

TOWN OF ATHENS  
ISANTI COUNTY, MN.

ORDINANCE NO. 2022 01

ORDINANCE AMENDING CHAPTER 20 ARTICLE VIII OF THE TOWN  
CODE RELATING TO RUM RIVER SCENIC DISTRICT

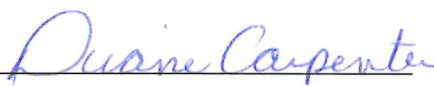
THE TOWN BOARD OF ATHENS ORDAINS:

**Section 1:** Pursuant to authority granted by Minnesota Statutes, 462.357,  
the Town of Athens hereby adopts the amendment to Chapter 20, Article VIII of  
the Town Code as shown in Exhibit A.

**Section 2:** This Ordinance shall be in full force upon passage and publication.

Adopted this 4<sup>th</sup> day of April 2022.

  
\_\_\_\_\_  
Dave Henderson, Chair

  
\_\_\_\_\_  
Diane Carpenter, Clerk

	Aye	Nay	Abstain	Absent
Henderson	<input checked="" type="checkbox"/>			
Beckstrom				<input checked="" type="checkbox"/>
Peterson			<input checked="" type="checkbox"/>	
Olson	<input checked="" type="checkbox"/>			
Christensen	<input checked="" type="checkbox"/>			

**EXHIBIT A-AMENDMENT TO Chapter 20 Article VIII Rum  
River Scenic District Ordinance**

This a Complete repeal and replace of the existing ordinance.

**New Language ADOPTED APRIL 4<sup>th</sup> 2022**

**ARTICLE VIII. Rum River Scenic District (SR)**

**Subdivision 1. 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 Isanti County has been given the Scenic River classification, 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 Athens Township Official Zoning Map which is made a part of this Ordinance and is on file in the Athens Township Zoning Office. These boundaries for zoning and zoning purposes shall extend back seven hundred (700) feet from the ordinary high water mark of the river and its oxbows.

**Subdivision 2. Height, Yard, Lot Width and Depth Requirements**

1. The following sets forth the minimum area, setbacks, and other requirements of the SR District:

- |  |         |
|--|---------|
| a. Minimum lot size above ordinary high water mark                       | 4 acres |
| b. Lot width at building line  | 250'    |
| c. Lot width at ordinary high water mark                                 | 250'    |
| d. Building setback from ordinary high water mark                        | 150'    |
| e. Building setback from bluffline                                       | 30'     |
| Building setback from bluffline in Agriculture/Residential District      | 30'     |
| f. On-site sewage treatment system setback from ordinary high water mark | 150'    |
| g. Maximum structure height, except agricultural structures              | 35'     |
| h. Controlled vegetative cutting area (See Subdivision 6)                |         |
| Setback from ordinary high water mark                                    | 150'    |
| Setback from bluffline   | 30'     |

2. On tributaries, following setbacks apply:

- |  |      |
|--|------|
| a. Building setbacks from ordinary high water mark                       | 150' |
| b. On-site sewage treatment system setback from ordinary high water mark | 75'  |
| c. Controlled vegetative cutting area setback from ordinary high         | 100' |

water mark

3. No structure shall be placed on any slope greater than twelve percent (12%) (12 feet vertical rise in 100 feet horizontal distance) unless such structure can be screened from river view with natural vegetation and where engineering or architectural documentation is provided that the lot can be adapted to the dwelling unit.

4. Front Yard Regulations:

There shall be a front yard setback of not less than:

- a. 130 feet from highway right-of-way lines, from expressways and four lane highways, U.S. and State Highways.
  - b. 130 feet from the centerline of all county roads.
  - c. 120 feet from the centerline of all township roads, including private road easements.
  - d. 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.
5. Side Yard Setback Regulations: There shall be a side yard having a width of not less than twenty (20) feet on each side of a building.
6. Rear Yard Setback Regulations: There shall be a rear yard having a depth of not less than forty (40) feet.

**Subdivision 3. Substandard Lots**

Lots of record in the office of the County Recorder on the effective day of enactment of this Ordinance which do not meet the dimensional requirements of this Ordinance shall be allowed as building sites provided: the lot was in separate ownership on the date of the enactment of this Ordinance and all sanitary requirements are complied with.

**Subdivision 4. Permitted Uses in the Scenic River (SR) District**

1. Agricultural uses.
2. Forestry uses.
3. Essential services.
4. Sewage disposal systems.
5. Private road and minor public streets.
6. Signs which are necessary for public health and safety, and signs, indicating areas that are available or not available for use.
7. Signs not visible from the river within Business zones only.

8. Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; and accessory roads.
9. Single family dwellings.
10. Swimming pools.

a. New Private Access Drives – Single Parcel

All new private access drives serving a single parcel shall have a (33) foot easement or owned property and a twelve (12) foot driving surface, with a minimum of three (3) inches of class 5 gravel, and shall provide an adequate turning surface at the terminus of the road. The access drive must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

b. New Private Access Drives – 2 Parcels

All new private access drives intended to service two building sites shall have a sixty-six (66) foot easement or owned property and a twenty-four (24) foot driving surface, with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least one hundred twenty (120) feet in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

c. New Private Access Drives – 3 or more parcels

All new private access drives established to serve three (3) or more building sites shall build the road to the road standards adopted by the Township in which the private access drive is located. The Township shall have the authority to approve and inspect the road. If the Township does not have adopted road standards, the road must be upgraded to a sixty – six (66) foot easement and twenty – four (24) foot driving surface with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least 120' in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the certificate of occupancy. All driveway access points on County or Township roads shall require a permit from the local road authority.

**Subdivision 5. Conditional Uses in the Scenic River (SR) District**

(see also Article IV, A/R District)

1. Governmental campgrounds.
2. Private campgrounds.
3. Public accesses, including road access type with boat launching facilities and trail access type.
4. Temporary docks.
5. Other governmental open space recreational uses.
6. Other private open space recreational uses.
7. Underground mining that does not involve surface excavation.
8. Utility power transmission lines and pipelines.
9. Planned Unit Developments.
10. Assisted Living Facility.
11. Retreat Centers.
  - a. Duration of temporary lodging to be determined by the Planning Commission.
  - b. Minimum of 25 acres required.
  - c. Up to twenty five (25) people for overnight lodging.
  - d. The owner/operator/director must reside on the property.

**Subdivision 6. Vegetative Cutting**

The following vegetative cutting provisions shall apply in the SR District.

1. Clear cutting within the 150 foot setback area and 30 foot highest bluff line setback, except for any authorized public services such as roads and utilities, shall not be permitted.
2. Selective cutting of trees in excess of four (4) inches in diameter at breast height shall be permitted providing cutting is spaced in several cutting operations and a continuous tree cover is maintained.
3. The cutting provisions of (1) and (2) above shall not be deemed to prevent:
  - a. The removal of diseased or insect infested trees of rotten or damaged trees that present safety hazards.
  - b. Pruning understory vegetation, shrubs, plants, brushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four (4) inches in diameter at breast height.

**Subdivision 7. Grading, Filling, Alterations of the Beds of Public Waters**

Any grading and filling work shall require a conditional use permit and shall comply with the following:

1. Grading and filling of the natural topography which is not accessory to a permitted or conditional use shall not be permitted.
2. Grading and filling of the natural topography which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earth moving, erosion, tree clearing, and the destruction of natural amenities.
3. Grading and filling in of the natural topography shall also meet the following standards:
  - a. The smallest amount of bare ground is exposed for as short a time as feasible.
  - b. Temporary ground cover such as mulch is used and permanent ground such as sod is planted.
  - c. Methods to prevent erosion and to trap sediment are employed.
  - d. Fill is stabilized to accept engineering standards.
4. Excavation of material or filling, or construction of any permanent structures or navigational obstructions is prohibited unless authorized by a permit from the Commissioner.
5. Drainage or filling in of wetlands is not permitted.

#### **Subdivision 8. Public Roads**

A conditional use permit shall be required for any construction or rebuilding of public roads within the SR District. A conditional use permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties. Public roads include roads and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas.

#### **Subdivision 9. Land Suitability**

No land shall be subdivided which is determined by the Town Board to be unsuitable by reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities or any other features likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community. No plat or subdivision shall be approved unless or until the subdivider has proven through the methods required by ARTICLE II, General Provisions, Town Code Subdivision Ordinance, that each lot in the proposed subdivision has adequate area and a suitable location for installation of a sewage system.

#### **Subdivision 10. Planned Unit Developments**

1. A planned unit development may be allowed only when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development. Except for minimum setbacks and height limits, altered dimensional standards may be allowed as exceptions to this Section for planned unit developments provided:

- a. Central sewage facilities are installed which meet the standards, criteria, rules, or

regulations of the Pollution Control Agency and this Ordinance.

b. Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, granting of scenic easements or other methods.

c. There is not more than one (1) centralized boat launching facility for each cluster.

e. The provisions of Section 11, Subdivision 11 are complied with.

**Subdivision 11. Non-Conforming Uses, Substandard Uses**

1. Non-conforming Uses. Uses which are prohibited by this Ordinance, but which are in existence prior to the effective date of this Ordinance shall be non-conforming uses.

2. Substandard Uses: All uses in existence prior to the effective date of enactment or amendment of this Ordinance which are permitted uses within the newly established land use district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this Ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue. Substandard signs shall be gradually eliminated over a period of time not to exceed five (5) years from the date of enactment of this Ordinance.

**Subdivision 12. Variances**

The granting of a variance shall conform to the provisions of Section 20 - 212



**ATHENS TOWNSHIP  
ISANTI, MN  
RESOLUTION NO. 2022 01**

**RESOLUTION APPROVING PUBLICATION OF  
SUMMARY OF AMENDMENT TO CHAPTER 20 ARTICLE VIII  
(ZONING ORDINANCE): RUM RIVER SCENIC DISTRICT**

**WHEREAS**, M. S. § 365.125 allows publication of a summary of an ordinance;

**WHEREAS**, on April 4th, 2022, the Athens Township Board of Supervisors adopted an ordinance (Ordinance No. 2022- 01) amending the zoning ordinance to add provisions related to Rum River Scenic District

**WHEREAS**, Ordinance No. 2022 - 01 contains the following changes:

. This is a complete repeal and replace of the existing ordinance. Athens Township hereby adopts the Isanti County Rum River Scenic Ordinance as amended to fit all Athens Town Code Book references.


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 Isanti County has been give the Scenic River classification, the boundaries of which are based on the Rum River Management Plan.

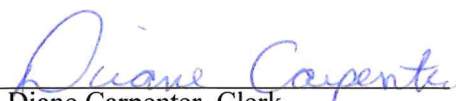
**WHEREAS**, the Board of Supervisors has determined that the summary language in the Where paragraphs above clearly tells the intent and effect of Ordinance No. 2022- 01

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Athens Township hereby adopts this resolution approving publication of the summary language as shown above.

Adopted this 4<sup>th</sup> day of April 2022

ATTEST:

  
\_\_\_\_\_  
Dave Henderson, Chair

  
\_\_\_\_\_  
Diane Carpenter, Clerk