

CHAPTER 74. ZONING

ARTICLE VI. Mississippi River Control Corridor/Rum River Protection*

*State law references--Shoreline development, Minn. Stats. § 103F.201 et seq.; municipal shore land management, Minn. Stats. § 103F.221; Minnesota Wild and Scenic Rivers Act, Minn. Stats. § 103F.301 et seq.

DIVISION 2. Environmental Permit.

Section 74-306. Required.

Any person undertaking development to or on any land within the overlay districts shall, prior to commencing the work, obtain an environmental permit (permit) from the City, except as hereinafter provided in this Article. An environmental permit must be obtained prior to construction of any utility line be it overhead or underground, and prior to construction, reconstruction, removal or abandonment of any road or railroad within these districts under standards of Minn. Reg. NR79(J).

Section 74-307. Emergency and exemptions.

When emergency work necessary to preserve life or property is required, the person performing it shall report all pertinent facts relating to the work to the City engineer and zoning administrator prior to the commencement of work. The zoning administrator shall review the facts and determine whether an emergency exists and shall authorize in writing the commencement of the emergency work. Within ten days following the commencement of that activity the person conducting the work shall apply for the issuance of an environmental permit and may be required to perform such work as is determined to be reasonably necessary to correct any impairment to the wetland occasioned by such emergency work. The removal of trees, seriously damaged by storms or other acts of God, or diseased trees, shall not be prohibited.

Section 74-308. Applications.

- (a) Environmental permits shall be issued by the zoning administrator except where noted in this Article. A written application for an environmental permit must be submitted to the zoning administrator. Such application shall include a site plan with adequate evidence to show that the proposed use will conform to the standards set forth in this Article. Five sets of clearly legible blue or black-lined copies or drawings and required information shall be submitted to the zoning administrator and shall be accompanied by a receipt from the administrator evidencing the payment of all required site plan fees. No permit or variance shall be issued unless the applicant in support of his application shall submit engineering data, surveys, site plans and other information as the City may require in order to determine the effects of such development on the affected lands and water areas. Such data, etc., shall be prepared by hydrologists, biologists, botanists, or other technical persons as required by the zoning administrator. Approval may be expressly given in conjunction with other development permits applied for, but no approval shall be implied from the granting of such development permits nor from the necessity to apply for a permit as described in this section. The site plan must comply with this section.

- (b) The site plans shall be prepared to a scale appropriate to the size of the project and suitable for the review to be performed, which shall not be less than one inch equals 200 feet or more than one inch equals ten feet.
- (c) The following information shall be provided in the site plan:
 - (1) The name and address of the owner and developer, the legal description and address of the property, north point, date, scale of drawing, and number of sheets.
 - (2) Location of the property including such information as the name and numbers of adjoining railroads, roads, existing subdivisions, buildings, and other landmarks.
 - (3) Existing topography as indicated on a contour map having contour intervals, of one foot on a zero percent to three percent slope, two feet on a three percent to ten percent slope, and five feet on a ten percent or greater slope: the topography map shall also clearly delineate any bluff line, all streams, including intermittent streams and swales, rivers, water bodies, and wetlands located on the site, including depth of water, bottom slope, a description of body materials and all vegetation which may be found in the water body, a statement of water turbidity, a statement of water quality, and a classification given to the water body by the state department of natural resources and the state pollution control agency, if any. The topography map shall indicate the floodway and/or flood fringe lines and shall indicate the ordinary high water level of the river.
 - (4) A plan delineating existing drainage of the water setting forth in which direction, the volume and at what rate storm water is conveyed from the site, and setting forth those areas of the site where storm water collects and is gradually percolated into the ground or slowly released to stream or lake.
 - (5) A description of the soils of the site, including a map indicating soil types by areas to be distributed as well as soil report prepared by a soil scientist containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable. All areas proposed for grading shall be identified by soil type, both as a soil type of existing topsoil and soil type of the new contour. The location and extent of any erosion areas shall be indicated.
 - (6) A description of the flora and fauna, which occupy the site and are occasionally found thereon, setting forth with detail those areas where unique plant or animal species may be found on the site.
 - (7) A description of any features, buildings or areas which are of historic significance.
 - (8) A map indicating proposed finished grade shown at contours at the same intervals as provided above or as required to clearly indicate the

relationship of proposed changes to existing topography and remaining features.

- (9) A landscape plan drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all existing vegetation, clearly locating and describing any vegetation proposed for removal and all proposed landscape materials which will be added to the site as part of the development.
 - (10) A proposed drainage plan of the developed site delineating in which direction, the volume, and at what rate storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect and gradually percolate into the ground, or be slowly released to stream or lake. The plan shall also set forth hydraulic capacity of all structures to be constructed or existing structures to be utilized, including volume of holding ponds and design of the storm drainage system.
 - (11) An erosion and sedimentation control plan indicating the type, location, and necessary technical information on control measures to be taken both during and after construction, including a statement expressing the calculated anticipated gross soil loss expressed in tons/acre/year both during and after construction which complies with standards in subsection 74-287(7).
 - (12) The proposed size, alignment, height, and intended use of any structures to be erected or located on the site, including building elevations (front, rear and sides).
 - (13) A clear delineation of all areas which shall be paved or surfaced including a description of the surface material to be used.
 - (14) A description of the method to be provided for vehicular and pedestrian access to the proposed development and public access to the river and/or public river view opportunities both before and after development; a description of the development's impact on existing views of and along the river.
 - (15) A description of all parking facilities to be provided as part of the development of the site including an analysis of parking needs generated by the proposed development.
 - (16) A delineation of the area or areas to be dedicated for public use.
 - (17) A delineation of the location and amounts of excavated soils to be stored on the site during construction.
 - (18) Any other information pertinent to the particular project which in the opinion of the inspector or applicant is necessary or helpful for the review of the project.
- (d) Three classifications of development are hereby established:
- (1) Development on more than one parcel of residential property or any development of commercial or industrial property;

- (2) Construction of one new single-family home;
- (3) Any additions, alterations or modifications to one, existing single-family home.
- (e) Developments described in subsection (d)(1) of this section must provide all of the information requested in subsection (c) of this section. Developments described in subsection (d)(2) of this section must provide information requested in subsections (c)(1)--(3) and (7)--(9) of this section, as modified to locate and describe any vegetation proposed for removal and all proposed landscape materials which will be added to the site as part of the development and subsections (c)(12), (13), and (18) of this section. Developments described in subsection (d)(3) of this section must provide information requested in subsections (c)(1), (2), (12), (13), and (18) of this section.

Section 74-309. Expiration; extension and revisions.

- (a) A permittee shall begin the work authorized by the permit within 60 days from the date of issuance of the permit unless otherwise specified in the permit. The permittee shall complete the work authorized by the permit within the time limit specified in the permit which in no event shall be more than 12 months from the date of issuance. The permittee shall notify the zoning administrator at least 24 hours prior to the commencement of work.
- (b) Should the work not be commenced as specified in this section, then the permit shall be void. However, if prior to the date established for commencement of work, the permittee makes written request to the zoning administrator for an extension of time to commence the work setting forth the reasons for the required extension, the administrator may grant one extension of not greater than one year.
- (c) Any revision of the original approved site plan must be approved by the City Council after recommendation by the Planning Commission and zoning administrator.
- (d) A permit may be approved subject to compliance with conditions which are specifically set forth in the permit and are necessary to insure compliance with the requirements contained in this article. Such conditions may limit the size, kind or character of the proposed development, require the construction of other structures, including special foundations and soil stabilization structures, establish required monitoring procedures, require such alterations of the site as may be necessary, require execution of an agreement between the City and the developer, require surety in the form of a performance bond, escrow or letter of credit. Accompanying such agreement and surety shall be a statement from the owner indicating the City's right of entry to the property if it becomes necessary to complete the agreed work.

Section 74-310. Fees.

A schedule of fees for the examination and approval of site plans leading to an environmental permit, and the inspection of all required improvements and conditions in such plans, shall be determined by the City Council. The City Council may from time to

time change such schedule. Prior to approval of any site plan, such fees shall be paid to the zoning administrator and be deposited to the credit of the general fund.

Section 74-311. Effect of permit.

The granting of an environmental permit under the provisions of this article shall in no way affect the owners or the permittee's responsibility to obtain the approval required by any other statute, ordinance or regulation of any federal or state agency or subdivision thereof.

Sections 74-312--74-340. Reserved.