. Filling or excavation of wetlands is prohibited.

(2) Vegetation. No wetland vegetation may be removed or altered except that reasonably required for the placement of structures and use of property as permitted by this Ordinance.

405.7 **Tree and Woodland Preservation.** (Commission to review J. Goodfellow comments)

(1) The following restrictions shall apply to all residential development occurring in

wooded areas:

(a) Structures shall be located in such a manner that the maximum number of significant trees shall be preserved (see Section 202, Significant Tree).

(b) Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of significant trees on the site and that if trees are cut, the applicant will restore the density of trees to that which existed before development but in no case shall he be compelled to raise the density above ten (10) trees per acre.

(c) Forestation, reforestation or landscaping shall utilize a variety of indigenous tree and shrub species and shall not utilize any species that is invasive or presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.

(d) Development including grading and contouring shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering equal to one-half the crown area.

(e) Notwithstanding the above, the removal of trees seriously damaged by storms or other acts of God, or diseased trees shall not be prohibited.

(2) Tree and Woodland Preservation Plans.

(a) In the case of all single family subdivisions, business, and industrial developments, a tree preservation plan shall be submitted to the Planning Commission for review and then to the City Council for approval. The tree preservation plan shall include identification of significant trees and tree masses within the construction area, tree preservation measures to be implemented during building construction, and site grading to protect identified significant trees.

405.8 **Agriculture Operations.** All farms in existence upon the effective date of this Ordinance shall be a permitted use where the operator can conduct a farming operation. However, all regulations contained in these performance standards shall apply to all changes of the farming operation which will cause all or part of the area to become more intensively used or more urban in character.

405.9 **Mining.** All mining activities, including that of gravel mining, are prohibited within the City.

406. **Traffic/Parking/Access/Loading.**

406.1 **Traffic Control.** The traffic generated by any use shall be channelized and controlled

in a manner that will avoid: (a) congestion on the public streets, (b) traffic, hazards, and (c) excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business areas shall in all cases be forward moving with no backing into streets.

406.2 **Access Drives and Access.**

(1) Access drives may not be placed closer than five (5) feet to any side or rear lot line. No access drive shall be closer than three (3) feet to any single or two family residence, no closer than five (5) feet to any multiple family building or commercial building. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.

(2) Access drives onto county roads shall require a review by the County Engineer. The County Engineer shall determine the appropriate location, side, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

(3) Access drives to principal structures shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. The Zoning Administration Staff shall review all proposed access drives (driveways) for compliance with the following design standards and shall enforce the following maintenance standards:

(a) All access drives shall be a minimum of twelve (12) feet wide, with brush and overhanging branches cleared to a minimum height of twelve (12) feet from the ground.

(b) All access drives of more than two hundred (200) feet in length shall require a conditional use permit and shall meet the following standards:

(i) Passing lanes shall be constructed and maintained to the same standards as required for access drive.

(ii) Each passing lane shall be at least sixty (60) feet in length and the combined width of the access drive and the passing lane shall be at least eighteen (18) feet for the entire sixty (60) foot length.

(iii) Natural sight lines for traffic and pedestrian visibility shall be kept open.

(iv) The design shall accommodate emergency vehicle access, even during winter months.

(4) All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated

public roadway, or an existing private roadway approved by the City Council.

(5) Owners using an access drive shall be responsible for the entire cost of constructing and maintaining such access drive.

(6) The City shall have no liability for the failure to provide emergency services or delays in providing emergency services to properties serviced by access drives where such failure or delay is partly or wholly the result of the design, construction or maintenance of the access drive.

(7) A privately owned, developed, and/or maintained driveway or private street for the purpose of direct lot access may cross undeveloped right-of-way and not become a public street unless constructed to City street design standards and formally accepted by the City.

406.3 **Parking.**

(1) Location. All accessory off-street parking facilities required herein shall be located as follows:

(a) Spaces accessory to one and two-family dwellings on the same lot as the principal use served.

(b) Spaces accessory to uses located in a business, within eight hundred (800) feet of a main entrance to the principal building served.

(c) No off-street parking area containing more than four (4) parking spaces shall be located closer than five (5) feet from an adjacent lot zoned or used for residential purposes.

(2) General Provisions.

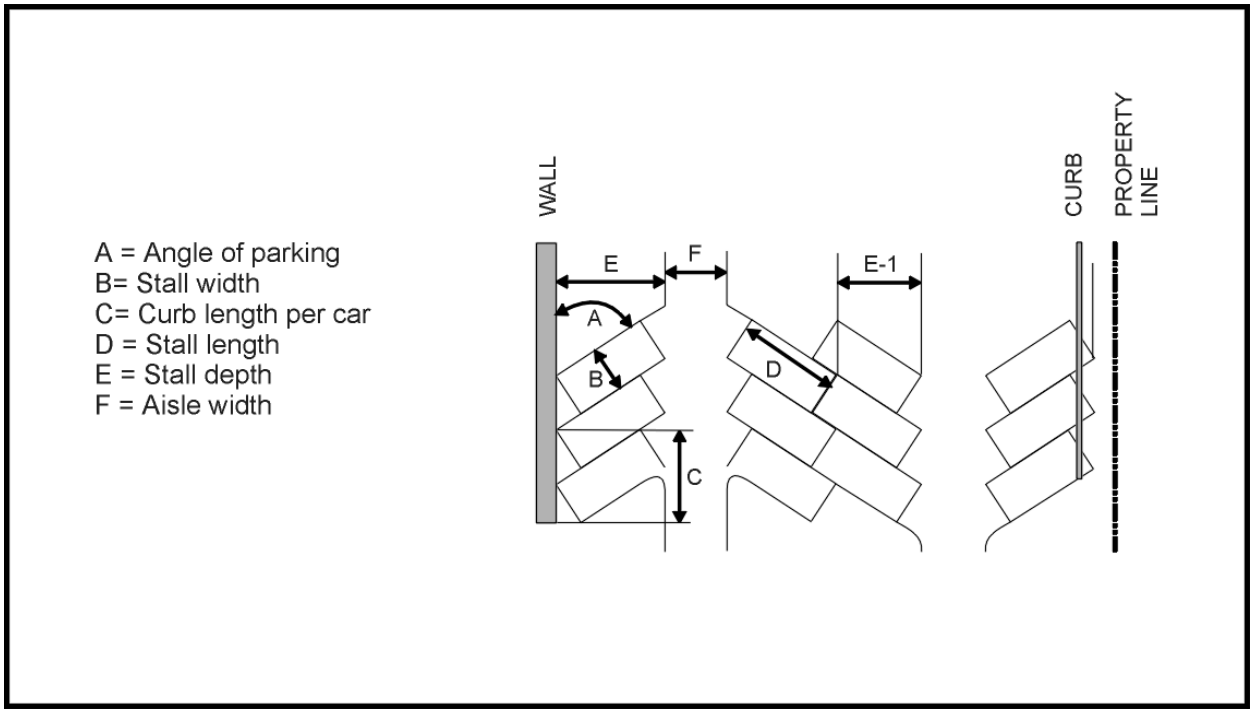
(a) Access drives may be placed adjacent to property lines except that drives consisting of crushed rock, or other non-finished surfacing shall be no closer than one (1) foot to any side or rear lot line.

(b) Parking Space Size. Except as provided in Section 406.4 (2)(c) below, each parking space shall be not less than eight feet nine inches (8’ 9”) wide and nineteen (19) feet in length exclusive of access aisles, and each space shall be served adequately by access aisles.

(c) Parking Stall Standards. Except in the case of single family, two family and townhouse dwellings, parking areas and their aisles shall be developed in accordance with the following standards:

(A) Angle of Parking	(B) Stall Width	(C) Curb Length Per Car	(D) Stall Length	(E) Stall Depth Wall to Aisle	(E-1) Stall Depth Inter-lock to Aisle	(F) Aisle One Way	(F) Width Two Way
90 degree	8’9” 8’9”*	8’9” 8’9”	19’0” 18’0”*	19’0” 18’0”*	19’0” 18’0”*	24’0” 24’0”	24’0” 24’0”
75 degree	8’9” 8’9”*	9’0” 9’0”	19’0” 18’0”*	20’3” 19’3”	19’5” 18’5”*	20’11” 20’11”	23’0” 23’0”
60 degree	8’9” 8’9”*	10’0” 10’0”	19’0” 18’0”*	20’3” 19’2”	19’5” 18’6”*	18’6” 18’6”	22’0” 22’0”
45 degree	8’9” 8’9”*	12’3” 12’3”	19’0” 18’0”*	18’5” 17’9”	17’3” 16’6”*	13’0” 13’0”	22’0” 22’0”
0 degree	8’0”	22’0”	22’0’	8’0”	8’0”	12’0”	24’0”

*The parking lot dimensions may be reduced upon submission and prior City Council approval of a comprehensive snow removal site plan. The snow removal site plan shall be contractual in nature, signed by the property owner and filed with the Zoning Administration Staff. The reduction shall not be allowed until the conditions of this section are met.



(d) Control of off-street parking facilities. When required, accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the City Council requiring the owner and his or her heirs and assigns to maintain the required number of off street spaces during the existence of said principal use.

(e) Use of parking area. Required off-street parking space in any District shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or rent.

(f) Disability Accessible Parking. Disability accessible parking spaces shall be provided as applicable pursuant to Minnesota Statutes 168.021, as may be amended.

(3) Design and Maintenance of Off-Street Parking Areas.

(a) Parking Areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access shall not exceed thirty (30) feet in width and shall be so located as to cause the least interference with traffic movement.

(b) Signs. No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such signs shall not be a part of the permitted advertising space.

(c) Curbing or Landscaping. All open off -street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than five (5) feet from the side property line or a guard of normal bumper height not less than three (3) feet from the side property line.

(d) Maintenance of off-street parking space. It shall be the joint and several responsibility of the operator and owner of the principal use, uses, and/or building to maintain, in a neat and adequate manner, the parking space, accessways, landscaping and required fences.

(4) Truck Parking in Residential Areas. No motor vehicle over one (1) ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored in a residential district on a public street except when loading, unloading, or rendering a service. Recreation vehicles and pickups are not restricted by the terms of this provision.

(5) Off Street Spaces Required for Urban Areas.

(a)	One and two-family residences	Two (2) spaces per dwelling unit.
(b)	Churches, Theaters, Auditoriums, and other places of assembly	One (1) space for each (3) seats or for each five (5) feet of pew length based upon maximum design capacity.
(c)	Business and Professional offices	One (1) space for each 200 square feet of gross floor space.
(d)	Medical and Dental Clinics	Five (5) spaces per doctor or dentist, plus one (1) space for each employee.
(e)	Schools	At least one (1) parking space for each (4) students based on design capacity, plus one (1) additional space for each class room.
(f)	Automobile Service Station	At least two (2) off-street parking spaces plus four (4) off-street parking spaces for each service stall.
(g)	Retail Store	At least one (1) off-street parking space for each two hundred (200) square feet of gross floor area,
(h)	Restaurants, Cafes, Bars, Taverns, Night Clubs	At least one (1) space for each three (3) seats based on capacity design.
(i)	Industrial, Warehouse, Storage, Handling of Bulk Goods	At least one (1) space for each employee on maximum shift or one space for each two thousand (2,000) square feet of gross floor area, whichever is larger.
(j)	Boarding House/Accessory Apartment	At least one (1) parking space for each person for whom accommodations are provided for sleeping.
(k)	Other Uses	Off-street parking requirements for uses not specifically mentioned herein shall be determined on an individual basis by the City Council.

Factors to be considered in such determination shall include (without limitation) national parking standards, parking standards for similar businesses or land uses, size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.

406.4 **Driveways**

Subd. 1. Permit Required. No person shall construct a driveway or make a major alteration of a driveway in any area of the City without first obtaining a permit from the Building Inspector. The application for a permit shall be submitted to the Building Inspector on forms provided by the Zoning Administrator. The Building Inspector may require that the application be accompanied by plans and specifications for the work. The application shall be accompanied by the fee as set by the City Council. If determined necessary by the Building Inspector and City Clerk, a security deposit equal to or less than the estimated cost of the work shall be required.

Subd. 2. Standards and Guidelines. No permit shall be issued unless the proposed work complies with the following standards and guidelines:

(1) **Materials**. That portion of the private driveway, private street or lane which traverses the public street right-of-way shall be constructed of materials as follows:

A. If the private driveway, street or lane intersects a concrete street or a concrete curb and gutter, then the apron and new gutter shall be concrete.

B. If the private driveway, street or lane intersects a bituminous roadway without concrete curb and gutter, the intersecting area may be concrete, bituminous or other materials approved by the Engineer.

(2) **Maximum Width.** The maximum driveway width at the curb line of the street and at the property boundary line shall be 30 feet exclusive of returns.

(3) **Minimum Distance to Street Intersection.** The minimum distance between the driveway and the nearest return of the intersection of two streets shall be 50 feet as measured at the curb line of the street.

(4) **Minimum Distance Between Driveways.** The minimum distance between adjoining driveways shall be 15 feet as measured at the curb line of the street.

(5) **Minimum Distance Between Driveway and Lot Line.** The minimum distance between a driveway and a side lot line shall be 10 feet as measured at the curb line and at the property boundary line of the street.

(6) Maximum Number. On lots less than 75 feet in width, no more than one driveway per lot shall intersect a street.

(7) Other Standards. The Building Inspector and/or Zoning Administrator may adopt additional standards as to the design, materials, and installation of driveways to be located on the right-of-way of streets.

(8) Exceptions. The Building Inspector may grant exceptions to the standards and guidelines of this Subsection in order to allow reasonable access to property, provided that such exceptions do not result in conditions hazardous to vehicular and pedestrian traffic.

Subd. 3. Issuance of Permit. The Building Inspector and/or Zoning Administrator shall grant a permit upon finding the work will comply with the requirements of this Section.

Subd. 4. Final Inspection. After all construction and clean-up has been completed, the permit holder shall notify the Building Inspector and request final inspection and acceptance of the work.

Subd. 5. Penalty. A violation of this chapter shall be punishable by a fine of not to exceed $1,000 or Imprisonment for not to exceed 90 days, or both.

407. **Home Occupations.**

407.1 Purpose. The regulation of home occupations within residential structures is intended to insure that the occupational use is clearly accessory or secondary to the principal dwelling use and that compatibility with surrounding residential uses is maintained.

407.2 Permitted Home Occupations. Home occupations meeting the following conditions are permitted uses in all residential zoning districts:

(1) Nuisance. No home occupation shall produce light, noise, odor, vibration, or electrical interference that will in any way have an objectionable effect upon adjacent or nearby properties.

(2) Structural Changes. Businesses for which no interior or exterior changes are made or are necessary to conduct the business; which are conducted within a principal building; and which require no mechanical or electrical equipment not customarily found in a home.

(3) Traffic. Businesses which do not significantly alter the traffic pattern of the neighborhood.

(4) Employees. Businesses which do not have employees other than those living on the premises.

(5) Area Permitted. No home occupation shall be more than three hundred fifty-five (355) square feet of the gross floor of a dwelling or the total gross floor area of a single accessory building.

(6) Sales on Premises. Businesses which are not involved in direct sales on the premises except as may be conducted through the use of the U.S. Mail, commercial delivery services by a vehicle no larger than a step van, or by taking and ordering delivery of orders by telephone or internet sales.

(7) Outside Storage. Businesses which have no outdoor storage of equipment, machinery, inventory, tools or any other item used in connection with the business, except for parking of business vehicles.

(8) Signage. The businesses have no signage.

(9) Premises used for home occupations shall conform to the Uniform Building Code and Fire Code.

(10) No mechanical or electrical equipment is used if the operation of such equipment produces noise, odor, vibration, or electrical interference that interferes unreasonably with the desired quiet residential environment of the neighborhood or endangers the health and safety of neighborhood.

407.3 Home Occupations. Home occupations meeting the following conditions require an interim use permit in all districts:

(1) Compliance with the conditions of Section 407.2 above except as follows:

(2) Product production, service and sales may be permitted.

(3) Employees. Businesses must be owned and operated by the owner/occupant of the residence. The business may allow up to two (2) employees other than those living on the premises.

(4) Home occupations allowing retail sales shall meet the following conditions:

(a) No articles for sale shall be displayed so as to be visible from any street.

(b) Such occupation does not generate more than two (2) additional vehicles at any one time.

(5) Parking. The business must provide sufficient off-street parking. On-street parking attributed to the home occupation shall be prohibited.

(6) Adverse Effect on Neighborhood. The City Council shall find that all business related activity occurring on the premises is not reasonably expected to cause any adverse changes to the residential character of the neighborhood.

(7) Traffic. The City Council shall find that the traffic generated by the business involves only vehicles of the type that typically service single family residences and that such traffic constitutes neither a nuisance nor a safety hazard.

~~408. **Wireless Communication Antennas and Towers**.~~

408.1 **Purpose and Intent.** It is the express purpose of this Section to:

(1) Minimize the visual and environmental impacts of wireless communication service equipment by means of a review and approval process.

(2) Accommodate the desire of residents, travelers, and businesses to have high quality communications technology without endangering public health, safety, and welfare;

(3) Minimize adverse visual effects of wireless antennas towers through the development of careful design standards, siting standards, and the encouragement of co-location;

(4) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements;

(5) Protect the neighborhood character, historical character, architectural character and open space of Marine on St. Croix and the St. Croix River Valley in general by assuring that wireless communication equipment is constructed and placed in a manner that is compatible with surrounding land uses.

(6) Provide a means for removal of wireless communications, towers and antennas upon permit expiration, revocation, or cessation of use.

408.2 **Required Permits.**

(1) The following may be allowed by interim use permit in accordance with the provisions of Section 309 of this Ordinance:

(a) The erection of a new antenna on an existing or new mount.

(b) The erection of an antenna tower.

(c) The replacement and/or reconstruction of an antenna tower.

(d) Renewal of an interim use permit.

(2) Unless the antenna/antenna support structure and land is under the same ownership, applications for an interim use permit shall be accompanied with written authorization for antenna erection from the property owner.

(3) All application filings for an interim use permit shall be made on forms approved by the City.

(4) In addition to the public hearing notification of Section 309 of this Ordinance, notice shall be mailed to each governmental unit in Minnesota and Wisconsin from which the tower could be visible.

408.3 **Term of Permit.** An interim use permit for a wireless antenna or antenna support structure shall expire two (2) years after the effective date of the permit approval. A permittee wishing to continue the use of a specific wireless antenna or antenna support structure at the end of the period shall apply for a permit renewal to continue that use at least six (6) months prior to its expiration. All regulations in force at the time of the renewal will be applied to the interim use permit.

408.4 **Financial Security.** Prior to the issuance of an interim use permit for a wireless antenna or tower assembly, the applicant shall post a financial security acceptable to the City Attorney in the form of a bond equal to one hundred twenty-five (125) percent of the estimated cost of removing the antenna, tower assembly, and ancillary equipment, along with other site restoration. Removal and site restoration cost estimates shall be submitted by the applicant for review by the City Engineer. The financial security shall be in effect for three (3) years or one (1) year following permit expiration, whichever is greater.

408.5 **Revocation.** An interim use permit shall be revoked upon a finding that:

(1) The permittee has failed to comply with conditions of approval; or

(2) The facility has not been properly maintained; or

(3) The facility is no longer in use and has not been in use for the previous twelve (12) months; or

(4) The term of the permit has expired.

408.6 **Removal.** All antennas, tower assemblies, or ancillary equipment for which an interim use permit has been revoked in accordance with Section 408.5 of this Ordinance shall be removed within ninety (90) days of the date of revocation, unless a time extension is granted by the City. The removal shall be the joint and several responsibility of the antenna/tower assembly owner and landowner. "Removal" shall include, but not be limited to:

(1) Removal of antennas, tower assembly, equipment and buildings, and security barriers from the subject property.

(2) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

(3) Restoration of the location of the wireless antenna, or tower assembly to its natural condition, except that any grading shall remain in the after-condition.

(4) Removal of access driveway and/or utilities accessory to the antenna and/or antenna tower.

408.7 **Wireless Communication Antennas Mounted on Support Structures.** Wireless communication antennas erected on an antenna support structure may be allowed as an interim use in all zoning districts provided they comply with the following standards:

(1) The applications for antennas and support shall be signed by the property fee owner and wireless communications provider(s).

(2) The antenna shall not exceed the height of the pre-existing structure.

(3) The antenna support structure and antenna shall be in compliance with the Minnesota State Building Code and all other applicable federal and state regulations and permits.

(4) The structure design and mounting plans of the antenna shall be in compliance with manufacturer's specifications and shall be prepared, sealed and approved by a registered professional engineer.

(5) Antennas shall not be artificially illuminated or lighted. The applicant shall demonstrate that the preferred antenna location or height will not mandate artificial illumination or lighting required by the Federal Aviation Administration (FAA).

(6) Proposals to erect new antenna shall be accompanied by all required federal, state, or local agency licenses.

(7) Transmitting, receiving, and switching equipment which is not self-contained shall be housed within the existing antenna support structure whenever possible. Self-contained transmitting, receiving and switching equipment shall be located at the base of the antenna, be of a stealth design, or screened from view from residential uses and public rights-of-way in accordance with the requirements of Section 408.7.6(8) (a) below.

(8) The visual effects of antennas and accessory support equipment shall be minimized through the following requirements:

(a) Such facilities shall be of a stealth or camouflage design in accordance with the following:

(1) <u>Stealth Applications</u>.

(a) When a wireless communication antenna or antenna mount extends above the roof height of a building on which it is mounted, every effort

shall be made to conceal the facility within existing architectural features to limit its visibility from public places. Roof mounted antennas shall be stepped back from the front facade in order to limit their impact on the building's silhouette.

(b) Wireless communication antennas, accessory support equipment, and cables/wires which are side mounted shall blend in with the existing building's architecture and, if over five (5) square feet, shall be painted or shielded with material which is consistent with the design features of the building. Any wireless communication service facilities located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.

(c) As an alternative to year round vegetative screening, an ancillary structure for a wireless communication antenna or antenna accessory support equipment shall be designed to harmonize with the pre-existing architecture of the support structure.

(d) Wireless communication antennas and accessory support equipment which are side mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.

(2) Camouflage Applications.

(a) To the extent that any antenna extend above the height of the support structure or vegetation immediately surrounding, it shall be painted to blend in with the background vegetation and/or light gray, light blue, or off white to blend with sky and clouds.

(b) Antennas and accessory support equipment viewed against a background of vegetation shall be painted to imitate the colors of the vegetation.

(c) Antennas and accessory support equipment visible from public viewing areas, other than those of camouflage or stealth design, shall be screened by year round vegetation.

(b) No advertising message shall be affixed or painted onto the antenna or accessory support equipment except in such cases when the accessory support equipment is a pre-existing sign approved by the City.

(9) An identification sign not exceeding two (2) square feet in area shall be affixed to the antenna support equipment identifying facility ownership or the management agency responsible for facility maintenance, repair and upkeep as well as a phone number for such owner or management agency.

(10) The interim use provisions of Section 309 of this Ordinance shall be satisfied.

408.8 **Wireless Communication Antennas on Towers.** Wireless communication antennas erected on a tower may be allowed as an interim use within all zoning districts excepting the Village Center District (VC), provided they comply with the following standards:

(1) A proposal for a new antenna tower assembly shall not be approved unless it can be shown by the applicant that the equipment planned for the proposed tower assembly cannot be accommodated:

(a) On an existing tower assembly; or

(b) On a tower assembly that has been permitted by the City (even though not yet constructed).

(2) If space is available on an existing antenna tower assembly, the tower owners shall, in good faith, lease space to other users so long as there is no disruption of the existing service provided by the tower's existing users and no negative structural impact upon the tower. If a dispute arises, and as a condition to any permit, the municipality, at its discretion, reserves the right to act as arbiter in determining if a tower owner is acting in good faith in leasing to other tenants.

(3) The lot upon which an antenna tower assembly is located shall comply with the minimum area requirements of the underlying zoning district.

(4) Unless the antenna tower and land is under the same ownership, written authorization for antenna tower assembly erection shall be provided by the property owner as well as the applicant.

(5) All antenna towers shall be of a monopole design in compliance with the Minnesota State Building Code and all other applicable federal and state regulations and permits.

(6) Structural design and construction plans of the antenna tower assembly shall be in compliance with manufacturer's specifications and shall be verified and approved by a registered professional engineer.

(7) Proposals to erect new antenna towers shall be accompanied by any required federal, state, or local agency licenses and permits.

(8) The City may authorize the use of City property for an antenna/tower assembly in appropriately zoned districts in accordance with the procedures of the City Code. The City shall have no obligations whatsoever to use City property for such purposes.

(9) Tower assemblies shall not exceed the height of forty-five (45) feet or not more than fifteen (15) feet above the tallest structure or tree canopy within a three

hundred (300) foot radius of the proposed tower assembly, as measured horizontally, whichever is taller. Tower assembly height includes the antennas. Construction shall be done in a manner that does not damage tall structures or trees within one hundred (100) feet of the antenna's highest point, measured horizontally.

(10) Antenna/towers assemblies shall not be artificially illuminated or lighted. The applicant shall demonstrate the preferred tower location or height will not mandate artificial illumination or lighting required by the Federal Aviation Administration (FAA).

(11) A security fence eight (8) feet in height shall be provided around the base of the antenna tower assembly or a locked anti-climb device shall be installed, extending twelve (12) feet above the ground, on all tower assemblies.

(12) Transmitting, receiving and switching equipment, shall be self-contained or located within an existing structure, whenever possible. Self-contained transmitting, receiving and switching equipment shall be located at the base of the antenna, be of a stealth design, or screened from view from residential uses and public rights-of-way in accordance with the requirements of Section 408.7 (8) (a).

(13) Antenna/tower assemblies shall maintain a minimum setback equal to the height of the tower. The setback requirements may be reduced if the applicant provides documentation by a registered engineer that any collapse of the tower will occur in a lesser distance under all foreseeable circumstances. The setback requirements shall not be reduced below the collapse area of the tower or the minimum structure setback requirements of the base zoning district, whichever is greater. In no case shall a tower be located within:

(a) One hundred (100) feet of the ordinary high water level of the St. Croix River (see Figure 408).

(b) Seventy-five (75) feet of the top of a bluff line (see Figure 408).

(c) One hundred (100) feet from a residential dwelling not located on the property where the tower is located.

(14) The visual effects of antenna/tower assemblies shall be minimized through the following requirements (see Figure 408):

(a) No advertising message shall be affixed or painted onto the antenna tower.

(b) Antenna/tower assembly shall be of a camouflage or stealth design.

(c) Antenna/tower assembly viewed against a background of vegetation shall be painted to imitate the colors of the vegetation. To the extent that any towers extend above the height of the vegetation immediately surrounding, they shall be painted light gray, light blue, or off-white to blend with sky and clouds.

(15) An identification sign not to exceed two (2) square feet in area shall be affixed to the antenna support equipment identifying facility ownership or the management agency responsible for facility maintenance, repair and upkeep as well as a phone number for such owner or management agency.

(16) The interim use permit provisions of Section 309 of this Ordinance shall be satisfied.

408.9 **Variances.** Variances from the provisions of this Section may be issued in those cases when the ordinance imposes ~~undue hardship~~ practical difficulties in providing communication service. Variances shall be processed in accordance with the procedures outlined within Section 311.3 of the Ordinance. A variance may be granted only in the event that the following circumstances exist: Sections 311.1 (5), 311.1(6), 311.1(7), 408.9(1), and 408.9(2).

(1) The granting of the variance is required by the Telecommunications Act of 1996, as may be amended.

(2) Telecommunication service cannot be achieved in full compliance with the ordinance through alternative sites, additional towers, or co-location on existing support structures and towers.

408.10 **Temporary Facilities.**

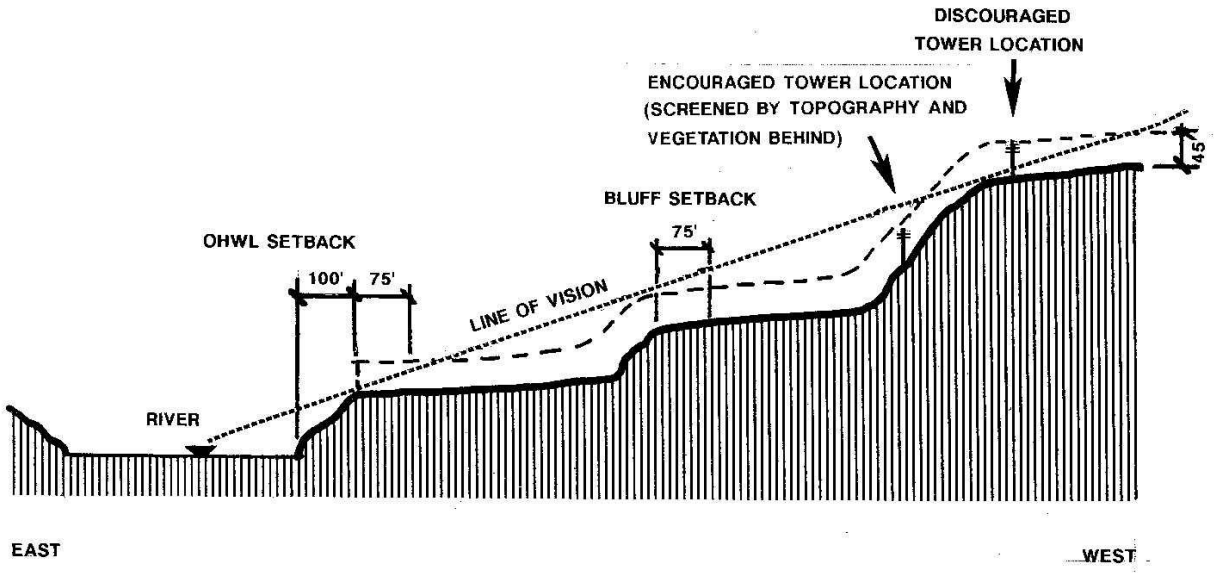
(1) No temporary wireless communication facility shall be permitted except in the case of equipment failure, equipment testing, or in the case of an emergency situation as authorized by the Washington County Sheriff provided that:

(a) Use of temporary sites for testing purposes shall be limited to twenty-four (24) hours.

(b) Use of temporary sites for equipment failure or in the case of emergency situations shall be limited to a term of thirty (30) days, unless extended by the City for good cause shown.

(c) Permanent platforms or structures, exclusive of antennas, other than those necessary for safety purposes or for tower maintenance, are prohibited.

Figure 408



Section 4. Section 504.4 of the SFR, Single Family Rural District is hereby amended to add the following as interim uses:

(3) Wireless communication antennas erected on an antenna support structure.

(4) Wireless communication antennas erected on an antenna tower.

Section 5. Section 505.4 of the SC-RR, St. Croix Rural Residential District is hereby amended to add the following as interim uses:

(3) Wireless communication antennas erected on an antenna support structure.

(4) Wireless communication antennas erected on an antenna tower.

Section 6. Section 506.4 of the SFU, Single Family Urban District is hereby amended to add the following as interim uses:

(3) Wireless communication antennas erected on an antenna support structure.

(4) Wireless communication antennas erected on an antenna tower.

Section 7. Section 507.4 of the SC-UR, St. Croix Urban Residential District is hereby amended to add the following as interim uses:

(2) Wireless communication antennas erected on an antenna support structure.

(3) Wireless communication antennas erected on an antenna tower.

Section 8. Section 508.4 of the VC, Village Center District is hereby amended to add the following as an interim use:

(1) Wireless communication antennas erected on an antenna support structure.

Section 9. Section 509.4 of the L-I, Limited Industry District is hereby amended to add the following as interim uses:

(1) Wireless communication antennas erected on an antenna support structure.

(2) Wireless communication antennas erected on an antenna tower.

409. **Accessory Apartments.**

409.1 **Purpose**. The purpose of this section is to provide standards for the establishment and use of home accessory apartments in owner occupied single family homes and/or a related accessory building.

409.2 **Application.** Subject to the non-conforming use provisions of this Ordinance, all home accessory apartments, as defined in Section 202 of this Ordinance, established after the effective date of this Ordinance shall comply with the provisions of this section.

409.3 **Procedures and Permits.** All home accessory apartments shall require a conditional use permit. Applicants for such a permit shall be made on forms provided by the City which shall include the following:

(1) Legal description of the property location and proof of ownership.

2) Plans, drawn to scale, indicating existing and proposed floor plans and access to both the principal unit and the accessory unit.

(3) Site plan depicting parking availability.

409.4 **General Requirements.** All home accessory apartments shall comply with the following requirements:

(1) The accessory apartment shall be clearly a subordinate part of the single family use of the lot. Accessory apartments may be established within either a single family dwelling or an accessory building.

(2) Living space for an accessory apartment may include a kitchen or cooking facilities, a bathroom, a living room, and shall not have more than one (1) bedroom.

(3) No accessory apartment shall exceed eight hundred (800) square feet in floor area and shall not be less than four hundred (400) square feet of floor area. Common area shared by the principal dwelling and the accessory apartment shall be considered part of the principal dwelling and shall not be included in the calculation of accessory apartment floor area.

(4) A maximum of one (1) accessory apartment permit shall be issued per detached single family lot.

(5) The accessory apartment and principal or accessory building shall meet the applicable standards and requirements of this Ordinance, Building Code, Fire Code, and Washington County health codes.

(6) The single family lot shall be owner occupied at the time of application and the building and property shall remain in single ownership and title and shall only have one (1) street address.

(7) All parking standards of Section 406 shall be met.

(8) No separate driveway or curb cut shall be permitted for the accessory apartment unit.

409.5 **Requirement of Accessory Apartment Within a Single Family Dwelling.** In addition to the general requirements of Section 409.4, the following requirements shall apply to accessory apartments established with a single family dwelling:

(1) A separate exterior entrance may be permitted. Any exterior alterations or expansion shall be constructed of similar size, color, and type of materials as the principal single family dwelling.

(2) The principal dwelling and accessory apartment shall share an internal doorway connection between the units.

(3) Both the principal dwelling and the accessory apartment shall share a single utility connection to electricity, potable water or domestic sewage treatment system (either ISTS or municipal sewer).

409.6 **Requirements for Accessory Apartments Within an Accessory Building.** In addition to the general requirements of Section 409.4, the following requirements shall be applied to accessory apartments established within accessory buildings:

(1) The accessory apartment shall be counted against the permitted accessory building floor area for the specific lot.

(2) Water Supply. The applicant shall provide construction details for providing potable water from a private wells or public water system.

(3) Sanitary Sewer. The applicant shall provide construction details for connecting to an individual sewage treatment system (ISTS). The property owner shall demonstrate that the ISTS has sufficient capacity to accommodate the sewer flows from the accessory apartments. Where municipal sewer is available, the accessory building shall share a single sewer connection with the principal dwelling.

409.7 **Revocation.** The City Council may revoke a conditional use permit is the permittee fails to comply with the conditions attached to the issuance of the permit or otherwise fails to comply with the provisions of this section. Prior to revocation, the City Council shall conduct a hearing preceded by ten (10) days mail notice to the permittee.

410. **Signs.**

410.1 **Address Signs.** In all zoning districts, one (1) sign shall be required for each business or residence which states the name and/or address of the business, industry, or occupant of the site and is attached to the building or site.

410.2 **Prohibited Signs – Safety**. No sign shall be allowed that hinders the safety of persons. Specifically, no sign is allowed that prevents egress or ingress from any door, window or fire escape no sign is allowed that interferes with the proper functioning of traffic or which constitutes a traffic hazard; no sign is allowed which is structurally unsafe or which endangers life or property.

410.3 **Prohibited Signs – Location**. No private sign, other than public utility signs, is allowed within or suspended above: 1) the public right-of-way of any street, 2) other property, or 3) utility or telephone poles.

410.4 **Prohibited Signs – Lighting**. No flashing sign is allowed. Illuminated sign lighting shall be diffused or indirect so as not to direct rays of light into adjacent property or into any public street or right-of-way.

410.5 **Prohibited Signs – Size**. In the Village Center District and the LI, Limited Industry District, no individual sign shall exceed one hundred (100) square feet in area. Total square footage of signage for any single building, in the Village Center and the LI District, shall not exceed fifteen (15) percent of the front façade of the building. In the case of corner lots, both the front of the building and side abutting a street shall be allowed signage. In all other Zoning Districts no sign shall exceed thirty-five (35) square feet in area.

410.6 **Inside Signs**. These ordinances do not apply to signs visible through windows or transparent doors.

410.7 **Political Signs**. Political signs are allowed in any district, on private property, with the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election or elections to which they apply.

410.8 **Pre-Existing Non-Conforming Signs**. All non-conforming signs in existence prior to the enactment of this ordinance shall be allowed to be replaced, restored, or rebuilt as necessary to remain the same as they were before enactment of the ordinance. But any change beyond the established structural dimensions shall be in compliance with the requirements of this ordinance, unless a variance is granted.

410.9 **Real Estate Development Project Signs**. A real estate development project sign advertising lots, or property for sale, shall be located on premises by permit, and sign shall be removed upon sale of one hundred (100) percent of lots in subdivision. The sign shall be a maximum of seventy-five (75) square feet each side, located at the site of the subdivision, setback fifteen (15) feet from the lot lines, and not within right-of-way or boulevard.

410.10 **Seasonal Produce & Farm Signs.** One sign is allowed for a farm or equine operation, provided that no farm sign shall exceed twenty (10) square feet per surface and shall have no more than two (2) surfaces.

SECTION 5. ZONING DISTRICTS AND DISTRICT PROVISIONS

501. **Zoning Districts.** The zoning districts are so designed as to assist in carrying out the intents and purposes of the Comprehensive Plan and are based upon the Comprehensive Plan which has the purpose of protecting the public health, safety, convenience, and general welfare. For purposes of this ordinance, Marine On St. Croix is hereby divided into the following Zoning Districts.

Symbol	
SFR	Single Family Rural
SC-RR	St. Croix Rural Residential District
SFU	Single Family Urban
SC-UR	St. Croix Urban Residential District
VC	Village Center
LI	Limited Industry
LSCRO	Lower St. Croix River Overlay District
FP	Floodplain

502. **Zoning Map.** The location and boundaries of the district established by this Ordinance are set forth on the Zoning Map which is hereby incorporated as part of this ordinance and is on file at Marine On St. Croix City Hall. It shall be the responsibility of the Zoning Administration Staff to maintain and update this map and the amendments to such map shall be recorded on such map within thirty (30) days after official adoption of the zoning amendments.

Zoning updates since 1975:

(1) Those parts of the NW Quarter of the NW Quarter and of Government Lot 5, Both in Section 6, Township 31 North, Range 19 West, Washington County, Minnesota, commonly known as “Marine Senior Housing Addition” from Single Family Rural (SFR) to Single Family Urban (SFU).

(2) Lots 2-12 Block 1, Roses Addition from Single Family Urban (SFU) to Single Family Rural (SFR).

503. **Vacated Streets.** Whenever any street, alley, easement, or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceeding.

504. **Single Family Rural (SFR).**

504.1 **Purpose**

(1) The fundamental purpose of this district is to encourage rural residential development to be clustered in a pattern which satisfies the following planning objectives:

(a) Preservation of contiguous common open spaces for scenic enjoyment, recreational use, and rural identity.

(b) Creation of cohesive neighborhoods in order to establish local identity and community interaction.

(c) Physical integration of neighborhoods, open spaces, and places of destination in order to establish municipal identity and community interaction.

(d) To implement the Comprehensive Plan objectives and policies with regard to rural area residential development, natural resource, preservation, and public service delivery.

(2) The diagram included in this section are provided to demonstrate graphically the purpose of the SFR District, its performance standards, and strategies by which the intended development pattern described by this ordinance may be achieved.

(3) Creative application of this Ordinance is encouraged. However, its purpose and intent must be preserved. The City of Marine on St. Croix is prepared to encourage and support new development planned in compliance with the performance standards described by this ordinance.

504.2 **Permitted Uses.** The following are permitted uses in the SFR District:

(1) Conservancy

(2) Single family ~~detached residences~~ residential..

(3) Essential services – telephone, ~~power distribution equipment, etc~~. (excluding cell phones.)

~~(3) Residential care facilities serving six (6) persons or less.~~

~~(4) Day care facilities serving twelve (12) persons or less.~~ Move to Conditional Use

(4) ~~Agriculture. Prior to subdivision, land may be used for agricultural purposes and be considered a permitted use in the SFR District. Any change to such a use creating a lot ten (10) acres or less shall require subdivision approval and any~~

~~required conditional use permits be processed according to this Ordinance.~~

(5) Permitted home occupations as defined in Section 407.2.
(6) Cemeteries
~~(7) Wireless Communications, Antennas and Towers~~
(8) Municipal buildings

504.3 **Accessory Uses**. The following are permitted accessory uses in the SFR District. All accessory buildings are subject to the provisions of Section 402.3 of this ordinance.

(1) ~~Garages and~~ Accessory buildings.

(2) Private Garages and carports.

(3) Off Street Parking

(4) Fences.

(5) Gardening and other horticultural uses~~, including greenhouses~~

(6) Solar Energy Systems

(7) Recreation equipment, provided they are accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents and their occasional guests.

(8) Tool houses, sheds and similar buildings for storage of domestic supplies and noncommercial recreational equipment.

(9) Any uses customarily associated with and incidental to the permitted uses.

(10) "Horse Boarding of five (5) or fewer horses owned by the resident and if ~~complaint~~ compliant with all other provisions of this code. This shall also apply to cattle, mules, donkeys, llamas"

(11) "Exception for yearlings: In addition to the animals permitted under Paragraph 8, two (2) additional animals are less than one year in age and all other area and performance standards of this ordinance are met."

(12) "Pasturing and grazing of horses for which there is no Conditional Use Permit required is permitted to occur up to the property boundaries."

504.4 **Interim Uses.** The following are interim uses in the SFR District and are subject to the provisions of Section 309 (Interim Use Permits) of this Ordinance:

(1) Home occupations provided they are in compliance with Section 407.3 of this

Ordinance.

(2) Temporary classrooms structures

504.5 **Conditional Uses**. The following are conditional uses in the SFR District:

(1) "Agriculture, farms, hobby farms, commercial ~~horse~~ animal boarding and/or horse boarding, if not permitted under paragraphs 504.3(8), (9), provided that:"

(a) Only one lot may be subdivided, from a larger parcel such that the resulting two lots are each greater than five (5) acres in area, and this practice shall not be repeated.

(b) The subdivision is processed according to the City's Subdivision ordinance.

(c) The subdivided lots do not interfere with the subdivision of lots on adjacent parcels.

(d) The subdivided lots are capable of accommodating a private well and septic system.

(e) A deed restriction is placed on the lots which prohibits additional subdivision unless it conforms to SFR Zoning District requirements.

(f) A maximum number of farm animals per acre of farmland as specified below:

	Animals	Number/Acre
(1)	Horses	1/2
(2)	Cattle, mules, donkeys, llama	1/2
(3)	Goats, sheep, swine	2/1
(4)	Turkeys, ducks, geese, chicken, rabbits	5/1
(5)	Other animals as permitted by the City Council upon evaluation of size, required habitat, and ratio per acre of animals for the specific lot.	

Farmland acreage for the purpose of this computation shall not include or encroach on slopes in excess of eighteen (18) percent, wetlands, wetland transition areas, and floodplains.

(g) All horse stables and structures or other facilities for housing animals shall be located a minimum distance of two hundred (200) feet from any property line, and all corral areas shall be located a minimum distance of one hundred (100) feet from any property line except where used in connection with Horse Boarding allowed under S.504.3 (8, 9, 10) in which case standard setbacks requirements shall apply to fences and accessory buildings.

(h) An applicant for a horse boarding conditional use permit shall submit for Council consideration:

1. A plan for the storage and removal of manure and control of odors from the operation.

2. Traffic and parking plan.

3. Lighting plan.

4. A schedule of planned operations.
5. Hours of operation.

6. A summary of noise producing activities and a plan to dissipate the noise by screening or otherwise.

7. Fencing and building plans showing setbacks from adjoining properties, roads and buildings on and off the site

8. An erosion control and storm water runoff management plan.

9. Such other and further information as required by the City to evaluate the effect of the use or public health, safety and welfare.

10. These requirements are in addition to those governing the issuance of a conditional use permit.

(2) Churches and schools, provided that:

(a) Side yards shall have a forty (40) foot setback.

(b) Adequate screening from abutting residential uses and landscaping is provided.

(c) Adequate off-street parking and access is provided on the site in accordance with Section 406.3 of this Ordinance, and that such parking is adequately screened and landscaped from surrounding and abutting residential uses.

(d) Off-street loading and service entrances are provided and regulated where applicable.

(3) Seasonal produce stand ~~accessory to a farm,~~ provided that:

(a) The produce was grown on the property.

(b) Only temporary, unenclosed display facilities are used to exhibit produce items.

(c) Adequate off-street parking is provided and no parking related to produce sales occurs in the public right-of-way.

(d) Signs:

(1) Are located only on the private property of the farm owner/operator and are no more than one hundred (100) feet from the point of sale.

(2) Are located no closer than fifteen (15) feet from any lot line.

(3) Are limited to no more than two (2) signs together totaling no more than sixteen (16) square feet.

(4) Are removed at times when the sales operation is closed for the season.

(4) ~~Federal, state, and local government buildings and structures, including police and fire stations.~~ Municipal Government and Utility Buildings.

(5) Public parks and playgrounds ~~provided that:~~

~~(a) The site is landscaped.~~

~~(b) The use is available to the public.~~

~~(c) The site has access to a City street.~~

(6) Accessory apartments, provided that they are in compliance with Section 409 of this Ordinance.

(7) Use of an accessory structure for residential purposes where there is a sewer hook-up provided that:

(a) The facility is used by the occupants of the principal structure as an extension of their residential use of that structure;
(b) The facility does not contain both bathroom and kitchen facilities;
(c) The facility is located in a permanent structure; and
(d) The facility is not sold or rented separately from the principal structure.

(8) ~~Daycare~~ Residential care facilities serving six (6) or fewer persons.

(9) Day care facilities serving twelve (12) or fewer persons.

(10) Maintenance, facility and storage buildings owned and operated by property associations on lots without a principle structure

504.6 **District Performance Standards.**

(1) Density. The maximum permitted density within the district shall be one (1) lot per five (5) acres. In order to calculate the maximum permissible number of lots within a tract, the total gross tract acreage is multiplied by 0.20 and the result, if a fraction, is rounded down to the nearest whole number see Figure 504-A, Page 5-8. All development within SFR Zoning Districts shall be subject to planning for cluster development, as defined in Section 202.

(2) Tree Preservation. The location and siting of a principal accessory building shall be done in accordance with Section 405.7 of this Ordinance.

504.7 **Open Space Performance Standards**.

(1) It is the intention of this Ordinance to promote common open space development which provides a unified landscape for the use and enjoyment of the neighborhood community. Evaluation and subdivision approval by the City Council shall be subject to demonstration by the applicant that the proposed development plan provides common open spaces in a site design appropriate to the location of building lots.

(2) Area Regulations.

(a) A minimum of fifty (50) percent of land subdivided for development shall be dedicated to open space consisting of natural habitat, neighborhood recreation, and/or pedestrian corridor open space, as defined in Section 202 see Figure 504-B Page 5-9.

(b) All designated open space shall be platted as outlot parcels held as open space in perpetuity.

(c) Each open space outlot shall be classified as natural habitat, neighborhood recreation, or pedestrian corridor open space, and shall conform to the type of use, location criteria, and deed restrictions of that classification.

(3) Location Criteria. Open space outlets shall be located on the development site according to the following locational criteria:

(a) Viewsheds. The open space outlots shall preserve the maximum quantity of viewshed open space for the anticipated homesite lots on the development tracts see Figure 504-C Page 5-10.

(b) Natural Habitat. The development shall preserve the maximum quantity of natural habitat open spaces in a contiguous, connected configuration. Natural habitat open spaces may include, but are not limited to fields,

wetlands, slopes, bluffs, dense woods, lakes, ponds, streams, shorelands, and other environmentally sensitive areas or desirable viewsheds.

(c) Pedestrian Corridors. The development shall locate pedestrian corridor open spaces in strategic places such that larger open space outlots and designated places of destination both on the development tract and adjacent tracts are connected with one another. Pedestrian corridor open spaces may include, but are not limited to established regional trails, local pathways, paved walkways, and shorelines. Pedestrian corridor outlots shall be a minimum of twenty (20) feet in width.

(d) Neighborhood Recreation. The development shall locate neighborhood recreation open spaces such that they are an integral part of the neighborhood of surrounding homesites, at an elevation appropriate to their intended recreational use, defined by coherent boundaries, and accessible to all neighborhood residents. Neighborhood recreation open spaces may include, but are not limited to greens, commons, playgrounds, ball fields, gardens, or other recreational areas.

Figure 504-A

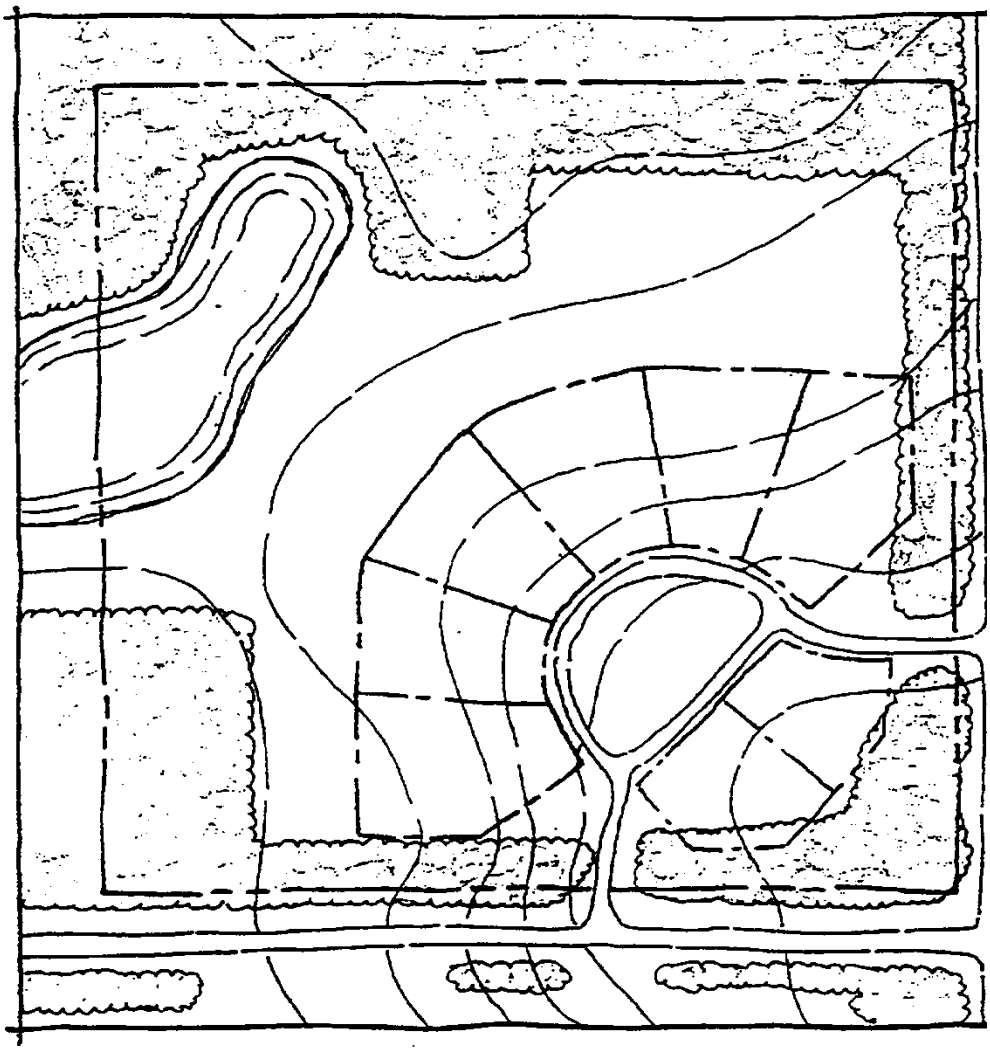


Figure 504-A The maximum permitted density for the district is one (1) unit per five (5) acres. For a forty (40) acre tract, a maximum of eight (8) lots are permissible. A Minimum of fifty (50) percent of the land being subdivided for development dedicated to open space.

Figure 504-B

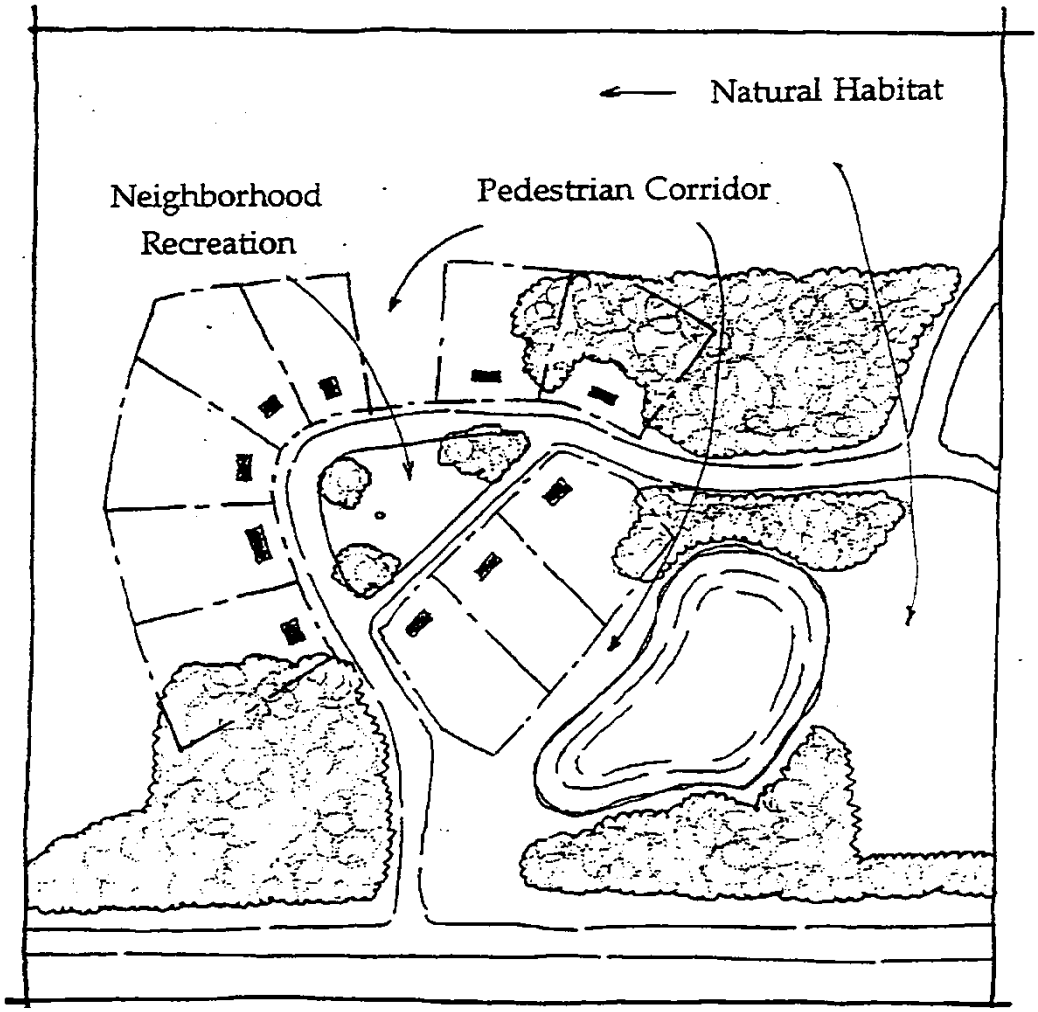


Figure 504-B Natural habitat, pedestrian corridor and neighborhood recreation open spaces are located on the development site according to their type of use.

Figure 504-C

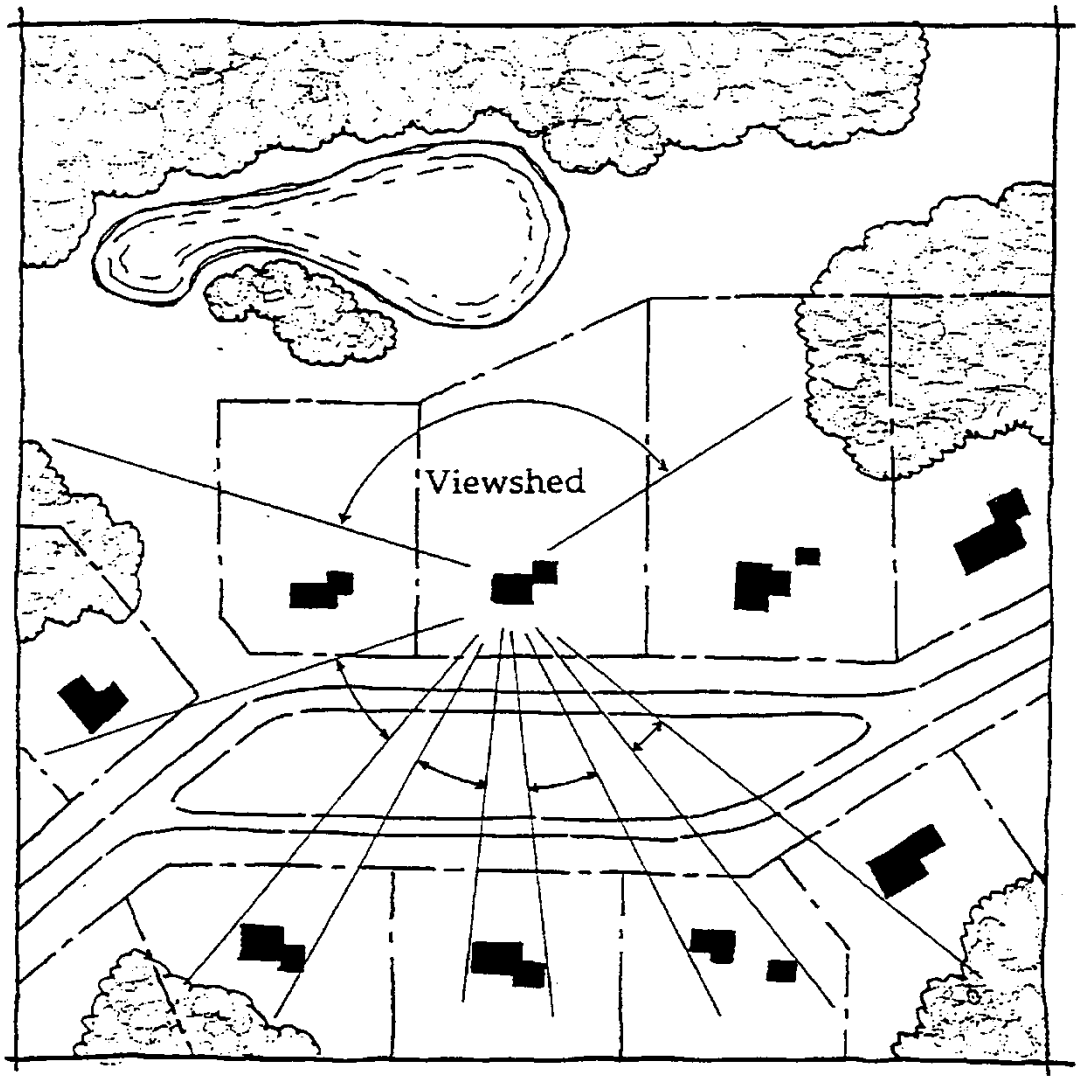


Figure 504-C Viewsheds are directional open space vistas from a homesite and between tree stands and other neighborhood buildings.

(4) Accessibility. Open spaces shall be accessible to pedestrians at no less than one thousand two hundred (1,200) foot intervals along public roadways. Where necessary, pedestrian access corridor outlots between private lots shall be at least twenty (20) feet in width.

(5) Deed Restrictions. Each open space outlot shall conform to the deed restrictions associated with its open space classification.

(a) Natural habitat open spaces shall be considered conservation easements and are for the responsible use and enjoyment of adults and children. Construction in these areas shall be limited to trails (paved or unpaved), open air shelters, bridges, benches, bird houses, wood fencing, and communal drainfields.

(b) Neighborhood recreation open spaces shall be used for active or passive recreational purposes, including gardening. Construction in these areas shall be limited to gravel or paved walkways, open air shelters, bird houses, bridges, garden storage sheds no larger than one hundred twenty (120) square feet, wood fencing, landscape planting, play equipment, outdoor furniture, and facilities for active recreation.

(c) Pedestrian corridor open spaces shall be used for pedestrian, bicycle, and/or equestrian travel. Motorized vehicles shall be prohibited. Construction in these areas shall be limited to gravel or paved pathways, wood fencing, and landscape planting.

(d) Habitable structures shall not be permitted in any open space outlot.

(6) Ownership and Management. Each designated open space outlot shall be owned and managed as set forth below, subject to City Council approval.

(a) Open space may be owned in common by the property owners of the subdivision. In the case where at least one (1) outlot of open space is held in common ownership, a homeowner association shall be established for that subdivision and membership in the association by all property owners in the subdivision shall be mandatory. Management shall be the responsibility of that subdivision's homeowner association.

(b) Open space may be deeded to an established land trust. Management shall be the responsibility of the land trust. Maintenance may be performed by the neighborhood homeowner association, through written agreement between the association and the land trust.

(c) Open space may be deeded to the City of Marine on St. Croix. Management shall be the responsibility of the City.

(d) Open Space may be protected by establishing conservation restrictions in perpetuity in favor of the City as provided in Minnesota Statutes ~~84.64-84.65~~. Unless the document establishing the restrictions specifically provides to the contrary, the City shall have no responsibility for the maintenance or management of the area subject to the restrictions. The form and content of the deed or other instrument establishing the restrictions must be approved by the City prior to the execution and delivery thereof. Notwithstanding any provision of this Ordinance to the contrary, the City may, in cases where conservation restrictions are utilized to meet open space dedication requirements of this ordinance, waive the requirement that the area subject to the restrictions be platted as a separate outlot.

504.8 **Neighborhood Performance Standards**.

(1) It is the intention of this Ordinance to promote neighborhood development which offers a variety of lot sizes, configurations, topography, and affordability. Evaluation and subdivision approval by the City Council shall be subject to demonstration by the applicant that the proposed development plan provides a cohesive neighborhood(s) in a site design appropriate to the location of common open spaces.

(2) Neighborhood Configuration.

(a) In order to establish a cohesive neighborhood unit, residential lots shall be located in a neighborhood cluster. A neighborhood cluster shall include a minimum of five (5) lots or twenty-five (25) percent of the allowable number of lots on the parcel to be subdivided, whichever is greater. An efficiency of land utilization and community development should be encouraged by maximizing the number of lots in any one cluster development, while adhering to the underlying density and open space requirements of this Ordinance. See Figure 504-D, Page 5-14.

(b) A neighborhood cluster shall be oriented toward an identifiable feature which all residential units share in common. See Figure 504-E, Page 5-15 through 5-18. Neighborhood identity may be established by one or more of the following features:

(1) Viewshed. The lots of a neighborhood may be arranged such that a majority of the principle structures will take visual advantage of a field, wetland, woods, lake, stream, or other open space which could be described as a viewshed.

(2) Physical Amenity. The lots of a neighborhood may be arranged such that a majority of the principle structures will face a green, playground, ball field, rock out cropping, stand of trees, church, school, or other physical feature unique to that particular neighborhood.

(3) Streetscape. The lots may be arranged such that the principle structures will face a street space enhanced with landscaping, street trees, boulevards, medians, or other landscaping techniques appropriate to the City's street design standards.

(c) The principal and accessory structures on private lots, and the structures of neighborhood recreation open spaces are encouraged to convey a particular architectural style through use of similar building components, materials, roof pitches, landscaping, and/or other construction techniques.

(3) Lot Area Regulations.

(a) Lot Area. Platted lots shall be a minimum of one (1) acre and a maximum of five (5) acres in area with the exception of a conditional use permit for agricultural use, farms, hobby farms, or horse boarding.

(b) Lot Width. Platted lots shall be a minimum one hundred fifty (150) feet and a maximum two hundred fifty (250) feet in width measured at the required front yard setback, with the exception of a conditional use permit for agricultural use, farms, hobby farms, or horse boarding (see Figure 504-F, Page 5-19).

Figure 504-D(1) and 504-D(2)

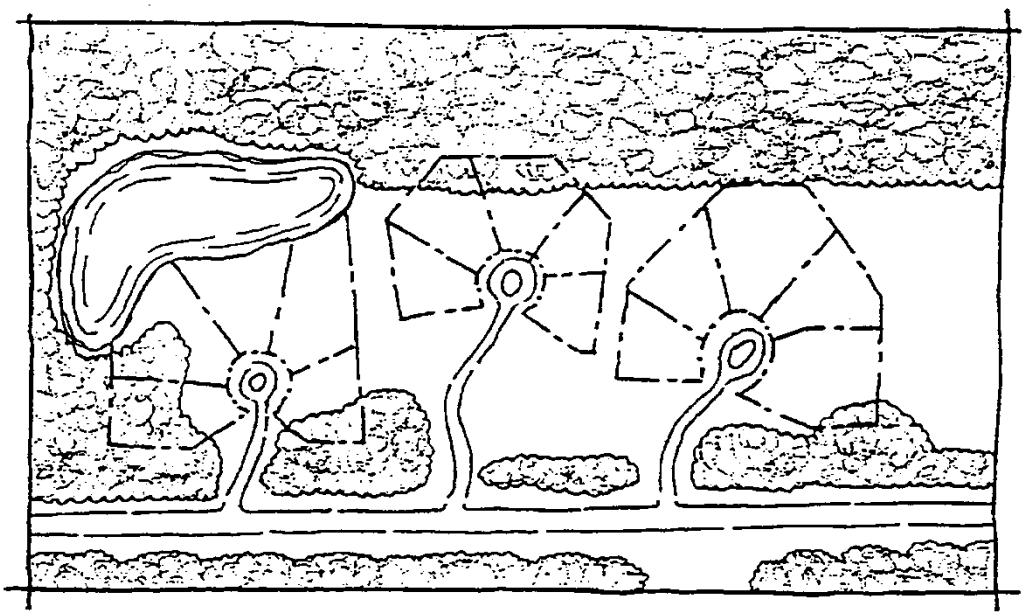


Figure 504-D(1) An example of a cul-de-sac development pattern discouraged by this Ordinance.

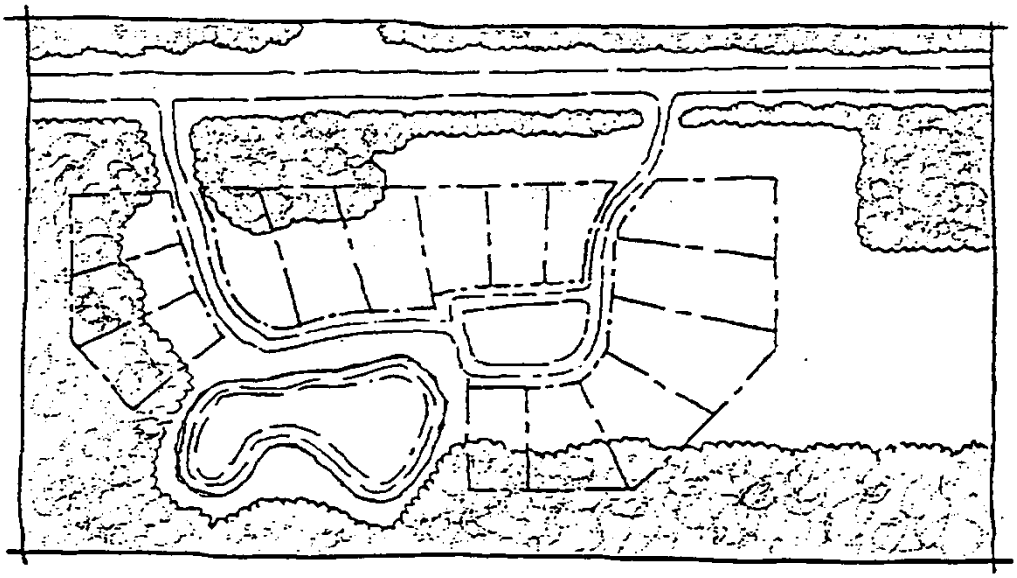


Figure 504-D(2) An example of a neighborhood cluster development pattern encouraged by this ordinance. The neighborhood cluster configuration permits an efficiency of land utilization and opportunities for community development.

Figure 504-E(1)

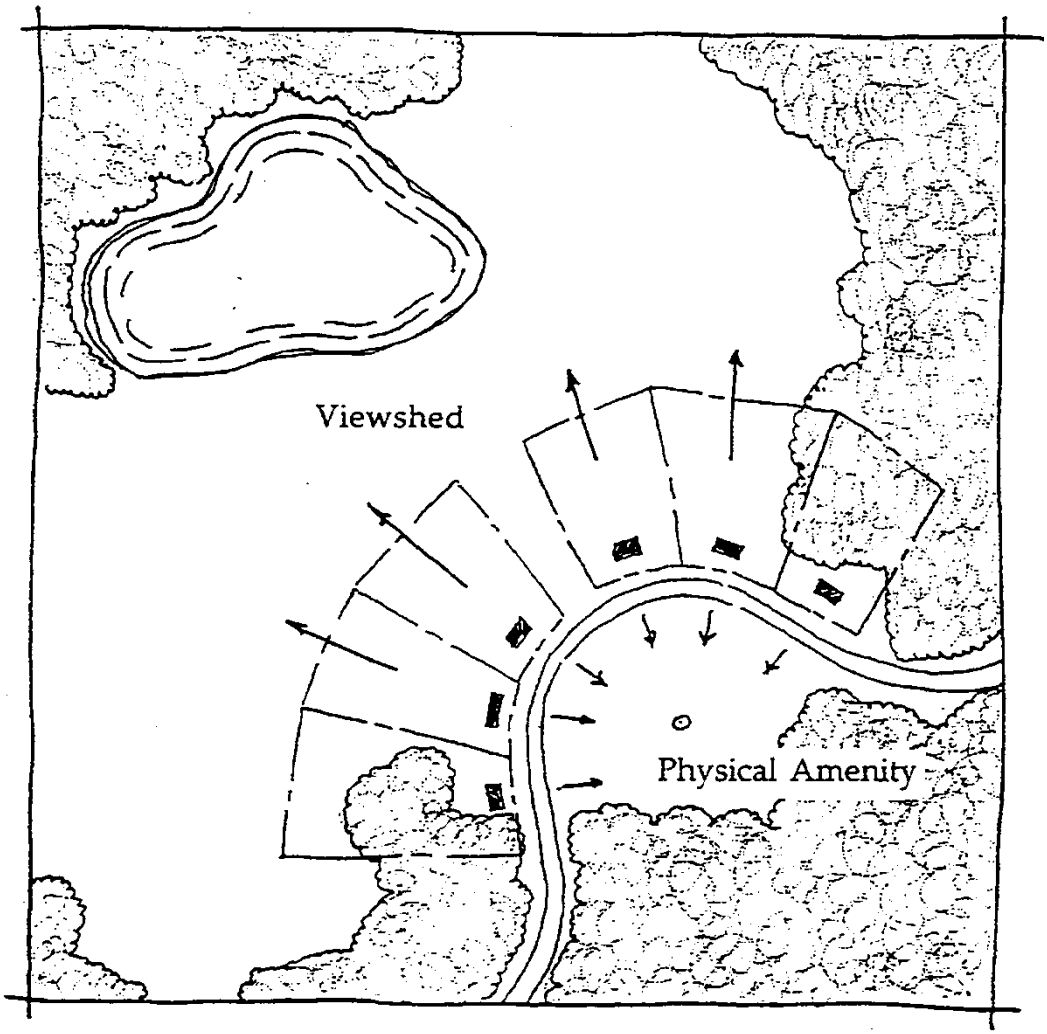


Figure 504-E(1) An example neighborhood cluster oriented toward a viewshed or a physical amenity.

Figure 504-E(2)

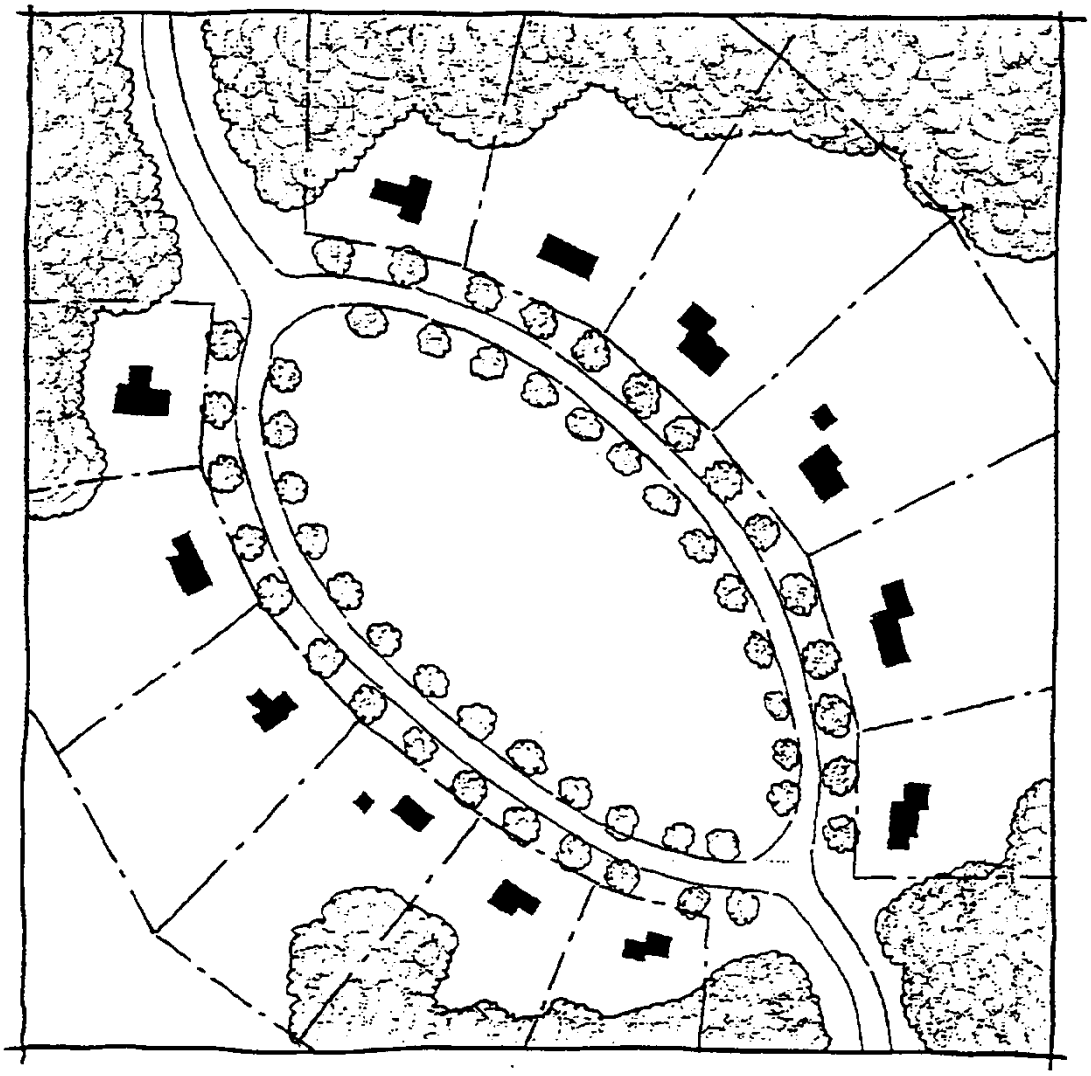


Figure 504-E(2) An example neighborhood cluster oriented toward common green and streetscape.

Figure 504-E(3)

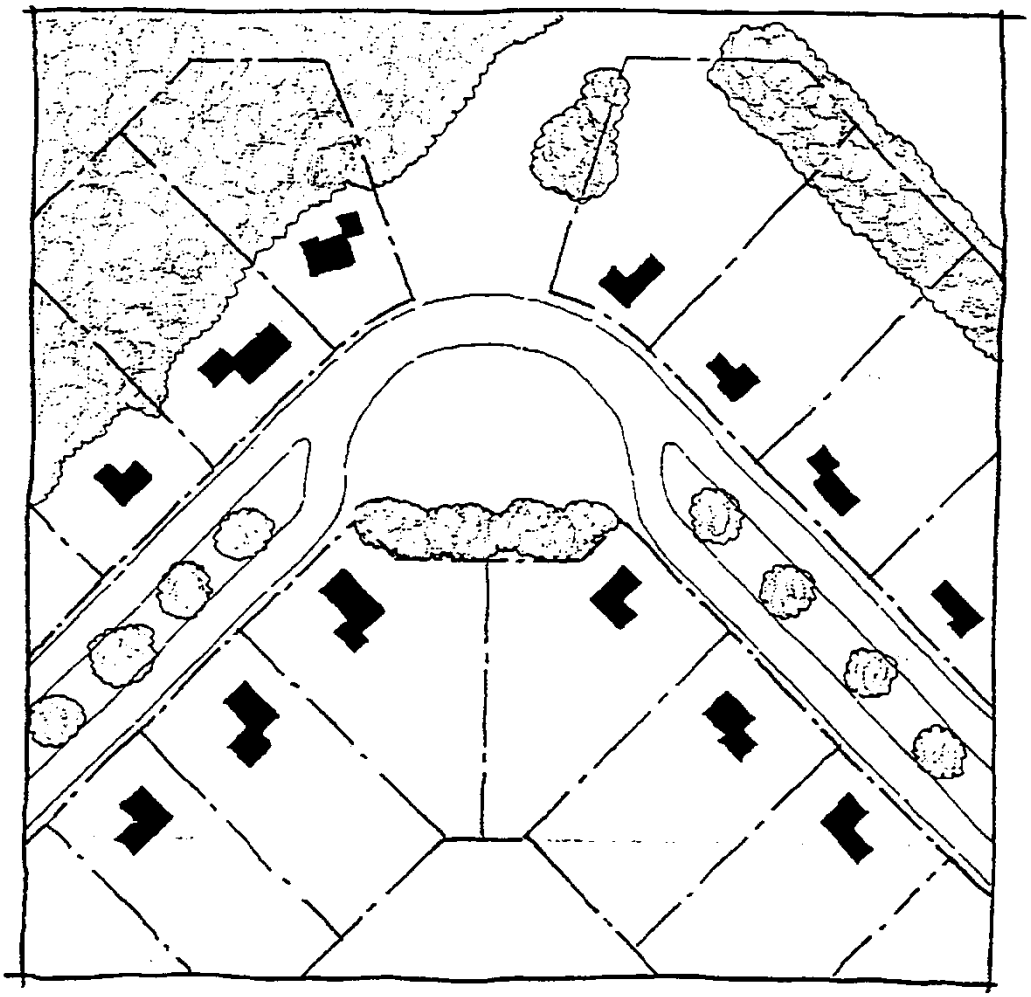


Figure 504-E(3) An example neighborhood cluster oriented toward a corner park or green streetscape.

Figure 504-E(4)

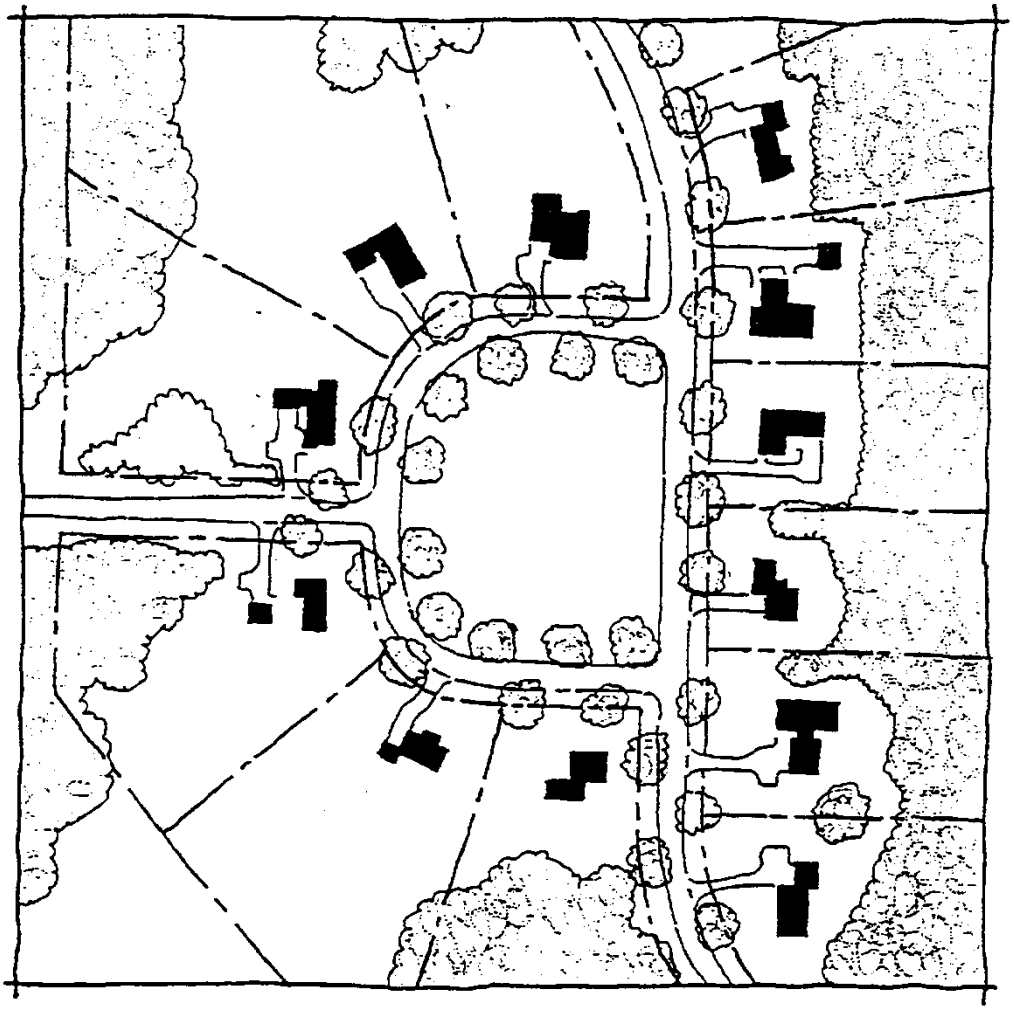


Figure 504-E(4) An example neighborhood cluster oriented toward a park or green at an intersection.

Figure 504-F

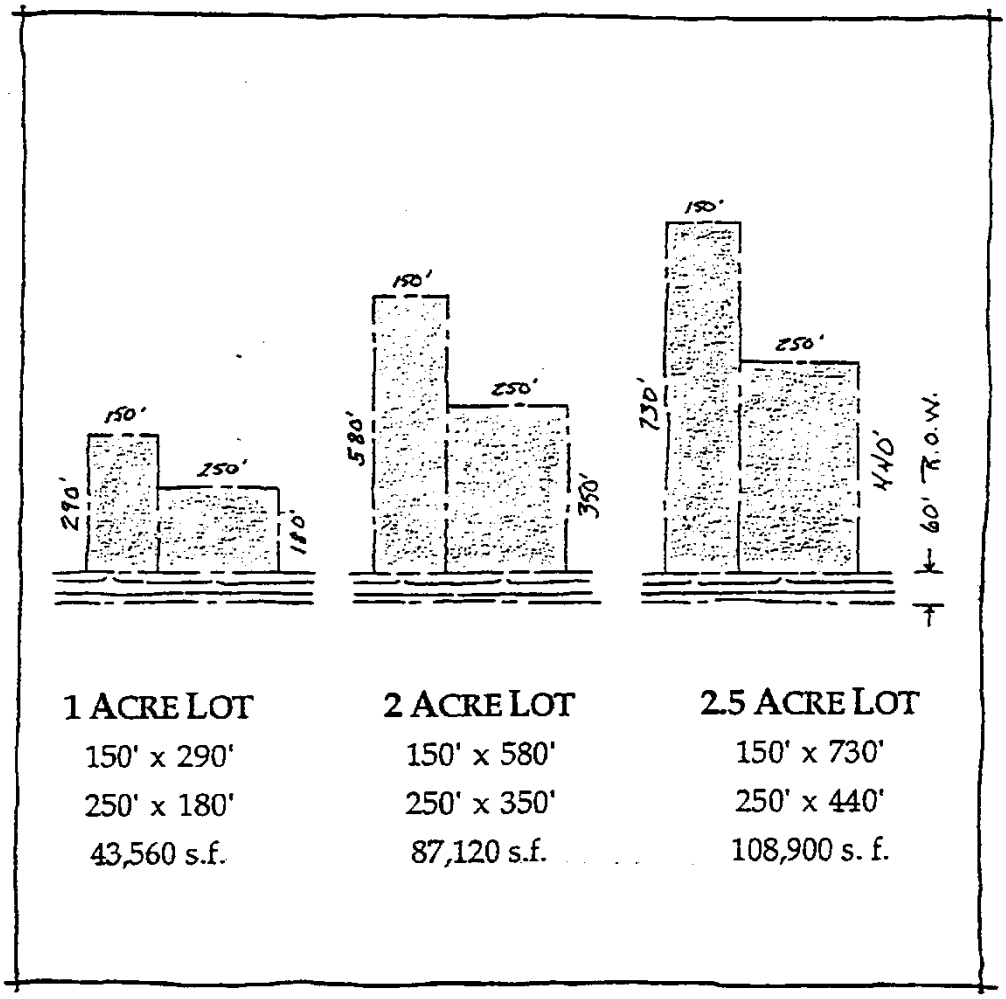


Figure 504-F Lot area to lot width comparisons for one (1) acre, two (2) acre, and two and one half (2.5) acre lots, using rectangular lot configurations.

(4) Building Envelope Regulations.

(a) The principal structure shall dictate the area and location of the building envelope see Figure 504-G, Page 5-22. All detached accessory buildings shall be:

(1) Located behind the rear-most building line of the principle structure.

(2) Within the side and rear setbacks identified in Section 504.8 (4)(d).

(3) Within an area one hundred fifty (150) feet from the rear-most building line of the principle structure.

(4) In conformance with the building area requirements of Section 402.3 of the Zoning Ordinance.

(b) Buildings less than one hundred (100) square feet in floor area may be located outside the building envelope, within the rear yard and the required setback distances.

(c) Development of neighborhood clusters is encouraged in locations which minimize the visual impact of the development on the landscape to the greatest extent reasonably possible.

(d) Building envelopes shall not encroach on view sheds, ridge lines, slopes in excess of eighteen (18) percent, wetlands, wetland transition areas, and floodplains.

(e) Setbacks. Building line setbacks shall be within the following setback distances from platted lot lines except existing lots of record are not subject to a maximum setback:

(1) Front Yard:

Required Distance from Road Right-of-Way		Road Class
Minimum	Maximum	
50 feet	- - - - - - -	State Highway
40 feet	- - - - - - -	County Road
40 feet	80 feet	City Street

(2) Side Yard: Minimum twenty (20) feet.

(3) Rear Yard: Minimum fifty (50) feet.

(4) Side yard building envelope setbacks on corner lots shall be a minimum of forty (40) feet.

(e) Septic drainfields and water wells may be located outside the building envelope, but within the setback distances described in Section 504.8 (4)(d).

Figure 504-G

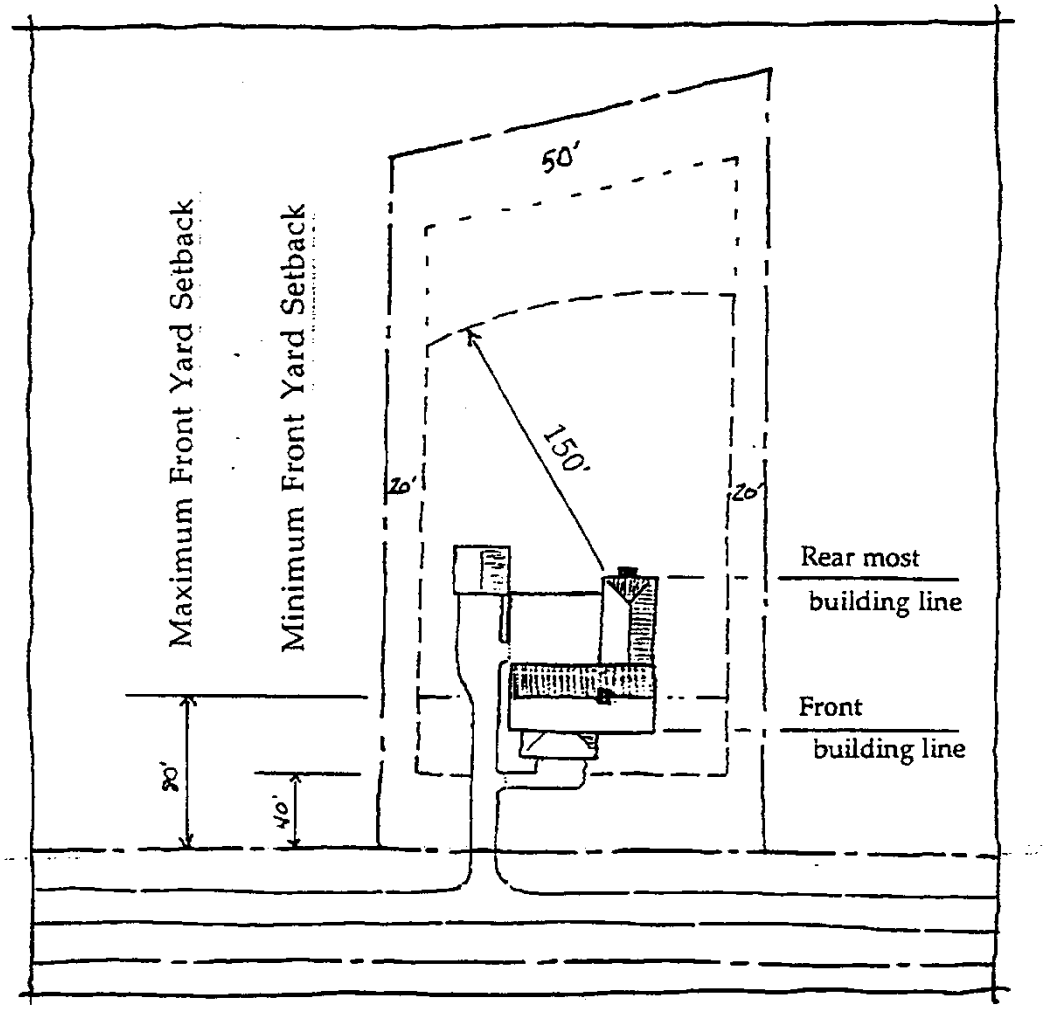


Figure 504-G The front building line setback a minimum of forty (40) feet and a maximum of eighty (80) feet from the street right-of-way line. The building envelope consists of an area within the front and side yard setbacks and within one hundred fifty (150) feet from the rear-most building line of the principal structure.

(5) Building Height.

(a) Principal structures shall have a maximum building height of thirty-five (35) feet.

(b) No accessory building shall exceed the height of the principal building.

(c) The building height limits established for the SFR District shall not apply to the following:

(1) Belfries.
(2) Chimneys or flues.
(3) Church spires.
(4) Farm buildings.

(d) Antennas and satellite dishes accessory to the principal structure shall not be subject to the height limitations of the SFR District provided:

(1) Antenna structures attached to the principal structure shall not extend more than fifteen (15) feet above the roof line.

(2) Detached antenna structures shall be set back from property lines a distance of one (1) foot for every one (1) foot of height, and have a maximum thirty-five (35) foot height.

(3) Detached antenna structures shall be located within the building envelope defined in Section 504.8 (4).

(6) Driveways.

(a) Driveways may be located outside the building envelope.

(b) Paving shall be required in areas where the driveway grade is in excess of six (6) percent.

(7) Landscaping and Lawns.

(a) On individual lots, existing vegetation considered indigenous and appropriate to the natural landscape shall be preserved to the extent reasonably possible.

(b) Homesite lots shall be prepared according to the tree preservation measures described in Section 405.7 of the Zoning Ordinance.

(c) The use of indigenous species shall be encouraged where landscaping enhancement is proposed.

504.9 **General Development Standards.**

(1) Roadways.

(a) All new roadways shall be constructed and maintained in compliance with Section 705 of the Subdivision Ordinance for the City of Marine on St. Croix.

(b) Local streets should be so planned as to discourage their use for regional traffic. Streets shall connect with one another or be terminated by other streets. Dead-end streets are prohibited, and cul-de-sacs shall be permitted only where topography or other physical conditions justify their use.

(2) Storm Water Management. Storm water management techniques shall be consistent with Sections 405.1 through 405.6 of the Zoning Ordinance with the following additions:

(a) All retention basins shall resemble natural ponds to the maximum extent possible.

(b) Basin landscaping shall include indigenous plants and landscaping materials.

(3) Utilities.

(a) All new subdivisions may be platted to accommodate homesite lots with either individual or communal septic systems.

(b) All septic systems shall conform to the performance standards of the Marine on St. Croix Sewer Use Ordinance No. 72.

(c) A certified inspector designated by the City shall review all subdivision proposals for suitability of platted lots to accommodate individual and/or communal septic systems that include back-up drain fields.

(d) Communal domestic sewage treatment systems may be used as an alternative to individual sewage treatment systems. See Figure 504-H.

(e) Communal drainfields shall be installed at two (2) times capacities of all homes sharing the system and sufficient area for a back-up drain field shall be reserved.

(f) Communal septic systems may have all or a portion of their required drainfields in natural habitat open spaces provided:

(1) The ground cover is restored to its natural condition after installation.

(2) Recreational uses are prohibited above or within fifty (50) feet of their installation.

(g) All homesite lots shall accommodate an on-site or an approved communal water well.

(h) All utility, power, and cable service lines shall be installed below grade unless permitted otherwise by the City Council upon evaluation of demonstrated hardship.

(4) Signs.

(a) Neighborhood or development identification signs shall not be permitted.

(b) Temporary real estate or development sales signs shall conform to the provisions of the City Zoning Ordinance pertaining to signs.

(5) Homeowners Association. A homeowners association shall be established with bylaws and deed restrictions which include, but are not limited to, the following:

(a) To provide maintenance for open spaces owned in common.

(b) To provide maintenance for shared private facilities.

(c) To establish and maintain architectural guidelines for principle structures, accessory structures, and structures built on open space outlots.

Figure 504-H

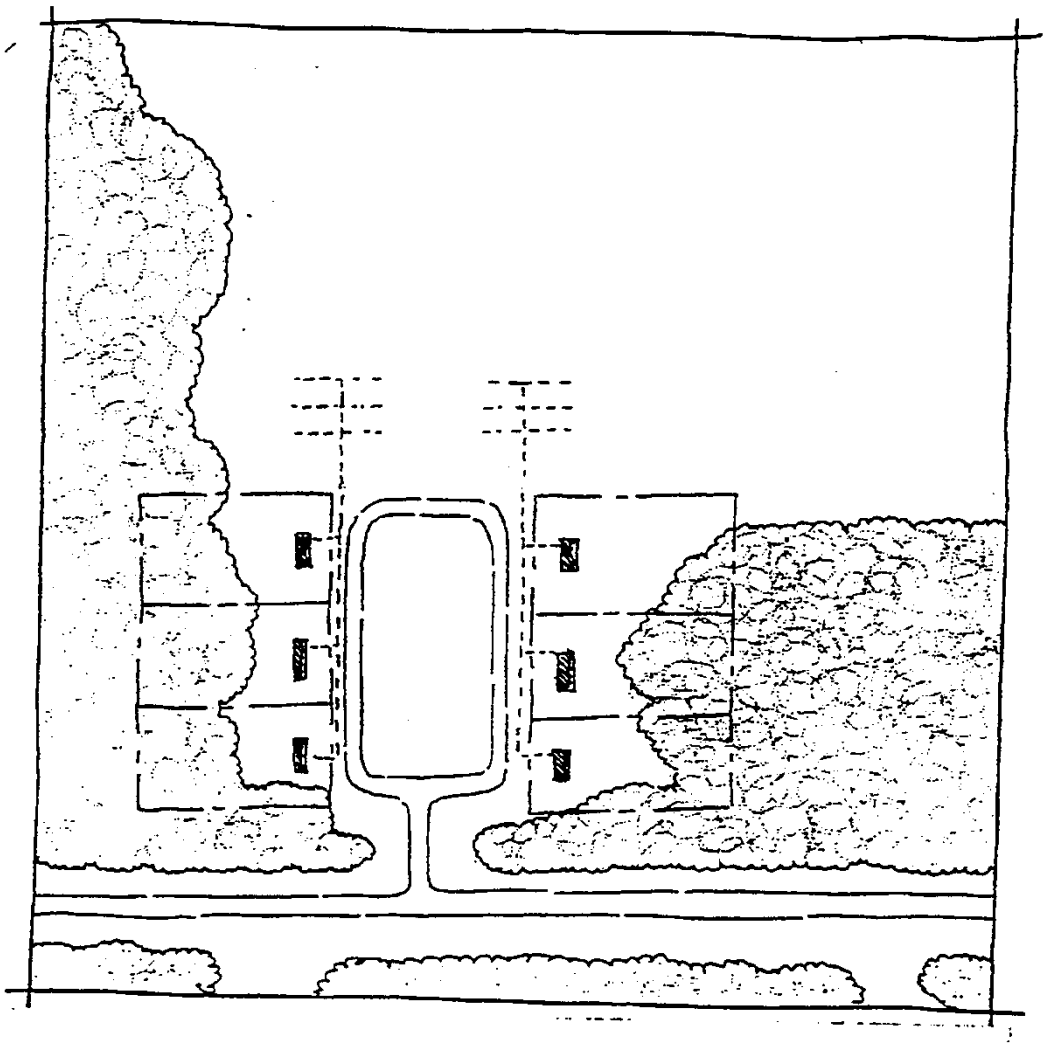


Figure 504-H Communal septic systems may have all or a portion of their required drainfields in natural habitat open spaces.

505. St. Croix – Rural Residential District (SC-RR).

505.1 **Purpose.** The purpose of this district is to set forth standards for rural residential development consistent with the purpose and intent of the Lower St. Croix River Overlay District described in Section 510 of this Ordinance.

505.2 **Permitted Uses**.

(1) Conservancy.
~~(2) Agriculture.~~
(3) Single family residential.
~~(4)~~ Essential services – telephone, ~~telegraph, and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations, and equipment houses.~~ (excluding cell phones.)
(5) Residential care facilities serving six (6) or fewer persons.
~~(6) Day care facilities serving twelve (12) or fewer persons.~~
(7) Home occupations described in Section 407.2 of this Ordinance.
~~(8) Wireless Communications, Antennas and Towers~~

505.3 **Accessory Uses**.

(1) ~~Garages and~~ Accessory buildings.
(2) Fences.
(3) Gardening and other horticultural uses. ~~, including greenhouses.~~
(4) Recreational equipment, provided they are accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment an convenience of the residents and their occasional guests.
(5) Tool houses, sheds and similar buildings for storage of domestic supplies and noncommercial recreational equipment.
(6) Private garages, off-street parking, and carports
(7) Seasonal docks and boat lifts necessary for the launching and mooring of watercraft.
(8) Any use customarily associated with and incidental to the permitted uses.
(9) Horse Boarding of five (5) or fewer horses owned by the resident and if compliant with all other provisions of this code. This shall also apply to cattle, mules, donkeys, llamas.
(10) Exception for yearlings: In addition to the animals permitted under Paragraph 9, two (2) additional animals owned by the resident shall be permitted provided that the animals are less than one year in age and all other area and performance standards of this ordinance are met.

505.4 **Interim Uses.** At the discretion of the City Council any listed permitted use, accessory use, or conditional use may be granted as an Interim Use Permit. See the standards for granting Interim Uses in Section 309.3.~~The following are interim uses in the SC-RR District and are subject to the provisions of Section 309 (Interim Uses) of this Ordinance~~.

~~(1) Home occupations provided they are in compliance with Section 407.3 of this Ordinance.~~

~~(2) Temporary classrooms.~~

505.5 **Conditional Uses.**

(1) Churches and schools, provided that:

(a) Side yards shall have a forty (40) foot setback.

(b) Adequate screening from abutting residential uses and landscaping is provided.

(c) ~~Adequate off-street parking and access is provided on the site and that such parking is adequately screened and landscaped from surrounding and abutting residential uses.~~ Adequate off-street parking and access is provided on the site in accordance with Section 406.3 of this Ordinance, and that such parking is adequately screened and landscaped from surrounding and abutting residential uses.

(d) Adequate off-street loading and service entrances are provided and regulated where applicable.

(2) Agriculture.

~~(3) Federal, state, and local government buildings and structures, including police and fire stations.~~ Municipal Government and Utility Buildings.

(4) Seasonal produce stand ~~accessory to farms~~, provided that:

(a) The produce was grown on the property. ~~Only members of the family occupying the residence on the farmstead are engaged in such seasonal sale of produce.~~

(b) Only temporary, unenclosed display facilities are used to exhibit produce items.

(c) Adequate off-street parking is provided and no parking related to produce

sales occurs in the public right-of-way.

(d) Signs:

1. Are located only on the private property of the farm owner/operator and are no more than one hundred (100) feet from the point of sale.

2. Are located no closer than fifteen (15) feet from any lot line.

3. Are limited to no more than two (2) signs totaling no more than sixteen (16) square feet.

4. Are removed at times when the sales operation is closed for the season.

(5) Public parks and playgrounds ~~provided that:~~

~~(a) The site is landscaped.~~

~~(b) The use is available to the public.~~

~~(c) The site has access to a City street.~~

(6) Day care facilities serving twelve (12) or fewer persons.

(7) Accessory apartments provided they are in compliance with Section 409 of this Ordinance.

(8) Use of an accessory structure for residential purposes where there is a sewer hook-up provided that:

(a) The facility is used by the occupants of the principal structure as an extension of their residential use of that structure;
(b) The facility does not contain both bathroom and kitchen facilities;
(c) The facility is located in a permanent structure; and
(d) The facility is not sold or rented separately from the principal structure.

505.6 **Prohibited Uses.** The following uses are not permitted in the SC-RR District.

(1) New or expanded marinas.

505.7 **District Performance Standards.**

(1) <u>Lot Standards.</u>

(a) Minimum lot size above ordinary high water mark: Two and one-half

(2.5) acres.

(b) Lot width at building setback line: Two hundred (200) feet.

(c) Lot width at waterline: Two hundred (200) feet.

(d) The site shall be capable of supporting a standard septic treatment system as required in the Marine on St. Croix Sewer Use Ordinance No. 72.

(2) Setbacks. Building line setbacks shall be within the following setback distances from platted lot lines:

(a) Front Yard:

Road Right-of-Way

Road Classification	Required Setbacks from Road Right-of-Way
State Highway	50 feet
County Road	40 feet
City Street	40 feet

(b) Side Yard: Minimum twenty (20) feet.

(c) Side yard building setbacks on corner lots shall be a minimum of forty (40) feet.

(d) Rear Yard: Minimum fifty (50) feet.

(e) Setbacks from Ordinary High Water Level.(OHWL) measured horizontally, not following any slope:

1. Building and deck setback: Two hundred (200) feet.

2. On-site sewage treatment system: Two hundred (200) feet.

3. Controlled vegetative cutting pursuant to Section 510.6(1)(a) of this Ordinance setback (on slopes less than twelve (12) percent): Two hundred (200) feet.

(f) Setbacks from Bluffline:

1. Building and deck setback: One hundred (100) feet.

2. On-site sewage treatment system: Forty (40) feet.

3. Controlled vegetative cutting pursuant to Section 510.6(1)(a) of this Ordinance setback (on slopes less than 12 %): Forty (40) feet.

(3) Exceptions to the minimum dimensional requirements:

(a) On shoreline lots where adjoining lots contain principal buildings within two hundred (200) feet of the OHWL, any new principal building may be set back the average setback of said adjacent structures or fifty (50) feet, whichever is greater.

(b) On bluffline lots where adjoining lots contain principal buildings within one hundred (100) feet of the bluffline, any new principal building may be set back the average setback of said adjacent structures or fifty (50) feet, whichever is greater.

(c) Except as described in Section 505.7(3)(a) or (b), structures setback from the bluffline may be located within the 40-100 foot range from the bluffline only by the granting of a variance in accordance with the procedures of this Ordinance. In the event that such a variance is necessary, the following items shall be conditions of the variance.

1. The existing drainage patterns shall not be disturbed.

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

(4) Height Regulations. The maximum height of all structures shall not exceed thirty-five (35) feet.

(5) Impervious Surface. Maximum total lot area covered by impervious surface: Twenty (20) percent of lot area or one-half (1/2) acre, whichever is less.

(6) Slopes. No structures shall be placed or grading done on any slopes greater than twelve (12) percent a vertical rise of (twelve (12) feet in one hundred (100) feet horizontal distance).

(7) Floodway. No structures shall be placed in any floodway.

(8) Shoreland Visibility.

(a) Color of Structures. The exterior color of new structures, including roofs, shall be of earth or summer vegetation tones, unless completely screened from the river during all seasons of the year.

(b) The structure shall be visually inconspicuous as viewed from the river during summer months.

(c) Stairways and lifts enabling access to the river from steep slopes shall be visually inconspicuous as viewed from the river during summer months.

(d) Only signs which are necessary for public health and safety or which designate areas available or not available for public use shall be allowed within the required OHWL setback.

(9) Tree Preservation. The location and siting of a principal accessory building shall be done in accordance with Section 405.7 of this Ordinance.

505.8 **Additional Requirements**. Refer to Section 510, Lower St. Croix River Overlay District for additional requirements.

506. **Single Family Urban (SFU).**

506.1 **Purpose**. The purpose of this district is to allow continued urban residential development and to fill in older, platted areas of the city, but at densities which will minimize demands for urban services.

506.2 **Permitted Uses.**

(1) Conservancy
(2) Single-family ~~detached residences~~ residential.
(3) ~~Churches.~~
(4) Schools.
(5) Essential services – telephone, ~~telegraph, and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations, and equipment houses.~~ (excluding cell phones.)
(6) Home occupations as defined in Section 407.2.
~~(7) Wireless Communications, Antennas and Towers~~

506.3 **Accessory Uses.**

(1) ~~Garages.~~ Accessory buildings
(2) Fences.
(3) Gardening and other horticultural uses.
(4) Recreational equipment.
(5) Solar Energy Systems
(6) Any uses customarily associated with and incidental to the permitted uses.

506.4 **Interim Uses.** The following are interim uses in the SFU District and are subject to the provisions of Section 309 (Interim Use Permits) of this Ordinance:

(1) Home occupations provided they are in compliance with Section 407.3 of this Ordinance.

(3) Temporary classrooms.

~~(4) Maintenance, facility and storage buildings owned and operated by property associations on lots without a principle structure.~~

506.5 **Conditional Uses**.

(1) Public Parks and Playgrounds provided that:
- (a) The site is landscaped.
- (b) The use is available to the public.
- (c) The site has access to a City street.

(2) Agriculture.

(2) ~~Federal, State and Local Government buildings and structures, including police and fire stations.~~ Municipal Government and Utility Buildings.

(4) Cemeteries.

(5) Accessory apartments provided they are in compliance with Section 409 of this Ordinance.

(6) Maintenance, facility and storage buildings owned and operated by property associations o lots without a principle structure.

(6) Day care facilities serving twelve (12) or fewer persons.

(7) Use of an accessory structure for residential purposes where there is a sewer hook-up provided that:

- (a) The facility is used by the occupants of the principal structure as an extension of their residential use of that structure.
- (b) The facility does not contain both bathroom and kitchen facilities.
- (c) The facility is located in a permanent structure.
- (d) The facility is not sold or rented separately from the principal structure.

(9) Churches

506.6 **District Performance Standards**.

(1) Lot Standards.

(a) Lot Area. The minimum lot size shall be thirty thousand (30,000) square feet unless it is determined that a larger lot size is required to safely install a private sewer system.

(b) Lot Width. The minimum lot width is one hundred (100) feet.

(c) Lot Depth. The minimum lot depth is one hundred fifty (150) feet.

(2) Front Yard Regulations.

(a) There shall be a front yard having a depth of not less than thirty (30) feet, except in a block where two or more residences have been erected facing the same street, the setback for the remaining lots in that block fronting on the same street shall be determined by using the average setback of the existing residences.

(b) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.

(3) Side Yard Regulations. There shall be a side yard of not less than ten (10) feet on each side of the building.

(4) Rear Yard Regulations. There shall be a rear yard of not less than twenty-five (25) feet.

(5) Height Regulations. The maximum height of all structures shall not exceed thirty-five (35) feet.

(6) General Regulations. Additional requirements for parking, sewage systems, signs and other regulations are set forth in Section 4 of this Ordinance.

507. St. Croix – Urban Residential District (SC-UR).

507.1 **Purpose.** The purpose of this district is to set forth standards for urban residential development within the Lower St. Croix River Overlay District.

507.2 **Permitted Uses.** All structures associated with the following uses are permitted in the SC-UR District subject to the dimensional requirements.

(1) Conservancy.
(2) ~~Agriculture.~~
(3) Single-family ~~detached residences~~ residential.
(4) Essential Services – telephone, telegraph, and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations, and equipment houses. (excluding cell phones.)

(5) Home occupations as described in Section 407.2.

~~(6) Wireless Communications, Antennas and Towers~~

507.3 **Accessory Uses.** All accessory buildings are subject to the provisions of Section 402.3 of this Ordinance. The following are permitted accessory structures in the SC-UR District:

~~(1)~~ Garages. ~~Accessory Buildings~~
(2) Fences.
(3) Gardening and other horticultural uses.
(4) Recreational Equipment.
(5) Any uses customarily associated with and incidental to the permitted uses.
(6) Docks and boat lifts necessary for landing and mooring watercraft.

507.4 **Interim Uses.** The following are interim uses in the SC-UR District and are subject to the provisions of Section 309 (Interim Uses) of this Ordinance.

(1) Home occupations provided they are in compliance with Section 407.3 of this Ordinance.

507.5 **Conditional Uses.** The following are conditional uses in the SC-UR District.

(1) Public Parks and Playgrounds provided that:
  (a) The site is landscaped.
  (b) The use is available to the public.
  (c) The site has access to a City street.
(2) Agriculture.
(3) ~~Federal, state, and local government buildings and structures, including police and fire stations~~ Municipal Government and Utility Buildings.
(3) Outdoor dining areas accessory to a restaurant or tavern.
(4) Accessory apartments provided they are in compliance with Section 409 of this Ordinance.
(5) Churches
(6) Day care facilities serving twelve (12) or fewer persons.

507.6 **Prohibited Uses.** The following uses are not permitted in the SC-UR District.

(1) New or expanded marinas.

507.7 **District Performance Standards.**

(1) <u>Lot Standards</u>.

(a) Minimum lot size above ordinary high water mark: One (1) acre.

(b) Lot width at building setback line: One hundred fifty (150) feet.

(c) Lot width at waterline (riparian): One hundred fifty (150) feet.

(d) Site shall be capable of supporting a standard septic system compliant with the Marine on St. Croix Sewer Use Ordinance No. 72.

(2) Setbacks. Building line setbacks shall be within the following setback distances from platted lot lines:

(a) Front Yard Regulations:

1. There shall be a front yard having a depth of not less than thirty (30) feet, except in a block where two or more residences have been erected facing the same street, the setback for the remaining lots in that block fronting on the same street shall be determined by using the average setback of the existing residences.

2. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

(b) Side Yard Regulations:

1. Lots of record having a lot width of ninety-five (95) feet or less shall have a side yard of not less than ten (10) feet on each side of the building.

2. Any lots having a lot width of more than ninety-five (95) feet shall have a side yard of not less than twenty (20) feet on each side of the building.

(c) Rear Yard Regulations: There shall be a rear yard of not less than twenty-five (25) feet.

(d) Setbacks from Ordinary High Water Level (OHWL) measured horizontally, not following any slope:

1. Building and deck setback: One hundred (100) feet.

2. On-site sewage treatment system: One hundred (100) feet.

3. Controlled vegetative cutting areas setback (on slopes less than 12%): One hundred (100) feet.

(e) Setbacks from Bluffline:

1. Building and deck setback: Forty (40) feet.

2. On-site sewage treatment system: Forty (40) feet.

3. Controlled vegetative cutting areas setback (on slopes less than 12%): Forty (40) feet.

(3) Exception to the minimum dimensional requirements. On shoreline lots where adjoining lots contain principal buildings within one hundred (100) feet of the OHWL, any new principal building may be set back the average setback of said adjacent structure or fifty (50) feet, whichever is greater.

(4) Height Regulations. The maximum height of all structures shall not exceed thirty-five (35) feet.

(5) Impervious Surface. The maximum total lot area which can be covered by impervious surface shall not exceed twenty (20) percent of the total lot area or eight thousand seven hundred (8,700) square feet, whichever is less.

(6) Slopes. No structures shall be placed or grading done on any slopes greater than twelve (12) percent (a vertical rise of twelve (12) feet) in one hundred (100) feet horizontal distance).

(7) Floodway. No structures shall be placed in any floodway.

(8) Shoreland Visibility.

(a) Color of Structures. The exterior color of new structures, including roofs, shall be earth or summer vegetation tones, unless completely screened from the river during all seasons of the year.

(b) The structure shall be visually inconspicuous as viewed from the river during summer months.

(c) Stairways and lifts enabling access to the river from steep slopes shall be visually inconspicuous.

(d) Only signs which are necessary for public health and safety or which designate areas available or not available for public use shall be allowed within the required OHWL setback.

(9) Tree Preservation. The location and siting of a principal accessory building shall be done in accordance with Section 405.7 of this Ordinance.

507.8 **Additional Requirements.** Refer to Section 510, Lower St. Croix River Overlay District for additional requirements.

508. **Village Center District (VC).**

508.1 **Purpose.**

(1) The purpose of this district is to provide a commercial center for the City and to:

(a) Maintain commercial activities as the primary role of the Village Center District.
(b) Have the Village Center serve as the social, cultural and commercial center of the City.
(c) Promote the Village Center area as the historic center of the City.
(d) Allow non-street level residential uses as a supporting use to commercial activities, so long as such uses do not interfere with the commercial uses allowed in the zoning district.

508.2 **Permitted Uses.**

(1) Conservancy
(2)(1) Church
~~(3)(2) Clubs or Lodges.~~
(3) Essential Services
(4) Library.
(5) Municipal Government and Utility Buildings.
(6) Business Office ~~Businesses (commercial, professional, and medical).~~
(7) Business, Retail
(8) Business, Service
(9)(7) Restaurants, Taverns ~~(café, delicatessens, coffee shops, convenience foods).~~
~~(9) Schools~~ Move to Conditional Use
(10) Public Parks and Playgrounds
~~(11) Wireless Communications, Antennas and Towers~~

508.3 **Accessory Uses.**

~~(1) Uses which are customarily associated with or incidental to the permitted primary uses of the property are permitted.~~
(1)(2) Accessory Buildings ~~for commercial use, shall not exceed thirty (30) percent of the gross floor space of the principal building.~~
(2) Private garages, and carports
(3) Off-street parking
(4) Fences
(5) Off-street loading
(6) Gardening and other horticultural uses.
(7)(1) ~~Uses which are customarily associated with or incidental to the permitted primary~~

~~uses of the property are permitted.~~ Any uses customarily associated with and incidental to the permitted uses.

508.4 **Interim Uses.** ~~The following are~~ Interim uses in the Village Center District ~~and~~ are subject to the provisions of Section 309 (Interim Uses) of this Ordinance.

508.5 **Conditional Uses.** The following are conditional uses in the Village Center District. (Requires the issuance of a conditional use permit in accordance with the procedures set forth in and regulated by Section 308 (Conditional Use Permits) of this Ordinance.

(1) Auto Service Station (Auto Repair, Service, Fuel) subject to the following standards:

(a) Lot Size. A service station site shall be a minimum of twenty thousand (20,000) square feet in size.

(b) Setbacks. The building or buildings shall be set back at least thirty-five (35) feet from the street right-of-way. Near residential districts, the service station buildings, signs, and pumps shall be a minimum of twenty-five (25) feet from adjoining property. In commercial areas, the structures shall be set back at least ten (10) feet from adjoining property.

(c) Fencing ~~and Screening.~~ When adjacent or near to residential property, there shall be a screening fence. ~~When adjacent to commercial property, there shall be a bumper-type fence about eighteen (18) inches high between the station and the adjacent commercial property.~~ See 404.4

(d) Vehicles. No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be waiting service longer than fifteen (15) days.

(e) Exterior Storage. Exterior storage besides vehicles shall be limited to service equipment, and items offered for sale on pump islands, exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays, and similar structures designed to display merchandise.

(f) Screening. ~~All areas utilities for the storage, disposal, or burning of trash, debris, discarded parts, and similar items shall be fully screened.~~ Connected with principle use the storage of equipment and discards shall be fully screened. All structures and grounds shall be maintained in an

orderly, clean, and safe manner. Reference 404.3

(g) Architecture. If possible, the station should be of a type that is reasonably compatible with the surroundings. Most national oil companies have a variety of building types which could be viewed for selection of the most suitable.

(h) Outdoor Displays. The storage of used tires, batteries, and other such items for sale outside the building should be controlled; such items should be displayed in specially designed containers and be limited to one (1) or two (2) areas well back from the street right-of-way line. Junk cars, empty cans, and other unsightly materials should not be permitted in an area subject to public view.

(i) Conditional Uses. Business activities not listed in the definition of service stations in this Ordinance are not permitted on the premises of a service station unless a conditional use permit is obtained specifically for such business. Such activities include, but are not limited to, the following:

1. Automatic car and truck wash.
2. Rental of vehicles, equipment or trailers.
3. General retail sales.

(2) Residential and non-residential uses together in one (1) building, the principal use of which is commercial, subject to the following conditions:

(a) Residential uses shall not be located on the first floor (street level), or the basement level of the building.

(b) Residential uses shall have a separate entrance/exit from the commercial entrance/exit.

(c) Adequate parking is provided in compliance with Section 406.3 (Parking requirement) of this Ordinance.

(d) The provisions of Section 308 of this Ordinance are considered and satisfactorily met.

(e) All current building, fire and safety codes of the City of Marine on St. Croix are complied with.

(f) Notwithstanding the requirement contained in the foregoing paragraph (2) that residential and non-residential uses be located together in one (1) building, the principal use of which is commercial, a conditional use permit may be issued under this Section 508.5 for a residential use located in a structure the principal use of which is not commercial subject to the

following conditions:

1. the structure is less than 1,500 square feet in total size, consists of only one floor, is on street level, freestanding, and is not a part of, contained within or built into a larger structure or building;
2. the structure complies with all current rules and regulations governing septic systems;
3. adequate off street parking is available on the subject property;
4. the building does not front upon, or have vehicle ingress or egress over Judd Street;
5. the remaining requirements of sections (2)(d),(e) are met;
6. the structure was constructed before the effective date of this code.

(3) Outdoor Sales or Storage. Open or outdoor sales, rental, or storage is an accessory use which requires the issuance of a conditional use permit and is subject to the following conditions:

(a) Area Limit. Outside services, sales, rental, or storage connected with the principal use is limited to thirty (30) percent of the gross floor area of the principal building.

(b) Screened from Residential. Outside sales areas shall be fenced or screened from view of neighboring residential uses or abutting residential zoning districts in compliance with Section 404.3 of this Ordinance.

(c) Lighting Shielded. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 404.7 (1) of this Ordinance.

(d) Surfacing. The sales area shall be grassed or surfaced to control dust and mud, and to provide a clean, attractive and usable surface.

(4) Schools

~~(5) Public parks and playgrounds~~

(5) Residential care facilities serving six (6) or fewer persons.

(6) Day care facilities serving twelve (12) or fewer persons.

508.6 **Prohibited Uses.** The following uses are not permitted in the Village Center District.

(1) New or expanded marinas.
(2) Outdoor sales lots as a principal use.

508.7 **District Performance Standards.**

(1) Lot Standards.

(a) Minimum lot size above ordinary high water level: N/A

(b) Lot width at building setback line: Seventy-five (75) feet.

(c) Lot width at waterline (riparian): Seventy-five (75) feet.

(2) Setbacks. Building line setbacks shall be within the following setback distances from platted lot lines:

(a) Front Yard: Zero (0) feet.

(b) Side Yard: Zero (0) feet.

(d) Rear Yard: Zero (0) feet.

(e) Setbacks from Ordinary High Water Level (OHWL) measured horizontally not following any slope:

1. Building and deck setback: One hundred (100) feet.

2. On-site sewage treatment system: One hundred (100) feet.

3. Controlled vegetative cutting areas setback (on slopes less than 12%): One hundred (100) feet.

(f) Setbacks from Bluffline:

1. Building and deck setback: Forty (40) feet.

2. On-site sewage treatment system: Forty (40) feet.

3. Controlled vegetative cutting areas setback (on slopes less than 12%): Forty (40) feet.

(3) Exceptions to the minimum dimensional requirements. On shoreline lots where adjoining lots contain principal buildings within one hundred (100) feet of the OHWL, any new principal building may be set back the average setback of said adjacent structures or fifty (50) feet, whichever is greater.

(4) Height Regulations. The maximum height of all structures shall not exceed forty-five (45) feet.

(5) Impervious Surface.

(a) Impervious surface coverage of lots developed after June 1, 2001 shall not exceed seventy-five (75) percent.

(b) Lots of record that have been developed up to one hundred (100) percent of impervious surface coverage on or before June 1, 2001 shall be considered legally conforming structures/lots.

(c) Impervious surface may be allowed to exceed seventy-five (75) percent of the lot upon approval of a conditional use permit provided the measures are taken for the treatment of stormwater runoff and/or prevention of stormwater from directly entering a public water. Measures may include, but are not limited to, the following:

1. Install sedimentation basins, debris basins, desilting basins, or silt traps.

2. Install debris guards and microsilt basins on storm sewer inlets.

3. Use oil skimming devices or sump catch basins.

4. Direct drainage into pervious, grasses, yards through site grading, use of gutters and downspouts.

5. Construct sidewalks and driveways of partially pervious raised materials such as decking which has natural earth or other previous material beneath or between the planking.

6. Use grading and construction techniques which encourage rapid infiltration, e.g. sand and gravel under impervious materials with adjacent infiltration swales graded to lead into them.

7. Install berms, water bars, or terraces which temporarily detain water before dispersing it into pervious area.

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

(7) Slopes. No structures shall be placed or grading done on any slopes greater than twelve (12) percent (a vertical rise of twelve (12) feet in one hundred (100) feet horizontal distance).

(8) Floodway. No structures shall be placed in any floodway.

508.8 **Additional Requirements.** Refer to Section 510 Lower St. Croix River Overlay District for additional requirements.

509. **Limited Industry (L-I).**

509.1 **Purpose**. This District is intended to provide for compact, limited industries and industrial uses that may suitably be located in areas of relatively close proximity to non--industrial development. As such, industries that pose problems of air pollution, noise, vibration, etc. are restricted from this district. All limited industrial uses must be supported with on-site individual or communal sewer treatment systems and private wells.

509.2 **Permitted Uses**. The following permitted uses shall be allowed within the L-I Zoning District provided they will not produce exterior noise, glare, fumes, obnoxious products or by-products or wastes that violate the standards of this Ordinance.

(1) Conservancy
(2) Auto Repair Garages
(3)(4) Contractors Shops including building, plumbing, heating, electrical, painting, and landscaping, but not including storage yards.
(4) Building Material Sales
(5) Essential Service
(6) Business, Manufacturing ~~assembly, or repair of products~~
(7) ~~Commercial/Professional Offices.~~ Business Office
(8) Business Retail
(9) Public Utility Buildings.
(10) Public Vehicle Garages.
(11) Transportation or freight terminals.
(12) Warehouses.

509.3 **Accessory Uses**.

(1)(2) Accessory buildings.
(2)(3) Off-street parking.
(3)(4) Off-street loading.
(4) Gardening and other horticultural uses.
(5) Solar Energy Systems
(6)(1) ~~Any incidental repair, processing, or storage necessary to conduct a permitted principal use.~~ Any uses customarily associated with and incidental to the permitted uses.

509.4 **Interim Uses.** The following are interim uses in the L-I District and are subject to the provisions of Section 309 (Interim Uses) of this Ordinance:

(1) None.

509.5 **Conditional Uses**.

(1) Open and outdoor storage as an accessory use provided that:

(a) The storage area is landscaped and screened from view of neighboring uses and abutting residential zoning districts and public rights-of-way.

(b) The storage area is fenced to delineate the limits of the storage area. Outdoor storage shall not exceed the height of the provided fencing or screening.

(c) The storage area is surfaced to control dust.

(d) All lighting shall be in compliance with Section 404.7 of this Ordinance.

(e) The storage area does not take up parking space or loading space as required for conformity to this Ordinance.

(2) Railroad storage and switching yards and rail lines.

(3) Municipal Government and Utility Buildings.

(4) (4) Schools

(5) (5) Day care

(6) (6) Residential care facilities serving six (6) or fewer persons.

509.6 District Performance Standards.

(1) Height, Regulations. No structure shall hereafter be erected or structurally altered to exceed forty-five (45) feet in height.

(2) Front Yard Regulations.

(a) Required setbacks from public road right-of-way – one hundred (100) feet.

(b) Where a lot is located at the intersection of two (2) or more roads or highways there shall be a front yard setback on each road or highway side of each corner lot. No building shall project beyond the front yard setback line of either road.

(3) Side Yard Regulations.

(a) There shall be a side yard having a width of not less than fifteen (15) feet on each side of a building.

(b) No building shall be located within fifty (50) feet of any side lot line abutting a lot in any residential or agricultural district.

(4) Rear Yard Regulations.

(a) There shall be a minimum rear yard of thirty (30) feet.

(b) No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any residential or agricultural district.

(5) Screening and Fencing. The City may require the screening or fencing of industrial uses to prevent visual blight, especially on side yards which face residential or agricultural districts.

(6) General Regulations. Other applicable regulations related to signs, parking and other regulations are set forth in Section 4 of this Ordinance.

509.7 Prohibited

510. **Lower St. Croix River Overlay District.**

510.1 **Purpose.** This district is created for the purpose of protecting the natural resources and natural scenic values of land within the boundaries of the Lower St. Croix Riverway and for the following additional purposes:

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

(2) Regulating lot sizes, and the length of bluffland and water frontage suitable for building sites.

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

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

(5) Regulating alterations of the natural vegetation and topography.

(6) Conserving and protecting the natural scenic values and resources of the river valley and maintaining a high standard of environmental quality to comply with Minnesota Department of Natural Resources Standards and Criteria for the Lower St. Croix National Scenic Riverway (9NR 220-2202).

(7) Preserving the historic character, values, and significance represented in the City of Marine on St. Croix.

510.2 **Application.** The provisions of this section are hereby adopted as an overlay district and shall apply to the following underlying Zoning Districts.

SC – RR	St. Croix – Rural Residential District
SC – UR	St. Croix – Urban Residential District
VC	Village Center District

510.3 **District Boundaries.**

(1) The boundaries of the Lower St. Croix Riverway include all of the land riverward of the legally described boundary line in the official copy of the Lower St. Croix National Scenic Riverway Master Plan and as shown on the map designated as the City of Marine on St. Croix official zoning map.

(2) The boundaries of the Lower St. Croix River Overlay District include all of the areas as shown on the City of Marine on St. Croix official zoning map on file with the City Zoning Administration Staff.

510.4 **General Provisions**.

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

(2) Substandard Structures. All structures in existence prior to the adoption date of this Ordinance which do not meet the structure setbacks and other dimensional standards of this Ordinance shall be considered substandard structures. All substandard structures that need replacing due to destruction, deterioration, or obsolescence, shall be allowed to be replaced, restored, or rebuilt as necessary to remain the same as they exist on the date of the enactment of this Ordinance; but any change beyond the established structural dimensions of each such substandard structure shall be in compliance with the setback requirements of this Ordinance or any variance that may be obtained or issued for such increase in size.

510.5 **Review Criteria**. When considering a proposal or zoning amendment within the St. Croix River Overlay District, the City Council shall address the following items in making its decision.

(1) The preservation of the scenic and recreational resources of the St. Croix Riverway, especially in regard to the view from and use of the river.

(2) The maintenance of safe and healthful conditions.

(3) The prevention and control of water pollution.

(4) The location of the site with respect to floodways, floodplains, slopes, and blufflines.

(5) The erosion potential of the site based on degree and direction of slope, soil type, and vegetation cover.

(6) The potential impact on game and fish habitat.

(7) The location of the site with respect to existing or future access roads.

(8) The amount of wastes to be generated and the adequacy of the proposed disposal systems.

(9) The anticipated demand for police, fire, medical, and school services and facilities.

(10) The compatibility of the proposed development with uses on adjacent land.

510.6 **District Requirements.** The following standards and criteria shall apply to development within the Lower St. Croix River Overlay District.

(1) Site Preservation. The following standards and criteria are provided to preserve vegetative and topographical screening, and to retard runoff, soil erosion, and nutrient loss.

(a) Vegetative Cutting. On land within 200 feet of the ordinary high water level in rural districts, 100 feet of the ordinary high water level in urban districts, and 40 feet landward of blufflines and on slopes greater than 12 percent in all districts, there shall be no vegetative cutting of live trees or shrubs without a vegetative cutting permit from the City's zoning administration staff. A permit may be issued only if:

1. The cutting, including topping:

a. Involves trees less than 6 inches in diameter at breast height; and

b. Involves vegetation which is not screening any structure from view from the river; and

c. Preserves the essential character, quality, and density of existing growths; and

d. Maintains continuous canopy cover or

2. Diseased trees are to be removed and their removal is in the public interest; or

3. The cutting is necessary for the maintenance of transportation or utility rights-of-way.

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

1. Clearing for a validly permitted structure, septic system, roadway, or parking area.

2. Maintenance trimming or pruning on a particular parcel or in transportation or utility rights-of-way.

(c) Grading and Filling. Grading, filling, excavating or otherwise changing the topography landward of the ordinary high level mark shall not be conducted without a grading permit from the City's Zoning Administration Staff. A grading permit may be issued only if:

1. Slopes greater than 12 percent (12 feet vertical rise in 100 horizontal feet) are preserved to the greatest extent possible.

2. Earth moving, erosion, vegetative cutting, drainage, filling of wetlands, and the destruction of natural amenities is minimized,

3. The smallest amount of ground is exposed for as short a time as feasible.

4. During construction, temporary ground cover such as mulch is used and permanent ground cover such as sod is planted upon completion.

5. Methods to prevent erosion and trap sediment are employed and

6. Fill is stabilized to accepted engineering standards.

(d) A separate grading and filling permit is not required for grading, filling or excavating the minimum area necessary for a structure, sewage disposal system, private road or parking area undertaken pursuant to a validly issued building permit.

(2) <u>Sewage Disposal</u>.

(a) Any premises intended for human occupancy must be provided with an adequate method of sewage disposal. Public or municipal collection and treatment facilities must be used where available and where feasible. Where public or municipal facilities are not available, all on-site individual sewer disposal systems shall conform to the Marine on St. Croix Sewer Use

Ordinance No. 72. A septic tank drainfield system shall be the only acceptable system for installation unless it can be demonstrated that this system is not feasible on the particular lot in question and it can be demonstrated that the system being proposed as an alternative will not cause a pollution problem.

(b) No person, firm, or corporation shall install, alter, repair, or extend any individual sewer disposal system without first obtaining a permit therefore from the City's Zoning Administration Staff for the specific installation, alteration, repair, or extension.

(3) Alterations in Public Waters. Changing the course, current, or cross-section of public waters shall require state and federal permits as specified in sub-paragraph (g) of NR 2201 before any local permits may be issued.

(4) Transmission Services. A permit from the Commissioner of Natural Resources is required pursuant to Minnesota Statutes, Sections 84.415 or 105.42 before transmission services may cross state owned lands or public waters and transmission services shall be in accordance with the Natural Resources Regulations including NR 2201(h).

(5) Public Roads. A permit from the Commissioner of Natural Resources is required before construction, reconstruction, removal or abandonment of any road or railroad crossing of public waters within the Riverway. Said permit shall be in accordance with the Natural Resources Regulations including NR 2201(1).

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

510.7 **Application Procedures**.

(1) Administrative Procedure. In addition to the applicable administrative procedures set forth in the Zoning Ordinance of the City, the following procedures shall be implemented with respect to land within the Lower St. Croix River Overlay District.

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

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

1. Department of Natural Resources.

2. City Planning Commission.

3. Regional Planning Commission.

4. Minnesota/Wisconsin-Boundary Area Commission.

(c) The applicant for any permit requiring a public hearing shall submit to the City Council at least 30 days prior to such hearing an abstractor's certificate showing the names and addresses of all property owners within 250 feet of the affected property in all areas or a list of names and addresses of all property owners within two hundred fifty (250) feet of the affected property that is acceptable to the City's Zoning Administration Staff.

(d) Notice of the purpose, time, and place of any such public hearing shall be mailed to all property owners and the elected officials listed in (2) by the local authority at least ten (10) days prior to the date of the hearing.

(e) Before any zoning district or ordinance amendment ~~or variances~~ becomes final, the City of Marine on St. Croix shall forward the decision to the Commissioner of Natural Resources. The Commissioner of Natural Resources shall certify in writing that the proposed action complies with the intent of the Wild and Scenic Rivers Act and the Master Plan for the Lower St. Croix River in the manner specified in Department of Natural Resources Regulations, including NR 2202 (e).

(f) The City of Marine on St. Croix shall forward to the Commissioner of Natural Resources all decisions on all conditional use permits, variances and subdivisions within ten (10) days of final action thereof.

(2) Preliminary Plans.

(a) Preliminary plans for all plats, including planned cluster development, shall be approved by the Commissioner of Natural Resources or his agent in writing prior to preliminary approval by the City Council

(b) All subdivisions shall comply with the Marine On St. Croix Subdivision Regulations.

(3) Variances.

~~(a) Variances shall only be granted the strict enforcement of this Ordinance would cause an undue hardship because of circumstances unique to the particular property at issue. Undue hardship means the proposed use of the property and associated structures in question cannot be put to a reasonable use under the conditions allowed by this Ordinance; the plight of the landowner is due to circumstances unique to his property, not created by the~~

~~landowner after August 9, 2001; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship, if reasonable use of the property and associated structures exists under this Ordinance. In addition, no variance shall be granted that would permit any use that is prohibited by this Ordinance in the zone or district where the subject property is located. Conditions may be imposed in the granting of a variance to insure compliance and to protect adjacent properties and the public interest, especially in regard to the view from the river.~~

Replace with wording from 311.1

510.8 **Application Submittal Requirements.** The applicant shall submit sufficient copies of the following information, if appropriate, and additional information as requested, to the local authority thirty (30) days prior to the public hearing on the application for an amendment, conditional use, variance, or subdivision.

(1) Plat of survey showing the property, location, boundaries, dimensions, elevations, blufflines, utility and roadway corridors, the ordinary high water level, floodway, and floodplain.

(2) The most recent aerial photo of the property lines drawn in.

(3) Location of existing and proposed structures including height and setback dimensions.

(4) Location of existing and proposed alterations of vegetation and topography.

(5) Adjoining water-oriented uses.

(6) Suitability of the area for on-site waste disposal. Type, size, and location of the system shall be indicated. If a public or municipal wastewater collection and treatment system is to be utilized, the applicant must submit a written agreement from the municipality or sanitary authority indicating that the system has the capacity to handle the development.

(7) Water supply system.

(8) An estimate of permanent and transient residents.

510.9 **Permit Process and Review Authority**. The following table indicates the reviewing authority and process for all permit applications within the Lower St. Croix River Overlay District.

Permit Type	**SC-UR** *(Urban District)*	**SC-RR** *(Rural District)*	**SC-VC** *(Village Center District)*

Building Permits	LP	LP	LA-FD
Septic Permits	LP	LP	LP
Grading Permits	LP	LP	LP
Tree Cutting Permits	LP	LP	LP
Conditional Use Permits	PH-FD	PH-FD	PH-FD
Amendments to Ordinance	PH-CC	PH-CC	PH-CC
Amendments to District Boundary	PH-CC	PH-CC	PH-CC
Plats and Cluster Developments	PH-WA-FD	PH-WA-FD	PH-WA-FD
Variances	PH-CC	PH-CC	PH-CC

LP Permit issued by the local authority in accordance with this Ordinance and all other local permit requirements.

CC Certification by the Commissioner of Natural Resources prior to final, local approval.

PH Public hearing necessary by the local authority giving 20 days notice of meeting to the Commissioner of Natural Resources and other agencies listed in Section 510.7(1)(b) of this Ordinance.

FD Local authority forwards any decisions to the Commissioner of Natural Resources within 10 days after taking final action.

WA The Commissioner of Natural Resources shall submit, after notice of public hearing and before the local authority gives preliminary approval, a written review and approval of the project.

LA Application for permit review by the City Planning Commission and City Council.

NA Not Applicable

511. **Floodplain District**.

511.1 **Purpose.** The purpose of this ordinance is to maintain the community's eligibility in the National Flood Insurance Program and to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare of the community.

511.2 **Statutory Authorization**. The Legislature of the State of Minnesota has, in Minnesota Statutes Chapters 103F and Chapter 194 (for counties) and Chapter 462 (for municipalities) delegated the authority to local governmental units to adopt regulations designed to minimize flood losses. Minnesota Statutes, Chapter 103F further stipulates that communities subject to recurrent flooding must participate and maintain eligibility in the National Flood Insurance Program. Therefore, the City of Marine on St. Croix, Minnesota does ordain as follows:

511.3 **Warning of Disclaimer of Liability.** This Ordinance does not imply that areas outside

of the Floodplain District or land uses permitted within such districts will be free from flooding and flood damages. This Ordinance shall not create liability on the part of the City of Marine on St. Croix or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decisions lawfully made thereunder.

511.4. **General Provisions**.

(1) Adoption of Flood Insurance Rate Map. The Flood Insurance Rate Map for the City of Marine on St. Croix, dated ~~September 27, 1985~~ February 3, 2010, developed by the Federal Emergency Management Agency is hereby adopted by reference as the official Floodplain Zoning District Map and made a part of this Ordinance. ~~This map was previously entitled the Flood Hazard Boundary map dated March 15, 1975.~~

(2) Lands to Which Ordinance Applies. This Ordinance shall apply to all lands designated as floodplain within the jurisdiction of the City of Marine on St. Croix.

(3) Interpretation. The boundaries of the Floodplain District shall be determined by scaling distances on the Official Floodplain Zoning District map. Where interpretation is needed as to the exact location of the boundaries of the Floodplain District, the City of Marine on St. Croix shall make the necessary interpretation based on elevations on the regional (100-year) flood profile, if available. If 100-year flood elevations are not available, the community shall:

(a) Require a floodplain evaluation consistent with Section 5.117 of this Ordinance to determine a 100-year flood elevation for the site; or

(b) Base its decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside of the floodplain.

511.5. **Conflict with Pre-Existing Zoning Regulations and General Compliance.**

(1) The Floodplain District as overlay Zoning District. The Floodplain Zoning District shall be considered an overlay zoning district to all existing land use regulations of the community. The uses permitted in Sections 511.6 and 511.7 of this Ordinance shall be permitted only if not prohibited by any established, underlying zoning district. The requirements of this Ordinance shall apply in addition to other legally established regulations of the community and where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.

(2) Compliance: No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the

Floodway and Flood Fringe, all uses not listed as permitted uses in Section 511.6 shall be prohibited. In addition, a caution is provided here that:

(a) New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Sections 511.6 and 511.15;

(b) Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 511.12; and

(c) As-built elevations for elevated structures must be certified by ground surveys as stated in Section 511.10 of this Ordinance.

511.6. **Permitted Uses, Standards, and Floodplain Evaluation Criteria.**

(1) Permitted Uses in the Floodplain. The following uses of land are permitted uses in the Floodplain District:

(a) Any use of land which does not involve a structure, an addition to the outside dimensions of an existing structure or an obstruction to flood flows such as fill, excavation, or storage of materials or equipment.

(b) Any use of land involving the construction of new structures, the placement or replacement of manufactured homes, the addition to the outside dimensions of an existing structure, or obstructions such as fill or storage of materials or equipment, provided these activities are located in the flood fringe portion of the floodplain. These uses shall be subject to the development standards in Section 511.6(2) of this Ordinance and the flood plain evaluation criteria in Section 511.7 of this Ordinance for determining floodway and flood fringe boundaries.

(c) Travel trailers and travel vehicles are regulated by Section 511.15 of this Ordinance.

(2) Standards for Floodplain Permitted Uses.

(a) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation – FEMA's requirements incorporate specific fill

compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(b) Storage of Materials and Equipment:

(1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning or if placed on fill to the Regulatory Flood Protection Elevation.

(c) No use shall be permitted which will adversely affect the capacity of the channels or floodways of any tributary to the main stream, or of any drainage ditch, or any other drainage facility or system.

(d) All structures, including accessory structures, additions to existing structures and manufactured homes, shall be constructed on fill so that the basement floor, or first floor if there is no basement, is at or above the Regulatory Flood Protection Elevation. The finished fill elevation must be no lower than one foot below the Regulatory Flood Protection Elevation and shall extend at such elevation at least fifteen (15) feet beyond the limits of the structure constructed thereon.

(e) All Uses. Uses that do not have vehicular access to lands outside of the floodplain at or above an elevation not more than two feet below the Regulatory Flood Protection Elevation shall not be permitted unless granted a variance by the City Council. In granting a variance, the City Council shall specify limitations on the period of use or occupancy of the use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist.

(f) Commercial and Manufacturing Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two (2) feet or be subject to flood velocities greater than four (4) feet per second upon occurrence of a regional flood.

(g) On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided:

(a) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and

(b) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. All on-site sewer disposal systems shall conform to the standards of the Marine on St. Croix Sewer Use Ordinance No. 72.

(h) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

511.7. **Floodplain Evaluation.**

(1) Upon receipt of an application for a permit, manufactured home park development or subdivision approval within the Floodplain District, the City of Marine on St. Croix shall require the applicant to furnish sufficient site development plans and a hydrologic/hydraulic analysis by a qualified engineer or hydrologist specifying the nature of the development and whether the proposed use is located in the floodway or flood fringe and the Regulatory Flood Protection Elevation for the site. Procedures consistent with Minnesota Rules 1983 Parts 6120.5600 (Technical Standards and Requirements For Floodplain Evaluation) and 6120.5700 (Minimum Floodplain Management Standards for Local Ordinances) shall be followed during the technical evaluation and review of the development proposal.

(2) The City of Marine on St. Croix shall submit one copy of all information required by Section 511.7(1) of this Ordinance to the respective Department of Natural Resources' Area Hydrologist for review and comment at least twenty (20) days prior to the granting of a permit or manufactured home park development/ subdivision approval by the community. The City of Marine on St. Croix shall notify the respective Department of Natural Resources Area Hydrologist within ten (10) days after a permit or manufactured home park development/subdivision approval is granted.

511.8. **Utilities, Railroads, Roads and Bridges in the Floodplain District.** All utilities and transportation facilities, including railroad tracks, roads and bridges, shall be constructed in accordance with state floodplain management standards contained in Minnesota Rules 1983 Parts 6120.5000 - 6120.6200.

511.9. **Subdivisions.**

(1) No land shall be subdivided and no manufactured home park shall be developed or expanded where the site is determined to be unsuitable by the City of Marine on St. Croix for reason of flooding or inadequate drainage, water supply or sewage treatment facilities. The City of Marine on St. Croix shall review the subdivision/ development proposal to insure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems and related activities.

(2) In the Floodplain District, applicants for subdivision approval or development of a manufactured home park or manufactured home park expansion shall provide the information required in Section 511.7(1) of this Ordinance. The City of Marine on St. Croix shall evaluate the proposed subdivision or mobile home park development or expansion in accordance with the standards established in Sections 511.6(2), 511.7, and 511.8 of this Ordinance.

(3) For all subdivisions in the floodplain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

(4) Removal of Special Flood Hazard Area Designation. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

511.10. **Administration.**

(1) Permit Required. A permit issued by the City of Marine on St. Croix or its designated official shall be secured prior to the construction, addition, or alteration of any building or structure; prior to the use or change of use of a building, structure, or land; prior to the change or extension of a nonconforming use; and prior to excavation or the placement of an obstruction within the floodplain.

(2) State and Federal Permits. Prior to granting a permit or processing an application for a variance the City of Marine on St. Croix shall determine that the applicant has obtained all necessary State and Federal permits.

(3) Certification of Lowest Floor Elevations. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. The City of Marine on St. Croix shall maintain a record of the elevation of the lowest floor (including basement) for all new structures and alterations or additions to existing structures in the Floodplain District.

511.11.**Variances.**

(1) ~~A variance is a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating an undue hardship as defined and elaborated upon in a community's respective planning and zoning enabling legislation.~~ The City Council shall have the exclusive power to order the issuance of variances from the requirements of the Zoning Ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the Zoning Ordinance, and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

(2) ~~The City Council may authorize upon application in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for the purpose of alleviating an undue hardship because of circumstances unique to the property under consideration which are not created by the property owner, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the City Council shall clearly identify in writing the specific conditions that existed consistent with the criteria specified herein and in the respective enabling legislation which justified the granting of the variance.~~ No variance may be granted that would allow any use that is not allowed in the zoning district in which the property is located.

(3) ~~Variances from the provisions of this Ordinance may be authorized where the City Council has determined the variance will not be contrary to the public interest and the spirit and intent of this Ordinance.~~ Practical Difficulties Standard. "Practical difficulties", as used in connection with the granting of a variance, means:

a) that the property owner proposes to use the property in a reasonable manner not permitted by the Flood Plain Ordinance;

b) the plight of the landowner is due to circumstances unique to the property

not created by the landowner; and

c) the variance, if granted, will not alter the essential character of the locality.

d) No variance shall allow in any district a use prohibited in that district or permit a lower degree of flood protection than the Regulatory Flood Protection Elevation. Variances may be used to modify permissible methods of flood protection.

e) Economic conditions alone do not constitute practical difficulties.

(4) The City Council shall mail a copy of the application for proposed variance to the Commissioner of Natural Resources at least fifteen (15) days in advance of the meeting. A copy of all decisions granting a variance shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

(5) Appeals. Appeals from any decision of the City Council may be made, and as specified in this Ordinance and also Minnesota Statutes.

(6) Flood Insurance Notice and Record Keeping. The Zoning Administration Staff shall notify the applicant for a variance that:

(a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance. ~~up to amounts as high as twenty-five (25) dollars for one hundred (100) dollars of insurance coverage; and~~

(b) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

511.12. **Non-Conformities.** A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:

(1) No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

(2) An alteration within the inside dimensions of a nonconforming use or structure is permissible provided it will not result in increasing the flood damage potential of that use or structure.

(3) The cost of all structural alterations or additions both inside and outside of a structure to any nonconforming structure over the life of the structure shall not exceed fifty (50) percent of the market value of the structure unless the conditions of this Ordinance are satisfied. The cost of all structural alterations and additions constructed since the adoption of the community's initial floodplain controls must be converted into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds fifty (50) percent of the current market value of the structure, then the structure must meet the standards of Section 511.6 of this Ordinance for new structures.

(4) If any nonconforming use of a structure or land or any nonconforming structure is destroyed by any means, including floods, to an extent of fifty (50) percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The City of Marine on St. Croix may issue a permit for reconstruction if the use is located outside the floodway and upon reconstruction, is adequately elevated on fill in conformity with the provisions of this Ordinance.

511.13. **Penalties for Violation.** A violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variance) shall constitute a misdemeanor.

(1) In responding to a suspected ordinance violation, the Zoning Administration Staff and local government may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines, injunctions, after the fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce this Ordinance and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

(2) When an ordinance violation is either discovered by or brought to the attention of the Zoning Administration Staff, the Zoning Administration Staff shall investigate the situation and document the nature and extent of the violation of the Ordinance. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the City's plan of action to correct the violation to the degree possible.

(3) The Zoning Administration Staff shall notify the suspected party of the requirements of this Ordinance and all other Official Controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administration Staff may order the construction or development immediately halted until a proper permit or approval is granted by the City. If the construction or development is already completed, then the Zoning Administration Staff may either:

(a) Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official-controls, or

(b) Notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed thirty (30) days.

(4) If the responsible party does not appropriately respond to the Zoning Administration Staff within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administration Staff shall also upon the lapse of the specified response period order the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

511.14. **Amendments.** All amendments to this Ordinance, including revisions to the official Floodplain Zoning District Map, shall be submitted to and approved by the Commissioner of Natural Resources prior to adoption. The floodplain designation on the official Floodplain Zoning District Map shall not be removed unless the area is filled to an elevation at or above the Regulatory Flood Protection Elevation and is contiguous to lands outside of the floodplain. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten (10) days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

511.15. **Travel Trailers and Travel Vehicles.** Travel trailers and travel vehicles that do not meet the exemption criteria specified in Section 511.15(1) below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 511.15(3) and 511.15(4) below.

(1) Exemption travel trailers and travel vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 511.15(2) below and if they meet the following criteria:

(a) Have current licenses required for highway use.

(b) Are highway ready, meaning on wheels or on an internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks, and the travel trailer/travel vehicle has no permanent structural type additions attached to it.

(c) The travel trailer or travel vehicle and associated use must be

permissible in any pre-existing, underlying zoning use district.

(2) Areas Exempted For Placement of Travel/Recreational Vehicles:

(a) Individual lots or parcels of record.

(b) Existing commercial recreational vehicle parks or camp-grounds.

(c) Existing condominium type associations.

(3) Travel trailers and travel vehicles exempted in Section 511.15(1) lose this exemption when development occurs on the parcel exceeding five hundred (500) dollars for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation requirements and the use of land restrictions specified in Section 511.6 of this Ordinance.

(4) New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following requirements:

(a) Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation determined in accordance with the provisions of Section 511.7 of this Ordinance and proper elevated road access to the site exists in accordance with Section 511.6 of this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.

(b) All new or replacement travel trailers or travel vehicles not meeting the criteria of (a) above may, as an alternative, be allowed if in accordance with the following provisions. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 511.6(2)(g) of this Ordinance.

SECTION 6. ENACTMENT

601. **Repeal.** Ordinances, including all prior Zoning Ordinances, amendments or parts thereof, in force at the time of this Ordinance, shall take effect and inconsistent herewith are hereby repealed.

602. **Enactment.** This Ordinance shall take effect and be in force from and after its passage and publication of Summary Ordinance No. 104, according to law, passed by the City Council of Marine on St. Croix this 9th day of August 2001. Publication: 15th day of August, 2001.