

**FRIDLEY CITY CODE**  
**SECTION 205-28. 0-2 CRITICAL AREA DISTRICT REGULATIONS**

**1. PURPOSE AND INTENT**

It is the purpose and intent of this district to prevent or mitigate irreversible damage to the Mississippi River Corridor and to preserve and enhance its values to the public. The Mississippi River Corridor is a unique and essential element in the local, regional, state and national transportation, sewer and water, and recreational systems, as well as serving important biological and ecological functions, and shall be protected and preserved in accordance with the following policies:

- A. The Mississippi River Corridor shall be managed as a multi-purpose public resource that provides for the development of a variety of urban uses within the river corridor while conserving the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the river corridor.
- B. The Mississippi River Corridor shall be managed in a manner consistent with its natural characteristics and its existing development and in accordance with regional plans for the development of the Metropolitan Area.
- C. The Mississippi River Corridor shall be managed in accordance with the Critical Areas Act of 1973, the Minnesota Environmental Policy Act of 1973, and the Governor's critical area designation, Executive Order No. 130, dated November 23, 1976, and other applicable state and federal laws.

**2. DISTRICT BOUNDARIES**

The boundaries of the 0-2 District shall be located on the official zoning map of the City of Fridley, and shall encompass all property located between the center line of Anoka County Trunk Highway 1 and the normal high water line of the east bank of the Mississippi River running from the north boundary to the south boundary line of the City.

**3. DEFINITIONS**

For the purpose of this district the following definitions shall apply:

- A. Bluff.

Those steep slopes lying between the normal high water mark and the River Corridor boundary having an angle of ascent from the river of more than twelve percent (12%) from the horizontal.

- B. Bluffline.

A line delineating the top of the bluff connecting the points at which the angle of ascent becomes less than twelve percent (12%). More than one (1) bluffline may be encountered.

C. Clear-cutting.

The indiscriminate cutting down of large numbers of trees in a given areas.

D. Critical Area.

The area known as the Mississippi River Corridor Critical Area designated by the Governor in the Executive Order No. 130.

E. Development.

The making of any material change in the use or appearance of any structure or land including reconstruction; alteration of the size of any structure; alteration of the land; alteration of a shore or bank of a river, stream, lake or pond; a commencement of drilling (except to obtain soil samples); mining or excavation; demolition of a structure; clearing of land as an adjunct to construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land; the dividing of land into two (2) or more parcels.

F. Essential Services.

Means underground or overhead gas, electrical, steam or water distribution systems including poles, wires, mains, drains, sewer pipes, conduits, cables and other similar equipment and accessories in conjunction therewith.

G. Public Safety Facilities.

Hydrants, fire alarm boxes, street lights, railway crossings signals and similar accessories including buildings.

H. Retaining Wall.

A structure utilized to hold a slope in a position in which it would not naturally remain.

I. Terrace.

A relatively level area bordered on one (I)or more sides by retaining walls.

J. Utility Facility.

Physical facilities of electric, telephone, telegraph, cable, television, water, sewer, solid waste, gas and similar service operations.

K. Wetlands.

Low lying areas which may be covered with shallow and sometimes intermittent water. They are frequently associated with a high water table. Wetlands are generally too wet for cultivation or development without artificial drainage. Swamps, bogs, marshes, potholes, wet meadows and sloughs are wetlands.

#### **4. USES PERMITTED**

Any use permitted within the existing zoned district.

#### **5. USES EXCLUDED**

- A. Any use that was excluded within the existing zoned district.
- B. Any barge fleeting or barge loading.
- C. Any waste storage use or treatment facilities.
- D. Any mining or extraction uses other than soil preparation or peat removal.

#### **6. SITE PLAN REQUIREMENTS**

- A. No building permit, zoning, or subdivision approval shall be issued for any action located in this district until a site plan has been prepared and approved in accordance with the provisions of this Section.
- B. No site plans shall be required for a single family dwelling or for the extension, enlargement, change, or alteration thereof, nor accessory structures thereto.

#### **7. SITE PLAN CONTENTS**

- A. Site plans shall be prepared to a scale appropriate to the size of the project and suitable for review.
- B. The following information shall be provided in the site plan:
  - (1) Location of the property including such information as the name and numbers of adjoining roads, railroads, existing subdivisions, or other landmarks.
  - (2) The name and address of the owner(s) or developer(s), the Section, township and range, northpoint, date and scale of drawing and number of sheets.
  - (3) Existing topography as indicated on a contour map having a contour interval no greater than two (2) feet per contour. The topography map shall also clearly delineate the river and any bluffline, all streams, including intermittent streams and swales, river, waterbodies and wetlands. The topography map shall indicate the floodway and/or flood fringe lines and the normal highwater mark of the river.
  - (4) A plan delineating existing drainage of the water setting forth the direction, the volume, and at what rate storm water is conveyed from the site, and setting forth those areas of the site where storm water collects and is gradually percolated into the ground or slowly released to a creek, river or lake.

- (5) A proposed drainage plan of the developed site delineating the direction, the volume, and at what rate storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect and gradually percolate into the ground, or be slowly released to a creek, river or lake. The plan shall also set forth the hydraulic capacity of all structures to be constructed, existing structures to be utilized, and volume of holding ponds for the design storm (i.e. six inch (6"), twenty-four (24) hour rain).
- (6) A description of the soils of the site including a map indicating soil types by areas to be disturbed as well as a soil report prepared by a soil scientist containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable. All areas proposed for grading shall be identified by soil type, including the existing top soil and the soil type of the new contour. The location and extent of any erosion areas shall be indicated. The stability of rock outcroppings along blufflines and faces shall be included in the soils description.
- (7) A map indicating proposed finished grade having a contour at the same intervals as provided on the existing topographic map or as required to clearly indicate the relationship of proposed changes in existing topography and remaining features.
- (8) An erosion and sedimentation control plan indicating the type, location, and necessary technical information on control measures to be used during and after construction including a statement expressing the calculated anticipated gross soil loss expressed in tons per acre per year during and after construction.
- (9) A delineation of the location and amounts of excavated soils to be stored on the site during construction.
- (10) A description of the flora and fauna, which occupy the site or are occasionally found thereon, setting forth in detail those areas where unique plant or animal species may be found on the site.
- (11) A description of any features, buildings or areas which are of historic significance.
- (12) A landscape plan drawn to an appropriate scale, including dimensions, distances, location, type, size and description of all existing vegetation proposed for removal and all proposed landscape materials which will be added to the site as part of the development.
- (13) The proposed size, alignment, height and intended use of any structure to be erected or located on the site.

- (14) A clear delineation of all land which shall be paved or hard surfaced including a description of the surfacing material to be used.
- (15) A description of the method to be provided for vehicular and pedestrian access to the proposed development and public access to river and/or public river view opportunities both before and after development. A description of the development's impact on existing view of and along the river. A description of all parking facilities to be provided as part of the development of the site including an analysis of parking needs generated by the proposed development.
- (16) A delineation of the area or areas to be dedicated for public use.
- (17) Any other information pertinent to the particular project which in the opinion of the City or applicant is necessary or helpful for the review of the project.

## **8. ADDITIONAL REQUIREMENTS FOR ALL STRUCTURES**

### **A. Lot Size.**

Lot size shall be governed by the existing zoning district.

### **B. Building Height.**

Building height shall be governed by the existing zoning district.

### **C. Setbacks.**

Setbacks shall be governed by the existing zoning districts except as follows:

- (1) All new structures and uses shall be placed not less than forty (40) feet from the top of the bluffline overlooking the Mississippi River.
- (2) All new structures and uses shall be placed not less than 100 feet from the Mississippi River normal high water line as defined by the Federal Insurance Administration's Flood Insurance Study.
- (3) Exceptions to setback requirements shall include public safety facilities, public bridges and approaches, public roadways, public recreation facilities, scenic overlooks, regional and local trails; docks and boat launching facilities, approved river crossings of essential services and distribution services and historical sites designated by the National and State Register of Historic Places.
- (4) The following agencies shall be notified of all variance requests to the above setback requirements: The Minnesota Department of Natural Resources and Environmental Quality Board.

**D. Placement of Structures.**

- (1) Placement of structures in areas subject to flooding as designated in Section 205.24 of this Chapter shall be governed by the regulations of that Section.
- (2) No land with slopes, before alteration, in excess of eighteen percent (18%) will be developed for use except for necessary erosion control structures which are in conformance with all other guidelines and standards. All applicable local, state and federal laws, rules and regulations and Metropolitan plan guidelines and standards must be met for bridge construction and bridge approach roadways.
- (3) Development on slopes in excess of twelve percent (12%), but less than eighteen percent (18%), will be permitted provided that the applicant can meet the following conditions:
  - (a) The foundation and underlying material shall be adequate for the slope condition and soil type.
  - (b) The developer can demonstrate that development during and after construction can be accomplished without increasing erosion and that there are proper controls to reduce runoff to nondestructive levels.
  - (c) The proposed development presents no danger of falling rock, mud, uprooted trees and other material to structures, recreational facilities, public lands and public water down hill.
- (4) Line of Sight. The development of new, or the expansion of existing structures, shall be placed so that the development is consistent with the preservation of the view of the river corridor from other properties on both sides of the river and by the public. The walling off of views of the river corridor from other properties and public right-of-ways shall be prohibited.

**9. NATURAL RESOURCE MANAGEMENT**

- A. Grading and Filling. Grading and filling or otherwise changing the changing the topography landward of the ordinary high water mark shall not be conducted without a City permit, and in compliance with the provisions of Minnesota Regulation MR 79, Section (h), of the Wild and Scenic Rivers Regulation, paragraphs (1), (2) and (3).
- B. Retaining walls and erosion control structures waterward of the normal high water mark are permitted structures 'if the applicable permits issued by the Army Corps of Engineers and the Minnesota Department of Natural Resources have been obtained.
- C. Retaining walls and erosion control structures on the landward side of the normal high water mark that are visible from the water surface shall meet the following design criteria:

- (1) Retaining walls or terrace contours shall not exceed five (5) feet in height.
- (2) The minimum space in between retaining walls shall be twenty (20) feet.

D. Vegetative management.

- (1) Clear-cutting of trees on the slope or face of bluffs and within forty (40) feet landward from the bluffline or river bank area shall not be permitted.
- (2) The selective cutting of trees greater than four inches (4") in diameter may be authorized by the City, when cutting is appropriately spaced and staged to maintain a continuous natural cover.
- (3) The development of new or the expansion of existing structures shall be accomplished so as to minimize the need for tree removal. If trees over four inches (4") are cut, the density of tree cover shall be restored to that which existed before cutting. The applicant shall demonstrate that all grading which takes place will be conducted in a manner that preserves the root zone aeration and stability of existing trees and provides an adequate watering area equal to at least one-half (1/2) of each tree crown cover.
- (4) Exceptions to the above include the removal of diseased or damaged trees.

E. Standards for surface water management and erosion control.

- (1) Storm water run-off from any new development may be directed into public water bodies and drainage systems provided that it is substantially free from silt, debris and chemical pollutants, and only at rates equal to that on the property before development.
- (2) Any new development shall provide for erosion protection measures which make maximum use of natural in-place vegetation. During construction and until such time as final control measures are fully implemented and established, adequate development practices will be maintained to insure that gross soil loss levels shall not exceed five (5) tons per acre per year during construction or two (2) tons per acre per year during construction when the site is adjacent to a water body or water course; and one-half (1/2) ton per acre per year after the construction activities are completed.
- (3) Structures, trails and roadways shall be sited to minimize levels of pedestrian and vehicular traffic in areas where soil compaction and loss of vegetation cover can contribute to erosion problems.

## **10. TRANSMISSION SERVICES, PUBLIC TRANSPORTATION, AND RIVER CROSSING**

A. Transmission and Essential Services.

- (1) Primary consideration shall be given to underground placement of services in order to minimize aesthetic, environmental and public safety aspects. When considering overhead placement, the developer must show the reasoning that makes underground placement unfeasible.
- (2) All transmission service crossing of the Mississippi River require a permit pursuant to Minnesota Statute 84.415 or 105.42 by the Department of Natural Resources.
- (3) All transmission crossing of land within the district shall require a Special Use Permit as required by this Chapter.

**B. Transportation Facilities.**

Transportation crossings shall be permitted in accord with NR 79, Section (j), except paragraph (ddd) under (i), route design of the Wild and Scenic River regulations.

- (1) In planning and designing the construction or reconstruction of all public transportation facilities which closely parallel the river or blufflines, careful consideration should be given to the provision of scenic overlooks for motorists, safe pedestrian access from areas on the landward side of these transportation facilities and safe pedestrian facilities along the riverward of these facilities.
- (2) The construction or reconstruction of all public transportation facilities shall be located and designed in such a manner that will maintain the safe use and access to the riverfront in public ownership, allow reasonable use of the land between the river and the transportation facility and maintain the aesthetic quality of the river environment.

**11. PUBLIC ACCESS**

- A. Public pedestrian right-of-way including river access shall be provided for any new development that is adjacent to or part of an overall plan of the city for pedestrian movement within the district.
- B. Public pedestrian access shall be provided to the riverfront of developments on publicly owned and publicly controlled riverfront property. Access will not be provided where:
  - (1) Unavoidable hazards exist to the public.
  - (2) Public pedestrian access at a particular location cannot be designed or developed to provide a pleasant view or recreational experience.

## **12. RIGHT OF WAY MAINTENANCE**

- A. Natural vegetation of value to fish or wildlife, which does not pose a hazard or restrict reasonable use of the property, shall be allowed to grow in the right-of-way.
- B. Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs and low growing trees, shall be planted and maintained on the right-of-way.
- C. Chemical control of vegetation should be avoided when practicable, but where such methods are necessary, chemicals used and the manner of their use must be in accordance with rules and regulations of all state and federal agencies with authority over the use.