

## **CHAPTER 1503: CANNON RIVER RECREATIONAL ZONING.**

### Section

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**§ 1503.01. POLICY AND AUTHORIZATION.**

An ordinance regulating development within the Cannon Recreational River District as required by Minnesota Statutes, Sections 104.31-104.40, Minnesota Regulations, NV 78-84 and the Cannon River Management Plan (6 MCAR §1.2900).

**§ 1503.02. SCOPE, INTERPRETATION, AND APPLICATION.**

**§ 1503.021.** The provisions of this ordinance shall apply to all lands located within 300 feet of the banks of the Cannon River, within the corporate limits of Dundas, in accordance with the Land Use District descriptions of 6 MCAR §1.2920.

**§ 1503.022.** The provisions of this ordinance shall be interpreted to be minimum requirements. Where definition of any of the terms of this ordinance are in dispute, the definitions of Minnesota Regulations NV 82 (d) and 78 (d) shall be controlling.

**§ 1503.023.** The provisions of Minnesota Regulations NV 82-84 and NV 78-81 shall apply within the Cannon Recreational River District as specified in the Cannon River Management Plan (6 MCAR §1.2900). Where the provisions of this ordinance or any other ordinance are in conflict with the above mentioned regulations, the regulations shall take precedence. Copies of the aforementioned regulations shall be kept on file with the Office of the City Clerk.

**§ 1503.024.** The provisions of this ordinance shall be considered as an overlay - type district. All provisions of any underlying zoning district which are required by other zoning ordinances shall remain in effect unless superseded by a more restrictive provision contained in this ordinance.

**§ 1503.03. USES.**

**§ 1503.031. PERMITTED USES.**

- (1) Public recreational uses.
- (2) All permitted uses allowed in the underlying zoning district, unless listed as a conditional or prohibited use in this ordinance.

**§ 1503.032. CONDITIONAL USES.**

- (1) All uses considered conditional uses in the underlying zoning district shall be considered conditional uses under this ordinance, unless prohibited by this or other applicable ordinances.
- (2) Private campgrounds (subject to the conditions of 6 MCAR §1.2920 C.2.c.)

- (3) Other private open space uses (subject to the conditions of 6 MCAR §1.2920 c.2.c.)
- (4) Utility transmission lines (subject to the conditions of Minn. Regs. NV 79(I))
- (5) Public Roads (subject to the conditions of Minn. Regs. NV 79 (j))
- (6) Canoe rental establishments (subject to the conditions of 6 MCAR §1.2920 A.6.)
- (7) Sand and gravel extraction (subject to the conditions of 6 MCAR §1.2920 A.5.)

**§ 1503.033. PROHIBITED USES.**

- (1) Inter tub rental establishments.
- (2) Commercial manufacturing of sand and gravel by-products.
- (3) Any other uses not listed as Permitted or Conditional in this ordinance or the underlying zoning district.

**§ 1503.04. DISTRICT PROVISIONS.**

**§ 1503.041.** The following standards for “General Development” waters shall apply to all lands located on the N½ of the N½ of Section 15 and in Section 10 of T 111N, R 20W, that are within 300 feet of the Ordinary High water mark (bank) of the Cannon River. The following standards for “Natural Environment Waters” shall apply to all lands located in the S½ of the N½ of Section 15 and Section 11 of T 111N, R 20W, that are within 300 feet of the Ordinary High Water Mark (bank) of the Cannon River.

**§ 1503.042. DIMENSIONAL STANDARDS.**

	Natural Environment Waters	General Environment Waters
	S½ of N½ of Sec. 15 and Sec 11, T 111N, R 20W	N½ of N½ of Sec. 15 and Sec 10, T 111N, R 20W
(1) Lot area (ft.)	80,000	20,000
(2) Water frontage and lot width at building line (ft.)	200	100
(3) Building setback from ordinary high water mark (ft.)	200	75

(4) Building setback from roads and highways (ft.)	50 (fed, state or county)	20 (municipal or private)
(5) Building height limitation (ft.)*	35	35
(6) Total lot area covered by impervious surface (%)	30%	30%
(7) Sewage system setback from ordinary high water mark (ft.)	150	50
(8) Sewage system elevation above highest groundwater level or bedrock (ft.)	3	3

\* Does not apply to buildings used for Agricultural purposes.

*SEWERED AREAS:* All provisions for unsewered areas shall apply to sewerred areas except for the following, which shall supersede the provisions applied to unsewered areas:

(9) Lot area (ft.)		
Waterfront Lots	40,000	15,000
Other Lots	20,000	10,000
(10) Water frontage and lot width at building line (ft.)	125	75
(11) Building setback from ordinary high water mark (ft.)	150	50

**§ 1503.043.** Between the ordinary high water mark (bank) and the applicable building setback line, clearcutting of trees over four inches in diameter shall be prohibited. Clearcutting landward of the setback lines shall be limited to the minimum necessary to accommodate permitted or conditional uses.

**§ 1503.044.** Grading and filling in of the natural topography shall require a grading and filling permit from the zoning administrator prior to initiation of any such work. Such a permit may be issued if the conditions of Minnesota Regulations NR 79 (h) and NR 83 C (3) are satisfied.

**§ 1503.045.** No land shall be subdivided which is determined by the City of Dundas or the Commissioner of Natural Resources to be unsuitable by reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities or any other features likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community. Soil percolation rate tests and soil borings shall be required in any proposed subdivision within the Cannon River District, to establish the suitability of the land for development. Such testing is required before any final plat may be approved, but may be waived by the zoning administrator when adequate data is already available.

**§ 1503.046.** Planned Unit Developments may be allowed in this District if preliminary plans are first approved by the Commissioner of Natural Resources. Lot size, setbacks and structure height requirements may be varied for a Planned Unit Development in accordance with State Regulation.

**§ 1503.047.** *ANNEXATIONS OF PROPERTY.* When land in the Cannon River Recreational district is annexed, incorporated or in any other way transferred to another jurisdiction, a moratorium shall exist on all subdivision platting, building permits, construction, grading and filling, and vegetative cutting until the City of Dundas adopts zoning for that land. The zoning shall meet the provisions of these rules that applied to the land before the transfer. This provision does not apply to work for which lawful permits were previously issued.

**§ 1503.048.** No structures shall be placed in the Floodway of the Cannon River. Structures may be placed outside of the Floodway provided that they are elevated above the level of the 100 year flood, in accordance with Minn. Regs. NR 85-92 or any ordinance adopted pursuant to Minnesota Statutes, Section 104.04.

**§ 1503.049.** No structure shall be placed on land that slopes over 13 percent unless the conditions of 6 MCAR § 1/202 0 A.9 are fully met.

#### **§ 1503.05. SANITARY STANDARDS.**

**§ 1503.051.** No person, firm or corporation shall install, alter, repair or extend an individual sewer treatment system without first obtaining a permit for such action from the zoning administrator or other person designated by the City Council.

**§ 1503.052.** No permit to install, alter, repair or extend an individual sewer treatment system shall be issued where public collection and treatment facilities are available and feasible.

**§ 1503.053.** All individual sewer treatment systems shall be installed in conformance with the requirements of this ordinance and the State Individual Sewage Treatment Systems Standards (6 MCAR §4.8040), which is hereby adopted as part of this ordinance. A copy of these standards shall be on file in the office of the City Clerk.

#### **§ 1503.06. NONCONFORMING USES, NONCONFORMING SANITARY SYSTEMS, AND SUBSTANDARD USES.**

**§ 1503.061.** *NONCONFORMING USES.* Uses which are neither permitted nor conditional by this ordinance, but which are in existence prior to the effective date of the ordinance, shall be nonconforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity. No

structural alteration, addition or repair to a nonconforming structure shall exceed 50% of the assessed value of that structure.

**§ 1503.062. *NONCONFORMING SANITARY SYSTEMS.*** All sanitary facilities inconsistent with the minimum performance standards of the Minnesota Pollution Control Agency and the Minnesota Department of Health shall be brought into conformity or discontinued within five (5) years of the date of enactment of this ordinance.

**§ 1503.063. *SUBSTANDARD STRUCTURES.*** All structures in existence prior to the effective date of enactment of this ordinance which do not meet the minimum setbacks or other dimensional requirements of this ordinance are substandard structures. All substandard structures shall be allowed to continue, except that any structural alteration or addition to a substandard structure which will increase the substandard dimensions shall not be allowed.

**§ 1503.064. *SUBSTANDARD LOTS.*** Lots of record in the Office of the County Register of Deeds (or Registrar of Titles) prior to the date of enactment of this ordinance which do not meet the lot size requirements of § 1504.04 B of this ordinance may be allowed as building sites provided:

- (1) Such use is permitted in the zoning district;
- (2) The lot is in separate ownership from abutting lands; and
- (3) All other sanitary and dimensional requirements of this ordinance are complied with insofar as practical.

#### **§ 1503.07. ADMINISTRATION.**

**§ 1503.071.** Permits are required for building, moving, or altering a structure; grading and filling of land; and for individual sewage systems installation, alteration or repair within the Cannon Recreational River District.

**§ 1503.072.** This ordinance shall be administered under the provision of other local zoning ordinances, as applicable, except where superseded by more restrictive requirements of this ordinance.

**§ 1503.073. Notification and Certification Requirements.** The Zoning Administrator shall send copies of all notices of hearings or meetings and final decisions relating to plats, variances, ordinance, amendments, planned unit development, and conditional use permits affecting any land within this District to the appropriate DNR office at least ten (10) days prior to such hearing and within ten (10) days of the final action. Final decisions on variances and ordinance amendments shall not become effective until certified by the DNR, in accordance with Minnesota Regulations NR 81.

**§ 1503.074.** Variances to the provisions of this ordinance may be granted where unnecessary hardship results from imposition of these provisions. Conditions may be placed on any such variance.

**§ 1503.075.** Variances and Zoning Amendments to the ordinance are subject to the definition, administrative requirements, and conditions of Minnesota Regulations NR 81.

**§ 1503.08. ENFORCEMENT.**

**§ 1503.081.** It is declared unlawful for any person to violate any of the terms and provisions of this ordinance. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

**§ 1503.082.** In the event of a violation or a threatened violation of this ordinance, the City of Dundas, Minnesota, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.

**§ 1503.09. EFFECTIVE DATE AND APPROVAL.**

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.