

CHAPTER 153: SCENIC RUM RIVER

Contents

GENERAL PROVISIONS41

- § 153.000 POLICY AND AUTHORIZATION 41
- § 153.001 TITLE..... 41
- § 153.002 PURPOSE 41
- § 153.003 JURISDICTION..... 42
- § 153.004 COMPLIANCE 42
- § 153.005 INTERPRETATION 42
- § 153.006 SEVERABILITY 42
- § 153.007 ABROGATION AND GREATER RESTRICTIONS..... 42

RULES AND DEFINITIONS.....43

- § 153.020 RULES 43
- § 153.021 WORDS AND TERMS DEFINED 43

RUM RIVER SCENIC DISTRICT.....50

- § 153.040 PURPOSE 50
- § 153.041 URBAN SERVICE AREA AND ANNEXATION 51
- § 153.042 SUBDISTRICTS 51
 - (A) Scenic River I (SR-1) 51
 - (B) Scenic River II (SR-2) Purpose: To provide for medium to high density residential development within the urban corridor of the City of Cambridge while preserving and protecting the Rum River and its adjacent lands by encouraging: (1) higher standards of site and building design; (2) municipal sanitary sewer and water utilities; and (3) preservation and enhancement of desirable site characteristics and open-space through the use of Planned Unit Developments. . 52
 - (C) Scenic River III (SR-3) 53
- § 153.043 MINIMUM DIMENSIONAL REQUIREMENTS – DISTRICTS I & II..... 53
- § 153.044 MINIMUM DIMENSIONAL REQUIREMENTS – DISTRICT III 54
- § 153.045 FRONT, SIDE, AND REAR YARD REGULATIONS 55
- § 153.046 PLACEMENT OF STRUCTURES..... 55
- § 153.047 FLOOD PLAIN REQUIREMENTS 55
- § 153.048 PARKING..... 56
- § 153.049 FENCES 56

SPECIAL PROVISIONS57

- § 153.060 SCENIC RIVER DISTRICT I & II 57
- § 153.061 BLUFF IMPACT ZONES..... 57

§ 153.062 STEEP SLOPES.....	57
§ 153.063 SIGNIFICANT HISTORIC SITES	57
§ 153.064 STAIRWAYS LIFTS AND LANDINGS	57
§ 153.065 STORMWATER MANAGEMENT	58
§ 153.066 PUBLIC/SEMIPUBLIC, AGRICULTURAL, AND FORESTRY USES.....	59
§ 153.067 LANDSCAPE ALTERATIONS.....	59
§ 153.068 GRADING, FILLING, ALTERATIONS OF THE BES OF PUBLIC WATERS	60
§ 153.069 UTILITY TRANSMISSION CROSSINGS.....	61
§ 153.070 PUBLIC ROADS AND PARKING AREAS	61
§ 153.071 SIGNS.....	61
SANITARY PROVISIONS	65
§ 153.090 WATER SUPPLY	66
§ 153.091 SEWAGE TREATMENT	66
SUBDIVISIONS.....	67
§ 153.110 LAND SUITABILITY	67
§ 153.111 DEDICATIONS	68
§ 153.112 PLATTING	68
PLANNED UNIT DEVELOPMENTS	69
§ 153.130 PERMITTED USES	69
§ 153.131 GENERAL STANDARDS	69
§ 153.132 SITE “SUITABLE AREA” EVALUATION	70
§ 153.133 PUD DENSITY EVALUATION	71
§ 153.134 DENSITY INCREASE MULTIPLIERS	71
§ 153.135 MAINTENANCE AND DESIGN CRITERIA	71
§ 153.150 PURPOSE.....	74
§ 153.151 NON-CONFORMING USES.....	74
§ 153.152 NON-CONFORMING STRUCTURES.....	75
§ 153.153 NON-CONFORMING SEWAGE TREATMENT SYSTEMS.....	75
§ 153.155 RESTORATION	77
§ 153.156 NORMAL MAINTENANCE.....	77
§ 153.157 EXCEPTIONS	77
ADMINISTRATION.....	78
§ 153.170 ORGANIZATIONAL PROVISIONS.....	78
§ 153.171 VARIANCES.....	80

§ 153.172 CONDITIONAL USES 81

§ 153.173 AMENDMENTS 82

§ 153.174 PLATS 82

§ 153.175 ENFORCEMENT 82

§ 153.171 EFFECTUATION..... 83

GENERAL PROVISIONS

§ 153.000 POLICY AND AUTHORIZATION

An ordinance for the controlling of river land development in order to protect and preserve the outstanding scenic, recreational, natural, historical and scientific values of the Rum River in Cambridge, Minnesota, in a manner consistent with Minnesota Statutes, Sections 103F.301 - 103F.345, portions of Minnesota Rules, Parts 6105.0010 - .0250, Parts 6105.1400 - .1500 and portions of Parts 6120.2500 - .3900 for the Rum River, hereafter referred to as the Rum River rule.

§ 153.001 TITLE

This ordinance shall be known, cited and referred to as the City of Cambridge Scenic Rum River Ordinance; except as referred to herein, where it shall be known as "this ordinance".

§ 153.002 PURPOSE

This ordinance is adopted to achieve the policy of this chapter and to:

- (A)** Conserve and protect the natural scenic values and resources of the Rum River and to maintain a high standard of environmental quality.
- (B)** Regulate the area and width of a lot suitable for a building site to reduce the effects of overcrowding and provide ample space on lots for sanitary facilities.
- (C)** Regulate the setback of structures and sewage treatment systems from shorelines and alterations of the natural vegetation and topography.
- (D)** Maintain property values and prevent poorly planned development.
- (E)** Preserve natural beauty and quietude and prevent pollution.
- (F)** Designate land use districts along the shoreline of the Rum River.

(G) Comply with Minnesota Rules, Parts 6105.1400 - .1500.

§ 153.003 JURISDICTION

(A) The jurisdiction of this ordinance shall include all lands within the Rum River land use district boundaries within Cambridge as defined in Minnesota Rules, Part 6105.1480. Jurisdiction shall also include those areas of the Rum River land use districts within the Cambridge Urban Service Area upon implementation of said service area as per the Isanti County Zoning Ordinance dated February 21, 1996.

(B) Land owned by the state, its agencies and subdivisions shall be administered in accordance with the management plan. No land so owned within the land use district shall be transferred if the Commissioner determines such transfer is inconsistent with the plan.

§ 153.004 COMPLIANCE

The use of any land within the Rum River land use district; the size and shape of lots; the use and location of structures on lots; the installation and maintenance of water supply and sewage treatment systems; the filling, grading, or dredging of any river area; the cutting of vegetation or alteration of the natural topography within the district; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations. Permits from the Zoning Administrator are required by this ordinance and the (other ordinances) for the construction of structures, public or private water supply and sewage treatment systems, and the grading and filling of the natural topography within the Rum River land use district(s).

§ 153.005 INTERPRETATION

In interpreting and applying the provisions of this ordinance, they shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

§ 153.006 SEVERABILITY

The provisions of this ordinance shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part. If any court of competent jurisdiction shall adjudge-invalid any provision of this ordinance or the application of this ordinance to a particular property, building, or other structure, such judgment shall not affect any other provision of this ordinance or any other property, building or structure not specifically included in said Judgment.

§ 153.007 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, deed restrictions, or land use controls. Where this ordinance imposes greater restrictions, the

provisions of this ordinance shall prevail. In case of conflict between a provision of Minnesota Statutes or Rules or provisions of existing local ordinances, the more protective provision shall apply. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

RULES AND DEFINITIONS

§ 153.020 RULES

(A) Word Usage: Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

(B) Permitted Uses: Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the district indicated under the conditions specified. No building or land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building, structure or land shall be located, except for the following exception:

- (1) Uses lawfully established prior to the effective date of this Ordinance.
- (2) Conditional uses allowed in accordance with Paragraph 3 of this Section.

(C) Conditional Uses: Conditional uses of lands or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of Section 9.0, Subdivision 3.

(D) Prohibited Uses: Whenever in any zoning district a use is neither specifically permitted nor denied the use shall be considered prohibited. In such cases, the City Council, Planning Commission, or property owner may request a study by the City Zoning Administrative Staff to determine if the use is acceptable and, if so, what zoning would be most appropriate and, if needed, a determination as to conditions and standards relating to development of the use. The Cambridge City Planning Commission, upon receipt of the staff study may initiate an amendment to the Scenic Rum River Ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the district or city.

§ 153.021 WORDS AND TERMS DEFINED

For the purpose of this Ordinance, certain items and words are defined as follows:

Accessory structure or facility. Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

Agricultural use. The management of land for the production of farm crops, their storage on the area, and/or the raising thereon of domestic pets and domestic farm animals.

Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

- (A) Part or all of the feature is located in a shoreland area;
- (B) The slope rises at least 25 feet above the ordinary high water level of the water body;
- (C) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- (D) The slope must drain toward the water body.

Bluff impact zone. A bluff and land located within 20 feet from the top of a bluff.

Bluff line. A line along the top of a slope connecting the points at which the slope becomes less than 13%. This applies to those slopes within the land use district which are beyond the setback provision from the ordinary high water level.

Buildable Lot Area. The contiguous area of a lot which is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, buildings and driveways while still providing for adequate setbacks. Areas which are floodway, wetlands, right-of-ways, bluffs, or have poor soils which are unsuitable for individual sewage treatment systems, cannot be included in calculating the buildable area of a lot.

Building. Any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind, and when separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building, Agricultural. Any building or structure existing or erected on land used principally for agricultural purposes and its purpose is incidental to a farming operation with the exception of dwelling units. In addition, the term "agricultural building" shall only be considered on parcels which are sized ten (10) acres or larger and are used solely for agricultural uses. If said parcel is less than ten (10) acres, the term "agricultural building" may apply if the applicant proves the parcel is used solely for agricultural uses.

Building, Height. The vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of a flat roof, to the deck of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Setback Line. A line within a lot or other parcel of land parallel to a public road, street,

highway right-of-way line, or ordinary high water level defining a portion of the lot between said setback line and said right-of-way on which buildings or structures may not be placed.

Campground. An area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.

Clear cutting. The removal of an entire stand of vegetation.

Commercial use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commissioner. The commissioner of the Department of Natural Resources.

Conditional use. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

Corner Lot. A lot situated at the junction of and fronting on two or more roads or highways.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than thirty inches above ground.

Duplex, triplex, and quad. A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling. Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings.

Dwelling, Single Family. A dwelling designed for or occupied exclusively by one (1) family, not attached to another dwelling and surrounded by open space on the same lot.

Dwelling site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling unit. Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

Essential services. An underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers,

pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.

Extractive use. "Extractive use" means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

Fence. Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land

Forestry. The use and management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skid ways, landings, and fences.

Forest land conversion. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Hardship. The same as that term is defined in Minnesota Statutes, Chapter 462.

Industrial use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Intensive vegetation clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Lot Area. The lot area is the land area contained within the lot lines.

Lot Depth. The mean horizontal distance between the mean front road right-of-way line and mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage width.

Lot Lines. The lines bounding a lot, as defined herein. When a lot abuts a road, street, highway, avenue, park or other public property, except an alley, such line shall be known as right-of-way line, and when a lot line abuts on an alley, it shall be known as an alley line.

Lot of Record. Shall be any lot which was recorded by deed or filed as a separate parcel in the office of the County recorder on or before the effective date of this ordinance; or any lot where sufficient proof can be shown that an unrecorded contract for deed was entered into on or before the effective date of this ordinance.

Lot Width. The width of a lot as its own mean width measured at the building setback line. For

riparian lots, conformance to the lot width standards shall also be measured in the following manner: from the point at which one of the side lot lines meets the shoreline, then perpendicular to the opposite side lot line, providing such measurement can be taken upon land outside the ordinary high water level.

Mining operation. The removal of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products, or other material from the land for commercial, industrial, or governmental purposes.

Nonconformity. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Open space recreational uses. Recreational use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreation areas.

Ordinary high water level. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Primitive campsites. An area that consists of individual remote campsites accessible only by foot or water.

Public waters. Any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 18, or as amended.

Residential Planned Unit Development. A use where the nature of residency is non-transient and the primary focus of the development is not service-oriented. The development is characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, or rent, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types. These developments may be organized and operated as condominiums, full fee ownership, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, and apartment buildings. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites. Commercial enterprises accessory to the principal use may be allowed in the SR-2 District provided they meet the criteria listed in Section 7, Subd. 1(2).

Scenic easement. An interest in land, less than the fee title, which limits the use of the land for the purpose of protecting the scenic, recreational, or natural characteristics of wild, scenic, or

recreational river areas.

Scenic River. Scenic rivers as established in the Wild and Scenic Rivers Act exist in a free-flowing state and with adjacent lands that are largely undeveloped. Bordering land may be used for agriculture or homes, but must generally have a natural character.

Scenic river land use district. Those lands designated by the Commissioner as the protected land corridor along those rivers or river segments which the Commissioner has designated as components of the Minnesota wild and scenic rivers system.

Selective cutting. The removal of single scattered trees.

Semipublic use. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive resource management. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

Sewage treatment system. Any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems and drain fields, as described and regulated in Section 5.

Sewer system. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore impact zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Sign. A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and

which directs attention to a product, place, activity, person, institution or business.

Significant historic site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Single family dwelling. A detached building containing one dwelling unit.

Steep slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Structure. Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

Subdivision. Improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

Substandard use. Any use within the land use district existing prior to the date of enactment of this ordinance which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of the ordinance.

Surface water-oriented commercial use. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Toe of the bluff. The lower point of a 50-foot segment with an average slope exceeding 18 percent.

Top of the bluff. The higher point of a 50-foot segment with an average slope exceeding 18 percent.

Tributary River Segments. Consist of watercourses mapped in the Protected Waters Inventory that have not been assigned a river class. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and cities.

Use. The purpose of which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

Use, Accessory. A use clearly incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

Variance. Means any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship, or that strict conformity with the provisions of the ordinance would be unreasonable, impractical, or not feasible under the circumstances.

Water-oriented accessory structure or facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have two of the following three attributes:

- (A) Have a predominance of hydric soils;
- (B) are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (C) under normal circumstances support a prevalence of such vegetation.

Yard. Any space in the same lot with a building open and unobstructed from the ground to the sky.

Yard, Front. A yard extending across the front of the lot between the side yard lines and lying between the right-of-way line of the road or highway, and the nearest line of the building.

Yard, Rear. An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear lot line of the lot, for the full width of the lot.

Yard, Side. An open, unoccupied space on the same lot with a building between the building and the side line of the lot and extending from the front line to the rear of the back yard.

RUM RIVER SCENIC DISTRICT

§ 153.040 PURPOSE

In order to preserve and protect the Rum River and its adjacent lands which possess outstanding

scenic, recreational, natural, historical, scientific and similar values, the Rum River in Cambridge has been given the Scenic River classification and this river and its adjacent lands are hereby designated by a Scenic River land use district the boundaries of which are based on the Rum River Management Plan.

The boundaries of the Rum River Scenic Land Use District shall be those set forth on the map designated as the Cambridge Official Zoning Map which is made a part of this Ordinance and is on file in the City of Cambridge Zoning Office. These boundaries of the Scenic River District and its subdistricts shall include all lands in the designated Scenic River land use district established in Minnesota Rules, part 6104.1480 within the municipal limits of the City of Cambridge.

§ 153.041 URBAN SERVICE AREA AND ANNEXATION

As per Section 8 of the Isanti County Zoning Ordinance adopted February 21, 1996 the City may, through a joint resolution of the City and Isanti County, implement complete control and regulation of zoning, subdivision, and building permit issuance throughout the Cambridge Urban Service Area District. For this purpose the Official Zoning Map shall include the boundaries of the Rum River Land Use District and its subdistricts within the Urban Service Area.

At such time of the implementation of the Urban Service Area or if land is annexed, incorporated, or in any other way transferred to the City of Cambridge, the applicable zoning district as designated on the Official Zoning Map shall apply to such property.

§ 153.042 SUBDISTRICTS

(A) *Scenic River I (SR-1)* Purpose: In order to preserve and protect the Rum River and its adjacent lands with special historical, natural or biological characteristics by limiting and properly managing development.

(1) Permitted Uses

- (a) Agricultural uses
- (b) Forestry uses
- (c) Sewage disposal systems
- (d) Private roads and minor public streets
- (e) Signs which are necessary for public health and safety, and signs, indicating areas that are available or not available for use.
- (f) Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; and accessory road
- (g) Single family dwellings

(2) Conditional Uses

- (a) Governmental campgrounds

- (b) Private campgrounds
- (c) Public accesses, including road access type with boat launching facilities and trail access type
- (d) Other governmental open space recreational uses
- (e) Other private open space recreational uses
- (f) Utility power transmission lines and pipelines
- (g) Residential Planned Unit Developments

(3) Permitted Accessory Uses

- (a) Private garage
- (b) Other accessory uses customarily incidental to the uses listed in Subdivisions 2 and 3

(B) Scenic River II (SR-2) Purpose: To provide for medium to high density residential development within the urban corridor of the City of Cambridge while preserving and protecting the Rum River and its adjacent lands by encouraging: (1) higher standards of site and building design; (2) municipal sanitary sewer and water utilities; and (3) preservation and enhancement of desirable site characteristics and open-space through the use of Planned Unit Developments.

(1) Permitted Uses

- (a) Single family homes
- (b) Essential Services
- (c) Nature areas, wildlife preserves
- (d) Agricultural uses including fruit and vegetable farms and tree farms, provided such use shall not have any livestock associated with the use
- (e) Signs which are necessary for public health and safety, and signs, indicating areas that are available or not available for use.
- (f) Municipal utility buildings.

(2) Conditional Uses

- (a) Residential Planned Unit Developments
- (b) Public Schools, Semi-Public uses
- (c) Parks and historic sites
- (d) Home Occupations (see definition) which are clearly incidental to the structure as a single family home
- (e) Signs incidental to an accessory commercial use as part of a planned unit development.

(3) Permitted Accessory Uses

- (a) Private garage

- (b) Other accessory uses customarily incidental to the uses listed in Subdivisions 2 and 3

(C) Scenic River III (SR-3)

Purpose: To allow for the limited development of professional services, public, and semi-public uses on lands designated as public ownership in the Rum River Management plan and which are compatible with existing uses in such areas.

(1) Permitted Uses

- (a) Public schools.
- (b) Local government buildings and facilities.
- (c) Parks and recreational areas.
- (d) Signs which are necessary for public health and safety, and signs, indicating areas that are available or not available for use.
- (e) Municipal utility buildings.

(2) Conditional Uses

- (a) Professional office, such as doctor, lawyer, or other professional service provider.
- (b) Corporate offices.
- (c) Hospital, convalescent home, nursing home, day cares, and medical clinic.
- (d) Signs not visible from the river incidental to a permitted or conditional use.

§ 153.043 MINIMUM DIMENSIONAL REQUIREMENTS – DISTRICTS I & II

A. The following chart sets forth the minimum lot size and width, setbacks, and other requirements of each district. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Only land above the ordinary high water level of public waters can be used to meet lot area standards. The sewered lot area dimensions can only be used if publicly owned sewer system service is available to the property and as a part of a Planned Unit Development.

	Scenic River District I	Scenic River District II		
		Unsewered Lots	Sewered Riparian Lots	Sewered Nonriparian Lots
(A) Minimum lot size above ordinary high water level (square feet) Single Family	4 Acres	4 Acres	24,000	15,000

(B)	Lot width at building line and ordinary high water level (ft) Single Family	250	250	80	80
(C)	Structure setback from ordinary high water level of Rum River and designated tributaries	150	150	150	150
(D)	Structure setback from bluff line (ft)	30	30	30	30
(E)	On-site sewage treatment system setback from ordinary high water level of Rum River and designated tributaries	100	100	100	100
(F)	Maximum structure height	35**	35*	35*	35*
(G)	Controlled vegetative cutting from ordinary high water level of Rum River and designated tributaries (ft)	150	100	100	100
(H)	Controlled vegetative cutting from bluff line	30	30	30	30
(I)	Impervious surface setback for roads and parking areas from ordinary high water level	50	50	50	50
(J)	Maximum total area of all impervious surfaces on each lot	25%	25%	25%	25%

* Applies to structures in residential districts, except nonresidential agricultural buildings or churches.

** Applies to all structures except agricultural buildings.

§ 153.044 MINIMUM DIMENSIONAL REQUIREMENTS – DISTRICT III

		Scenic River District III
		Lot Requirements
(A)	Minimum lot size above ordinary high water level (square feet)	1 acre
(B)	Lot width at building line and ordinary high water level (ft)	150

(C)	Structure setback from ordinary high water level of Rum River and designated tributaries	200
(D)	Structure setback from bluff line (ft)	30
(E)	Maximum structure height	35
(F)	Controlled vegetative cutting from ordinary high water level of Rum River and designated tributaries (ft)	100
(G)	Impervious surface setback for roads and parking areas from ordinary high water level	200
(H)	Maximum total area of all impervious surfaces on each lot	40%

§ 153.045 FRONT, SIDE, AND REAR YARD REGULATIONS

(A) In all Scenic River Districts there shall be a front yard setback on not less than:

- (1) 50 feet from federal, state, or county highway right-of-ways and unplatted cemeteries.
- (2) 30 feet from other road and public street right-of-ways.
- (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 buildings shall project beyond the front yard of either road.

(B) In all Scenic River Districts there shall be a side yard having a width of not less than ten (10) feet on each side of a building.

(C) In all Scenic River Districts there shall be a rear yard having a depth of not less than thirty-five (35) feet.

(D) Accessory building setbacks for non-riparian lots. Setbacks for accessory buildings shall comply with the setbacks of the zoning district in which the subject property is located.

§ 153.046 PLACEMENT OF STRUCTURES

Structures shall not be located on slopes greater than 13 percent unless such structures can be screened and sewage disposal system facilities can be installed so as to comply with the sanitary provisions in Section 5.2 of this ordinance.

§ 153.047 FLOOD PLAIN REQUIREMENTS

Structures proposed within a floodplain shall be consistent with Ordinance 246, Cambridge Flood Plain District Management Ordinance and statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota (Minnesota Rules, Parts 6120.5100 - .6200).

§ 153.048 PARKING

Parking requirements shall be determined in accordance with Section 4.0, Subdivision 11 of this Ordinance and Article V., Section A of the Cambridge Zoning Ordinance.

§ 153.049 FENCES

No fence or wall shall be erected, enlarged, expanded, altered, relocated, maintained, or repaired in any yard unless it shall first meet the requirements of this Section.

(A) Construction.

- (1) Prohibited Material. No residential fence or wall shall be constructed of any electrically charged element or barbed wire. Areas utilized for agricultural purposes, i.e., pasture, cropland, shall be exempt from this section.
- (2) Approved Material. All fences in residential districts shall be constructed of stone, brick, finished wood, or chain link. The finished side of the fence, or that side of the fence without exposed supports or posts, shall face the neighboring properties or streets.
- (3) Maintenance. Every fence or wall shall be maintained in a good and safe condition at all times. Every damaged or missing element of any fence or wall shall be repaired or replaced immediately.

(B) Height.

- (1) Side and Rear Yards. No fence or wall located in a side or rear yard shall be of a height exceeding eight (8) feet, measured from its top edge to the ground at any point.
- (2) Front Yards. No fence or wall located in a front yard shall be of a height exceeding four (4) feet, measured from its top edge to the ground at any point.

(C) Setbacks.

- (1) A fence may be located adjacent to, but not on, a property line.
- (2) No fence, wall, hedge, or other screening device shall be permitted to encroach on any public right-of-way.
- (3) No fence, or wall shall encroach into the shore impact zone.

SPECIAL PROVISIONS

§ 153.060 SCENIC RIVER DISTRICT I & II

(A) Residential subdivisions with dwelling unit densities exceeding those in the tables in Section 3.0, Subdivision 4 can only be allowed if designed and approved as residential planned unit development under Section 7.0 of this ordinance.

(B) In the Scenic River District I and II, there shall not be more than one dwelling unit per lot, with the exception of residential planned unit developments that shall be subject to the provisions of Section 7.

§ 153.061 BLUFF IMPACT ZONES

Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

§ 153.062 STEEP SLOPES

The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation

§ 153.063 SIGNIFICANT HISTORIC SITES

No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

§ 153.064 STAIRWAYS LIFTS AND LANDINGS

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

(A) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;

(B) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area.

Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;

(C) Canopies or roofs are not allowed on stairways, lifts, or landings;

(D) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

(E) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and

(F) Facilities such as ramps, lifts, or mobility paths for persons with a physical disability are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (1) to (5) are complied with in addition to the requirements of Minnesota Rules, Chapter 1340.

§ 153.065 STORMWATER MANAGEMENT

General Standards:

(A) When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

(B) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

(C) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration don rather than buried pipes and man-made materials and facilities.

Specific Standards:

(A) Impervious surface coverage of lots must not exceed 25 percent of the lot area.

(B) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they designed and installed consistent with the field office technical guide of the local soil and water conservation districts.

(C) New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

§ 153.066 PUBLIC/SEMIPUBLIC, AGRICULTURAL, AND FORESTRY USES

(A) Agriculture Use Standards. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

(B) Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management “Best Management practices in Minnesota.”

§ 153.067 LANDSCAPE ALTERATIONS

(A) Vegetative Cutting. The vegetative cutting provisions in Subdivision 8 shall apply to those areas specified in the Rum River Scenic District of this Chapter.

General provisions, within designated setback areas:

- (1) Clear cutting, except for any authorized public services such as roads utilities, shall not be permitted.
- (2) Selective cutting of trees in excess of four inches in diameter at breast height is permitted provided cutting is spaced in several cutting operations and a continuous tree cover is maintained, uninterrupted by large openings.
- (3) The cutting provisions of 153.067(A), (1), and (2), shall not be deemed to prevent:
 - i. The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards.
 - ii. 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.

(B) Clear Cutting. Clear cutting anywhere else in the designated land use district on the Rum River is subject to the following standards and criteria:

- (1) Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the zoning administrator to be fragile and subject to severe erosion and/or sedimentation.
- (2) Clear cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.
- (3) The size of clear-cut blocks, patches or strips shall be kept at the minimum necessary.
- (4) 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.

§ 153.068 GRADING, FILLING, ALTERATIONS OF THE BES OF PUBLIC WATERS

- (A)** Grading and filling of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the land use district.
- (B)** Grading and filling of the natural topography which is accessory to a permitted or conditional use shall not be conducted without a grading and filling permit from the Zoning Administrator. A grading and filling permit may be issued only if the following conditions properly satisfied:
- (1) Grading and filling 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.
 - (2) The smallest amount of bare ground is exposed for as short a time as feasible.
 - (3) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.
 - (4) Methods to prevent erosion and trap sediment are employed.
 - (5) Fill is stabilized to accepted engineering standards.
- (C)** Any change in the course, current, or cross-section of the Rum River or designated tributary is prohibited unless authorized by a permit from the Commissioner pursuant to Minnesota Statutes, Section 103G.245.E.
- (D)** Drainage or filling in of wetlands is not allowed within the land use district designated by this ordinance.

§ 153.069 UTILITY TRANSMISSION CROSSINGS

All utility crossings of the Rum River or state lands within the Rum River land use require a license from the Commissioner pursuant to Minnesota Statutes, Section 84.415 and are subject to the conditional use permit process as explained in Section 9.3.

§ 153.070 PUBLIC ROADS AND PARKING AREAS

In addition to such permits as may be required by Minnesota Statutes, Section 103G.245, a conditional use permit shall be required for any construction or reconstruction of public roads within the Rum River land use district. Such construction or reconstruction shall be subject to Minnesota Rules, Part 6105.0200.

(A) Public roads include township, county, and municipal roads, streets and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas. A conditional use permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties.

(B) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from new from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

(C) Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist they may be placed within these areas, and must be designed to minimize adverse Impacts.

(D) Public and private watercraft access ramps, approach roads, and access-relate parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 4.9 of this ordinance must be met.

§ 153.071 SIGNS

(A) Purpose. The purpose of this Section is to regulate the location, size and types of signs to enable the public to locate goods, services, and facilities, to prevent competition for attention; to prevent hazards to life and property; and to protect the natural and scenic characteristics of the Rum River.

(B) Permits Required. Except as otherwise provided in this Ordinance, no sign shall be erected, constructed, altered, rebuilt, or relocated until a sign permit for the sign has been issued. However,

no permit will be required under this Ordinance for the following signs:

- (1) Address and identification signs
- (2) Real estate sale signs
- (3) Political signs.
- (4) Public Signs.
- (5) Temporary construction signs

(C) Prohibited Signs. No sign shall be erected or maintained:

- (1) Which purports to be or resembles an official traffic control device, sign, or signal, or railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign or signal, or railroad sign or signal, or which obstructs or interferes with the driver's view of approaching, merging, or intersecting traffic for a distance not to exceed five hundred (500) feet.
- (2) Which prominently displays the word "stop" or "danger".
- (3) Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency.
- (4) On any right-of-way of any highway, except as otherwise provided by law or as allowed in Subdivision 7, or allowed by the Commissioner of Minnesota Department of Transportation.
- (5) If any part of such sign extends more than six (6) feet over the public right-of-way, and is less than eight (8) feet above ground level. Canopies and marquees shall be considered an integral part of the structure to which they are attached. This Section does not apply to signs posted by duly constituted public authorities in the performance of their public duties.
- (6) On private land without the written consent of the owner thereof.
- (7) On trees, shrubs, or which are painted or drawn upon rocks or natural features, or on any public utility poles.
- (8) Which has distracting flashing or moving lights resembling an emergency vehicle or so designed as to be a traffic hazard.
- (9) Which are structurally unsafe, in disrepair, obsolete or are abandoned.
- (10) Which moves, rotates, has any moving parts or gives the illusion of moving. Time and

temperature and moving message type signs are exempt.

(11) Signs on roofs.

(D) General Provisions. The following requirements shall apply to all signs in all districts.

(1) Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted, removed or painted out when they are not so maintained.

(2) Signs shall not obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.

(3) The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.

(4) Signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the owner or lessee of the property upon which the sign stands upon notice by the Zoning Administrator.

(5) Political Signs. Political signs are allowed in any district, on private property, with the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election or elections to which they apply.

(6) Displays. In any district, animal displays, lights directed skyward, pieces of sculpture, fountains or other displays or features which do not clearly fall within the definition of a sign, but which direct attention to an object, product, activity, person, institution, organization or business, shall require a sign permit. Mobile signs on wheels or otherwise capable of being moved from place to place shall conform to the provisions of the Ordinance just as permanently affixed signs.

(7) The light from any illuminated sign or from any light sources including the interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures.

(8) Real estate sales signs may be placed in any yard providing such signs are within the property line.

(9) Real estate development project sales signs may be erected for the purpose of selling or promoting a real estate development project.

(a) Such signs shall not exceed one hundred (100) square feet in area.

(b) Only one (1) such sign shall be erected on each road frontage.

(c) Such signs shall be removed when the project is eighty (80) percent completed, sold or leased.

(d) Such signs shall not be located closer than one hundred (100) feet to any existing residence

(10) Construction Signs. Construction signs shall not be erected before issuance of a building permit or remain after issuance of certificate of occupancy.

(11) Temporary Signs. Banners, pennants, and temporary signs may be used for grand openings, special events and holidays, but must be removed after the event or within ten (10) days, whichever is shorter.

(12) Inside Signs. The regulations contained herein do not apply to signs painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors.

(13) Multi-faced signs shall not exceed two (2) times the allowed square footage of single faced signs.

(14) Except for more restrictive subsections of this Sign Section, no sign that exceeds one hundred (100) square feet in area shall be erected or maintained:

(a) Which would be closer than five hundred (500) feet to the Rum River, national, state or local park, historic site, picnic or rest area, church or school.

(b) Which would be closer than two hundred fifty (50) feet to residential structures.

(E) Signs in the SR-1 and SR-2 District. The following signs are permitted and regulations established for the zoning districts in which residences are allowed:

(1) One nameplate or professional identification sign of not more than one square foot in size identifying the owner or occupant of residential uses.

(2) Identification signs not exceeding 32 square feet in area for nonresidential uses or residential developments. Identification signs not exceeding 50 square feet in area for religious uses and public institutions may be allowed. The identification signs may be all or ground mounted or combination thereof. A ground sign shall not exceed six feet in height. The number of residential development signs shall be based on the number of entrances to the residential development from arterial and collector streets as determined by the Zoning Administrator.

(3) A total of 100 square feet is allowed per site for religious and public institutions. This can be a combination of the ground mounted sign not exceeding 50 square feet and wall signage.

(4) Licensed day care facilities and permitted home occupations shall be permitted one sign not to exceed eight square feet.

(5) Construction signs (temporary) not exceeding thirty-two (32) square feet.

(6) Real estate signs not exceeding sixteen (16) square feet and real estate development project signs not to exceed one hundred (100) square feet.

(7) Business signs, located on premises, for uses accessory to a residential planned unit development subject to the following provisions:

(a) The total surface area of all business signs, wall signs or free standing signs, shall not exceed 18% of the wall surface area of the principal building.

(b) No business sign shall exceed twenty (20) feet in height.

(c) No sign shall be visible from the Rum River.

(F) Signs in SR-3 District following signs are permitted and regulations established for the commercial and industrial zoning districts.

(1) Signs as permitted and regulated in residential districts.

(2) On premise business signs subject to the following provisions:

(a) The total surface area of all business signs, wall signs or free standing signs, shall not exceed 18% of the wall surface area of the principal building.

(b) No business sign shall exceed twenty (20) feet in height.

(c) No sign shall be visible from the Rum River.

(G) Off-Premise Business Signs. The erection, construction, or placement of new off-premise business signs is prohibited. Existing, legal off-premise business signs at the time of adoption of this Section may be maintained and the advertising on the sign changed, but the sign structure shall not be enlarged or modified in any matter.

SANITARY PROVISIONS

§ 153.090 WATER SUPPLY

Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency. Private wells must be located, constructed, maintained, and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.

§ 153.091 SEWAGE TREATMENT

Any premises intended for human occupancy must be provided with an adequate method of sewage treatment, as follows:

- (A)** Publicly owned sewer systems must be used where available.
- (B)** All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this ordinance.
- (C)** On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 3.0 of this ordinance.
- (D)** All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in sub items (1) - (4). If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations. Evaluation criteria:
 - (1) depth to the highest known or calculated ground water table or bedrock;
 - (2) soil conditions, properties, and permeability;
 - (3) slope;
 - (4) the existence of lowlands, local surface depressions, and rock outcrops;
 - (5) Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 8.0 of this ordinance.
- (E)** Point of Sale Sewer Inspection. No owner of a tract of land located in the shoreland district or the Rum River Scenic District as defined in this Ordinance, or in the Shoreland as defined in Minnesota rule 6120.2500, et seq., or other applicable state rules, upon which a dwelling is located, or upon which a structure having an on-site sewage treatment system is located, shall sell or contract to sell by conveyance or contract for conveyance without providing a copy of a sanitary system inspection to the buyer prior to the sale in accordance with the following requirements:

(1) Time of sale shall mean when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement, the time of execution of any document providing for the conveyance by deed or contract.

(2) Application for the Point of Sale Sewer Inspection shall be made to the Zoning Administrator upon forms furnished by the Zoning Office. Upon receipt of the properly executed application for a Sewer Inspection, the Zoning Administrator shall cause an inspection to be made of the premises to determine whether the sanitary system is in compliance with the requirements of the Section.

(3) In the case of an application for a Point of Sale Sewer Inspection, if the sanitary system is in compliance with the requirements of this Section, The Zoning Administrator shall issue a letter which shall state that the sanitary system has been inspected and is in compliance with the requirements of the City of Cambridge Zoning Ordinance.

(4) The proposed purchaser shall not take occupancy of the dwelling or structure prior to the issuance of the Compliance letter by the City of Cambridge Zoning Administrator, except that upon the filing of an executed written agreement by the present and prospective owners, which agreement sets forth the date by which the new owner will complete the necessary corrective action, and which agreement and corrective action dates are approved the City Zoning Administrator and found to be adequate in his/her discretion, the occupancy may be permitted pending issuance of the Point of Sale Sewer Inspection letter.

(5) The fee for the Point of Sale Sewer Inspection shall be established by the City of Cambridge City Council, and shall be paid prior to the inspection.

SUBDIVISIONS

§ 153.110 LAND SUITABILITY

(A) Land Suitability. Each lot created through subdivision, including planned unit developments authorized under Section 7.0 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis is by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near shore aquatic conditions unsuitable for water based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

(B) Consistency with other controls. Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by

publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Sections 5.0 and 8.0 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 3.0, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

(C) Information requirements. Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following

(1) Topographic contours at ten foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;

(2) The surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

(3) Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;

(4) Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

(5) Location of 100 year flood plain areas and floodway districts from existing adopted maps or data; and

(6) Lines or contours representing the ordinary high water level, the bluff line, and the minimum structure setback distances.

§ 153.111 DEDICATIONS

When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

§ 153.112 PLATTING

All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction

of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

PLANNED UNIT DEVELOPMENTS

§ 153.130 PERMITTED USES

Within a P.U.D. no land or buildings shall be used except for one or more of the following uses:

(A) Those uses listed as permitted or conditional uses in the district in which the development is proposed.

(B) In the SR-2 District Educational, professional, cultural, or commercial facilities that are designed and intended to serve the residents of the Planned Unit Development. Uses normally more appropriate in other zoning districts shall not occupy more than ten (10) percent of the developable land area, in which the development is proposed, and must meet the following criteria:

(1) The property abuts State Trunk Highway No. 95.

(2) The use is compatible with existing uses both within and adjacent to the proposed development.

(3) The use is located a minimum of 700 feet from the ordinary high water level (OHWL) of the Rum River.

(C) Accessory uses incidental to the permitted use.

§ 153.131 GENERAL STANDARDS

(A) Types of PUD's Permissible.

(1) In Scenic River District I, residential planned unit developments shall only be allowed when the proposed clustering provides a means of preserving agricultural land, open space, woods, scenic views and other features of the natural environment. Preliminary plans must be approved by the Commissioner of Natural Resources in accordance with Section 9.0 prior to their enactment by the local authority.

(2) In Scenic River District II, residential planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land.

(3) In Scenic District III, planned unit developments are prohibited.

(B) Processing of PUD's. Planned unit developments must be processed as a conditional use.

Approval cannot occur until the environmental review process EAW/EIS is complete.

(C) Application for a PUD. The applicant for a PUD must submit the following documents prior to action being taken on the application request:

(1) A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at two foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

(2) A property owner’s association agreement with mandatory membership, and all in accordance with the requirements of subdivision 5 of this section.

(3) Deed restrictions, covenants, permanent easements or other instruments that, in accordance with the criteria and analysis specified in subdivision 5 of this section:

i. properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's; and

ii. ensure the long term preservation and maintenance of open space.

iii. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

iv. Those additional documents as requested by the Planning Commission that are necessary to explain how the PUD will be designed and will function.

§ 153.132 SITE “SUITABLE AREA” EVALUATION

(A) Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in subdivision 4 of this section.

(B) The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions		
District	Sewered	Unsewered
Scenic River District I	700	700
Scenic River District II	300	700
2 nd Tier and additional tiers	200	700

(C) The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to the planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

§ 153.133 PUD DENSITY EVALUATION

(A) The procedures for determining the "base" density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the water body, but must not be transferred to any other tier closer.

(B) PUD "Base" Density Evaluation. The suitable area within each tier is divided by the single residential lot width standard times the tier depth to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Subdivision 6.

§ 153.134 DENSITY INCREASE MULTIPLIERS

(A) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 3.0 are met or exceeded and the design criteria in Subdivision 6 are satisfied. The allowable density increases in Item 2., below, will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the river is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback

(B) Allowable Dwelling Unit or Dwelling Site Density Increases for Residential Planned Unit Developments:

Density Evaluation Tiers	Maximum Density Increase Within Each Tier (Percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

§ 153.135 MAINTENANCE AND DESIGN CRITERIA

(A) Maintenance and Administration Requirements.

- (1) Before approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued

existence and functioning of the development.

(2) Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long term preservation and maintenance of open space. The instruments must include all of the following protections:

(a) commercial uses prohibited within open space.

(b) vegetation and topographic alterations other than routine maintenance prohibited;

(c) construction of additional buildings or storage of vehicles and other materials prohibited; and

(d) uncontrolled beaching of watercraft prohibited.

(3) Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:

(a) membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;

(b) each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;

(c) assessments must be adjustable to accommodate changing conditions; and

(d) the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

(B) Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:

(1) at least 50 percent of the total project area must be preserved as open space;

(2) dwelling units or sites, road right-of-way, or land covered by road surfaces, parking areas, or structures, except permitted water oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;

(3) open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;

(4) open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;

(5) open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;

(6) open space must not include commercial facilities or uses, but may contain water oriented accessory structures or facilities if permitted;

(7) the appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and

(8) the shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state.

(C) Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:

(1) be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and

(2) be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area.

(D) Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:

(1) planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Sections 5.0 and 8.0 of this ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

(2) dwelling units or sites must be clustered into one or more groups and located on

suitable areas of the development and in accordance with subdivision 1 of this section. They must be designed and located to meet or exceed the following dimensional standards for the relevant river district: setback from the ordinary high water level and bluff line, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with subdivision 4 of this section for developments with density increases;

(3) shore recreation facilities, including but not limited to swimming areas, temporary docks, and watercraft mooring areas and launching ramps, must be centralized and located in the area suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;

(4) structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided,

(5) accessory structures and facilities must meet the required principal structure setback and must be centralized.

NON-CONFORMITIES

§ 153.150 PURPOSE

All legally established non-conformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use.

§ 153.151 NON-CONFORMING USES

(A) The lawful use of buildings or land prior to adoption of this ordinance which does not conform to the provisions of this ordinance shall be discontinued within a reasonable period of amortization of the building; uses of buildings and land which become non-conforming by a reason of change in this ordinance shall also be discontinued within a reasonable period of amortization of the building. A reasonable period of amortization shall be construed to begin after the date of adoption of this ordinance and shall be considered to be forty (40) years for buildings of ordinary wood construction, fifty (50) years for buildings of wood and masonry construction, and sixty (60) years for buildings of fire proof construction.

(B) No dwelling existing on the effective date of this ordinance shall be deemed a non-conforming

use by reason of its location on a lot which does not meet the requirements of this ordinance with respect to lot size, dimensions, or setbacks.

(C) Buildings found to be non-conforming only by reason of height, yard or area requirements shall be exempt from the provisions of Paragraph "1" of this Subdivision.

§ 153.152 NON-CONFORMING STRUCTURES

(A) Nonconforming structures shall not be intensified, enlarged, or expanded beyond permitted or delineated boundaries of the use or activity as stipulated in the most current permit issued prior to the adoption of this ordinance. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Section 3.0 of this ordinance. Any deviation from these requirements must be authorized by a variance pursuant to Section 9.0.

(B) Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:

- (1) the structure existed on the date the structure setbacks were established;
- (2) a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
- (3) the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
- (4) the deck is constructed primarily of wood, and is not roofed or screened.

§ 153.153 NON-CONFORMING SEWAGE TREATMENT SYSTEMS

(A) A "nonconforming sewage treatment system" means those septic systems or privies that do not provide for adequate treatment of sewage or meet specific requirements. They include:

- (1) Cesspools;
- (2) leaching pits;
- (3) drywells;
- (4) seepage pits;
- (5) systems with less than three feet of unsaturated soil or sand between the bottom of the drainfield or mound rock bed and the limiting soil characteristic, which includes a seasonal high

water table as evidenced by the presence of ground water, mottled soil, or bedrock;

(6) systems discharging sewage to:

- i. the surface (including tile lines),
- ii. active or unused wells,
- iii. bodies of surface waters, or
- iv. any rock or soil formations that are not conducive to purification of water by filtration;

(7) systems that do not meet well setback requirements;

(8) systems where any part of the system is under a building;

(9) privies with less than three feet of separation from the bottom of an open pit to the limiting soil characteristics described in “e” above;

(10) privies with sealed containers that do not meet the capacity and construction requirements of Minnesota Chapter 7080, Subp. 4 B (2) (b), or as amended;

(11) septic systems where the septic tank does not meet the minimum setback of 10' from an occupied dwelling with a basement; and

(12) lack of a septic system if running water is available to the property.

(B) A sewage treatment system not meeting the requirements of Minnesota Regulations, chapter 7080, or as amended, or the requirements of this ordinance, whichever is most restrictive, must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

(C) The governing body of the City of Cambridge has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. On all lakes and streams, the City, or its agent, will inspect all septic systems at the point of sale and when a property owner applies for a building permit in accordance with Section 9.0 of this ordinance. The City of Cambridge will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed 1 year. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, section 103.201, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater

than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

§ 153.154 DISCONTINUANCE

In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

§ 153.155 RESTORATION

(A) No building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty (50) percent of its value shall be restored except in conformity with the regulations of this Ordinance. Single family dwellings which are non-conforming by reason of height, yard, or area requirements shall be exempt from the provisions of this subdivision and may be restored to their original condition.

(B) Any building that has been damaged to the extent of more than fifty (50%) percent of its value or has been deemed to be unsafe, based upon the UBC, must be removed within six (6) months of sustaining the damage or from the date of official notification.

§ 153.156 NORMAL MAINTENANCE

Maintenance of a building or other structure containing or used by non-conforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the City Zoning Administrator.

§ 153.157 EXCEPTIONS

(A) Lots of record in the office of the Isanti County Recorder on the effective date of enactment of this ordinance that do not meet the dimensional requirements of this ordinance may be allowed as building sites without variances from lot size requirements provided: the proposed use is permitted in the land use district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements are met.

(B) A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the board of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

(C) If in a group of two or more contiguous lots under a single ownership any individual lot does

not meet the minimum lot width requirements of this ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the lot width requirements of this ordinance, except that such lots which meet or exceed 60 percent or more of the lot width standards of this ordinance may be considered as a separate parcel of land for the purpose of sale or development, if on-site sewage treatment systems can be installed so as to comply with this ordinance.

ADMINISTRATION

§ 153.170 ORGANIZATIONAL PROVISIONS

(A) The provisions of this ordinance shall be administered by the Cambridge Zoning Administrator.

(B) The Board of Adjustment of the City of Cambridge shall act upon all questions as they arise in the administration of this ordinance; and hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator who is charged with enforcing this ordinance as provided by Minnesota Statutes.

(C) Permits Required.

(1) A permit is required for the construction of structures or structure additions (and including such related activities as construction of decks and signs); the installation and/or alteration of sewage treatment systems, and those required grading and filling activities in Section 4.0 of this ordinance. Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so the Zoning Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

(2) A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 8.0, shall be reconstructed or replaced in accordance with the provisions of this ordinance.

(3) Permit fees, processing fees, and inspection fees as may be established by resolution of the City Council shall be collected by the Zoning Administrator.

(D) Certification. Certain land use decisions which directly affect the use of land within the Scenic River land use districts and involve any of the following actions must be certified by the Commissioner, as described in Subdivision 1, subpart 5 of this Section:

(1) Adopting or amending an ordinance regulating the use of land, including rezoning of particular tracts of land.

(2) Granting a variance from a provision of this ordinance which relates to the zoning dimension provisions of this ordinance and any other zoning dimension provisions established in Minnesota Rules, Parts 6105.1400 - .1500.

(3) Approving a plat which is inconsistent with this ordinance.

(E) Notifications to the Department of Natural Resources. 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 this ordinance shall be sent so as to be received by the Commissioner at least 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.

(F) The City Council shall notify the Commissioner of its final decision on the proposed action within ten days of the decision.

(G) The Commissioner shall, no later than 30 days from the time he receives notice of the final decision, communicate either certification of approval, with or without conditions, or notice of non-approval.

(H) The action becomes effective when and only when either:

(1) The final decision taken by the City Council has previously received certification of approval from the Commissioner; or

(2) The City Council receives certification of approval after its final decision; or

(3) Thirty days have elapsed from the day the Commissioner received notice of the final decision, and the City 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.

(I) In case the Commissioner gives notice of non-approval of an ordinance, amendment, variance or inconsistent plat, either the applicant or the chief executive officer of the City of Cambridge may within 30 days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within 30 days, the notice of non-approval becomes final.

(1) The hearing will be held in the local community within 60 days of the demand and after at least two weeks' published notice.

(2) The hearing will be conducted in accordance with Minnesota Statutes, Section 103G.311, Subdivisions 2, 6, and 7.

(3) The Commissioner shall either certify his approval or deny the proposed action within 30 days of the hearing.

(J) Certificate of Zoning Compliance. The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 1.0 of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Subdivision 6 of this Section.

§ 153.171 VARIANCES

(A) Variances may only be granted in accordance with Minnesota Statutes, Chapter 462, as applicable. A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the board of adjustment must also consider whether:

(1) The strict enforcement of the land use controls will result in unnecessary hardship.

(2) Granting of the variance is not contrary to the purpose and intent of ordinance and is consistent with the Rum River rule, Minnesota Rules, Parts 6105.1400 - .1500.

(3) There are exceptional circumstances unique to the subject property which was not created by the landowner.

(4) Granting of the variance will not allow any use which is neither a permitted or conditional use in the land use district in which the subject property is located.

(5) Granting of the variance will not alter the essential character of the locality.

(6) Exception: Where a setback pattern from the ordinary high water level has already been established on both sides of a proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. This provision shall apply only to lots which do not meet the minimum lot width requirements of this ordinance.

(B) The board of adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in subdivision 1 shall also include the board of adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

(C) For existing developments, the application for variance must clearly demonstrate whether a

conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

(D) All granted variances to the requirements of this ordinance must be certified in accordance with Subdivision 2 of this Section before they become effective.

§ 153.172 CONDITIONAL USES

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

(A) Evaluation criteria. A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:

- (1) the prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- (2) the visibility of structures and other facilities as viewed from public waters is limited;
- (3) the site is adequate for water supply and on-site sewage treatment; and
- (4) the types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

(B) Conditions attached to conditional use permits. The City Council, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- (1) increased setbacks from the ordinary high water level;
- (2) limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
- (3) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

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

(D) Any conditional use permit for Section 3.0 requires approval of the Commissioner in accordance with procedures in this Section.

§ 153.173 AMENDMENTS

(A) Requests for amendments of this ordinance may be initiated by a petition of affected property owners, the planning commission, or by action of the City Council. An amendment not initiated by the planning commission shall be referred to the planning commission for study and report prior to action by the City Council.

(B) An application for an amendment shall be filed with the Zoning Administrator.

(C) Upon receipt in proper form of the application and other requested materials, a hearing shall be conducted in the manner prescribed by Minnesota Statutes. Following the public hearing, the City Council may adopt the amendment in the manner prescribed by Minnesota Statutes.

(D) Certification from the Commissioner must be obtained as specified in this Section before the proposed amendment becomes effective.

§ 153.174 PLATS

(A) Copies of all plats within the Rum Scenic River Districts shall be forwarded to the Commissioner within ten days of approval by the City Council.

(B) Approval of a plat which is inconsistent with this ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.

(C) All inconsistent plats approved by the City Council must be certified in accordance with this Section.

§ 153.175 ENFORCEMENT

(A) The Zoning Administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 1.0 of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

(B) Any taxpayer of the City of Cambridge may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this ordinance.

§ 153.171 EFFECTUATION

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