

**ORDINANCE NO. 2023-08-01  
CITY OF ST. MARY'S POINT  
WASHINGTON COUNTY, MINNESOTA**

**AN ORDINANCE OF THE CITY OF ST. MARY'S POINT, WASHINGTON COUNTY,  
MINNESOTA, AMENDING SECTION 302 TO THE CODE OF ORDINANCES  
REGARDING STANDARDS FOR VEGETATIVE CUTTING.**

**WHEREAS**, the City of St. Mary's Point Vegetative Cutting Ordinance has not been updated since 1976;

**WHEREAS**, the residents of the City of St. Mary's Point have requested clarity on vegetation restoration in the Lower St. Croix River Bluffland and Shoreland;

**WHEREAS**, the City of St. Mary's Point has received conditional approval of the Lower St. Croix Riverway Ordinance Amendment from the Minnesota Department of Natural Resources; and

**WHEREAS**, the next step in the process for amending the Lower St. Croix Riverway Ordinance Amendment is for the city council to adopt the amendment as presented tonight.

**NOW, THEREFORE**, the City Council of the City of St. Mary's Point hereby ordains that the following sections of the City Code are hereby amended and replaced to read and include as follows:

**Section 302.032.**

In the urban districts of this Model Ordinance, existing zoning districts in effect and uses permitted on April 2, 1980, by the existing City of St. Mary's Point Zoning Ordinance may again be permitted by the City Council of the City of St. Mary's

Point, provided the project is listed in 302.033 has been approved in writing by the Commissioner of Natural Resources and meets or exceeds the following standards:

- (1) The proposed use is consistent with and complimentary to the existing, adjacent, urban land uses and municipal plans.
- (2) The dimensional requirements of Section 4 of said Model Ordinance.
- (3) The sideyard setbacks and frontage requirements of the local zoning ordinance.

- (4) A parking layout and site plan which provides on-site, off-street parking spaces for all employees of the project, an exclusive area for loading docks where required by local ordinance, and off-street customer parking spaces as required by local ordinance.
- (5) An on-site grading and surface water run-off plan for the site which minimize soil erosion and degradation of surface water quality.
- (6) In sewered areas, public sewer will service the proposed project.
- (7) A landscaping plan and a vegetation restoration plan for the site are illustrated which minimize the visual impact of the proposed project as viewed from the river and which visually screens all parking areas from the river. The vegetation restoration plan shall be in compliance with Section 503.01 Vegetative Cutting. The applicant shall provide the Community with a performance bond for the cost of all landscaping to insure compliance with the landscaping plan.
- (8) A public hearing as per Section 801 of said Model Ordinance and forwarding of the final action of the local community to the Commissioner of Natural Resources within ten (10) days of the final action.
- (9) The project meets all other existing local zoning and subdivision requirements.
- (10) The project requires no alteration of fill of shoreline, bluffland, or floodway, except for temporary docking and launching of watercraft.
- (11) No lighted or flashing signs shall face riverward.
- (12) Detailed plans and specifications as presented at the public hearing are sufficient to obtain all local access, building, zoning, and sewer permits.

**Section. 302.040      Modifications.**

The following sections of the said Model Lower St. Croix Bluffland and Shoreland Management Ordinance are hereby modified:

A. Section 504.02 of said Model Ordinance is modified to read as follows:

"Urban District Conditional Uses. In urban districts as defined in this

Ordinance, existing zoning districts in effect and uses permitted on May 1, 1974, by the Community may be permitted, provided the use has been listed as a conditional use for urban districts in the Lower St. Croix River Bluffland and Shoreland Management Ordinance of the Community and has been approved in writing by the Commissioner of Natural Resources. "

- B. Section 301.01 of the said Model Ordinance shall be modified by deleting the words "Community Zoning Administrator" from the second sentence thereof and inserting in its stead the words "Governing Body".
- C. Sections 401.02 and 401.03 of said Model Ordinance are modified to read as follows:

"401.02 The boundaries of the Lower St. Croix Riverway and the urban and rural zoning districts within the Riverway include all of the land riverward of the legally described boundary line in the official copy of the Lower St. Croix National Scenic Riverway Master Plan and as shown on the map published herewith and designated as the City of St. Mary's Point, Lower St. Croix Riverway Zoning Map. "

"401.03 The boundaries of the Lower St. Croix Riverway zoning districts on the map published herewith and designated the City of St. Mary's Point, Lower St. Croix Riverway Zoning Map, is made a part of this ordinance and is on file with the City Clerk.

- D. Section 901.01 (page 14) shall be amended to add the following:  
  
"All misdemeanor violations shall be punishable to the extent specified in Section 104.010 of the St. Mary's Point Municipal Code."

- E. Section 806.01 (2), shall be amended to read as follows:  
  
"The most recent photographs of the property (including aerial photographs) if requested by the local authority of the Department of Natural Resources. "

- F. Section 503.01, shall be amended to read as follows:

**503. 01. Vegetative Cutting.**

- A. Permit Required. On land within two hundred feet ( 200 ' ) of the ordinary high water mark in rural districts, one hundred feet ( 100' ) of the ordinary high water mark in urban districts, and forty feet ( 40 ' ) landward of blufflines and on slopes greater than twelve



percent ( 12%) in all districts, there shall be no vegetative cutting of live trees or shrubs without a vegetative cutting permit from the Community Zoning Administrator. A permit may be issued only if:

- ( 1 ) The cutting, including topping, involves trees less than six inches ( 6" ) in diameter at a height of four and one-half (4 ½) feet above ground; and
- ( 2 ) The cutting, including topping, involves vegetation which is not screening any structure from view from the river; and
- ( 3 ) The essential character, quality, and density of existing growths is preserved and continuous canopy cover is maintained; or
- ( 4 ) The removal of diseased, noxious, or hazardous trees or shrubs, when their removal is in the public interest; or
- ( 5 ) The cutting is necessary for the maintenance of transportation or utility rights—of-way.

B. No Permit Required. A vegetative cutting permit is not required for the following, provided the existing quality, character, density, and canopy is maintained as viewed from the river:

- (1) Clearing the minimum necessary for a validly permitted structure, septic system, roadway, and parking areas.
- (2) Maintenance trimming or pruning on a particular parcel or in transportation or utility rights—of—way.
- (3) Vegetative cutting on land that is not within two hundred feet ( 200 ' ) of the ordinary high water mark in rural districts, one hundred feet ( 100' ) of the ordinary high water mark in urban districts, forty feet ( 40 ' ) landward of bluff lines, and/or on slopes greater than twelve percent ( 12%) in all districts, provided the vegetation to be cleared is not screening any structure from view of the river.

Any and all vegetative cutting shall comply with Ch. 748 of the zoning code.

C. Vegetation Cutting Violations. Where a violation of the vegetative cutting ordinance has been documented, the property owner(s) shall be subject to a vegetation restoration plan meeting the standards in part D below in addition to any other civil remedies

and/or criminal penalties that may apply, including but not limited to Sec. 503.01 E.

- D. Standards for Vegetation Restoration. Vegetation restorations, when required, must be accompanied by a vegetation restoration plan approved by the local zoning administrator for the land within two hundred feet ( 200 ' ) of the ordinary high water mark in rural districts, one hundred feet ( 100' ) of the ordinary high water mark in urban districts, and forty feet ( 40 ' ) landward of bluff lines and on slopes greater than twelve percent ( 12%) in all districts.

Any removal of woody trees must be replaced consistent with the replacement standards below. Restorations must utilize native plant species for replacement. Near shore or highly erodible locations are to be planted with a mix of deep-rooted woody and herbaceous vegetation with a high stem-density, and if applicable, resilient to fluctuations in water levels.

Restoration is subject to inspection, with advance notice, by the Zoning Administrator and Washington Conservation District to make a finding that tree survival/growth and integrity and inherent stability of the existing landscape will be maintained.

The restoration plan is subject to restoration for noncompliance or unsuccessful restorations.

- (1) Vegetation restorations are required for vegetative cutting under the City Code, including but not limited to:
  - i. 503.01 (A) (4)
  - ii. 503.01 (B) (1)
  - iii. 503.01 (C)
  - iv. 302.032 (7)

- (2) The Vegetation restoration plan must:
  - i. mark all of the trees measuring at six inches ( 6" ) in diameter at a height of four and one-half (4 ½) feet above ground to be removed;
  - ii. mark the replacement trees;
  - iii. mark near shore or highly erodible locations to be planted with a mix of deep-rooted woody and herbaceous vegetation with a high stem-density, and if applicable, resilient to fluctuations in water levels; and
  - iv. detail scheduled maintenance over the next four (4) years.

(3) The property owner(s) shall be required to replace each tree measuring at six inches (6") in diameter at a height of four and one-half (4 ½) feet above ground with one replacement tree. Replacement trees shall consist of nursery stock and be no less than the following sizes:

i. Deciduous Trees: No less than two and one-half (2.5) inches in diameter.

ii. Coniferous Trees: No less than six (6) feet high.

E. Any person who violates this ordinance, or fails to comply with any of their requirements shall be subject to conviction of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$1,000 or imprisonment for not more than 90 days, or both, plus the cost of prosecution in any case.

**EFFECTIVE DATE.** This Ordinance shall be in effect from and after its passage and approval by the affirmative vote of a majority of the City Council, publication as required by law, and after the next regular city election following its passage pursuant to Minn. Stat. §415.11, subd. 2.

Passed and adopted by the City Council of the City of St. Mary's Point, Washington County, Minnesota this 1st day of August, 2023.

Councilmember Williams  
Councilmember Olfelt-Nelson  
Councilmember Freesmeier  
Councilmember Pierson  
Mayor Roettger

NAY  
Aye  
Aye  
Aye  
Aye

CITY OF ST. MARY'S POINT

By   
Jay Roettger, Mayor

Attest:

  
Cindie J Reiter, City Clerk

