

**6105.0380 DIMENSIONAL STANDARDS AND CRITERIA.**

Subpart 1. **Purpose.** The purpose of establishing dimensional standards and criteria in the Saint Croix Riverway shall be to protect riverway lands by means of acreage, frontage, setback, and height requirements on development. Specific objectives shall be to maintain the aesthetic integrity of the Saint Croix Riverway's dominant natural setting, to reduce the adverse effects of poorly planned shoreland and bluffland development, to provide sufficient space on lots for sanitary facilities, to minimize flood damage, to prevent pollution of surface and ground water, to minimize soil erosion, and to provide a natural buffer between the river and developed areas.

Subp. 2. **Substandard lots.** Lots recorded in the office of the county register of deeds prior to May 1, 1974, that do not meet the requirements of subpart 3, may be allowed as building sites when:

- A. the proposed use is permitted in the zoning district;
- B. the lot has been in separate ownership from abutting lands since May 1, 1974;
- C. it can be demonstrated that a proper and adequate sewage disposal system can be installed in accordance with the provisions of part 6105.0390, subpart 3; and
- D. the dimensional standards of a Saint Croix Riverway ordinance are complied with to the greatest extent practicable. A Saint Croix Riverway ordinance may, consistent with these standards and criteria, set a minimum size for substandard lots or impose other restrictions on the development of substandard lots.

Subp. 3. **Lot size.** For lots created after May 1, 1974, the minimum size shall be:

A. In rural districts, not less than 2-1/2 acres in area; not less than 200 feet in width at the building line; and not less than 200 feet in width on the side abutting or nearest the river.

B. In urban districts:

(1) where public sewer and water were available as of May 1, 1974: not less than 20,000 square feet in area; not less than 100 feet in width at the building line; and not less than 100 feet in width on the side abutting or nearest the river; and

(2) where public sewer and water were not available as of May 1, 1974: not less than one acre in area; not less than 150 feet in width at the building line, and not less than 150 feet in width on the side abutting or nearest the river.

Greater densities of development than those specified above may be permitted for planned cluster developments, subject to the provisions of part 6105.0400, subpart 4.

Subp. 4. **Number of dwelling units.** There shall not be more than one dwelling unit per lot, with the exception of planned cluster developments that shall be subject to the provisions of part 6105.0400, subpart 4.

Subp. 5. **Structure setbacks.** Structure setbacks:

A. The following minimum setbacks from the ordinary high water mark and blufflines shall apply to all structures and private roads and parking areas, except those specified as exceptions herein:

(1) In rural districts: not less than 200 feet from the ordinary high water mark and not less than 100 feet from a bluffline.

(2) In urban districts: not less than 100 feet from the ordinary high water mark and not less than 40 feet from a bluffline.

B. Exceptions to the minimum setbacks:

(1) In rural districts, structure setback from a bluffline may be reduced up to a minimum of 40 feet when it can be demonstrated that no change in the natural appearance of the shoreline, slope, and bluffline will occur and the structure will be visually inconspicuous in summer months as viewed from the river. In reviewing the proposed building site, the local authority, in cooperation with an agent of the commissioner of natural resources, may determine that the structure setback can be varied to within the 40-to-100-foot range from a bluffline if the natural appearance of the shoreline, slope, and bluffline is preserved, and if the applicant agrees to donate a scenic easement to the state. Such scenic easement shall specify that on all land lying from the proposed building line to the river, or property line closest to the river, no destruction, cutting, trimming, or removal of trees, shrubs, bushes, or plants, and no topographic changes of the natural landscape by excavation, drainage, filling, dumping, or any other means shall occur without a written authorization from the commissioner of natural resources.

(2) Where a substandard setback pattern from the ordinary high water mark or a bluffline has already been established by existing principal dwelling unit structures on adjacent lots on both sides of the proposed building site, the setback of the proposed structure shall be the average setback of the existing dwelling units plus at least 40 feet, or the required minimum setbacks of the particular zoning district, whichever distance is less from the average setback line. This exception shall apply only to substandard lots which do not meet the minimum lot width requirements of part 6105.0380, subpart 3.

(3) Developments subject to state permits which provide services to the public and which, by their nature, require location on or near public waters shall be subject to the conditions of the state permits as provided in parts 6105.0390 and 6105.0410 to 6105.0440.

(4) Temporary docks may be allowed as approved by federal, state, or local governments to extend into the water the minimum distance necessary to facilitate the launching or mooring of watercraft during the open-water season.

(5) Signs may be allowed as approved by federal, state, or local governments which are necessary for the public health and safety. Signs may also be allowed that indicate areas that are available or not available for public use. Outside the minimum setbacks within the Saint Croix Riverway, signs that are otherwise lawful are permitted, provided they will be visually inconspicuous in summer months as viewed from the river.

(6) Stairways and lifts to enable access from bluffland properties to the water on steep slopes may be allowed by the local authority, provided the disruption of vegetation and topography is kept to a minimum and the structure will be visually inconspicuous in summer months as viewed from the river.

Subp. 6. **Placement of structures.** In addition to the setback requirements of subpart 5, placement of structures shall be controlled as follows:

A. Structures shall not be permitted on slopes greater than 12 percent, with the exception of stairways and lifts. Regardless of the number of blufflines on a given property, structures on slopes shall not be permitted. The physical alteration of slopes shall not be permitted for the purpose of overcoming this limitation.

B. When a floodplain ordinance exists, no structure shall be located in the floodway, as defined in Minnesota Statutes, section 103F.111, subdivision 5. Outside the floodway, structures shall be placed at an elevation consistent with any applicable floodplain management ordinance. Local units of government lacking such ordinances shall adopt floodplain management regulations in accordance with Minnesota Statutes, section 103F.121, subdivisions 1 and 2. Until such adoption, the elevation to which the lowest floor of a structure, including a basement, shall be placed, shall be determined after an evaluation of available flood information, and shall be consistent with the statewide standards and criteria for management of floodplain areas in Minnesota.

C. The total area of all impervious surfaces on a lot shall not exceed 20 percent of the total lot area.

Subp. 7. **Structure height.** The distance between the average ground level at the building line and the uppermost point of the structure shall not exceed 35 feet.

Subp. 8. **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 by topography. This standard is recommended when repainting and reroofing existing structures visible from the river.

**Statutory Authority:** *MS s 104.25; 103F.351*

**History:** *L 2014 c 289 s 70*

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