APPENDIX H

RIVER DEVELOPMENT DISTRICT ORDINANCE
(3) Incineration or reduction of waste material other than customarily incidental to a principal use (recycling center).

(4) Storage, utilization or manufacture of materials or products which could decompose by detonation.

(5) Crude oil, gasoline, or other liquid storage tanks.

(Code 1982, § 15.294)

Sec. 74-766. Lot requirements and setbacks.

The following minimum requirements shall be observed in an I-2 district, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) Lot area: One acre.

(2) Lot width: 150 feet.

(3) Setbacks:

a. Front yards: Not less than 40 feet.

b. Side yards:

1. Not less than 20 feet on any one side.

2. Corner lots abutting a major street: Not less than 20 feet on the interior side yard, nor less than 40 feet on the side yard abutting the major street.

3. Side yards abutting residentially zoned property: Not less than 40 feet on the side yard abutting the residentially zoned property, nor less than 20 feet on the other side yard.

c. Rear yards: 30 feet.

(Code 1982, § 15.295)

Sec. 74-767. Building height.

No structure in an I-2 district shall exceed four stories or 45 feet in height, whichever is least.

(Code 1982, § 15.296)

Secs. 74-768—74-790. Reserved.

DIVISION 15. RD RIVER DEVELOPMENT DISTRICT

Sec. 74-791. Purpose.

This article provides for the control and protection of bluffs and shorelands along the Mississippi River corridor. It is intended to regulate alterations of natural vegetation and topography and set minimum requirements to protect the health, safety and general welfare of the public with respect to public lands and waters.

(Code 1982, § 15.300)
(4) Setback from public streets:  
   a. Abutting federal, state or county road: 50 feet.  
   b. Abutting city or public road: 30 feet.  
(5) Maximum impervious surface to area ratio: 30 percent.  
(6) Maximum building height: 35 feet.  
(7) Side yard setback: 35 feet.  
(8) Ordinary setback of roads and parking (impervious surface) areas from ordinary high water mark: 50 feet.  
(9) Setback of septic tank absorption systems, where soil conditions are adequate: 50 feet.

1Lot-size requirements are also subject to provisions in chapter 54 of this Code.

2Setback requirements from the ordinary high water mark shall not apply to boathouses, piers and docks. Boathouses may be permitted up to the ordinary high water mark, provided they are not used for habitation and they shall not contain sanitary facilities. Where development exists on both sides of a proposed building site, building setbacks may be altered to more closely conform to adjacent building setbacks.

3Also subject to regulations and exceptions as provided in sections 74-386—74-761 et seq.

4Where feasible and practical, all roads and parking areas shall meet the setback requirements established for structures in subsection (a)(3) of this section. Natural vegetation or other natural materials shall be required in order to screen parking areas when viewed from the water. Parking areas of more than four spaces shall be screened in accordance with a landscaping plan submitted and approved by the city council.

(b) Substandard lot. Any lot of record filed in the office of the county recorder on the effective date of this chapter which does not meet the area requirements of this chapter may be allowed as a building site in an RD district subject to approval of a shoreland impact plan and provided:

   (1) The lot meets all standards of the applicable zoning district.  
   (2) The lot is in separate ownership from abutting lands.  
   (3) Except for lot area, all other sanitary and dimensional requirements of the river development district are complied with insofar as practical, including the 70 percent width and setback requirement.

   (c) Placement of structures. Placement of structures in an RD district shall comply with the provisions of section 74-861 et seq.

(Code 1982, § 15.304)

Sec. 74-796. Development regulations.

(a) Generally. Landowners or developers desiring to develop land or construct any dwelling or any other artificial obstructions of land located within the RD district shall first
(2) Slopes greater than 12 percent shall be preserved to the greatest extent possible.

(3) No more than one-third of the surface area of a lot shall be devoid of vegetative cover at any time.

(4) Temporary ground cover such as mulch shall be used and permanent cover such as sod shall be planted as soon as possible.

(5) Methods to prevent erosion and trap sediment shall be employed in accordance with the subdivision regulations.

(6) Fill shall not be placed in areas lower in elevation than the normal high water mark.

(7) Fill shall be stabilized according to accepted engineering standards.

(8) Fill shall not restrict a floodway or alter the storage capacity of a floodplain.

(9) The maximum slope of the finished surface which slopes toward a water body shall be six units horizontal to one vertical.

(10) No grading or filling shall be permitted within 20 feet of the normal high water mark of a water body.

(d) Alteration of watercourses. Any work which will change or diminish the course, current, or cross section of public waters must be approved by the department of natural resources before the work is begun. This includes construction of channels and ditches, lagooning, dredging of river channels for the removal of muck, silt or weeds, and filling in the river, including lowlying marsh areas. Approval shall be construed to mean the issuance by the commissioner of the department of natural resources of a permit under the procedures of M.S.A. § 105.42 and other related statutes.

(e) Excavations on riverbanks. Where the intended purpose is connection to a public water body, such as boat slips, canals, lagoons, and harbors, excavations on riverbanks shall require a permit from the building official prior to commencement of construction. Such permit shall be obtained only after the commissioner of the department of natural resources has approved the proposed connection to public waters. Approval will be given only if the proposed work is consistent with applicable state regulations for work in beds of public water.

(f) Sanitary facilities. All sanitary facilities inconsistent with the requirements of chapter 54 of this Code shall be brought into conformity within five years after the date of adoption of this chapter, or discontinued when there is evidence of septic tank effluent percolating from the ground, flowing directly into a river, or other indications of system failure.

(g) Private water supplies. Any private supply of water for domestic purposes shall conform to state department of health standards for water quality. Private wells shall be placed in areas not subject to flooding and up-slope from any source of contamination. Wells already existing in areas subject to flooding shall be floodproofed in accordance with applicable city ordinances.
Sec. 74-797. Planned unit development.

The planned unit development provisions contained in section 74-66 et seq., may be utilized within an RD district provided the following requirements are satisfactorily addressed:

(1) Preliminary plans shall be approved by the department of natural resources prior to city approval.

(2) Central sewage facilities are installed which at least meet the applicable standards, criteria, rules or regulations of the state department of health and the pollution control agency or the PUD is connected to a public sanitary sewer.

(3) Sufficient open space is preserved through the use of restrictive deed covenants, public dedications, etc.

(4) The following factors are carefully evaluated to ensure that the increased density of development is consistent with the resource limitations of the public water:
   a. Suitability of the site for the proposed use.
   b. Physical and aesthetic impact of increased density.
   c. Level of current development.
   d. Amount and ownership of undeveloped shorland.
   e. Levels and types of water surface use and public access.
   f. Possible effects on overall public use.

(5) Any commercial, recreational, community, or religious facility allowed as part of the planned unit development conforms to all applicable federal and state regulations including, but not limited to, the following:
   a. Licensing provisions or procedures.
   b. Waste disposal regulations.
   c. Water supply regulations.
   d. Building codes.
   e. Safety regulations.
   f. Regulations concerning the appropriate use of public waters as defined in M.S.A. ch. 105.
   g. Applicable regulations of the state environmental quality council.
   h. Storm sewer.

(6) The final PUD plan shall not be modified or altered in any way without written approval from the department of natural resources.

(7) PUD's incorporating shoreline recreational facilities such as beaches, docks, or boat launching facilities, etc. shall be designed such that the facilities are centralized for common utilization.

(Code 1982, § 15.306)