

REDWOOD COUNTY ZONING ORDINANCE
SECTION 6
“S” SCENIC RIVER DISTRICT

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SECTION 6 “S” SCENIC RIVER DISTRICT

SUBDIVISION 1. PURPOSED AND JURISDICTION

The “S” SCENIC RIVER DISTRICT is intended to preserve and protect those rivers and adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific, and similar values, to reduce the effects of overcrowding and poorly planned development of such adjacent lands, to prevent pollution, to provide ample space on lots for sanitary facilities, to preserve natural beauty and quietude, to maintain property values and to promote the general welfare.

The boundaries of the “S” SCENIC RIVER DISTRICT shall include all lands described in State of Minnesota, Department of Natural Resources Regulations, Chapter 2600 and 3200 within the County of Redwood, Minnesota. In case of conflict between the official zoning map and the legal description in Chapters 2600 and 3200, the legal descriptions shall prevail.

The “S” SCENIC RIVER DISTRICT designated in Chapter 3200 of the Minnesota Department of Resources Regulations shall be regulated according to the provision of Project River Bend: Six County Minnesota River Management Plan. Said Plan regulations are adopted by this reference and made a part of this Ordinance.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the “S” SCENIC RIVER DISTRICT.

1. Any agricultural use.
2. Any forestry use.
3. Any governmental campgrounds, subject to Management Plan specifications.
4. Any governmental open space recreational uses, subject to Management Plan specifications.
5. Any governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads.
6. Any private road and minor public street.
7. Any public accesses, road access type with boat launching facilities, subject to Management Plan specifications.
8. Any public accesses, trail access type, subject to Management Plan specifications.
9. Any sewage disposal system.

10. Any sign approval by federal, state or local government which is necessary for public health and safety and signs indicating areas that are available, or not available for public use.
11. Any single-family or farm dwelling.

SUBDIVISION 3. CONDITIONAL USES

The following uses may be permitted in the “S” SCENIC RIVER DISTRICT subject to obtaining a Conditional Use Permit in accordance with the provisions of Section 25 of this Ordinance.

1. Any essential service line as regulated in Section 18 of this Ordinance.
2. Any essential service structure as regulated in Section 18 of this Ordinance.
3. Any private campgrounds, subject to Management Plan specifications.
4. Any private open space recreational uses, subject to Management Plan specifications.
5. Any public road subject to the standards and criteria of Subdivision 9 of this Section.
6. Any temporary dock.
7. Any mining or extraction of minerals.

SUBDIVISION 4. ACCESSORY USES

The following uses shall be permitted accessory uses within the “S” SCENIC RIVER DISTRICT.

1. Any accessory building or use in association with any permitted or conditional use, provided such accessory building or use shall be located on the same property.

SUBDIVISION 5. LOT SIZE, SETBACK, YARD AND HEIGHT REQUIREMENTS

The following dimensional requirements shall apply to every platted lot or plot of land created by metes and bounds description in the “S” SCENIC RIVER DISTRICT.

1. Lot Size and Width.
 - A. Every lot or plot of land shall contain at least five (5) acres.

- B. Every lot or plot of land shall have a minimum width of not less than two hundred fifty (250) feet at the building line, and if said lot abuts a scenic river or designated tributary, it shall have not less than two hundred fifty (250) feet of frontage.
2. Yard Requirements. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements.
- A. Front Yard.
 - (1.) There shall be a minimum front yard setback of sixty-seven (67) feet from the right-of-way of any public road or highway.
 - (2.) There shall be a minimum front yard of one hundred (100) feet provided from the right-of-way line of all expressways and four-lane State Highways.
 - (3.) 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.
 - (1.) A ten (10) foot side yard regulation shall be required for agricultural buildings.
 - (2.) For other buildings there shall be a side yard having a width of not less than fifteen (15) feet on each side of a building.
 - C. Rear yard.
 - (1.) A ten (10) foot rear yard regulation shall be required for agricultural buildings.
 - (2.) For other buildings there shall be a rear yard having a depth of not less than forty (40) feet.
 - D. Ordinary high water mark. There shall be a minimum setback of one hundred fifty (150) feet from the ordinary high water mark of a scenic river, and a setback of one hundred (100) feet from any tributary of a scenic river when such tributary is designated in the management plan.
 - E. Bluffline. There shall be a minimum setback of thirty (30) feet from any bluffline.

3. Height Requirements. Every permitted, conditional permitted or accessory building shall meet the following height requirements.
 - A. All buildings shall not exceed thirty-five (35) feet in height.
4. Exceptions. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in the Section 16, Subdivision 10 of the General Regulations.

SUBDIVISION 6. CONFINED FEEDLOT REGULATIONS

Confined feedlots may be allowed in any “S” SCENIC RIVER DISTRICT in accordance with the provisions of Section 17 of this Ordinance.

SUBDIVISION 7. VEGETATIVE CUTTING PROVISIONS

On lands in the “S” SCENIC RIVER DISTRICT within one hundred fifty (150) feet of the normal high water mark of the Minnesota River and lands within one hundred (100) feet of the normal high water mark of its tributaries designated in the Management Plan, and on lands thirty (30) feet landward of the bluffline on the Minnesota River, the following standards shall apply to vegetative cutting.

1. Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted.
2. Selective cutting of trees in excess of four (4) inches in diameter at breast height is permitted provided that cutting is spaced in several cutting operations and a continuous tree cover is maintained, uninterrupted by large openings. In cases where the existing tree cover has been interrupted by large openings in the past, selective cutting should be performed so as to maintain a continuous tree cover in the remaining wooded areas.
3. The above provisions will not be deemed to prevent:
 - A. The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards;
 - B. Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four inches in diameter at breast height.
4. Clear cutting anywhere in the “S” SCENIC RIVER DISTRICT is subject to the following standards:
 - A. Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are fragile and subject to injury.

- B. Clear cutting shall be conducted only where clear-cut blocks, patches or stripes are, in all cases, shaped and blended with the natural terrain.
- C. The size of clear cut blocks, patches, or strips shall be kept at the minimum necessary.
- D. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.

SUBDIVISION 8. GRADING AND FILLING PROVISIONS

The following standards for grading and filling shall apply to lands in the “S” SCENIC RIVER DISTRICT.

- 1. Grading and filling in of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the land use district.
- 2. Grading and filling in of the natural topography which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities and shall be controlled by the local ordinance.
- 3. Grading and filling in of the natural topography shall also meet the following standards:
 - A. The smallest amount of bare ground is exposed for as short a time as feasible.
 - B. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.
 - C. Methods to prevent erosion and trap sediment are employed.
 - D. Fill is stabilized to accepted engineering standards.
- 4. Excavation of material from, or filling in of the “S” SCENIC RIVER DISTRICT, or construction of any permanent structures or navigational obstructions therein is prohibited, unless authorized by a permit from the Commissioner pursuant to Minnesota Statutes, Section 105.42.
- 5. No state or local authority shall authorize the drainage or filling in of wetlands within “S” SCENIC RIVER DISTRICT.

SUBDIVISION 9. PUBLIC ROAD AND RIVER CROSSINGS

The following standards for public road and river crossings shall apply in the “S” SCENIC RIVER DISTRICT.

1. Permits.
 - A. A permit as established in Minnesota Statutes, Section 105.42, is required for the construction or reconstruction, removal, or abandonment of any road or railroad crossing, of a public water. In reviewing permit applications required for road or railroad crossings, primary consideration shall be given to crossings located with or adjacent to existing facilities, such as roads and utilities.
 - B. A Conditional Use Permit from the local authority shall be required for any construction of new public roads, or the reconstruction of any existing public roads within the “S” SCENIC RIVER DISTRICT. Public roads include township, county, and municipal roads and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas. Public roads also include public streets and roads which serve as feeders or traffic-ways between minor public streets and major roads. A Conditional Use Permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties.
2. Standards and criteria for construction of new public roads or the reconstruction of any existing roads with the “S” SCENIC RIVER DISTRICT shall be subject to the standards and criteria of Minnesota Regulation NR 79 (j) (2).

SUBDIVISION 10. CERTIFYING CERTAIN ACTIONS

1. In order to ensure that the standards herein are not nullified by unjustified exceptions in particular cases, and to promote uniformity in the treatment of applications for such exceptions, a review and certification procedure is hereby established for certain local land use decisions. These certain decisions consist of any decisions which (1) directly affect the use of land within the “S” SCENIC RIVER DISTRICT, and (2) are one of the following types of action:
 - A. Adopting or amending an ordinance regulating the use of land, including rezoning of particular tracts of land.
 - B. Granting a variance from a provision of the local land use ordinance which relates to the ZONING DIMENSION PROVISIONS of NR 79 (c) and any other zoning dimension provisions established in the management plan.
 - C. Approving a plat which is inconsistent with the local land use ordinance.

2. No such action shall be effective unless and until the Commissioner has certified that the action (1) complies with the Minnesota Wild and Scenic Rivers Act, the statewide standards and criteria and the management plan; and (2) conforms to the following decision guides:
 - A. A land use ordinance or amendment must comply with the Act, the statewide standards and criteria, and the management plan.
 - B. Approval of a plat which is inconsistent with the local land use ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.
3. Procedures for the Certification Process.
 - A. A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under the local ordinance shall be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinance or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.
 - B. The local authority shall notify the Commissioner of its final decision on the proposed action, within ten (10) days of the decision.
 - C. The Commissioner shall, no later than thirty (30) days from the time he receives notice of the final decision, communicate to the local authority either:
 - (1.) Certification of approval, with or without conditions; or
 - (2.) Notice of non-approval.
 - D. The action becomes effective when, and only when, either:
 - (1.) The final decision take by the local authority has previously received certification of approval from the Commissioner; or
 - (2.) The local authority receives certification of approval after its final decision; or
 - (3.) Thirty (30) days have elapsed from the day the Commissioner received notice of the final decision, and the local authority has received from the Commissioner neither certification of approval nor notice of non-approval; or

- (4.) The Commissioner certifies his approval after conducting a public hearing.
- E. In the case of notice of non-approval of an ordinance or a variance or an inconsistent plat, either the applicant or the zoning officer of the county may, within thirty (30) days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within the thirty (30) days, the notice of non-approval becomes final. Also:
- (1.) The hearing shall be held in an appropriate local community within sixty (60) days of the demand for it, but not before two (2) weeks published notice. Notice and the conduct of the hearing and the allocation of costs of the hearing shall be accomplished in the same manner as provided in Minnesota Statutes 105.44, Subdivisions 5 and 6 (1971) as amended.
 - (2.) Within thirty (30) days after the hearing the Commissioner shall either certify his approval of the proposed action, or deny it. His decision shall be based upon findings of fact made on substantial evidence found in the hearing record. If the Commissioner concludes that the proposed action satisfies the standards and criteria of NR 81 (b) (2), then he shall certify his approval; otherwise, he shall deny it.

SUBDIVISION 11. REVIEWING APPLICATIONS FOR CONDITIONAL USE PERMITS

A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the Commissioner within ten (10) days of such action.

SUBDIVISION 12. COPIES OF ALL PLATS SUPPLIED TO THE COMMISSIONER

Copies of all plats within the boundaries of “S” SCENIC RIVER DISTRICT shall be forwarded to the Commissioner within ten (10) days of approval by the local authority.