

6105.0370 USE STANDARDS AND CRITERIA.

Subpart 1. **Purpose.** The purpose of establishing standards and criteria for uses in the Saint Croix Riverway shall be to protect and preserve existing natural, scenic, and recreational values, to maintain proper relationships between various land use types, and to prohibit new residential, commercial, or industrial uses that are inconsistent with the National Wild and Scenic Rivers Act, and the federal and state Lower Saint Croix River Acts.

Subp. 2. **Permitted uses.** All structures associated with the following uses are permitted in the Saint Croix Riverway subject to the dimensional requirements of a Saint Croix Riverway ordinance:

- A. conservancy;
- B. agriculture;
- C. single-family residential;
- D. governmental highway waysides, rest areas, information areas, and scenic overlooks; and
- E. governmental resource management and interpretive activities.

Subp. 3. **Accessory uses in general.** The following standards and criteria are provided to preserve vegetative and topographical screening, and to retard surface runoff, soil erosion, and nutrient loss.

Subp. 4. **Vegetative cutting; permit required.** On lands within 200 feet of the ordinary high water mark in rural districts, 100 feet of the ordinary high water mark 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 permit from the local authority. A permit may be issued only if:

- A. the cutting, including topping, involves trees less than six inches in diameter at breast height;
- B. the cutting, including topping, involves vegetation which is not screening any structure from view from the river; and
- C. the essential character, quality, and density of existing growths is preserved and continuous canopy cover is maintained; or
- D. diseased trees are to be removed, and their removal is in the public interest; or
- E. the cutting is necessary for the maintenance of transportation or utility rights-of-way.

Subp. 5. **Vegetative cutting; no permit required.** A separate vegetative cutting permit is not required for the following; however, the vegetative cutting shall be accomplished in such a manner that the essential character, quality, and density of existing growths is preserved and continuous canopy cover is maintained as viewed from the river:

A. clearing the minimum area necessary for a structure, sewage disposal system, and private road and parking area, undertaken pursuant to a validly issued building permit;

B. maintenance trimming or pruning on any particular property or in transportation or utility rights-of-way;

C. vegetative cutting in areas of the Saint Croix Riverway not covered under subpart 4, provided that the cutting, including topping, involves vegetation which is not screening any structure from view from the river.

Subp. 6. **Grading and filling; permit required.** Grading, filling, excavating, or otherwise changing the topography landward of the ordinary high water mark shall not be conducted without a permit from the local authority. A permit may be issued only if:

A. slopes greater than 12 percent are not altered where erosion and visual scars may result;

B. earth moving, erosion, vegetative cutting, draining or filling of wetlands, and the destruction of natural amenities is minimized;

C. the smallest amount of ground is exposed for as short a time as feasible;

D. temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted;

E. methods to prevent erosion and trap sediment are employed; and

F. fill is stabilized to accepted engineering standards.

Subp. 7. **Grading and filling; permit not required.** A separate grading and filling permit is not required for grading, filling, or excavating the minimum area necessary for a structure, sewage disposal system, and private road and parking area undertaken pursuant to a validly issued building permit. However, the standards and criteria of subpart 6 shall be required as conditions of the building permit.

Subp. 8. **Conditional uses.** Conditional uses:

A. In urban districts, uses permitted without a rezoning in specific districts by existing local ordinances in effect on May 1, 1974, may be allowed as conditional uses by the local authority, subject to the provisions of part 6105.0510, subpart 2. The local authority shall establish special zoning districts coinciding with the boundaries of zoning districts in effect on May 1, 1974, and shall specify standards and criteria by which conditional uses may be allowed within special zoning districts.

B. In rural districts, marinas may be allowed as conditional uses by the local authority, subject to the provisions of part 6105.0510, subpart 2, between the Boomsite Highway Wayside and Stillwater, and where provided in part 6105.0410, subpart 1, item B. No other conditional uses shall be allowed in rural districts.

Subp. 9. **Prohibited uses.** The following uses shall be prohibited in all districts:

- A. sand and gravel operations;
- B. junkyards;
- C. mobile home parks;
- D. downhill ski areas;
- E. marinas upstream from the Boomsite Highway Wayside; and
- F. all uses not authorized in a Saint Croix Riverway ordinance.

Subp. 10. **Nonconforming uses.** Prohibited uses in existence prior to the effective date of adoption of a Saint Croix Riverway ordinance are nonconforming uses and shall not be enlarged or expanded. Under authority permitted by law, local authorities may adopt provisions to regulate and control, reduce the number or extent of, or gradually eliminate nonconforming uses. Local authorities shall provide for the elimination of sanitary facilities inconsistent with part 6105.0390, subpart 3, item B, C, and E over a period of time not to exceed five years from the date of adoption of a Saint Croix Riverway ordinance or where required at an earlier date by existing county shoreland ordinances.

Subp. 11. **Substandard structures.** All structures in existence prior to the effective date of adoption of a Saint Croix Riverway ordinance which are permitted within a particular zoning district but do not meet the structure setbacks or other dimensional standards of the ordinance are substandard structures and shall be subject to the following conditions:

A. Substandard structures and substandard sanitary facilities shall be allowed to continue.

B. In no instance shall the extent to which a structure or sanitary facility violates a setback standard be increased.

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

D. If a substandard structure needs replacing due to destruction, deterioration, or obsolescence, such replacement shall comply with the dimensional standards of a Saint Croix Riverway ordinance.

Statutory Authority: *MS s 104.25*

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