



MRRCA Model Ordinance (MMO): Field Guide

This guide can help everyday advocates understand the basic content of the MRCCA Model Ordinance developed by the DNR. Most corridor cities and townships will use this model ordinance as the starting point for developing their own ordinances. It includes all of the language and standards required by the state rules, which were developed through years of stakeholder engagement.

Use this document as an overview of what each city's ordinance will need to include, as well as optional provisions you may want to advocate for in your community. Communities might opt in to these changes for a variety of reasons: to provide clarity and consistency for landowners and developers, to reduce future community conflicts about what development is allowable in the river corridor, to protect the river's scenic character and ecological functions, and/or to become more resilient against increasingly extreme weather events.

This document can also be your reference for future riverfront development proposals to help you quickly pinpoint what parts of your ordinance might apply to the project.

If you want more detailed information about other more-protective standards you may want in your community, check out FMR's guide to the MRCCA Ordinance Optional Provisions.

MRCCA Model Ordinance Chapters and Purpose Statements

Purpose statements sometimes get overlooked, but they carry legal weight and can be powerful in written comments and testimony.

1.0 Authority, Intent and Purpose

2.0 General Provisions and Definitions

3.0 Administration

3.1 Purpose. The purpose of this Section is to identify administrative provisions to ensure this (*section, chapter, or article*) is administered consistent with its purpose.

4.0 MRCCA Districts

4.1 Purpose. The purpose of this Section is to establish districts under which building height and structure placement are regulated to protect and enhance the Mississippi River's resources and features consistent with the natural and built character of each district.

5.0 Special Land Use Provisions

5.1 Purpose. To identify development standards and considerations for land uses that have potential to negatively impact primary conservation areas and public river corridor views.

6.0 Structure Height and Placement and Lot Size

6.1 Purpose. To establish standards that protect primary conservation areas and public river corridor views from development impacts and ensure that new development is sited consistent with the purpose of the MRCCA.

7.0 Performance Standards for Private Facilities

7.1 Purpose. To establish design standards for private facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan.

8.0 Performance Standards for Public Facilities

8.1 Purpose. To establish design standards for public facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan. Public facilities serve the public interest by providing public access to the Mississippi River corridor or require locations in or adjacent to the river corridor and therefore require some degree of flexibility.

9.0 Vegetation Management

9.1 Purpose. To establish standards that sustain and enhance the biological and ecological functions of vegetation; preserve the natural character and topography of the MRCCA; and maintain stability of bluffs and steep slopes and ensure stability of other erosion-prone areas.

10.0 Land Alteration Standards and Stormwater Management

10.1 Purpose. To establish standards that protect water quality from pollutant loadings of sediment, nutrients, bacteria, and other contaminants; and maintain stability of bluffs, shorelines, and other areas prone to erosion.

11.0 Subdivision and Land Development Standards

11.1 Purpose.

11.11 To protect and enhance the natural and scenic values of the MRCCA during development or redevelopment of the remaining large sites;

11.12 To establish standards for protecting and restoring biological and ecological functions of primary conservation areas on large sites; and

11.13 To encourage restoration of natural vegetation during development or redevelopment of large sites where restoration opportunities have been identified in MRCCA Plans.

12.0 Exemptions

12.1 Purpose. To provide exemptions to structure placement, height and other standards for specific river or water access dependent facilities as provided in Minnesota Statutes 116G.15 Subd. 4.

MRCCA Model Ordinance overview and notes for advocates

Section	Section overview	Notes for advocates
1.0 Authority, Intent and Purpose	This section provides a reference to Minnesota statutes and rules. It is important because it ensures the state law and policy is implemented at the local level.	The clear reference to these legal frameworks makes it easier to cite the statutes and rules in comment letters, testimony, etc.
2.0 General Provisions and Definitions	This General Provisions in this section lay out the responsibilities of local government to enforce the ordinance. It states clearly that the MRCCA ordinance is an overlay to the city's underlying zoning, and if there is inconsistency between the ordinances, the greater restrictions (usually MRCCA) shall apply. It also states that the words "must" and "shall" are mandatory and not permissive.	The language about greater restrictions is very important when a proposed development is requesting variances from both the underlying zoning and the MRCCA overlay. Decision-makers often approve variances as a package and they may not realize that varying from the MRCCA standards requires findings of fact specific to river impacts.
	This section provides definitions for words and phrases within the MRCCA ordinance. Some key words that may come up during controversial proposals: Bluff (all variations), Bluff Impact Zone, Development vs. Building vs. Structure, Primary Conservation Area (PCAs), Public River Corridor Views (PRCVs), Readily Visible, Selective Vegetation Removal, Shore Impact Zone, Shoreline Facilities, Steep Slopes, Water-Oriented Accessory Structure.	Most of these definitions are verbatim from the rules and/or statutes so they carry a lot of weight.
3.0	The administration section covers specific guidelines for cities to	The MMO provides optional language for approving findings of fact for variances and

Administration	implement the ordinance. It addresses how to evaluate variances and conditional use permits, application materials required for site plan review, nonconforming properties, and notifications (by city to DNR).	Conditional Use Permits (CUPs). Use of this language will provide developers with guidance for what exceptions can be made and how to minimize or mitigate the impacts. The MMO also encourages cities to opt for 30-day notification of proposed development instead of 10 days. Cities should adopt these stronger provisions, as they will ensure a smoother process for review of discretionary actions.
4.0 MRCCA Districts	MRRCA Districts established in the state rules regulate building height and structure placement, to protect and enhance the river’s resources and features consistent with the natural and built character of each district.	District definitions and management purposes must be included for all districts within each city. When advocating against variances that are inconsistent with the river’s character, these “intent” statements are a powerful tool. For example, RTC, UM and UC districts all state that providing public access to and public views of the river are priorities in these districts.
5.0 Special Land Use Provisions	This section provides guidelines for land uses that have the potential to negatively impact river resources, including agriculture, feedlots, forestry, non-metallic mining, river-dependent uses, and wireless communication towers.	Advocates can encourage rural cities to prohibit mining operations within the shoreline structure setback or within the entire Critical Area.
6.0 Structure Height and Placement and Lot Size	<p>The MMO section on structure height and placement is very important, and requests to vary from height and setback limits are more common than requests for other exceptions to the zoning code.</p> <p>Local governments may apply stricter standards than those listed here. Increasing structure setbacks can help reduce the risk of erosion in near shore and bluff areas and enhance the aesthetic character of the river.</p> <p>Height and setback can influence the financial viability of a project, and decision-makers are often swayed to permit exceptions even though state law specifically states that the “hardship” facing a developer cannot be economic alone.</p>	<p>This section contains numerous optional provisions and cities should be encouraged to include them in their local MRCCA ordinance. Some key themes to advocate for include:</p> <ul style="list-style-type: none"> • reducing the maximum structure height in each district • establishing a maximum structure height for CUPs • increasing the minimum structure setback • applying techniques to minimize perceived bulk of proposed structure • requiring bird-safe building materials for large new structures in the Critical Area

<p>7.0 Performance Standards for Private Facilities</p>	<p>Private facilities include roads, parking lots, water access paths and ramps, decks and patios, signage and fencing. Some of these facilities that enable private access to the water are granted exceptions in section 12.0, but only if they follow the standards in section 7.0.</p> <p>It is also important to note that anything below the Ordinary High Water Level (OWHL) is not within the jurisdiction of MRCCA or local government; it is governed by public water rules under DNR jurisdiction.</p>	<p>Advocates could request stronger ordinance language from some cities related to placement of decks and patios, fences, size and number of water access facilities, and signage.</p>
<p>8.0 Performance Standards for Public Facilities</p>	<p>This section provides guidelines for public right-of-ways, crossings of public water or land, utilities, transportation and recreational facilities. There are many exceptions to height and setback standards in section 12.0 for these public facilities, because they “serve the public interest by providing public access to the Mississippi River corridor or require locations in or adjacent to the river corridor and therefore require some degree of flexibility” (from 8.1 Purpose).</p> <p>In addition to these flexible standards, state agencies such as MnDOT are expected to follow the MRCCA rules but are not required to submit applications to local planning commissions or city councils. Sometimes, by the time community members find out about development of public facilities in the river corridor, it is too late to influence the plan.</p>	<p>Advocates could compile information about what public facilities are planned along, over, and around the river in their community during the next 10 years, and request to be notified about when and how the community can weigh in.</p>
	<p>Park projects in the river corridor should go through the city planning review process, but not all cities are good about ensuring this. The application of the rules in parks is a good reminder for city</p>	<p>Section 8.3.A. has an important standard for trail construction: “Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30 percent. Natural-</p>

	leaders.	<p>surface trails are allowed, provided they do not exceed eight feet in width.”</p> <p>This standard will prevent removing bluff faces to create trails, as has been done in the past at Spring Lake Park Reserve.</p>
9.0 Vegetation Management	Vegetation management (VM) serves multiple purposes: prevents soil erosion, protects bird and wildlife habitat, and provides visual screening for development.	These provisions provide some of the most important standards for protecting the natural aspects of the river. But their applicability is limited, so it will be important to pay careful attention to significant vegetation outside the bluff impact and shore impact zones.
	This section of the rules has a new requirement for permits, but it only applies to certain areas, such as bluff impact zones, shore impact zones, wetlands, native plant communities, and significant vegetative stands. Each city’s MRCCA plan includes maps of significant vegetation.	Since some parts of the corridor are not covered by these rules, it is important to follow the standards without variance in the areas where the rules do apply. It can also be helpful to bring up scientific evidence regarding impacts to bluffs, shorelines, and other sensitive resources. There is plenty of it in the SONAR for the MRCCA rules (available on DNR’s webpage).
	Permits require removing the minimum amount needed to build, replacing with native plants, and preserving existing vegetation. All other intensive vegetation clearing (in identified areas) is prohibited. Permits are not required for routine lawn and garden maintenance.	<p>Section 9.4.H, “Areas of vegetation restoration priorities identified in the MRCCA plan are restored, if applicable,” is an optional provision under conditions of permit approval. This would be a positive addition to a city’s ordinance.</p> <p>Section 9.4, “Activities allowed with a vegetation permit,” could also include an optional provision to require a permit to remove healthy trees over 4 inches in diameter.</p>
10.0 Land Alteration Standards and Stormwater Management	This section covers land alteration, erosion control structures (rip-rap, retaining walls, etc.), stormwater management, and development on steep slopes. Permits are required for many of these activities, but in limited ways.	This section has a lot of regulations, but the rules are generally permissive of these activities if developers do their due diligence. Advocates will need to track some permits in areas with sensitive geology. Local governments can do more if they extend the area where permits are required to include the entire setback, which is twice the size of bluff/shore impact zones.
	Section 10.6 requires compliance with best stormwater management practices (as identified in the Minnesota Stormwater	Many aspects of land alteration and stormwater management intersect with other Minnesota water laws. For example, anything below the Ordinary High Water Level

	<p>Manual) for land alteration permits.</p> <p>Section 10.7 states that all development must meet existing state standards regarding water planning, wetland management, floodplain management, etc.</p>	<p>(OHWL) is within DNR’s jurisdiction, not the city’s. Local governments may need to be reminded of DNR’s authority when it comes to public water law.</p>
<p>11.0 Subdivision and Land Development Standards</p>	<p>The open space protection standards are excellent, but they only apply to 10-acre sites for river-adjacent properties, and 20-acre sites for the remainder of the corridor. River-dependent commercial and industrial sites are exempt, so this mostly applies to residential development.</p>	<p>Section 11.21 has an optional provision. The 10-acre threshold is high considering that redevelopment sites tend to be smaller in urban areas of the corridor. Ask cities to consider a lower threshold such as five acres. This ensures more public access to the river and better protection or restoration important habitat and public views.</p>
	<p>11.3. Local governments must provide for pre-project review of all proposed subdivisions, redevelopments, and planned unit developments.</p>	<p>Advocates may need to remind cities and townships about the notification requirements outlined in Section 3.82, as they might have longer timelines than similar processes outside of the Critical Area.</p>
<p>12.0 Exemptions</p>	<p>There are numerous uses and activities that have exemptions for height and setback limits in this section, especially park facilities and river industry.</p> <p>12.21 Uses and activities exempted under shore impact zone and bluff impact zone must comply with the vegetation management and land alteration standards in Sections 9 and 10.</p>	<p>In cases where the exemption is conditioned on whether reasonable alternatives exist, it could be helpful for advocates to help identify alternatives.</p>