

City of Ramsey
Agenda
Regular Planning Commission
Thursday April 5, 2012
7:00 pm
Council Chambers, 7550 Sunwood Drive NW

- 1. Call to Order**
- 2. Citizen Input**
- 3. Approve Agenda**
- 4. Approve Minutes**
 1. Approve the Following Planning Commission Meeting Minutes:
Planning Commission Meeting Minutes Dated March 1, 2012
- 5. Note City Council Minutes**
 1. Note the Following City Council Meeting Minutes:
City Council Meeting Minutes Dated February 14, 2012
City Council Meeting Minutes Dated February 28, 2012
- 6. Public Hearing/Commission Business**
 1. Review Draft Zoning Amendments Related to Implementation of the 2030 Comprehensive Plan
 2. Staff Update
 3. Zoning Bulletins
- 7. Commission/Staff Input**
- 8. Adjournment**

Regular Planning Commission

4. 1.

Meeting Date: 04/05/2012

By: JoAnn Shaw, Community Development

Information

Title:

Approve the Following Planning Commission Meeting Minutes:

Planning Commission Meeting Minutes Dated March 1, 2012

Background:

n/a

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

03/01/2012

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	03/29/2012 03:08 PM
Form Started By: JoAnn Shaw		Started On: 03/29/2012 09:02 AM
		Final Approval Date: 03/29/2012

**PLANNING COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey Planning Commission conducted a regular meeting on Thursday, March 1, 2012, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Gary Levine
 Commissioner Randy Bauer
 Commissioner Joseph Field
 Commissioner Rob Schiller
 Commissioner Gary Van Scoy

Members Absent: Commissioner Ralph Brauer
 Commissioner Andrew Dunaway

Also Present: Senior Planner Tim Gladhill
 Associate Planner/Environmental Coordinator Chris Anderson

CALL TO ORDER

Chairperson Levine called the regular meeting to order at 7:00 p.m.

CITIZEN INPUT

None.

APPROVAL OF AGENDA

Motion by Commissioner Bauer, seconded by Commissioner Field, to approve the agenda as presented.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Brauer, Field, Schiller, and Van Scoy. Voting No: None. Absent: Commissioners Brauer and Dunaway.

APPROVE PLANNING COMMISSION MINUTES

Motion by Commissioner Bauer, seconded by Commissioner Van Scoy, to approve the following minutes as presented:

- 1) Planning Commission public hearing and regular meeting minutes dated February 2, 2012

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Van Scoy, Field, and Schiller. Voting No: None. Absent: Commissioners Brauer and Dunaway.

NOTE CITY COUNCIL MINUTES

The City Council minutes were noted.

PUBLIC HEARINGS/COMMISSION BUSINESS

Case #1: Public Hearing – Request for an Interim Use Permit for an Online School at 7550 Highway 10 NW; Case of 2-OI, LLC

Public Hearing

Chairperson Levine called the public hearing to order at 7:02 p.m.

Presentation

Associate Planner/Environmental Coordinator Anderson presented the staff report.

Citizen Input

Matt Kuker, representative for 2-OI, LLC stated they purchased the property with the intent to lease to the PACT Charter School. He stated it is a good use of the property, the ball fields will be utilized, there is ample parking and he thinks it will make a good campus.

Commissioner Bauer stated the current interim use permit does not allow the use of a public address system and asked if that would be an issue.

David Gustafson, PACT Charter School Facilities Coordinator, stated that it would be a concern of theirs. He will share that with the school board and administrator.

Commissioner Bauer asked if the interim use permit could be modified to allow a public address system.

Associate Planner/Environmental Coordinator Anderson stated that if the commission chose, they could make a recommendation that a term be added to the interim use permit to allow for a PA system. It would need to be subject to review by the City Attorney to verify that there are no legal issues and then be brought forward to City Council.

Senior Planner Gladhill stated that it would need to be reviewed by the City Attorney and the other option is the special events permit. He added that part of the reason the term came up in the existing interim use permit was the concern from the neighborhood and the City would need to reach out to them.

Discussion ensued regarding whether the parcel should be rezoned to allow for this use rather than issuing an interim use permit.

Motion by Commissioner Van Scoy, seconded by Commissioner Schiller, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Van Scoy, Schiller, Bauer, and Field. Voting No: None. Absent: Commissioners Brauer and Dunaway.

Chairperson Levine closed the public hearing at 7:22 p.m.

Commission Business

Commissioner Field stated that it might be worthwhile to urge in the findings to extend the Interim Use Permit for another five year period to coincide with the lease.

Motion by Commissioner Van Scoy, seconded by Commissioner Field to recommend that the City Council adopt the findings of fact relating to the request for an Interim Use Permit to allow for the operation of an online school in the B-2 Business District with the addition to recommend that the Interim Use Permit be extended for another five year period to coincide with the lease and that the current Conditional Use Permit be modified to allow for use of a PA system for athletic events.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Van Scoy, Field, Bauer, and Schiller. Voting No: None. Absent: Commissioners Brauer and Dunaway.

Motion by Commissioner Bauer, seconded by Commissioner Field to recommend that City Council adopt the resolution approving the request for an Interim Use Permit and recommend that City Council pursue rezoning the parcel of land to Public/Quasi-Public.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Field, Schiller, and Van Scoy. Voting No: None. Absent: Commissioners Brauer and Dunaway.

Case #2: Review Closed Landfill Program's Land Use Plan

Presentation

Senior Planner Gladhill presented the Staff Report and PowerPoint presentation from the Minnesota Pollution Control Agency (MPCA).

Commission Business

Discussion ensued regarding uses that could be utilized on the parcel, and the concerns of water and methane gas.

Consensus of the Commission was that this should be discussed in more depth at a work session in the near future.

Case #5: Staff Update

The Staff Update was noted.

Case #6: Zoning Bulletins

Zoning Bulletins were noted.

COMMISSION/STAFF INPUT

ADJOURNMENT

Motion by Commissioner Bauer, seconded by Commissioner Field, to adjourn the meeting.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners, Bauer, Field, Schiller, and Van Scoy. Voting No: None. Absent: Commissioners Brauer and Dunaway.

The regular meeting of the Planning Commission adjourned at 8:03 p.m.

Respectfully submitted,

Tim Gladhill
Senior Planner

ATTEST:

JoAnn Shaw
Planning Division Secretary

Regular Planning Commission

5. 1.

Meeting Date: 04/05/2012

By: JoAnn Shaw, Community Development

Information

Title:

Note the Following City Council Meeting Minutes:

City Council Meeting Minutes Dated February 14, 2012

City Council Meeting Minutes Dated February 28, 2012

Background:

n/a

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

[02.14.12 Minutes](#)

[02.28.12 Minutes](#)

Form Review

Inbox
Tim Gladhill

Form Started By: JoAnn Shaw

Reviewed By
Tim Gladhill

Final Approval Date: 03/30/2012

Date

03/30/2012 08:55 AM

Started On: 03/30/2012 08:46 AM

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**CITY COUNCIL
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey City Council conducted a regular meeting on Tuesday, February 14, 2012, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey
Councilmember Randy Backous
Councilmember David Elvig
Councilmember Colin McGlone
Councilmember Sarah Strommen
Councilmember Jason Tossey
Councilmember Jeffrey Wise

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
Deputy City Administrator Heidi A. Nelson
Fire Chief Dean Kapler
Public Works Director Brian Olson
City Engineer Tim Himmer
Senior Planner Timothy Gladhill
Police Chief James Way
Economic Development/Marketing Director Aaron Backman
Fire Marshal Matt Kohner
Building Official Lee Gladitsch
Planning Intern Patrick Brama
City Attorney William Goodrich
Development Manager Darren Lazan
Landform Project Principal and Planner Kendra Lindahl

1. CALL TO ORDER

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:00 p.m., and led in the Pledge of Allegiance.

2. PRESENTATION

2.01: State of the City Annual Report

Mayor Ramsey presented the State of the City Annual Report.

3. CITIZEN INPUT

None.

4. CONSENT AGENDA

Motion by Councilmember Tossey, seconded by Councilmember Wise, to approve the following items on the Consent Agenda as revise to remove Item 4:05:

- 4:01 Receive 2011 Building Division Month End Report: December
- 4:02 Note the following Commission and Board Meeting Minutes:
 - 1) Planning Commission Work Session minutes dated December 1, 2011
 - 2) Planning Commission Meeting minutes dated December 1, 2011
 - 3) Environmental Policy Board meeting minutes dated January 9, 2012
 - 4) Economic Development Authority meeting minutes dated January 12, 2012
- 4:03 Approve the following Meeting Minutes:
 - 1) City Council Work Session dated January 10, 2012
 - 2) City Council Work Session dated January 17, 2012
- 4:04 Approve Exemption for a Gambling License for Isanti Chapter of MN Deer Hunters Association
- ~~4:05 Consider Approval of Easements Necessary for the Ramsey Rail Station~~ This item was removed from the Consent Agenda and considered as Case 7.08
- 4:06 Consider Authorization to Apply for Grant Funds to Assist with the Implementation of the City's Wellhead Protection Plan
- 4:07 Adopt Resolution #12-02-016 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of January 20, 2012 through February 8, 2012
- 4:08 Adopt Resolution #12-02-017 Supporting Application for Metropolitan Council TOD Grants
- 4:09 Adopt Resolution #12-02-018 Adopting the 2012 Enterprise Fund Budgets and Adopt Resolution #12-02-019 Amending the 2011 Enterprise Fund Budgets
- 4:10 Adopt Resolution #12-02-020 Decertifying Tax Increment Financing District No. 1
- 4:11 Adopt Resolution #12-02-021 Amending the 2011 General Fund Budget
- 4:12 Adopt Resolution #12-02-022 Adopting the 2012 Economic Development Authority Budget and Adopt Resolution #12-02-022A Amending the 2011 Economic Development Authority Budget
- 4:13 Adopt Resolution #12-02-023 Calling for a Public Hearing on the Intention to Issue General Obligation Capital Improvement Plan Refunding Bonds
- 4:14 Report from the Public Works Meeting dated January 17, 2012
 - 1) Election of Chairperson and Vice Chair of the Public Works Committee – *Informational; no action necessary.*
 - 2) Consider Stormwater Utility Rate Change for 14600 Nowthen Boulevard – *Ratify the recommendation of the Public Works Committee to approve the Stormwater Utility Rate change from Commercial to one Residential unit for 14600 Nowthen Boulevard NW*

- 3) Consider Lighting Retrofit for Parking Ramp Project – *Ratify the recommendation of the Public Works Committee to stay with the existing 100 watt metal halide light fixtures.*
- 4) Consider Guard Rail Enhancements for the Parking Ramp – *This item is being presented as a separate case on tonight’s regular agenda.*
- 5) Consider Crosswalk Signage Options along Sunwood Drive in The COR – *Ratify the recommendation of the Public Works Committee to move forward with staff’s recommendation to purchase and install the kid alert safety signs and in-street pedestrian crossing signage within The COR, in an amount not to exceed \$1,000.*
- 6) 2011 Review of Engineering Consulting Services – *Informational; no action necessary.*
- 7) Consider Request for Moving Mailboxes on Dysprosium Street – *Ratify the recommendation of the Public Works Committee to direct staff to send an informational letter to each resident outlining the request and decision on the potential mailbox relocation, as well as describing the concern related to placement of obstructions in the right-of-way (garbage cans and recycle bins).*

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Tossey, Wise, Backous, Elvig, McGlone, and Strommen. Voting No: None.

5. APPROVE AGENDA

Motion by Mayor Ramsey, seconded by Councilmember Wise, to approve the agenda as revised to consider Case 7.05 prior to Case 7.01.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Wise, Backous, Elvig, McGlone, Strommen, and Tossey. Voting No: None.

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

7.05: Consider Implementation of Long Term Road Maintenance Policy

Public Works Director Olson reviewed the staff report.

The City Council debated the options for financing road projects including instituting franchise fees and/or special assessments so revenue bonds can be issued and each stated their position.

Mayor Ramsey stated his preference to cut costs and build the cost of road projects into the general fund budget, over a period of years. He stated he would rather consider all other opportunities for road financing and to consider franchise fees, which he viewed to be another form of tax, only as a last resort after all other options have been exhausted.

Councilmember Wise stated his position that all use the roads, with the exception of undeveloped properties, and a franchise fee would include participation by governmental properties, schools, and tax-exempt properties. However, franchise fees were not the only funding option. He indicated the decision in how to fund road projects cannot continue to be delayed because the City's roads are deteriorating.

Councilmember Backous indicated all use the roads, the roads need to be fixed, and all should pay for road projects. He supported a franchise fee/tax because it is the most fair by pulling all property into the equation; however, while he supports the concept, was not comfortable with the amount. He also supported doing away with or phasing out the assessment process, believing it was archaic and wasted City money and staff productivity. Councilmember Backous did not support paying for road projects through increased property taxes, which are based on property value, because that and road frontage have nothing to do with road usage.

Councilmember Tossey believed there were other funding opportunities and the State budget forecast is not yet known. Of all the scenarios to fund roads, he believed a franchise fee was the most fair option because it includes properties that do not pay taxes. However, he thought the City needed to maintain an assessment of 20% to keep up with the road projects and allow the flexibility to bond. Councilmember Tossey noted 30% of the residents he represents live in new housing and their roads do not need reconstruction/repair so it would be unfair for those residents to pay an additional \$366/year in franchise fees. He stated he would support a lower franchise fee with a 20% assessment paid by revenue bonds over increasing the levy but was not sure of the fee amount.

Councilmember Strommen stated support for a franchise fee for the enumerated benefits described. She agreed all of the City's money comes from the same source, resident's pockets, but the City Council is not yet done with budget discussions and there may be other options. She noted it may be possible to phase out assessments, over time, and a franchise fee could be removed if costs can be covered by the general fund. Councilmember Strommen stated she and Councilmember Elvig served on the City Council when a franchise fee was placed and then removed. She indicated there is no "perfect way" to finance roads so she supports a balance (franchise fees and assessments), noting it also provides flexibility.

Councilmember Elvig stated his support for a comprehensive plan, noting the City Council is still considering budget cuts and there is a multitude of ways to fund road projects. He agreed that this decision has been delayed and noted, perhaps, the City Council should consider changing the TIF policy to allocate additional funds for roads. Councilmember Elvig stated he did not consider franchise fees to be the total solution and would like a more comprehensive approach.

Councilmember McGlone stated he likes the City's Charter and its protections but found it also makes it difficult to use the public's money to fund road projects, as demonstrated with the 51% counter petition against Andrie Street. He indicated he does not support charging both a franchise fee and 20% special assessments but if an assessment is used, all should pay the same and it should not be based on property valuation. Rather, he supported using a franchise fee to

fully fund road projects, which would spread the cost over thousands of properties and solve the problem for all immediately.

Public Works Director Olson explained that a franchise fee of \$28/month generates \$3.6 million a year, the amount needed for average street projects. The cost estimates have been refined and significantly lowered 35% from \$1 million/mile to \$648,000/mile for reconstruction but the cost for maintenance activities (sealcoat/overlays) was added, generating the same costs. He advised the City cannot handle 20 miles of roads per year so the projects will have to be evened out.

The City Council discussed whether staff should be directed to bring back a proposal including the franchise fee as a component and to continue its initiative to find additional funding options to fold into a more comprehensive plan. Support was also expressed that if assessments were part of the plan, consideration should be given to an approach that would phase out that method of financing over a five to ten year period.

Motion by Councilmember Elvig, seconded by Councilmember Wise, to move forward with the Long Term Road Maintenance Initiative to be financed by use of franchise fees and/or a combination of other lawful revenue generating resources and direct staff to report back at the City Council's March 27, 2012 meeting, (after the City Council has met to identify all reasonable expense, deductions measures) with recommendations based on this evening's discussion.

Further discussion: Public Works Director commented on the need to approve a funding mechanism for the 2012 Street Maintenance Program and timeline to hold a public hearing and adopt an ordinance to institute a franchise fee. Mayor Ramsey noted the motion on the floor would force a decision in March.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, Wise, Backous, McGlone, Strommen, and Tossey. Voting No: None.

Councilmember Elvig left the Council Chambers at 8:40 p.m.

7.01: Adopt Ordinance to Repeal Minnesota Building Code Chapter 1306 Entitled Special Fire Protection Systems (Optional)

Senior Planner Gladhill reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Wise, to Waive the City Charter requirement to read the ordinance aloud and Adopt Ordinance No. 12-02 to Remove Minnesota Building Code Charter 1306 from the Ramsey City Code.

A roll call vote was performed by the Recording Secretary:

Councilmember Elvig	absent
Councilmember McGlone	aye
Councilmember Tossey	aye
Councilmember Strommen	aye

Councilmember Backous aye
Councilmember Wise aye
Mayor Ramsey aye

Motion carried.

7.02: Consider Amending Resolution #11-11-234 related to the Operation of a Church in the B-1 Business District on the Property Located at 5900 167th Avenue NW; Case of Rum River Retail Ventures, LLC

Senior Planner Gladhill reviewed the staff report.

Motion by Councilmember McGlone, seconded by Mayor Ramsey, to direct staff to amend Resolution #11-11-234 to only reference MN State Building Code rather than Chapter 1306 specifically, contingent upon approval of the property owner.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers McGlone, Backous, Strommen, Tossey, and Wise. Voting No: None. Absent: Councilmember Elvig.

Councilmember Elvig returned to the Council Chambers at 8:44 p.m.

7.03: Introduce Ordinance to Amend City Code Chapter 117-118 (The COR)

Senior Planner Gladhill reviewed the staff report.

Kendra Lindahl, Landform Project Principal and Planner, provided a presentation on The COR Design Framework.

The City Council discussed the importance of assuring adequate flexibility to attract development.

Motion by Councilmember Tossey, seconded by Councilmember McGlone, to introduce an Ordinance Amending City Code Section 117-118 entitled The COR as well as The COR Design Framework.

Further discussion: Senior Planner Gladhill answered questions of the City Council relating to the purpose of the conditional use process to provide more control and respond in a site-specific manner. Ms. Lindahl requested direction on the floor area ratio in COR 2 and how to deal with temporary signs. The City Council indicated no objection to small pedestrian-scaled “sandwich board” signage but directed that larger sized temporary signage was not appropriate.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Tossey, McGlone, Backous, Elvig, Strommen, and Wise. Voting No: None.

7.04: Consider Amendment to the Joint Powers Agreement with Anoka County Highway Department

Public Works Director Olson reviewed the staff report.

Motion by Mayor Ramsey, seconded by Councilmember McGlone, to approve an amendment to the Joint Powers Agreement with the Anoka County Highway Department.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers McGlone, Backous, Elvig, Strommen, Tossey, and Wise. Voting No: None.

7.05: Consider Implementation of Long Term Road Maintenance Policy

This item was considered prior to Case 7.01.

7.06: Consider Guard Rail Enhancements for the Parking Ramp

Public Works Director Olson reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Backous, to approve security enhancements to the fourth floor as per direction received from the Public Works Committee on January 17, 2012, and approve a change order for a cost not to exceed \$34,344.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers McGlone, Backous, Elvig, Strommen, Tossey, and Wise. Voting No: None.

7.07: Consider Process for Acquisition of Parcel owned by M & W Holdings – Jeff Wise (14590 Armstrong Boulevard NW) and Adopt Resolution #12-02-XXX Defining Process for Acquisition of Parcel Owned by M & W Holding Company LLC – Jeff Wise (14590 Armstrong Boulevard NW)

Councilmember Wise recused himself from this discussion due to a conflict of interest and left the Council Chambers at 9:09 p.m.

Deputy City Administrator Nelson reviewed the staff report and read the proposed Resolution in full.

City Attorney Goodrich requested a typographical error correction: “1) That the City Council and the HRA of the City Council will...”.

Motion by Councilmember McGlone, seconded by Mayor Ramsey, to direct the City Attorney, COR Development Manager, and HRA Executive Director to proceed with negotiations on the land and building owned by Mr. Jeff Wise as outlined in the background and observation sections of this case and proposed resolution and adopt Resolution #12-02-024 Defining Process for Acquisition of Parcel Owned by M & W Holding Company LLC – Jeff Wise (14590 Armstrong Boulevard NW), as corrected above.

Further discussion: The City Council further discussed the motion, acknowledging it provided a transparent process. Councilmember Elvig stated he remained concerned that the resolution language was steering the City towards a larger project that it was not able to fund. Public Works Director Olson answered questions of the City Council and described the configurations of the interchange project, Sunwood Drive/Armstrong Boulevard realignment, at grade signalization at Sunwood Drive, Highway 10 overpass, and points of access. City Attorney Goodrich advised that the fact the liquor store wants to relocate to The COR facilitates the City's acquisition because under State Law the City is required to do minimum compensation to relocate the business. He recommended those two transactions occur within one document.

The City Council debated whether it was necessary, at this point to fully acquire all three properties, or perhaps a premature consideration without first reviewing the dashboard, financing options, and potential impact. Mayor Ramsey pointed out the case report and resolution do not include any reference to dollar amounts or an indication the City is purchasing; it only gives staff authorization to move forward with negotiation. City Administrator Ulrich advised that funds expended to purchase impacted property for the Sunwood Drive realignment and overpass would be eligible as part of the City's local match. Deputy Administrator Nelson indicated the City Council will be presented with financing options at its February 28, 2012 meeting. Following further debate, the City Council agreed to the resolution amendment as proposed by Councilmember Strommen and City Attorney Goodrich.

Amendment motion by Councilmember Backous, seconded by Mayor Ramsey, to amend Resolution #12-02-024 Defining Process for Acquisition of Parcel Owned by M & W Holding Company LLC – Jeff Wise (14590 Armstrong Boulevard NW) as follows: Remove ninth WHEREAS paragraph; and, add a new tenth WHEREAS paragraph: "WHEREAS, the acquisition of the property at 14590 Armstrong Boulevard will facilitate the location of this business as required by State Law for minimum compensation."

Amendment carried. Voting Yes: Mayor Ramsey, Councilmembers Backous, Elvig, McGlone, Strommen, and Tossey. Voting No: None. Absent: Councilmember Wise.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers McGlone, Elvig, Backous, Strommen, and Tossey. Voting No: None. Absent: Councilmember Wise.

Councilmember Wise returned to the Council Chambers at 9:46 p.m.

7.08 Consider Approval of Easements Necessary for the Ramsey Rail Station

Public Works Director Olson reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Elvig, to approve granting easements necessary for the Ramsey Rail Station subject to City Attorney and City Administrator review as to form and content.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers McGlone, Elvig, Backous, Strommen, Tossey, and Wise. Voting No: None.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich announced upcoming meetings and events.

Public Works Olson provided an update on parking ramp construction.

Mayor Ramsey reported he found a local job and will be moving back April 1, 2012, and stated his appreciation to those who voiced support while he worked in North Dakota.

9. ADJOURNMENT

Motion by Councilmember McGlone, seconded by Councilmember Wise, to adjourn the meeting.

Motion carried.

The regular meeting of the City Council adjourned at 9:52 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.

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8. MAYOR, COUNCIL AND STAFF INPUT 6

9. ADJOURNMENT 6

**CITY COUNCIL
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey City Council conducted a regular meeting on Tuesday, February 28, 2012 at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey
Councilmember Randy Backous
Councilmember David Elvig
Councilmember Colin McGlone
Councilmember Sarah Strommen
Councilmember Jason Tossey
Councilmember Jeffrey Wise

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
Deputy City Administrator Heidi A. Nelson
Public Works Director Brian Olson
Economic Development/Marketing Director Aaron Backman
City Clerk Jo Thieling
Fire Chief Dean Kapler
Police Chief James Way
Finance Officer Diana Lund
Parks Supervisor Mark Riverblood
Senior Planner Timothy Gladhill
Planning Intern Patrick Brama
City Attorney William Goodrich
Development Manager Darren Lazan
Landform Project Principal and Planner Kendra Lindahl

1. CALL TO ORDER

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:04 p.m., followed by the Pledge of Allegiance led by Mayor Ramsey.

2. PRESENTATION

None.

3. CITIZEN INPUT

None.

4. CONSENT AGENDA

Motion by Councilmember Wise, seconded by Councilmember Backous, to approve the following items on the Consent Agenda:

- 4:01 Approve Community Business Event Participation
- 4:02 Adopt Resolution #12-02-XXX Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of February 9, 2012 through February 23, 2012
- 4:03 Adopt Resolution #12-02-XXX Authorizing Partial Payment to Knutson Construction for IP 10-22 Ramsey Municipal Parking Facility Phase II
- 4:04 Adopt Resolution #12-02-XXX Authorizing Partial Payment to Knutson Construction for IP 10-22 Ramsey Municipal Parking Facility Phase II
- 4:05 Adopt Resolution #12-02-XXX Authorizing Acquisition of Tax Forfeit Property for Park Purposes

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Wise, Backous, Elvig, McGlone, Strommen, and Tossey Wise. Voting No: None.

5. APPROVE AGENDA

Motion by Councilmember Strommen, seconded by Councilmember Tossey, to approve the agenda as presented.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Strommen, Tossey, Backous, Elvig, McGlone, and Wise. Voting No: None.

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

7.01: Review Potential Map Amendments to City's Ward Map Following Completion of Minnesota Redistricting Process

Senior Planner Gladhill reviewed the staff report.

City Clerk Thieling indicated an election would not be triggered as a result of the redistricting. She explained a public hearing is not mandated; however, one will be scheduled and three public notices of the redistricting will be published in the official newspaper.

The consensus of the City Council was to accept the draft Ward Map and direct staff to prepare the necessary public hearings for the Ward Map amendment and to draft an ordinance for the City Council's consideration.

7.02: Adopt Ordinance No. [redacted] to Amend City Code Section 117-118 Entitled The COR

Senior Planner Gladhill reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Wise, to waive the City Charter requirement to read the ordinance aloud and adopt Ordinance No. [redacted], An Amendment to Chapter 117 which is known as the Zoning and Subdivision of Land Chapter of the City Code of Ramsey, Minnesota, An Ordinance Amending Section 117-118 “The COR Districts” of Chapter 117 of the City Code of Ramsey, Minnesota.

A roll call vote was performed by the Recording Secretary:

Councilmember Strommen	aye
Councilmember Tossey	aye
Councilmember Backous	aye
Councilmember Wise	aye
Councilmember McGlone	aye
Councilmember Elvig	aye
Mayor Ramsey	aye

Motion carried.

7.03: Consider Membership in Twin Cities Gateway Convention & Visitors Bureau (CVB)

Economic Development/Marketing Director Backman reviewed the staff report. He explained statute mandates involvement of the municipality for a lodging property to collect the three-percent sales tax. If the lodging property is not a member, it has to pay a ten-percent referral fee. Economic Development/Marketing Director Backman indicated there is a six-month notice requirement should the City decide to withdraw. If approved, the hotel would cut a check to the City once a month and the City would then cut a check to the CVB.

The Council debated the merits of the CVB and each stated their position for or against. Consensus was reached that it would prefer this program operated similar to a chamber of commerce without government involvement; however, that is not an option under the statute.

Mayor Ramsey and Councilmembers McGlone and Tossey stated their intention to oppose membership and resulting additional tax, seeing it as another layer of government and intrusion into the private sector. Rather, they preferred the hotel increase room rates by 3% to generate enough money to do its own advertising.

Councilmembers Backous, Elvig, Strommen, and Wise spoke in support of CVB membership, though acknowledging it is a difficult decision. Support was expressed because it would provide the City’s hospitality industry with another tool/opportunity to attract business and remain competitive, Ramsey’s surrounding communities are members, and the owner of the one hotel in Ramsey supports CVB membership.

Economic Development/Marketing Director Backman indicated if approved, the City would need to adopt a resolution or ordinance to implement this CVB tax.

Motion by Councilmember Elvig, seconded by Councilmember Strommen, to approve membership in the Twin Cities Gateway CVB and direct staff to develop a draft ordinance to be considered in March of 2012.

Motion carried. Voting Yes: Councilmembers Elvig, Strommen, Backous, and Wise. Voting No: Mayor Ramsey, Councilmembers McGlone and Tossey.

7.04: Update on Sunwood Realignment Project Funding and Discussion of Right-of-Way Acquisition for Sunwood Realignment and Future Armstrong Interchange (Portions of this case may be closed to the public)

Councilmember Wise recused himself at 7:41 p.m. due to a potential conflict of interest.

Deputy City Administrator Nelson and City Engineer Olson reviewed the staff report.

The Council noted the funding scenarios differ from what had been presented in January, most significantly the EDA contribution. Deputy City Administrator Nelson explained that as staff worked through the process it was found the remnant land would have redevelopment potential. In addition, it was found there were not significant dollars in the Storm Water Management Fund, but those funds would still be included.

Councilmembers Strommen and Backous expressed concern with allocating the vast majority of EDA dollars (75% of its reserve) since it would not allow dollars for other projects and the EDA has not yet discussed this allocation. Another concern was that the City only had a certain amount of tax increment so it must be careful in where to make that investment.

Councilmember Elvig noted it was originally presented as a \$3.5 million project; however, now discussion includes whether to purchase all three properties on the west side of Armstrong Boulevard. He questioned whether this project was “right sized,” if there was a need to purchase all three properties, in total, at this time, and that these expenditures may not count towards the City’s match. Councilmember Elvig supported taking enough time to assure the project is properly sized and does not stretch the City’s finances.

City Administrator Ulrich stated staff is tracking all of the expenses as a portion of the City’s contribution towards the interchange, a \$33 million project.

Councilmembers McGlone and Tossey indicated they would not object to use of EDA funds towards this project since the road project will result in economic redevelopment and the EDA would have an asset in land for redevelopment.

Mayor Ramsey and Councilmember McGlone supported moving forward to acquire properties sooner rather than later, noting there is the potential for one property to move into The COR and build, resulting in creation of increment to help pay for this project.

City Attorney Goodrich advised that under Minnesota Statutes, the meeting can move into closed session to discuss confidential or non-public appraisal data and acquisition negotiations. He indicated closed session discussion will relate to three specific parcels and specific purchase prices for those parcels: 14590 Armstrong Boulevard, 8019 146th Avenue NW, and 8020 147th Avenue North.

Motion by Councilmember Elvig, seconded by Mayor Ramsey, to move to closed session to discuss acquisition negotiations.

Further discussion: Councilmember Elvig asked whether the City Council can, during closed session, discuss cash flow. City Attorney Goodrich advised the City Council can discuss the purchase price and how it can be paid for.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, Backous, McGlone, Strommen, and Tossey. Voting No: None. Absent: Councilmember Wise.

The City Council meeting moved into a closed session at 8:13 p.m.

The City Council meeting reconvened in open session at 8:56 p.m.

City Attorney Goodrich reported the Council held discussion of acquisition of three parcels and consensus was reached to move forward subject to the City Council providing clear direction on financing of those parcels. This topic will be presented to the EDA at its March 1, 2012, meeting and the City Council will consider financing at its next regular meeting.

Councilmember Wise returned to the meeting at 8:58 p.m.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich reported the fiscal 2011 year ended with an excess of \$129,700, thanked Legislators Jungbauer and Abeler for introducing a funding bill for the Highway 10/Armstrong Boulevard interchange, and announced upcoming meetings and events.

City Administrator Ulrich announced that Deputy City Administrator Nelson has submitted her resignation in order to accept the position of Wayzata City Manager.

Mayor Ramsey announced he was able to return to work in Ramsey as of this week and the Mayor's Town Hall meeting schedule will remain on the second Monday of each month.

9. ADJOURNMENT

Motion by Councilmember Wise, seconded by Mayor Ramsey, to adjourn the meeting.

Motion carried.

The regular meeting of the City Council adjourned at 9:02 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.

Meeting Date: 04/05/2012

By: Tim Gladhill, Community Development

Information

Title:

Review Draft Zoning Amendments Related to Implementation of the 2030 Comprehensive Plan

Background:

Staff has begun the process of completing the Zoning Code Updates necessary to implement the 2030 Comprehensive Plan, as well as certain other previously discussed amendments. These updates and additions are based on past site plan reviews and comments and/or conditions placed on applications. We will review and discuss each proposed section with the Planning Commission in a work session style meeting prior to finalizing the drafts for public hearing. Text changes are identified as strikeouts for proposed deletions and underline for proposed revisions or additions.

Many of these proposed changes are simply a restructuring and consolidation of existing ordinances. Other changes result in the need for new districts to implement the Comprehensive Plan. Some of the structure used to create a new district has been expanded to the other use districts to maintain consistency. Upon completion, it is the intent of staff to develop a series of handouts for each zoning district to list applicable standards and include illustrations to visualize standards in order to further supplement the zoning code.

The following has been prepared as a baseline to frame the overall policy discussion. Items contemplated within can be changed, modified, eliminated, or increased based on direction from the Planning Commission. In addition, Staff would like to discuss the public process for implementing these amendments, if any variation from the City's required processes is desired from the Planning Commission. Staff has attempted to include as many of the ideas suggested as part of the Comprehensive Plan, various subsequent discussions (including the EPB/PC Joint Work Session), and City Council's Strategic Goals for 2012 in developing these discussion points for further review. Attached to this case is a copy of the Vision and Values Statement, Checklist for Reviewing Zoning Alternatives, and Goals and Strategies from the Comprehensive Plan for review.

Notification:

Observations:

Sec. 117.111 Residential Use Districts

Minor edits have been made to the residential use district to change the reference from 2020 to 2030 MUSA. In addition, the reference to Religious Institutions has been revised to Places of Assembly in order to be consistent with Federal law.

Sec. 117-122. Public/Quasi-Public District

The Comprehensive Plan separated parks from other Public/Quasi-Public designations. Previously (and still currently in City Code), parks were guided as Public/Quasi-Public. The text is intended to create a separate zoning district for Parks (Sec. 117-122a) to provide general guidance, yet still provide the necessary flexibility to complete park system improvements. Having this district in place gives the City the ability to rezone park land to this new Park district.

Discussion point: Under the accessory uses, a provision for signs has been added for consideration. This section allows for advertising signs to be installed at ball fields under a master lease agreement with the City. This provides an opportunity for advertising at larger ball field complexes with limits to overall size, appearance and time frames. Through the master lease agreement, the City can determine appropriate fees.

Sec. 117.116A. Special Requirements and Performance Standards in All Employment and Office Park Districts.

This new section is intended to be the first section of the Employment Districts and is designed to serve as a consolidated section for building and site design standards for all Employment and Office Park (discussed next) districts. Having one consolidated section that addresses building and site design requirements eliminates the need to repeat the same in each use district. The draft contains the current design and material requirements, but also expands on other materials that are permitted along with the requirements for architectural accenting. In addition, standards for screening of roof top and ground mechanical units and provisions for trash enclosure and site lighting have been added. Many of the additional design considerations proposed began as discussions in developing design standards for the Office Park District based on Planning Commission and City Council discussion. *Staff would like policy direction from the Planning Commission as to whether these standards should also be updated for existing employment districts as well.*

This consolidated section provides a one stop location for an applicant to understand what all the requirements are for building and site design for the Employment Districts. The added building design standards reinforce what the city is striving for based on past site plan and building plan reviews and comments. By making expectations clear, applicants can be more successful in preparing a quality submittal the first time. Clear and concise ordinances make it easier for an applicant to perform to the city's expectations while providing the city codes that fortify these requirements.

Sec. 117.116B. E-3 Employment (Office Park) District

Staff prepared a draft E-3 Employment (Office Park) Zoning District classification as an implementation step to the Comprehensive Plan. This zoning district is necessary to implement the Pearson Office Park south of Highway 10 as indicated in the Comprehensive Plan. Generally, this district is similar to the existing employment districts, but focuses on corporate campuses, warehousing/logistics, and light manufacturing. Heavy manufacturing and outside storage are prohibited based on previous City Council and Planning Commission discussion. In addition, unique to this district, is the provision for full-service restaurants as a conditional use to support the intent of the district and provide a mix of uses, particularly those that support a corporate campus style development. This provision has been added as an economic development tool to attract potential corporate campus to provide a shared service for employees of the development.

Sec. 117.116 and Sec. 117.117. E-2 Employment District and E-1 Employment District

Minor revisions have been made to the E-2 and E-1 districts to add Places of Assembly as an Interim Use in the E-1 and E-2 Employment Districts.

Sec. 117.144A. Special Requirements and Performance Standards for B-1, B-2 and B-3 Zoning Districts.

Like the consolidated building and site design section for Employment districts, this new section is intended to be the first section of the Business Districts. This section is designed to serve as a consolidated section for building and site design standards for all B-1, B-2 and B-3 districts. These requirements will not affect the COR, as this area is a separate zoning district. Again, having one consolidated section that addresses building and site design requirements eliminates the need to repeat the same in each use district. The draft contains the current design and material requirements but also expands on other materials that are permitted along with the requirements for architectural accenting. In addition, standards for screening of roof top and ground mechanical units and provisions for trash enclosure and site lighting have been added. Many of the additional design considerations proposed began as discussions in developing design standards for the Office Park District based on Planning Commission and City Council discussion. *Staff would like policy direction from the Planning Commission as to whether these standards should also be updated for existing business districts as well.*

This consolidated section provides a one stop location for an applicant to understand what all the requirements are for building and site design for the B-1, B-2 and B-3 districts. The added building design standards reinforce what

the city is striving for based on past site plan and building plan reviews and comments. By making expectations clear, applicants can be more successful in preparing a quality submittal the first time. Clear and concise ordinances make it easier for an applicant to perform to the city's expectations while providing the city codes that fortify these requirements.

Also, this section adds standards to conditional uses in Sec. 117.114 B-1, Neighborhood Business District and Sec. 117.115 B-2, Highway Business District. This exercise is two-fold. First, this provides general direction when reviewing CUP requests per previous City Council and Planning Commission discussion. Second, this provides an opportunity to review existing Conditional Uses and determine which can be moved to Permitted Uses, based on the developed standards. The overall intent is to try to better address CUP requests in a timely manner. Providing the standards by which a CUP will be reviewed and approved provides better up front direction to applicants, and provides guidance to staff, Planning Commission and City Council. These standards become the conditions for the CUP, however if additional standards are warranted they can be expanded.

Sec. 117.355 Residential Off-street Parking and Sec. 117.356 Commercial and Industrial Development Off-street Parking and Loading.

Sec. 117.355 Residential Off-Street Parking has been revised to include broader guidance and requirements for minimum parking requirements in residential districts. This includes parking requirements for different types of multi-family housing and senior housing. Parking needs vary between independent and assisted or nursing home facilities, thus the parking requirements should reflect these different needs. This became especially evident in two (2) recent site plan reviews for assisted living developments.

Discussion point. The current residential off-street parking section includes setback perimeters for motor vehicles parked on a parking pad. These requirements vary between parcels less than two acres, where vehicles are required to be stored closer to the principal structures than the lot lines.

For parcels two acres or greater:

- Motor vehicles stored or parked in a side or rear yard shall maintain a 15-foot setback from the edge of the parking area.
- Equipment stored in the side or rear year shall maintain a setback of 15 feet from the lot line.

This section does not clarify the difference between parking on a parking pad or driveway, thus staff has had some issues arise over the interpretation and enforcement. Issues have arisen for properties with driveways complying with the setback of five (5) feet from the side property line. The definition of a driveway is a traffic lane leading directly from a public street to the primary garage on the subject parcel, the wide of which cannot exceed the primary garage wide by more than 15 feet. Driveway parking may not extend beyond the front of the primary garage without meeting the performance standards for side or rear yard parking.

Using this definition staff would like to discuss some possible options to clarify location of parking on a driveway in proximity to a side or rear yard and the location of parking on a parking pad in proximity to a side or rear yard. Essentially, Staff would recommend that motor vehicles be permitted to be parked at least five (5) feet from the side property line in a side yard provided it is parked on an approved driveway and parked closer to the home than the lot line, consistent with other existing standards in the Off-Street Parking Ordinance.

Sec. 117.356 Commercial and Industrial Development Off-street Parking. This amendment expands the list of potential uses, consistent with prior site plan approvals in an attempt to expand upon uses and required parking. Based on past review in many site plan applications, many times, especially in the employment district, the City receives requests for parking below the minimum standards. The following provides flexibility and guidance to the City on ways to accomplish reduced parking allowances.

The amendment also provides illustrations of parking stalls and drive aisle standards to assist in interpretation. Different options for paving of parking and drive isles are clarified, including an option for the use of pervious pavers provided appropriate soils and site conditions exist. Alternative surface materials may also be considered in the rear yards with an interim use permit.

This amendment builds upon existing landscaping requirements based on parking lots and provides additional direction on acceptable means of accomplishing these requirements. The amendment moves parking lot landscaping standards from individual districts into the Off-Street Parking Ordinance. The intent of relocating this text is to provide all off-street parking information in one location and reduce duplication of standards. The proposed text also expands language to provide direction on the intent and placement of parking lot landscaping based on feedback from previous site plan review.

Perimeter parking area landscape requirements have been added, which requires sites in business or employment districts abutting a street or similar district to provide landscape screening at a minimum of three (3) feet in height to screen headlights. Where a business or employment district abuts a residential district, a landscape screen of six (6) feet in height and eighty percent (80%) opacity is required.

Finally a new transportation demand management section has been added for review and input. This new section is intended to require new construction in Business, Employment and Mixed Use districts to consider the use alternatives to parking. Some methods are included as requirements such as accommodating bicycle parking, while others may be as a choice with off-sets to the number of parking spaces required, such as car pool parking. Using these alternatives further supports the overall reduction in the amount of parking provided.

Other Considerations for Off-Street Parking:

While preparing draft updates of the parking ordinance, staff explored alternatives that may help the city achieve objectives to reduce excess impervious surface and outside storage (including excess parking). Below are some of these alternatives we would like to review with the Planning Commission. These alternatives could be added to the ordinance as a requirement or through an incentive in an effort to balance economic development objectives while also reducing overall costs for new development. Again, discussion on this provision began as a discussion to reduce the amount of outside storage area for the Office Park District. *Staff would like policy direction as to whether to expand this, if approved, to other business and employment districts as well.*

Alternative 1: In an attempt to encourage shared parking and maximize parking allotments for larger sites such as for office buildings and large-format retailers, Staff would like to discuss with the Commission the use of parking maximums for some larger parking lot users (big box retailers, office buildings, larger industrial users) to prevent underutilized parking. This option could be a requirement of the ordinance or if an applicant wants to add parking beyond the minimum, require mitigation features such as additional storm water management techniques within the parking and drive areas. This not only benefits sites for aesthetic reasons but also reduces the amount of storm water management required. Use of these mitigation techniques could also be used to provide credit to certain utility fees, to be discussed more in detail at a later date.

Alternative 2: In another attempt to discourage over parking of sites, staff would like to discuss with the Commission a requirement that any parking areas over the minimum be required to use a pervious paver system. That way, additional parking does not truly expand the amount of impervious surface and actually provides storm water benefits. As it relates to balance of economic development, pervious parking areas could qualify for stormwater utility credit.

Alternative 3: Staff would like to explore expanding upon current storm water management practices by encouraging the use of best management practices for storm water management within parking and drive areas. If this were added, storm water credits would apply. This could be used as a tool to address Council's goals of further studying development fees (in this instance, storm water management).

Funding Source:

Development of the Zoning Code Amendments are being processed through the Planning Services Contract with Stantec.

Staff Recommendation:

Staff recommends that the Planning Commission provide feedback on the attached talking points and provide direction on the remaining process for implementation and Public Hearing.

Committee Action:

Provide feedback on the attached talking points and provide direction on the remaining process for implementation and Public Hearing.

Attachments

Zoning Amendment Checklist

Residential Use Districts

Public/Quasi Public and Park District

Employment District Standards

E-3 Employment (Office Park) District

E-1 & E-2 Employment Districts

Business District Standards

Off Street Parking Standards

Form Review

Inbox	Reviewed By	Date
Chris Anderson	Chris Anderson	03/29/2012 04:46 PM
Tim Gladhill (Originator)	Tim Gladhill	03/30/2012 07:56 AM
Form Started By: Tim Gladhill		Started On: 03/29/2012 01:07 PM
	Final Approval Date: 03/30/2012	

2. VISION, VALUES AND GOALS

In 2006, Ramsey community members formed Ramsey3, a grassroots organization dedicated to imagining the future of Ramsey. Through a series of community meetings the Ramsey3 process completed a Vision and Values statement with a Checklist for future decision making, summarized in the Introduction chapter. A set of Goals and Strategies, based on comments from the numerous community meetings, was compiled by consultants and City staff. The Goals and Strategies for each chapter of this plan are also repeated within those chapters. The Goals and Strategies were compiled before the final completion of the Vision and Values, so it is the intent of the City that where conflicts arise the Vision and Values will guide city policy decisions.

A. THE VISION:

- 1) Without compromising private property rights and needs of future generations, Ramsey will evolve through citizen driven, collaborative processes that respect the balance and connectivity between its unique urban, rural and natural environments.

B. THE VALUES:

- 1) Encourage walkability through pedestrian friendly neighborhoods and transportation.
- 2) Maintain land owner rights.
- 3) Employ careful foresight in city planning that includes citizen review, reliance on peer-reviewed science, and comprehensive data collection and analysis.
- 4) Involve all citizens in decisions that impact their lives, property and neighborhoods through the use of a facilitated process such as collaborative decision-making.
- 5) Embrace a people-centered, long-term perspective that nurtures neighborhood and community interactions and with flexibility to meet future needs without compromising the needs and interests of current residents.
- 6) Preserve unique natural resources for the community and its current residents.
- 7) Attract and sustain businesses that should serve the whole community.

C. CHECKLIST TO GUIDE REVIEW OF ZONING ALTERNATIVES AND FUTURE PLANNING

- 1) Component I: Commercial/Economic Development
 - a) Attract and retain high-quality industrial and commercial businesses that create higher paying jobs for local residents and increase Ramsey's tax base.
 - b) Concentrate larger commercial/industrial development within MUSA while encouraging smaller neighborhood commercial nodes in more rural areas.
 - c) Plan business development for maximal use of rail and highway arteries with minimal residential, environmental and traffic impacts.

- 2) Component II: Environment
 - a) Balance protection of environmental resources with property rights while providing just compensation.
 - b) Allow for identifying and maintaining open/green space and preservation of unique natural resources.
 - c) Ensure that residents have access to parks and open space within walking distance.
- 3) Component III: Transportation
 - a) Create vehicular and non-vehicular linkages to neighboring communities and between city neighborhoods, trails, recreation, work and shopping.
 - b) Emphasize consideration of non-vehicular modes of transportation in the development process.
 - c) Stress the efficient movement of persons, goods and services over the movement of vehicles.
 - d) Place a high priority on transportation safety.
- 4) Component IV: Administration
 - a) Guide development through reliable zoning that is based on collaborative community input.
 - b) Information on zoning and development process should be easily understandable and available to all.
 - c) Regulate transition requirements between changes in density and differing land uses.
 - d) Create a monitoring and reporting system on growth, development and other planning data.
- 5) Component V: Public Visioning/Involvement
 - a) Provide for a periodic collaborative forum to assess its continuing vision and relevance.
 - b) Supplement such forums with other accessible technologies to inform and collect opinions from residents.

- 6) Component VI: Residential Development
 - a) Maintain and provide a range of housing types to have a variety that encourages people to choose Ramsey as a place to live.
 - b) Include consideration of and attention to architectural and site planning details.
 - c) Allow for the application of appropriate density transitioning techniques that respect the integrity of existing neighborhoods.
 - d) Orient development toward sustainable centers.
 - e) Encourage land uses that can meet essential services and recreation needs within walking distance.

- 7) Recommendations To Council For Changes In Ramsey Not Covered By The Grant Charge
 - a) Any changes to the comprehensive plan shall require a 2/3 majority of Council.
 - b) Focus on Highway 10 redevelopment and Northstar for east-west travel, redesign Highway 47 for north-south travel, and construct additional trails and sidewalks for walkability and connectivity.
 - c) Ramsey absolutely needs a Chamber of Commerce to find and develop diverse businesses.

D. GOALS AND STRATEGIES

1) Land Use

- a) The needs and rights of existing residents are balanced with the needs and rights of those who wish to develop**

STRATEGIES:

1. Encourage a developer-led public involvement process for new development that solicits feedback from the public at the beginning of the process
2. Develop a meaningful density transition ordinance that incorporates lot size, transitioning, screening, space, berms, landscaping, or buffers
3. Protect Ramsey's rural character while providing opportunities for urban growth

- b) A variety of housing densities and types**

STRATEGIES:

1. Develop dense, mixed-use environments in Town Center and other key locations served by sewer and water
2. Assess the market for various housing types and densities and have the Land Use Plan reflect appropriate opportunities to match market demand

c) Fair and consistent land use regulations

STRATEGIES:

1. Develop a policy for processing comprehensive plan amendments
2. Establish a rational, logical staging plan for extension of MUSA consistent with the Comprehensive Sewer Plan and tied to Comprehensive Plan Amendment Policy
3. Re-assess the value of 4 in 40 (rural preserve and rural reserve)

d) Walkable neighborhoods

STRATEGIES:

1. Include a review of infrastructure, including parking for walking and other non-motorized transportation modes when reviewing any transportation improvement projects
2. Explore options for revising the City's sidewalk policy, including requiring sidewalks or trails on both sides of some new public streets, different standards for public versus private roads, high-volume versus low-volume roads, and issues related to long-term maintenance
3. Locate residential development at appropriate densities near services to encourage walking

e) Efficient growth

STRATEGIES:

1. New development should use existing infrastructure where possible
2. New development should be built close to existing or proposed services such as commercial, employment, and government, where possible.

f) Ramsey Town Center is constructed in accordance with its vision

STRATEGIES:

1. Concentrate the highest density residential development in or near Town Center and at other key locations as shown on the future land use map
2. Encourage residential and commercial development in the Town Center before other parts of the City
3. Continue to work to secure a stop on the Northstar Commuter Rail Line for Ramsey
4. Develop incentives for the Town Center to enhance its marketability
5. Maintain high quality design standards for the Town Center

g) Adequate retail and commercial services

STRATEGIES:

1. Locate other neighborhood commercial nodes with basic services available close to existing and future residential neighborhood concentrations
2. Assess the supply of commercial and industrial land available for development

h) New development is well-integrated with existing development

STRATEGIES:

1. New development should protect natural resources, make trail connections, and blend in with surrounding development
2. Use clustering and/or conservation development practices to protect existing neighborhoods and natural resources
3. Develop form-based codes
4. Develop a meaningful density transition ordinance that incorporates lot size, transitioning, screening, space, berms, landscaping, or buffers

i) The rights of property owners are respected and protected within the planning and development process.

STRATEGIES:

1. Private property owners will be allowed the maximum use and enjoyment of their property, as free as practical from excess taxation, assessment, or intrusion consistent with good planning and the well-being of the larger community.
2. The rights of private property owners will be balanced with the need to protect and enhance natural resources in the community.
3. The rights of private property owners will be balanced with the need to provide a safe and efficient transportation system in the community.
4. The rights of private property owners will be balanced with the needs of future development.

j) Property rights are protected along with natural resources

STRATEGIES:

1. Explore options to compensate property owners for development rights to protect natural resources
2. Regularly assess outcomes of ordinances related to natural resources and make changes as necessary
3. Provide incentives to homeowners for the permanent protection of high-value natural resource areas

2) Housing

a) A variety of housing types for all life stages and income levels.

STRATEGIES:

1. Investigate programs and policies to increase affordable housing opportunities in the City
2. Partner with affordable housing developers
3. Use incentives (such as density bonuses) to meet affordable housing goals
4. Explore options for providing higher end housing as well as affordable housing.
5. Implement the city's Housing Plan.

b) High-quality housing.

STRATEGIES:

1. Adopt city-wide design and sustainable standards for new construction
2. Promote green building standards and technologies
3. Enforce existing standards for housing maintenance
4. Investigate options for additional property maintenance policies and ordinances
5. Explore programs to revitalize or rehabilitate aging housing
6. Facilitate the redevelopment of underutilized land
7. Encourage the use of green building systems and technologies in new and remodeled housing.

c) Safe neighborhoods

STRATEGIES:

1. Promote Crime Prevention Through Environmental Design (CPTED) and other techniques
2. Encourage and support neighborhood watch groups

3) Economic Development and Marketing

a) A diverse economic environment where a variety of businesses can grow and thrive

STRATEGIES:

1. Foster communication between the City and the business community
2. Explore programs and activities to attract larger employers and employers that provide high-paying jobs
3. Continue to monitor options for a community-wide technology plan to meet business technology needs (fiber-optic and/or wi-fi)

4. Promote redevelopment of underutilized parcels within industrial areas and along major transportation corridors
5. Explore opportunities for additional city-sponsored business events
6. Enhance communication between City and business community
7. Continue business retention and subsidy programs
8. Continue partnerships with neighboring cities and local chambers of commerce

b) New development in Ramsey Town Center

STRATEGIES:

1. Encourage and assist with new development in Town Center
2. Explore programs and activities to improve the image of Ramsey Town Center
3. Promote Northstar Commuter Rail and commuter bus service as economic development tools

c) A positive community image

STRATEGIES:

1. Explore the opportunity to develop a local chamber of commerce or marketing team to market the unique qualities of Ramsey
2. Consider options for increasing or improving signage at City gateways and other strategic locations
3. Continue to pursue Revolving Acquisition Loan Fund (RALF) for the Highway 10 corridor
4. Purchase land south of the MPCA landfill for industrial park development
5. Identify, acquire and redevelop underutilized and blighted properties, especially within industrial areas and along major transportation corridors
6. Strengthen commercial and industrial development standards in City Code
7. Maintain high standards for citywide property maintenance, including City-owned properties

4) Natural Resources

a) Natural resources are protected

STRATEGIES:

1. Identify and prioritize natural areas in the City based on the Natural resource Inventory (NRI)
2. Use cluster ordinances, density credits, and conservation development practices to minimize impact on identified natural resources
3. Explore ways to put an economic value on habitat and other natural areas
4. Provide incentives to homeowners for the permanent protection of high-value natural resource areas

5. Establish a revenue stream dedicated to the permanent protection of natural resource areas such as a dedicated City tax enacted through referendum
6. Manage invasive species and promote the use and protection of native species for private and public development
7. Develop educational materials, such as kiosks, Ramsey Resident article, and maps to inform public about the value of natural resources

b) Recreation opportunities are integrated into protected natural areas

STRATEGIES:

1. Coordinate protection and enhancement of natural corridors with neighboring communities
2. Develop a suitability analysis method for reviewing new development that measures both environmental suitability and efficiency of infrastructure use
3. Prioritize the preservation of large, contiguous natural areas (greenways) that provide the greatest opportunities for animal and plant habitat, as well as a contiguous trail system

c) Clean water and clean air for the current and future generations of Ramsey citizens and businesses

STRATEGIES:

1. Preserve existing tree canopy and promote additional tree planting in new development, both public and private
2. Explore options other than ground water for municipal water supply
3. Manage stormwater on site by using alternative stormwater treatment systems, as described in the Storm Water Management Plan
4. Monitor the quality and quantity of groundwater in aquifers and adopt measures to ensure long-term sustainability
5. Seek out alliances and partnerships with non-profit and governmental agencies to assist in securing funding and other resources to assist in achieving this goal
6. Continue to participate in the North Metro Water Supply Group organized by the Metropolitan Council

d) Reduce waste that goes to the landfill from both private and public sources

STRATEGIES:

1. Continue to improve upon the City's award-winning recycling program
2. Seek out alliances and partnerships with non-profit and governmental agencies to assist in securing funding and other resources to assist in implementing this goal
3. Develop educational materials, kiosks, Ramsey Resident articles and maps to inform public about the value of natural resources

5) Parks, Trails, and Recreation

- a) A comprehensive, balanced park and trail system consisting of large and small scale parks, active and passive parks, natural preserves, and recreational facilities.**

STRATEGIES:

1. Incorporate planned parks and trails into all new development where appropriate
2. Design for connectivity with local and regional parks
3. Improve coordination of park and trail planning within City and adjacent communities
4. Establish a regional trail along the Mississippi River
5. Develop a Trott Brook Trail Corridor
6. Explore providing pedestrian access from the Mississippi River to the north side of Highway 10
7. Design trails with a variety of surfaces appropriate for different uses
8. Seek out alliances and partnerships with non-profit and governmental agencies to assist in securing funding and other resources that will assist in implementing the park and trail plan
9. Improve quality of existing parks, through careful planning, continued maintenance and adequate funding
10. Explore options for an additional community park
11. Where appropriate, consolidate existing parks to improve quality and provide more efficient service
12. Explore options for a revenue source for permanent protections of parks, trails and open space

- b) A system of safe parks and trails**

STRATEGIES:

1. Promote Crime Prevention Through Environmental Design CPTED and other techniques
2. Locate trails where appropriate in greenway corridors and natural areas
3. Where appropriate, use existing power/utility easements for the trail system
4. Provide adequate signage and pavement markings to warn automobile traffic of park and trail traffic
5. Explore use of pedestrian-activated signals, continuous flashing signage, and mid-block crossings where safe and appropriate, to further increase park and trail safety
6. Minimize at-grade crossings of trails and roads and other interactions between trail users and automobiles, with underpasses or overpasses

c) A variety of park facilities and programs that meet the life cycle needs of residents.

STRATEGIES:

1. Work with the schools and community organizations to plan for athletic fields and facilities that will accommodate the growing community
2. Explore options for a revenue source for recreational facilities and programming
3. Study the need for a Community Center that offers a variety of recreational uses for all age groups

6) Transportation

a) A safe and efficient motorized transportation system throughout the community

STRATEGIES:

1. Complete planning stages for Highway 10 interchanges & Highway 47 expansion/re-alignment improvements
2. Update the access management plans
3. Complete interchange designs
4. Complete RTC AUAR roadway improvement projects
5. Successfully complete turn-back of CR 63 between Nowthen Blvd & Armstrong Blvd
6. Secure funding for transportation projects
7. Assess the need for local traffic control and access improvements
8. Consider roundabouts where appropriate
9. Secure funding for transportation projects
10. Pursue additional east/west collector in the northern portion of the city

b) A safe and efficient non-motorized transportation system throughout community

STRATEGIES:

1. Explore options for revising the City's sidewalk policy, including requiring sidewalks or trails on both sides of some new public streets, different standards for public versus private roads, high-volume versus low-volume roads, and issues related to long-term maintenance
2. Encourage design choices in new and existing development that enhance neighborhood walkability
3. Examine the ability of transportation network to handle pedestrians, bicyclists, and automobiles through design of streets (complete streets policy)
4. Ensure future roadway improvement include sufficient right of way for pedestrian and bicycle paths

5. Secure funding for transportation projects such as additional trails, bike paths, and pedestrian connections
6. Include a review of infrastructure, including parking for walking and other non-motorized transportation modes when reviewing any transportation improvement projects
7. Advocate affordable, dependable and efficient means of public transit in the community
8. Complete the master trail plan
9. Continue efforts to establish the Mississippi River regional trail
10. Explore options for constructing a pedestrian bridge over Highway 10 and the Mississippi River
11. Ensure trail connections to transit stops, employment centers, shopping and other services

c) Connectivity with regional transportation corridors and transit

STRATEGIES:

1. Consider officially mapping the remainder of the Mississippi River bridge crossing corridor
2. Collaborate with adjacent communities and county, state, and federal agencies on the planning, design and construction of regional transportation projects
3. Secure a stop on the Northstar Commuter Rail line
4. Establish numerous, efficient, affordable transportation connections, both within and Ramsey and connecting to other communities, that include multi-modal transportation choices
5. Continue involvement in the Northstar Corridor Development Authority (NCDA)
6. Market the municipal parking facility as a park-and-ride opportunity
7. Develop an affordable, efficient, and reliable transit system that includes commuter rail and bus capabilities
8. Secure funding for transportation projects

7) Urban Services

a) A clean and protected water supply for drinking and recreation for the current and future generations of Ramsey citizens and businesses

STRATEGIES:

1. Use Best Management Practices (BMPs) for managing stormwater on-site to reduce infrastructure costs and protect local groundwater supplies, including alternative stormwater management techniques such as rain gardens and rain barrels, pervious pavement, gray water systems, native landscaping or other BMPs to supplement existing storm water management techniques, and explore the long-term maintenance issues related to these techniques
2. Explore ways to minimize ground water loss

3. Explore alternative sources for water supply, including completion of the study of a new surface water supply/treatment plant on the Mississippi River
4. Coordinate with other agencies to monitor the quality and quantity of groundwater aquifers
5. Explore cost-sharing and/or joint operation of utility systems with adjoining jurisdictions to reduce cost or realize other efficiencies
6. Ensure on-site septic systems are operating within State and local rules and are adequately maintained
7. Implement the surface water management plan
8. Educate homeowners on Individual Sewage Treatment Systems (ISTS) in the Ramsey Resident and other methods of communication

b) Efficient availability of sanitary sewer and water to interested property owners

STRATEGIES:

1. Establish a staging plan for extension of urban services consistent with the Comprehensive Sewer Plan and tied to Comprehensive Plan Amendment Policy
2. Existing residents will not bear the costs of new infrastructure without realizing a benefit that is equal to or greater than those costs
3. Explore cost-sharing and/or joint operation of utility systems with adjoining jurisdictions to reduce cost or realize other efficiencies
4. Manage infiltration & inflow (I & I) into the sanitary sewer system
5. Plan growth that is contiguous to existing development wherever possible and that makes the most efficient use of existing infrastructure
6. When planning and building new infrastructure or replacing systems, use the best technology available

8) Public Facilities

a) Quality public service provision at a reasonable cost

STRATEGIES:

1. Continue to plan for public facility needs into the future
2. Analyze the feasibility and demand for a community center in Town Center

b) Accommodate an increasing demand for public services and facilities

STRATEGIES:

1. Engage residents in assessing need for specific services
2. Work with school districts and surrounding communities to determine the need for additional school facilities
3. Advocate for full-service Post Office and Zip Code in Ramsey

4. Plan adequately for expansion of the fire department (Fire Station #3), schools, post office, public works campus, and the possible construction of a community center.

9) Community Health & Wellness

a) Healthy and active Ramsey residents and a built environment that supports them

STRATEGIES:

1. Use land use and zoning tools, such as planned location of housing, commercial areas, and parks and trails, and appropriate densities, to encourage walking and bicycling
2. Promote physical activity by increasing access to public open space, parks and trails through pedestrian improvements and additional open space connections
3. Use a research-based methodology to quantify and improve public health

b) Fresh healthy food conveniently available to all Ramsey residents

STRATEGIES:

1. Promote a local farmer's market in Ramsey
2. Encourage the location of neighborhood-level supermarkets offering fresh fruits and vegetables, and other fresh foods and goods, beyond Town Center

c) Improved air quality through land use and development decisions

STRATEGIES:

1. Identify opportunities to increase the tree canopy along Highway 10 and other major roadways
2. Locate schools, daycare facilities and outdoor recreational facilities at least 1/3 mile from Highway 10
3. Identify significant point sources of pollution, such as heavy industrial uses, and locate new residential, school, daycare, and other sensitive uses away from them

d) Reduced exposure to lead and other toxic substances

STRATEGIES:

1. Continue to implement the adopted standards on mitigating exposure to lead in existing structures and for eliminating lead and other toxic substances from new construction

e) An environment that promotes better mental health

STRATEGIES:

1. Review all development design approvals to increase views of green spaces from buildings
2. Provide an environment with green space and tree cover near all buildings in public and private development

f) A safe environment for all Ramsey residents

STRATEGIES:

1. Provide adequate outdoor lighting where appropriate along all streets, sidewalks and trails to increase safety
2. Balance the needs of transportation modes and provide design features, including traffic calming, to protect pedestrians and bicyclists

1 **ORDINANCE #2012-**

2 AN ORDINANCE AMENDING CHAPTER 117 THE RAMSEY CITY
3 CODE PERTAINING TO RESIDENTIAL DISTRICTS

4 Underlined text shows additions

5 ~~Strikeout text shows deletions~~

6 THE CITY OF RAMSEY DOES ORDAIN:

7 **Section 1.** Section 117-111 of the Ramsey City Code is amended is amended to
8 read as follows:

9
10
11 **Sec. 117-111. R-1 Residential District.**

12
13 (a) *Intent.* The intent of the R-1 Residential District is to accommodate single-family
14 dwelling units on suitable land in the 2020 Metropolitan Urban Service Area (MUSA),
15 rural developing, central rural reserve area, and rural preserve areas of the city. All newly
16 created lots, except the remnant of a lot of record not less than five acres in size and
17 located within the ~~2020~~ 2030 MUSA, shall be serviced by sanitary sewer and municipal
18 water. All developing lots located within the rural preserve, rural developing and central
19 rural preserve areas shall be served with individual septic systems and wells.

20
21 **Section 2.** Section 117-111 Paragraph (4) of the Ramsey City Code is amended
22 to read as follows:

23
24 (4) Single-family/townhome units as part of a PUD located within the ~~2020~~ 2030
25 MUSA. PUDs shall be designed in accordance with R-2 residential performance
26 standards established in section 117-112.

27
28 **Section 3.** Section 117-111 Paragraph (c) (1) of the Ramsey City Code is
29 amended to read as follows:

30
31 (c) Uses permitted by conditional use permit.

32 (1) ~~Religious institutions~~ Places of Assembly

33
34 **Section 4.** Section 117-111 Paragraph (d) (1) of the Ramsey City Code is
35 amended to read as follows:

36 (d) For lots located within the ~~2020~~ 2030 MUSA where adjacent structures existing as of
37 July 1, 2002, have a different setback from that required herein, the front yard setback shall
38 conform to the prevailing setback of adjacent structures. If adjacent structures have different
39 setbacks from one another, the minimum front yard shall be the average of the two adjacent
40 structures.

41

42 **Section 5.** Section 117-112 of the Ramsey City Code is amended is amended to
43 read as follows:

44
45 **Sec. 117-112. R-2 Residential District.**

46
47 (a) *Intent.* The intent of the R-2 Residential District is to accommodate multiple dwellings at
48 a density of three to seven dwelling units per acre and multiple-dwelling complexes within
49 the 2002 MUSA. All lots created by subdivision located within the ~~2020~~2030 MUSA shall
50 be serviced by sanitary sewer and municipal water.

51
52 **Section 6.** Section 117-112 Paragraph (c) (1) of the Ramsey City Code is
53 amended to read as follows:

54
55 (c) Uses permitted by conditional use permit.
56 (1) ~~Religious institutions~~ Places of Assembly

57
58 **Section 7.** Section 117-112 Paragraph (4) (a) of the Ramsey City Code is
59 amended to read as follows:

60
61 (4) Fences
62 (a) Fencing or walls (except retaining walls) located in the front yard shall not exceed four
63 feet height. Fencing or walls located in the side or rear yard shall not exceed six feet in
64 height. Fences outside the ~~2020~~ 2030 MUSA are allowed up to eight feet in height in any
65 yard but must be set back a minimum of 100 feet from the front property line unless they
66 have at least 75 percent clear visible opening. Fences may be constructed of barbed wire to
67 accommodate agricultural activities and the raising of livestock and animals as defined by
68 chapter 10, Animals. Lots of record as of July 1, 2002, within the MUSA that are currently
69 used for agricultural activities or the raising of livestock and animals also qualifies under this
70 provision.

71
72 **Section 8.** Section 117-113 of the Ramsey City Code is amended is amended to
73 read as follows:

74
75 **Sec. 117-113. R-3 Residential District.**

76
77 (a) *Intent.* The intent of the R-3 Residential District is to accommodate high-density
78 residential housing at a density greater than seven units per acre but not to exceed 15 units
79 per acre within the ~~2020~~ 2030 MUSA. All lots created by subdivision located within the 2020
80 MUSA shall be serviced by sanitary sewer and municipal water.

81
82 **Section 9.** Section 117-113 Paragraph (c) (1) of the Ramsey City Code is
83 amended to read as follows:

84
85 (c) Uses permitted by conditional use permit.
86 (1) ~~Religious institutions~~ Places of Assembly

87

88 **Section 10.** Section 117-113 Paragraph (3) (a) of the Ramsey City Code is
89 amended to read as follows:

90

91 (3) Fences

92 (a) Fencing or walls (except retaining walls) located in the front yard shall not exceed four
93 feet in height. Fencing or walls located in the side or rear yard shall not exceed six feet in
94 height. Fences outside the ~~2020~~ 2030 MUSA are allowed up to eight feet in height in any
95 yard but must be set back a minimum of 100 feet from the front property line unless there is
96 at least a 75 percent clear visible opening. Fences may be constructed of barbed wire to
97 accommodate agricultural activities and the raising of livestock and animals as defined by
98 chapter 10, Animals. Lots of record as of July 1 2002, within the MUSA that are currently
99 used for agricultural activities or the raising of livestock and animals also qualify under this
100 provision.

101

1 **Sec. 117-122. Public/Quasi-Public District.**

2
3 (a) *Intent.* The intent of the Public/Quasi-Public District is to provide for and regulate
4 uses that are public or semi-public in nature. ~~and to provide the community with area designated~~
5 ~~specifically for open spaces, community gathering places, public and private recreational spaces~~

6
7 (b) *Permitted uses.*

8
9 (1) Government buildings and facilities.

10
11 ~~(2) Public recreational facilities.~~

12
13 ~~(3) Private recreational facilities including gGolf courses.~~

14
15 ~~(4) Schools, public and private.~~

16
17 ~~(5) Private utility substations.~~

18
19 ~~(6) Municipal utility substations.~~

20
21 (c) *Site plan required.* Any construction of buildings in the Public/Quasi-Public District
22 will be subject to the site plan review process, as outlined in section 117-54.

23 **Sec. 117-122 a. Park District**

24 (a) *Intent.* The intent of the Park District is to provide for and regulate public parks and
25 related uses including open spaces, community gathering places, and public recreational facilities.

26
27 (b) *Permitted Uses*

28
29 (1) Boat landing.

30
31 (2) Hockey rinks, pleasure and in-line skating.

32
33 (3) Informal play field.

34
35 (4) Open space, natural areas, nature trails and other similar facilities.

36
37 (5) Picnic area, shelters, gazebo's and other similar facilities.

38
39 (6) Play fields, including, but not limited to, soccer, baseball, softball, football.

40
41 (7) Playgrounds, hard or soft surface play areas with or without play equipment.

42
43 (8) Recreation buildings.

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(9) Skateboard parks.

(10) Special events as scheduled with recreation department.

(11) Swimming pools.

(12) Tennis courts.

(13) Volleyball courts.

(14) Warming houses and other similar facilities.

(15) Other recreation uses/equipment.

(c) Permitted Accessory Uses:

(1) Antennas/towers mounted on an existing structure, as regulated by Sec. 117.428 of this title.

(2) Municipal utility substations

(3) Outdoor ballfield signs. Signs located on outfield fences at ballfields within all municipal parks shall be subject to a lease or master agreement with the city and are subject to the following restrictions:

(a) Signs may be located on right and left outfield fence areas only. No sign shall be located within the middle third of the outfield fence. Signs shall be located at least one foot (1') from the top and bottom of the outfield fence and centered on the fence section.

(b) Signs must be made of vinyl or other similar material with wind holes. The city has the right to determine the structural integrity of proposed signage. The structural stability of the fences in each park will determine the size of the signs. The signs must be the same size within each ballfield in the park.

(c) All signs shall face the interior of the ballfield.

(d) The signs shall be maintained in a safe, orderly condition at all times. Faded signs shall be replaced.

(e) A lease or master agreement with the city shall identify the terms under which signs may be installed including dimension, number, and sign details. No advertising for firearms, liquor products (by name), tobacco, political or religious persons, or organizations, sexually oriented products or stores shall be permitted.

82 (f) Signs shall be installed no earlier than April 1 and shall be removed no later
83 than October 31 of each year. The city shall be notified by the organization when
84 signage will be installed and removed each year.

85 (g) Signs shall be permitted on permanent ballfield scoreboards subject to the
86 approval of the city.

87 (h) Temporary event banners shall be permitted for tournaments at all municipal
88 parks with ballfields. The banner(s) must include the name and date of the event.
89 The event banner(s) shall be allowed for no more than a ten (10) day period. All
90 temporary banners shall be approved by the city as part of the approval for the
91 rental of the field. A temporary tent(s) shall be permitted for tournaments as
92 approved by the city.

93 (i) The provisions of this section do not apply to the naming rights for any park or
94 facility. Naming rights shall be subject to a lease or master agreement to be
95 approved by the city council.

96 (d) Site plan required. Any construction of buildings, antennas/towers, or installation of
97 signage in the Park District will be subject to the site plan review process, as outlined in
98 section 117-54.

99

1 **Sec. 117-116 A. Special Requirements and Performance Standards in All**
2 **Employment and Office Park Districts.**

3
4 (A) Building Materials and Design: To ensure attractive industrial development the
5 City has a set of design requirements applicable to all industrial development.
6 This is applicable to the E-1, E-2 and Office Park Districts.
7

- 8 1. Building Materials: All exterior wall finishes on any building in a
9 Business District shall be:
- 10 a. Face brick;
 - 11
 - 12 b. Stucco;
 - 13
 - 14 c. Glass;
 - 15
 - 16 d. Natural Stone;
 - 17
 - 18 e. Fiber cement vertical panel siding provided that seam lines are
19 architecturally integrated into the building design so that they are not
20 visible. Seam lines can be filled, covered by other accent material or other
21 method thereby making the seam lines invisible.
 - 22
 - 23 f. Architectural concrete and precast panels shall be acceptable as the
24 major exterior wall surface when they are incorporated into an overall
25 design of the building.
 - 26
 - 27 g. Architectural metal may be considered with matt finish and with
28 neutral or earth tone colors;
 - 29
 - 30 h. Color impregnated decorative block shall also be allowed as a
31 major exterior wall material, and shall be required to be sealed;
 - 32
 - 33 i. All materials shall be color impregnated with the exception of
34 allowing architectural concrete precast panel systems and fiber cement
35 siding to be painted. Painting shall not be allowed on color impregnated,
36 major exterior materials.
 - 37
 - 38 k. Other material as may be approved by the city.

39
40 2. Design Elements: The building design must include architectural interest
41 through the use of a minimum of three (3) of the following elements:
42

- 43 a. Accent materials;
- 44
- 45 b. A visually pleasing front entry that, in addition to doors, shall be
46 accented a minimum of one hundred fifty (150) square feet around the

47 door entrance for single occupancy buildings and a minimum of three
48 hundred (300) square feet total for the front of multi-tenant buildings (this
49 area shall be counted as one element);

50
51 c. Twenty five percent (25%) window coverage on each front that
52 faces a street;

53
54 d. Contrasting, yet complementary material colors;

55
56 e. A combination of horizontal and vertical design features;

57
58 f. Irregular building shapes; or

59
60 g. Other architectural features in the overall architectural concept.

61
62
63 4. Accent Materials: Accent materials shall be wrapped around walls visible
64 from public view. Painting shall not be substituted for visual relief, accenting, or
65 a required element. Walls shall be articulated thus no wall shall exceed one
66 hundred feet (100') in length without visual relief. Visual relief may be defined
67 as the incorporation of design features such as windows, horizontal and vertical
68 patterns, contrasting material colors, or varying wall depths. Use of fiber cement
69 trim, soffit and fascia shall be allowed as accent materials.

70
71 5. Additional Office Park Building Design requirements

72
73 (a) A minimum of 30 percent of the ground level façade shall be
74 transparent.

75 (b) Visual continuity shall be created by designing buildings to exhibit
76 complementary height and massing to adjacent buildings.

77 (c) Buildings shall be designed in an architectural style and
78 constructed of materials that are compatible, and complementary to
79 surrounding buildings in the Office Park District.

80
81 6. Restricted Exterior Materials: Unadorned pre-stressed concrete panels,
82 whether smooth or raked, nondecorative concrete block, sheet metal, corrugated
83 metal or unfinished metal shall not be used as exterior materials. This restriction
84 shall apply to all principal structures and to all accessory buildings except those
85 accessory buildings not visible from any property line. No more than twenty five
86 percent (25%) of any exterior wall on a building shall be fiber cement siding,
87 wood or metal accent material.

88
89 7. Roofs: Roofs which are exposed or an integral part of the building
90 aesthetics shall be constructed only of commercial grade asphalt shingles, wood

91 shingles, standing seam metal, slate, tile, or copper. Flat roofs, which are
92 generally parallel with the first floor elevation, are not subject to these material
93 limitations.

94
95 7. Building Mechanical Equipment: All roof vents, pipes and/or other roof
96 penetrations (except chimneys), shall be fully screened, located on the rear
97 elevations, or be otherwise configured to the maximum extent practicable to have
98 a minimal visual impact as seen from a public street. Wood fencing or chain link
99 with slats shall not be used for screening. A cross-sectional drawing shall be
100 provided that illustrates the sight lines from the ground level view.

101
102 a. Exceptions: Rooftop screening standards shall not apply to E-1 and E-2
103 zoned properties.

104
105 b. Acceptable Roof-based Mechanical Equipment Screening:

106 i.. Parapet walls or other techniques included as an integral part of
107 the building design shall be used to totally screen any roof-based
108 mechanical equipment from public rights-of-way or adjacent lands.

109
110 ii. In cases where roof-based mechanical equipment are too tall to
111 be screened by a parapet wall, or if changes in the surrounding
112 grade make rooftops with parapets visible from public rights-of-
113 way or adjacent lands, a rooftop screening system shall be used for
114 screening (add pictures of acceptable screening).

115
116 9. Ground Mechanical Equipment: Ground mechanical equipment shall be
117 one hundred percent (100%) screened from contiguous properties and adjacent
118 streets by opaque landscaping, or a screen wall shall be provided to be compatible
119 with the architectural treatment of the principal structure.

120
121 10. Trash Enclosure Service Structure: All trash, recyclable materials, and
122 trash and recyclable materials handling equipment and compactors shall be stored
123 inside the building or totally screened from public view. All trash enclosure
124 service structures shall be constructed of the same materials as the principle
125 building.

126
127 11. Lighting: All lighting proposed on a site in a Business District shall
128 comply with the following standards:

129
130 a. Lighting used to illuminate an off-street parking area, sign or
131 structure, shall be arranged to deflect light away from an adjoining
132 residential district or public street. Blubs emitting in excess of
133 3,000 lumens (150 watts) shall be so directed that the bulb is not
134 visible from off of the property where such light source is located.

135 b. Decorative style lighting a maximum of 14 feet in height shall be
136 used to illuminate all site areas with the exception of parking areas.

- 137 b. Shoe-box style lighting shall only be permitted in parking areas.
- 138 c. Lighting fixtures shall be compatible with the architecture of the
139 building.
- 140 d. Wall-mounted lighting shall be used on building fronts to
141 illuminate entry points and highlight architectural features.
- 142

DRAFT

Sec. 117.116b. E-3 Employment (Office Park) District.

(a) Intent. The purpose of the Office Park (OP) District is to:

(1) Reserve larger areas for multi-use buildings, offices, wholesale showrooms, light manufacturing, research and development, training, limited retail uses and uses accessory to conducting business within a coordinated, well-defined campus environment;

(2) Protect business from incompatible and unrelated land uses intruding into the work environment;

(3) Create higher quality site and building design expectations that will not support any uses with outdoor storage.

(4) Create an area to provide opportunities for higher technology business and other industries that may benefit from the accommodation of both office and light industrial uses on site with internal and external amenities to benefit employees;

(5) Provide for accessible business park opportunities near major highways and future transit corridors;

(6) Preserve and utilize natural environmental features for office sites that are located next to or overlook public open space and trail uses, woodlands and wetlands.

(b) Design Character: Development in this district shall establish and maintain high standards of site design, spatial relationships, proportions, building architecture and landscape design that will create a high quality environment attractive to major employers. The design character of this district will be characterized by a high level of design, site amenities such as trails or open space, storm water management, and other modern techniques used to create a high-end office and industrial park. No outdoor storage will be permitted with any use.

(c) Permitted uses

(1) Offices and office showrooms;

(2) Coffee shops, cafeterias, medical facilities, and athletic/fitness facilities if located within the principal structure;

(3) Government offices/facilities;

(4) Technical, vocational, business and college/university satellite facilities/schools;

(5) Travel agencies;

(6) Research and development;

- 47
48 (7) Data processing;
49
50 (8) Wholesale showroom;
51
52 (9) Warehousing used in conjunction with offices or light manufacturing facilities
53 with no outdoor storage;
54
55 (10) Retail sales, incidental to manufacturing of products produced on the site not to
56 exceed 25 percent of the gross square footage of the first floor;
57
58 (11) High technology business uses including, but not limited to: the manufacturing, or
59 assembly, of medical devices and equipment, telecommunications equipment,
60 pharmaceuticals, computer or electronic products and software, aeronautical equipment
61 or components;
62
63 (12) Business incubators/multitenant facilities housing manufacturing, research labs,
64 testing labs, offices, motor vehicle, implement and recreation equipment sales or repair,
65 governmental or public uses, indoor commercial recreation, manufacturing, radio and
66 television offices and stations, and wholesale businesses, provided they are indoor operations
67 with no outside storage or display areas. A maximum of 20 percent of the units or suites of
68 such a facility may be occupied by enclosed retail and rental activity as a principal use.
69
70 (13) Public utilities and essential government services;
71
72 (14) Athletic/fitness facility within principal building;
73
74 (15) Other uses similar to those permitted in this Section as determined by the
75 Planning Commission and the City Council

76
77
78 (d) Accessory Uses

- 79 (1) Cafeterias not open to the general public;
80
81 (2) Bicycle and public or private transit shelters;
82
83 (3) Gate security detached building;
84
85 (4) Commercial overnight delivery drop box;

86
87 (e) Conditional Uses The following are conditional uses and require a conditional use permit
88 based upon procedures set forth in and regulated by section 117-50.

- 89
90 (1) Restaurant, Full Service (no drive through);
91
92 (2) Health and fitness centers, freestanding;
93

- 94 (3) Financial institutions and banks with drive through facilities;
 95
 96 (4) Full Service Hotels;
 97
 98 (5) Radio and TV studios, sound stages, multi-media, post production studio and
 99 support facilities and equipment;
 100
 101 (6) Cell towers.
 102
 103 (7) Micro-scale WECS
 104
 105 (8) Medium-scale WECS
 106
 107 (f) Interim Uses.
 108 (1) Places of Assembly
 109 (2) Other uses as approved by the City Council
 110
 111 (g) Standards. (Also refer to article II, division 6 of this chapter for general performance
 112 standards).
 113 (1) Bulk Standards.

Standard	Requirement
Minimum Lot Area	1 acre
Minimum Lot Width	200 feet
Maximum building height	65 feet
Maximum structure Area	45% of lot area
Minumum Building Setbacks	
Front yard	35 feet
Side yard	20 feet
Rear yard	35 feet
Major and minor arterial and state and county roads	60 from centerline of road ROW plus applicable setback
Service Road	35 feet
Setbacks when adjancet to residential districts	
Buildings	60 feet
Off-street parking, storage and driveways	40 feet
Paking and pavement (includes maneuvering areas) setback from street right-of-way	20 feet

- 114
 115
 116 (2) Landscaping and buffering.
 117 a. Site Landscaping
 118 1. Minimum landscaping requirements. All open space areas of a lot

119 which are not used or improved for required parking areas, drives or storage shall be
120 landscaped with a combination of overstory trees, ornamental trees, shrubs, flowers,
121 ground cover, decorative walks, or other similar site design materials in a quantity and
122 placement suitable for the site. A reasonable attempt should be made to preserve as many
123 existing trees as is practicable and to incorporate them into the development. For each
124 existing significant tree retained one overstory tree can be deducted from the minimum
125 requirements.

126
127 2. Number of plantings. The minimum number of overstory trees on any
128 given site shall be as indicated below. These are minimum requirements that are typically
129 supplemented with other understory trees, shrubs, flowers and ground covers deemed
130 appropriate for a complete quality landscape treatment of a site.

<u>Type</u>	<u>Number of Plantings</u>
<u>Deciduous/coniferous trees</u>	<u>1 per 50 lineal feet of site perimeter or 1 tree per 1,000 square feet of building footprint area, whichever is greater. For expansions to buildings, 1 tree is required for each 1,000 square feet of additional building footprint area.</u>
<u>Shrubs</u>	<u>1 per 30 lineal feet of site perimeter or 1 per 300 square feet of building footprint area, whichever is greater.</u>

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145 3. Minimum size of plantings. Landscaping material shall be of the
146 following minimum planting size:

<u>Type</u>	<u>Size</u>
<u>Deciduous trees</u>	<u>2.5 inches diameter as measured three feet above the ground.</u>
<u>Coniferous trees</u>	<u>6 feet in height</u>
<u>Deciduous shrubs</u>	<u>2 feet in height</u>
<u>Evergreen shrubs</u>	<u>2 feet in height or 2 feet in width, whichever applies</u>
<u>Ornamental trees</u>	<u>1.5 inches diameter as measure three feet above the ground</u>

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160
161 4. Planting types.

162
163 (i) Acceptable plantings shall be determined by the City of
164 Ramsey Tree Book.

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(ii) The compliment of trees fulfilling the landscaping requirements shall not be less than 25 percent deciduous and lot less than 25 percent coniferous. No more than 25 percent of the required plantings shall consist of ornamental trees.

(iii) For every 35 feet of public road frontage, one overstory tree shall be planted on the private property adjacent to the public road right-of-way.

b. Topsoil. All exposed ground areas of a site not occupied by building, parking or storage, excluding natural areas that are left undisturbed, shall be covered with six (6) inches of topsoil, as defined in section 117-1 or an approved alternative as referenced in section 117-348.

c. Sodding and ground cover. All areas not otherwise improved in accordance with approved site plans shall be finished with sod up to the edge of improved streets. Any alternative to the sod requirement shall require city council approval.

d. Irrigation.

1. All landscaping areas required under this section shall include underground irrigation systems.

2. Exceptions include natural areas that are left undisturbed.

e. Bufferyards. Bufferyards are intended to provide additional screening of businesses that are adjacent to residential areas. The following table details the width of the bufferyard along the common adjacent property line. An additional increase of landscape plantings would be required in the bufferyard. That increase is expressed in the table below as a percentage of the total required site landscaping .

Proposed Development	Existing Adjacent Development				
	R-1	R-2	R-3	B-1	B-2
Office Park Bufferyard width	60 ft.	60ft.	60 ft.	35 ft.	35 ft.
% increase in plantings required	30%	30%	30%	20%	20%

1 **ORDINANCE #2012-**

2 AN ORDINANCE AMENDING CHAPTER 117 THE RAMSEY CITY
3 CODE PERTAINING TO EMPLOYMENT DISTRICTS

4 Underlined text shows additions

5 ~~Strikeout text shows deletions~~

6 THE CITY OF RAMSEY DOES ORDAIN:

7 **Section 1.** Section 117-116 of the Ramsey City Code is amended is amended to
8 read as follows:

9
10 **Sec. 117-116. E-2 Employment District.**

11
12 (e) Interim Uses.

13 (1) Places of Public Assembly

14
15 (2) Other uses as approved by the City Council

16
17 ~~(e)~~ (f) Standards.

18
19 **Section 2.** Section 117-117 E-1 Employment District is amended is amended to
20 read as follows:

21
22 (e) Interim Uses.

23 (1) Places of Public Assembly

24
25 (2) Other uses as approved by the City Council

26
27 ~~(e)~~ (f) Standards.

28

1 **Sec. 117.144A Special Requirements and Performance Standards for B-1, B-2 and B-3**
2 **Zoning District.**
3

4 (A) Building Materials and Design: The architectural appearance, including building
5 character, permanence, massing, density and composition, scale, construction materials,
6 and functional plan of all principal buildings shall comply with the Comprehensive Plan.
7 Building materials shall be attractive in appearance, of a durable finish, and be of a
8 quality that is compatible and designed to enhance the lot, the neighborhood and the
9 community. All buildings shall be of good aesthetic and architectural quality to ensure
10 they will maintain and enhance the property values of neighboring properties and not
11 adversely impact the community's public health, safety and general welfare. This section
12 applies to all B-1, B-2 and B-3 zoning districts.
13

14 1. Building Materials: All exterior wall finishes on any building in a Business
15 District shall be:

16 a. Face brick;
17

18 b. Stucco;
19

20 c. Glass;
21

22 d. Wood, provided surfaces are finished for exterior use and wood is of
23 proven exterior durability.
24

25 e. Natural Stone;
26

27 f. Fiber cement vertical panel siding provided that seam lines are
28 architecturally integrated into the building design so that they are not visible.
29 Seam lines can be filled, covered by other accent material or other method thereby
30 making the seam lines invisible.
31

32 g. Architectural concrete and precast panels shall be acceptable as the major
33 exterior wall surface when they are incorporated into an overall design of the
34 building.
35

36 h. Architectural metal may be considered with matte finish and with neutral
37 or earth tone colors;
38

39 i. Color impregnated decorative block shall also be allowed as a major
40 exterior wall material, and shall be required to be sealed;
41

42 j. All materials shall be color impregnated with the exception of allowing
43 architectural concrete precast panel systems and fiber cement siding to be painted.
44 Painting shall not be allowed on color impregnated, major exterior materials.
45

46 k. Other material as may be approved by the city.
47

48 2. Design Elements: The building design must include architectural interest through
49 the use of a minimum of three (3) of the following elements:

50
51 a. Accent materials;

52
53 b. A visually pleasing front entry that, in addition to doors, shall be accented
54 a minimum of one hundred fifty (150) square feet around the door entrance for
55 single occupancy buildings and a minimum of three hundred (300) square feet
56 total for the front of multi-tenant buildings (this area shall be counted as one
57 element);

58
59 c. Twenty five percent (25%) window coverage on each front that faces a
60 street;

61
62 d. Contrasting, yet complementary material colors;

63
64 e. A combination of horizontal and vertical design features;

65
66 f. Irregular building shapes; or

67
68 g. Other architectural features in the overall architectural concept.

69
70
71 3. Other Design Requirements:

72 a. All principal buildings shall have an entry on a street;

73
74 b. Buildings shall provide a base and top to their architecture;

75
76 c. The tops of buildings shall be articulated to minimize “box” like images;

77
78 d. Buildings shall be architecturally unique and shall not be of a corporate
79 architecture (including roof patterns, corporate colors, architectural elements, and
80 similar treatments).

81
82
83 4. Accent Materials: Accent materials shall be wrapped around walls visible from
84 public view. Painting shall not be substituted for visual relief, accenting, or a required
85 element. Use of fiber cement trim, soffit and fascia shall be allowed as accent materials.

86
87 5. Building Height: In order to improve the appearance of uninterrupted facades
88 buildings over 100 feet in length shall be at least one and one-half (1 ½) stores in height
89 for at least thirty (30) percent of their length.

90
91 6. B-1 Neighborhood Business District Design Standards: In addition to the
92 minimum design standards applicable to all commercial districts, Neighborhood Business
93 districts shall also be subject to the following standards to reflect the character of the
94 neighborhood in which they are located.

96 a. Building Design: New buildings shall be designed to appear to have
97 similar scale and design elements as the neighboring buildings at a
98 residential scale and character. Buildings fronts shall include three of the
99 following elements:

- 100
- 101 i. Articulation of facades into house-size segments
- 102 ii. Residential scale building modules similar to adjacent buildings
- 103 iii. Similar façade proportions to those on neighboring buildings
- 104 iv. Residential scale building components such as porches, patios,
105 decks, columns and balconies
- 106 v. A roof configuration which reflects traditional residential
107 structures and is pitched such as gable, hip, or shed.
- 108 vi. Display windows a minimum of six feet in height shall exist along
109 at least fifty percent of the linear length of the building front.

110

111 7. Restricted Exterior Materials: Unadorned pre-stressed concrete panels, whether
112 smooth or raked, nondecorative concrete block, sheet metal, corrugated metal or
113 unfinished metal shall not be used as exterior materials. This restriction shall apply to all
114 principal structures and to all accessory buildings except those accessory buildings not
115 visible from any property line. No more than twenty five percent (25%) of any exterior
116 wall on a building shall be fiber cement siding, wood or metal accent material.

117

118 8. Roofs: Roofs which are exposed or an integral part of the building aesthetics
119 shall be constructed only of commercial grade asphalt shingles, wood shingles, standing
120 seam metal, slate, tile, or copper. Flat roofs, which are generally parallel with the first
121 floor elevation, are not subject to these material limitations.

122

123 9. Building Mechanical Equipment: All roof vents, pipes and/or other roof
124 penetrations (except chimneys), shall be fully screened, located on the rear elevations, or
125 be otherwise configured to the maximum extent practicable to have a minimal visual
126 impact as seen from a public street. Wood fencing or chain link with slats shall not be
127 used for screening. A cross-sectional drawing shall be provided that illustrates the sight
128 lines from the ground level view.

129

130

131 a. Acceptable Roof-based Mechanical Equipment Screening:
132 i. Parapet walls or other techniques included as an integral part of the
133 building design shall be used to totally screen any roof-based mechanical
134 equipment from public rights-of-way or adjacent lands.

135

136 ii. In cases where roof-based mechanical equipment are too tall to be
137 screened by a parapet wall, or if changes in the surrounding grade make rooftops
138 with parapets visible from public rights-of-way or adjacent lands, a rooftop

139 screening system shall be used for screening (add pictures of acceptable
140 screening).

141
142 10. Ground Mechanical Equipment: Ground mechanical equipment shall be one
143 hundred percent (100%) screened from contiguous properties and adjacent streets by
144 opaque landscaping, or a screen wall shall be provided to be compatible with the
145 architectural treatment of the principal structure.

146
147
148 11. Trash Enclosure Service Structure: All trash, recyclable materials, and trash and
149 recyclable materials handling equipment and compactors shall be stored inside the
150 building or totally screened from public view. All trash enclosure service structures shall
151 be constructed of the same materials as the principle building.

152
153 12. Lighting: All lighting proposed on a site in a B-1, B-2 or B-3 district shall comply
154 with the following standards:

155
156 a. Lighting used to illuminate an off-street parking area, sign or structure,
157 shall be arranged to deflect light away from an adjoining residential
158 district or public street. Blubs emitting in excess of 3,000 lumens (150
159 watts) shall be so directed that the bulb is not visible from off of the
160 property where such light source is located. A photometric plan shall be
161 submitted for review by the City Planner prior to issuance of lighting.

162 b. Decorative style lighting a maximum of 14 feet in height shall be used to
163 illuminate all site areas with the exception of parking areas.

164 b. Shoe-box style lighting shall only be permitted in parking areas.

165 c. Lighting fixtures shall be compatible with the architecture of the building.

166 d. Wall-mounted lighting shall be used on building fronts to illuminate entry
167 points and highlight architectural features

168
169

170
171 **Sec. 117.114 B-1-~~General~~ Neighborhood Business District.**
172

173 (a) *Intent.* The intent of the B-1 ~~General~~ Neighborhood Business District is to provide
174 a commercial area for goods and services for the surrounding neighborhoods and
175 community on a smaller scale than the B-2 Highway Commercial District.
176

177 (b) *Permitted uses.* The following are permitted uses, subject to general requirements
178 and performance standards as specified by this chapter:
179

180 (1) Enclosed retail and retail service activities without outdoor activities.
181

182 (2) Restaurants and cafes.
183

184 (3) Offices and banks.
185

186 (4) Personal and professional services.
187

188 (5) Funeral homes.
189

190 (6) Medical clinics.
191

192 (7) Laundromat, self-service washing and drying.
193

194 (8) Dry cleaning.
195

196 (9) Animal clinics and indoor small animal boarding facilities.
197

198 ~~(10) Adult uses accessory.~~
199

200 (10) Convenience grocery and/or food operations (with no motor fuel sales).
201

202 (11) Off-sale liquor.
203

204 (c) *Conditional uses.*
205

206 (1) Animal clinics and outside small animal boarding facilities subject to the
207 following standards:

208 a. All structures shall be sufficiently insulated so no unreasonable noise or order can
209 be detected off the premises.
210

211 b. All outdoor animal recreation areas shall be fully screened and secure at all times.
212

213 c. All outdoor animal recreation areas shall be at a minimum of one hundred (100)
214 feet of any abutting residential district.
215

216 (2) Commercial carwashes (drive-through, mechanical, self service) subject to the
217 following standards:

- 218 a. Stacking space is provided to accommodate an appropriate number of vehicles and
219 shall be subject to the approval of the City Council.
220
- 221 b. The entire area shall have a drainage system which is subject to the approval of the
222 City and gives special consideration to the prevention of ice build up during winter
223 months.
224
- 225 (3) Convenience gas (no vehicle service or repair) subject to the following standards:
- 226 a. Canopy Height: The total height of any overhead canopy or weather protection
227 shall not exceed twenty feet (20') in height.
- 228 b. Sales, Rentals Prohibited: No sales or rental of motor vehicles or trailers or
229 campers shall be permitted.
- 230 c. Goods For Sale: All goods for sale by a motor fuel station convenience store other
231 than commercial freezers for ice and petroleum based products required for the operation
232 and maintenance of motor vehicles shall be displayed within the principal motor fuel
233 station structure. No displays shall be permitted in required parking or driveway areas,
234 landscape areas, required setback areas, or any right of way or other public property.
235 Displays may be permitted on sidewalks, only if they leave at least four feet (4') of
236 sidewalk width available to pedestrians.
- 237 d. Compatibility: Each motor fuel station shall be compatible with the area in which
238 it is located.
- 239 e. Landscaping: A minimum twenty foot (20') landscaped yard shall be planted and
240 maintained behind the property line along all public streets. A landscaped yard not less
241 than five feet (5') wide shall be maintained along exterior property lines.
- 242 f. Motor Fuel Dispenser Location: Motor fuel dispensers shall be located at least
243 thirty feet (30') from a property line, and one hundred feet (100') from an R-1, R-2, R-3
244 district property line.
- 245 g. Electronic Speaker Devices: Electronic speaker devices shall be regulated as
246 provided in section 117-354 of this Chapter. Exterior speakers shall not be allowed on
247 sites that abut residential uses unless expressly permitted as part of a conditional use
248 permit.
- 249 h. Litter Control. The operation shall be responsible for litter control within three
250 hundred (300) feet of the premises and litter control is to occur on a daily basis. Trash
251 receptacles must be provided at a convenient location on site to facilitate litter control.
- 252 j. Accessory car wash uses shall be allowed subject to the following requirements:
- 253 i. Car wash stacking spaces shall accommodate a minimum of three waiting
254 vehicles.

- 255 ii. No more than one car wash shall be permitted.
- 256 iii. The car wash shall be designed to be an integral part of the principle building
257 or if a freestanding shall be designed with the same materials and the principal
258 structure.
- 259 iv. Neither the car wash or accessory vacuum shall be located within three
260 hundred feet (300') of any residential use unless completely screened or located
261 across an arterial or major collector roadway from the residential use.
- 262 (4) Day care centers (licensed) subject to the following standards:
- 263 a. No overnight facilities shall be provided for children served by the daycare.
264
- 265 b. An outdoor recreational facility shall be continuous to the day care facility,
266 appropriately separated from the parking lot and driving areas by a fence not less
267 than 4 feet in height with additional standards as follows:
268
- 269 i. Shall not be located in any yard abutting a major thoroughfare;
270
- 271 ii. Shall not have an impervious surface for more than one-half of the
272 playground area,
273
- 274 iii. Shall extend at least 60 feet from the wall of the building or to an adjacent
275 property line, whichever is less, or shall be bound on not more than two sides by
276 parking and driving areas, and
277
- 278 iv. Shall be a minimum size of 2,000 sq. ft., or in the alternative 75 sq. ft. per
279 child at licensed capacity, whichever is the greater figure.
280
- 281 c. All state laws and statutes governing such use are strictly adhered to and all
282 required operating permits are secured.
- 283 (5) Bar or Tavern.
- 284 (6) Uses with drive through service subject to the following standards:
285
- 286 1. Drive-thru lands are not permitted in the front yard.
287
- 288 2. Adequate stacking distance of not less than five (5) vehicles shall be provided.
289 A site plan shall be prepared to demonstrate provision for stacking space does not
290 interfere with other drive areas, parking spaces, sidewalks or pedestrian access to the
291 main entry of the building.
292
- 293 3. Electronic speaker devices, if used, shall not be audible beyond the property
294 being served and shall not be operated between the hours of ten o'clock (10:00) PM
295 and seven o'clock (7:00) AM.
296

297 4. Screening shall be provided of automobile headlights in the drive-thru land to
298 windows and doors of adjacent uses. Such screen shall be at least three feet (3') in
299 height at installation and fully opaque, consisting of a wall, fence, dense vegetation,
300 berm or grade change.

301
302 5. A bypass lane shall be provided for each drive-thru use, allowing cars to leave
303 the drive-thru land from the stacking area.

- (7) 306 (7) Places of Assembly subject to the following standards
307 a. The space for such activities is shared with another use allowed within this district or
308 occupies no more than twenty (20) percent of a multi-tenant shopping center.
309
310 b. Sufficient parking is available to meet the requires of Section 117-356.
311
312
313 (~~7~~8) Oversizing of signs.
314
315 (~~8~~9) Expansion or enlargement of lawful nonconforming uses.
316
317 (~~9~~10) Cell towers as regulated by Sec. 117.428.
318
319 (~~10~~11) Micro-scale WECS as regulated by Sec. 117.430
320
321 (~~11~~12) Medium-scale WECS as regulated by Sec. 117.430
322
323 (~~12~~13) Outdoor seating accessory to a restaurant subject to the following standards:
324 a. The seating shall be located on private property.
325
326 b. The seating shall be of good patio or café type furniture that enhances the appearance
327 of the business.
328
329 c. The outdoor seating area shall be defined with the use of landscaping, temporary
330 fencing or other means that contains the tables and chairs for the use as demonstrated on
331 a site plan and approved by city staff.
332
333 d. No alcoholic beverages or food shall be served to persons outside of the designated
334 outdoor seating area. Signage shall be posted that restricts consumption on alcohol
335 outside of the designated outdoor seating area as approved by staff.
336
337 e. Patrons shall access the outdoor seating area through the main entrance or host station
338 and shall be seating by a staff person.
339
340 f. Seating shall be located so as not to compromise safety. Seating shall not obstruct the
341 entrance or any required exits or be located on landscaping or parking areas. If located on
342 private sidewalks or walkways, it shall be located so as to leave a minimum of a four foot
343 (4') wide passageway for pedestrians.
344

345 g. No additional parking is required for thirty (30) seats or less. If public parking is
346 available either in a ramp or adjacent on street, then no additional parking is required.
347 Any additional seating over thirty (30) seats shall provide required parking based on one
348 space per three (3) seats. Shared parking will be considered and may be approved by city
349 staff.

350
351 h. All exterior sound equipment shall be shut off at ten o'clock (10:00) P.M.

352
353 i. Lighting shall be permitted provided it only illuminates the designated area. Lighting
354 cannot shine or cause a glare upon other public or private property outside the designated
355 area.

356
357
358 (d) *Accessory uses.*

359
360 (1) Off-street parking as regulated and required by this chapter.

361
362 (2) Off-street loading as regulated and required by this chapter.

363
364 (3) Signing as regulated by article II, division 8 of this chapter.

365
366 (e) *Interim Uses*

367
368 (1) Farmers market subject to the following standards:

369 a. No portion of the use or event shall take place within one hundred feet (100'), as
370 measured in a straight line from the closest point of the property line of the property upon
371 which the farmers' market is located, to the property line of any R-1 zoned property with
372 residential buildings.

373 b. A farmer's market shall be conducted only within a parking lot that has a minimum of
374 one hundred (100) off street parking spaces.

375
376 c. Parking and display areas associated with the sale shall not distract or interfere with
377 existing business operations or traffic circulation patterns.

378
379 d. Display areas and parking spaces shall use those parking lot spaces that are in excess
380 of the minimum required parking for the primary use of that property.

381 e. A farmers' market shall provide one and one-half (1^{1/2}) parking stalls per producer
382 and one and one-half (1^{1/2}) customer parking stalls per producer.

383 f. Sales merchandise trailers, temporary stands, etc., shall be located on an asphalt or
384 concrete surface.

385
386 g. The owner/operator shall have the written permission of the current property owner
387 to locate on a specific site.

- 388 h. No uses or displays shall be permitted in required green areas, parking setback
389 areas, or any right of way or other public property.
- 390 i. Signage shall be limited to one sign not to exceed thirty two (32) square feet. The
391 sign may be a banner, shall have a professional appearance, and shall be mounted or
392 erected in an appropriate location. The sign may be illuminated, but must comply with all
393 requirements of Sec.117.463 of this title.
- 394 j. All producer merchandise shall be unloaded prior to the opening of the market
395 and confined to the off street parking lot area. No on street parking or unloading shall be
396 allowed.
- 397 k. No public address system or speakers shall be used.
- 398 l. The site shall be kept in a neat and orderly fashion, free from litter, refuse, debris,
399 junk, or other waste, which results in offensive odors or unsightly conditions.
- 400 m. Display of items shall be arranged in as compact a manner as reasonably
401 practicable with particular reference to vehicle and pedestrian safety and convenience,
402 traffic flow and control, and access in case of fire or other emergency.
- 403 n. All products, materials, quantities to be sold or displayed, and the dates, times,
404 and duration of the market must be approved by the city council.
- 405 o. If the farmers' market is operated by a person other than the property owner, the
406 property owner must notify the city of the full name, address, date of birth and telephone
407 number of the operator in writing. The property owner is responsible for the actions of
408 the operator and for compliance with the conditions of this Section.
- 409 (2) Temporary seasonal sales subject to the following standards:
410 a. Permit Required: No person shall conduct temporary/seasonal outdoor sales,
411 without first having received an interim permit as provided in this section.
- 412 b. Permit Application: The application for an interim use permit shall include a site
413 plan, a list of materials to be sold or displayed, and the duration of the sale.
- 414 c. Permit Types: A new interim use permit shall be required for all sales located on
415 sites where a permit has not been issued during the preceding twelve (12) month period,
416 and for all sales that include a different site plan, list of materials to be sold, or size
417 and/or location of the sales area from the most recently approved permit.
- 418 d. Permit Fee: The applicant shall pay the new or renewal permit fee as established
419 annually by the city council. The fee for new and renewal permits shall also include the
420 cost of a sign permit. The permit fee shall be paid in full with the application.
- 421 e. Duration: Interim Use Permits for Seasonal Sales shall be for a period not to
422 exceed ninety (90) days. No more than two (2) permits shall be issued to the same
423 applicant or property in any calendar year.

424 f. Exemptions:

425 1. This section shall not apply to schools, academies, universities, libraries,
426 churches, hospitals or similar institutions when the sale is conducted on their own
427 property.

428 g. Permit Applicant: The applicant for the interim use permit shall be the owner of
429 the property. If the sale is operated by a person other than the property owner, the owner
430 must notify the city of the operator. The property owner is responsible for the actions of
431 the operator and the conditions of the permit.

432 h. Performance Standards: A interim use permit shall be issued by the city provided
433 the applicant demonstrates that the following performance standards will be met:

434 1. Off street parking and loading areas are provided where required.

435 2. No public address system shall be used.

436 3. The number, area, bulk, height, location, frequency, and duration of such
437 uses is controlled. The site shall be kept in a neat and orderly fashion, free from
438 litter, refuse, debris, junk, or other waste which results in offensive odors or
439 unsightly conditions.

440 4. Display of items shall be arranged in as compact a manner as reasonably
441 practicable with particular reference to vehicle and pedestrian safety and
442 convenience, traffic flow and control, and access in case of fire or other
443 catastrophe.

444 5. No uses or displays shall be permitted in required parking areas, required
445 green areas, parking setback areas, or any right of way or other public property.

446 6. Signage shall be limited to one sign not to exceed thirty two (32) square
447 feet. The sign may be a banner, shall have a professional appearance, and shall be
448 mounted or erected in an appropriate location. This limitation applies to all signs
449 associated with the sale, including those affixed to vehicles. The sign may be
450 illuminated but must comply with all requirements of Section 117.463.

451 7. The sale and associated parking shall not obstruct parking spaces needed
452 by any permanent business established on the site except that when a sale is held
453 only during the time when all permanent businesses on the site are closed, parking
454 spaces may be obstructed.

455 8. No portion of the use or event shall take place within one hundred feet
456 (100') of any residential buildings.

457 i. Denial Of Renewal Permit: No renewal interim use permit shall be issued if the
458 operator failed to comply with any performance standards during the term of a previously
459 issued new or renewal permit, except upon the approval of the planning commission.

460 j. Denial For Noncompliance: If the city staff denies a permit, it shall notify the
 461 applicant in writing, stating the ways in which the proposed use does not comply with the
 462 standards required by this title.
 463

464 k. Permittee: A temporary/seasonal outdoor sales interim use permit shall be issued
 465 for a particular use and to the property owner making application for such permit. Such
 466 permit shall not be transferred or assigned for use by another without the written consent
 467 of the city. However, such consent by the city shall not be unreasonably withheld.

468 l. Revocation: Failure to comply with any performance standard or any other
 469 violation of this title shall be a misdemeanor and shall also constitute sufficient cause for
 470 the termination of the permit by the city council following a public hearing.
 471

472 (3) Schools, public and private as an Interim Use

473
 474 (4) Other uses as approved by the City Council.

475 (ef) *Standards.* (Also refer to article II, division 6 of this chapter for general
 476 performance standards.)
 477

478 (1) Bulk standards.
 479
 480

Standard	Requirement
Minimum Lot Area	1 acre for multi-tenant or 25,000 sq fot for freestanding
Minimum Lot Width	100 feet
Minimum Lot Depth	150 feet
Maximum building height	35 feet
Maximum structure Area	35% of lot area
Minumum Building Setbacks	
Front yard	35 feet
Side yard	10 feet
Side yard, corner	35 feet
Rear yard	35 feet
Major and minor arterial and state and county roads	60 from centerline of road ROW plus applicable setback
Public/private service road	20 feet
Setback from residential zoned property (bldg and display, storage)	35 feet

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528

~~(2) All exterior wall finishes on any building shall be:~~

- ~~a. Face brick;~~
- ~~b. Stucco;~~
- ~~c. Glass;~~
- ~~d. Wood;~~
- ~~e. Natural stone;~~
- ~~f. Specifically designed pre-cast concrete units whose surfaces have been integrally treated with an applied decorative material or texture;~~
- ~~g. Other material as may be approved by the city.~~

~~Combinations of such materials shall be permitted.~~

~~(32) Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, and shall be subject to the approval of the city engineer.~~

~~(43) The entire site shall have a drainage system which is subject to the approval of the city engineer.~~

~~(54) All signing and information or visual communication devices shall be in compliance with the applicable provisions of this Code.~~

(65) All magazing or stacking space for vehicles shall be off-street and shall be constructed to a size that will accommodate that number of vehicles which can be serviced during a maximum 30 minute period and shall be subject to the approval of the city engineer.

(76) Parking or car magazine storage space shall be screened from view of abutting residential districts.

(87) Provisions are made to control and reduce noise.

(98) A concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle service areas.

~~(10) If applicable, motor fuel activities shall be installed in accordance with state and city standards, regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands with canopies. Canopies shall maintain a 20-foot setback from property lines as measured from the edge of the canopy.~~

~~(11) Off street parking areas, loading areas, driveways, and traffic maneuvering areas shall be surfaced with concrete or blacktop and finished with continuous concrete curbing as recommended by the city engineer and reflected on an approved site plan. Any site proposing to install any of the above named site improvements is subject to the site plan review process established in section 117-52.~~

(129) All conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

~~(1310) Lighting. Any lighting used to illuminate an off street parking area, sign or structure, shall be arranged to deflect light away from an adjoining residential district or public street. Bulbs emitting in excess of 3,000 lumens (150 watts) shall be so directed that the bulb is not visible from off of the property where such light source is located.~~

(1410) Landscaping and buffering.

a. Site landscaping.

1. Minimum landscaping requirements. All open space areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, ornamental trees, shrubs, flowers, ground cover, decorative walks, or other similar site design materials in a quantity and placement suitable for the site. A reasonable attempt should be made to preserve as many existing trees as is practicable and to incorporate them into the development. For each existing significant tree retained one overstory tree can be deducted from the minimum requirements.

2. Number of plantings. The minimum number of overstory trees on any given site shall be as indicated below. These are minimum requirements that are typically supplemented with other understory trees, shrubs, flowers and ground covers deemed appropriate for a complete quality landscape treatment of a site.

Business Districts

Deciduous/coniferous trees

1 per 50 lineal feet of site perimeter, or 1 tree per 1,000 square feet of building footprint, whichever is greater. For expansions to buildings, 1 additional tree is required for each 1,000 square feet of additional building footprint area.

Shrubs

1 per 30 feet of site perimeter or 1 per 300 square feet of building footprint area, whichever is greater.

3. Minimum size of planting. Landscaping material shall be of the following minimum planting size:

<i>Landscape Material</i>	<i>Size</i>
Deciduous trees	2.5 inches diameter as measured three feet above ground
Coniferous trees	6 feet in height
Deciduous shrubs	2 feet in height
Evergreen shrubs	2 feet in height or 2 feet in width, whichever applies
Ornamental trees	1.5 inches diameter as measured three feet above ground

4. Planting types.

- (i) Acceptable plantings shall be determined by the City of Ramsey Tree Book.

(ii) The compliment of trees fulfilling the landscaping requirements shall be not less than 25 percent deciduous and lot less than 25 percent coniferous. No more than 25 percent of the required plantings shall consist of ornamental trees.

(iii) For every 35 feet of public road frontage, one overstory tree shall be planted on the private property adjacent to the public road right-of-way.

- b. Topsoil. All exposed ground areas of a site not occupied by building, parking or storage, excluding natural areas that are left undisturbed, shall be covered with four inches of topsoil, as defined in section 117-1.
- c. Sodding and ground cover. All areas not otherwise improved in accordance with approved site plans shall be finished with sod up to the edge of improved streets. Any alternative to the sod requirement shall require city council approval.

d. Irrigation.

1. All landscaping areas required under this section shall include underground irrigation systems.

2. Exceptions include natural areas that are left undisturbed.

~~e. Parking lot landscaping. All parking lots are required to provide internal overstory tree plantings in an effort to shade parking surfaces and provide visual relief. Plantings are required at the following minimum schedule. The planting schedule is established to provide an acceptable number of plantings that may be planted in regular symmetrical patterns or irregular clusters or groupings.~~

~~1. 1 tree per every ten parking spaces.~~

~~2. Every overstory tree planting shall be provided with a planting area of 162 square feet.~~

~~3. Acceptable ground cover materials include sod, mulch, and other natural ground cover. Landscaping rock and plastic underlayment is not allowed.~~

~~4. All parking lot planting areas shall include underground irrigation systems.~~

fe. Bufferyards. This section is intended to be minimum requirements to achieve screening between differing uses with varied intensities and impacts that are not always complementary when adjacent to one another. When a bufferyard is required under this section, the yard space and planting requirements are not to be reduced for other purposes such as future parking and driveways, building expansions, or other activities that are not in keeping with the purposes of buffering and screening.

1. Bufferyards are intended to provide additional screening of businesses that are

adjacent to residential areas. The following table details the width of the bufferyard along the common adjacent property line. An additional increase of landscape plantings would be required in the bufferyard. That increase is expressed in the table below as a percentage of the total required site landscaping.

Proposed Development	Existing Adjacent Development		
	R-1	R-2	R-3
B-1 Bufferyard width	40 ft.	30 ft.	20 ft.
% increase in plantings required	25%	20%	20%
B-2 Bufferyard width	50 ft.	40 ft.	30 ft.
% increase in plantings required	30%	25%	20%

2. As an alternative method for screening, fences that are 100 percent opaque may be used to mitigate the impacts of businesses that are adjacent to residential areas. Fences shall be subject to the provisions found in all applicable ordinances. When a fence is used for screening purposes, the bufferyard planting requirements may be reduced by ten percent from the stated minimum requirement.

- (11) ~~Off-street loading. All off-street loading dock/berth areas shall be a minimum of 50 feet in length and there shall be at least one dock/berth for the first 10,000 square feet of floor area and one additional berth/dock for each additional 25,000 square feet of floor area.~~

Sec. 117.115. B-2 Highway Business District.

(a) *Intent.* The purpose of the B-2 Highway Business District is to provide for and limit the establishment of motor vehicle oriented or dependent and convenience type, high intensity commercial and service activities characteristically located along major traffic carriers.

(b) *Permitted uses.* The following are permitted uses, subject to standards established in subsection (e) of this section and performance standards established in article II, division 6 of this chapter:

- (1) Restaurants, cafes, on and off-sale liquor.
- (2) Private clubs or lodges serving food and beverages.
- (3) Commercial recreational uses (indoor).
- (4) Governmental and public utility buildings and structures.
- (5) Motels, motor hotels and hotels provided that the lot area contains not less than 500 square feet of lot area per unit.
- (6) Motor vehicle, implement, and recreation equipment sales and service with no outdoor storage or display.
- (7) Animal clinics and outside small animal boarding facilities subject to the following standards:
 - a. All structures shall be sufficiently insulated so no unreasonable noise or order can be detected off the premises.
 - b. All outdoor animal recreation areas shall be fully screened and secure at all times.
 - c. All outdoor animal recreation areas shall be at a minimum of one hundred (100) feet of any abutting residential district.
- (8) Adult uses ~~principal and~~ accessory, subject to requirements in Section 117.360.
- (9) Enclosed retail sales and rental activity.
- (10) Offices, banks, personal and professional services.
- (11) Drive-in and convenience, fast food establishments subject to the following standards:
 - a. Litter Control. The operation shall be responsible for litter control within three hundred (300) feet of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control.

b. These facilities shall be located only on sites having direct access to a minor arterial street, collector or service road.

c. The applicant shall demonstrate that such use will not significantly lower the existing level of service on streets and intersections

(12) Convenience grocery and/or food operations with convenience gas (no vehicle service or repair)

(13) Day care services-center (licensed) subject to the following standards:

a. No overnight facilities shall be provided for children served by the daycare.

b. An outdoor recreational facility shall be continuous to the day care facility, appropriately separated from the parking lot and driving areas by a fence not less than 4 feet in height with additional standards as follows:

i. Shall not be located in any yard abutting a major thoroughfare;

ii. Shall not have an impervious surface for more than one-half of the playground area,

iii. Shall extend at least 60 feet from the wall of the building or to an adjacent property line, whichever is less, or shall be bound on not more than two sides by parking and driving areas, and

iv. Shall be a minimum size of 2,000 sq. ft., or in the alternative 75 sq. ft. per child at licensed capacity, whichever is the greater figure.

c. All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.

(14) Outdoor seating accessory to a restaurant subject to the following standards:

a. The seating shall be located on private property.

b. The seating shall be of good patio or café type furniture that enhances the appearance of the business.

c. The outdoor seating area shall be defined with the use of landscaping, temporary fencing or other means that contains the tables and chairs for the use as demonstrated on a site plan and approved by city staff.

d. No alcoholic beverages or food shall be served to persons outside of the designated outdoor seating area. Signage shall be posted that restricts consumption on alcohol outside of the designated outdoor seating area as approved by staff.

e. Patrons shall access the outdoor seating area through the main entrance or host station and shall be seating by a staff person.

f. Seating shall be located so as not to compromise safety. Seating shall not obstruct the entrance or any required exits or be located on landscaping or parking areas. If located on private sidewalks or walkways, it shall be located so as to leave a minimum of a four foot (4') wide passageway for pedestrians.

g. No additional parking is required for thirty (30) seats or less. If public parking is available either in a ramp or adjacent on street, then no additional parking is required. Any additional seating over thirty (30) seats shall provide required parking based on one space per three (3) seats. Shared parking will be considered and may be approved by city staff.

h. All exterior sound equipment shall be shut off at ten o'clock (10:00) P.M.

i. Lighting shall be permitted provided it only illuminates the designated area. Lighting cannot shine or cause a glare upon other public or private property outside the designated area.

(c) *Conditional uses.* Requires a conditional use permit based upon procedures set forth in and regulated by Section 117.51 (conditional use permits) of this chapter.

(1) Commercial carwashes (drive through and mechanical) subject to the following standards:

a. Car wash stacking spaces shall accommodate a minimum of three waiting vehicles.

b. No more than one car wash shall be permitted.

c. The architectural appearance and functional plan of the building and site shall be consistent with the existing buildings and are to avoid impairment in property values and blight within a reasonable distance of the site.

d. All lighting shall be in compliance with –add reference to lighting section.

e. When abutting a residential district the property shall be fully screened.

f. The entire area shall have a drainage system which is subject to the City Engineer.

g. Car wash facility shall have direct access to a major thoroughfare via driveway or frontage road.

h. All sounds produced by the car wash operation shall not be audible to adjoining residential properties.

(2) Motor fuel station, truck stop subject to the following standards:

a. Motor fuel facilities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps. Underground storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on site. Fuel pumps shall be installed on pump islands.

b. The total height of any overhead canopy or weather protection shall not exceed twenty feet (20') in height.

c. No sales or rental of motor vehicles or trailers or campers shall be permitted.

d. All goods for sale by a motor fuel station convenience store other than petroleum based products required for the operation and maintenance of motor vehicles shall be displayed within the principal motor fuel station structure.

e. Each motor fuel station shall be compatible with the area in which it is located.

f. A minimum ten foot (10') landscaped yard shall be planted and maintained behind the property line along all public streets. A landscaped yard not less than five feet (5') wide shall be maintained along exterior property lines.

g. Motor fuel dispensers shall be located at least thirty feet (30') from a property line, and one hundred feet (100') from any Residential District property lines.

f. All canopy lighting for motor fuel station pump islands shall be recessed or fully shielded. Illumination levels for pump islands shall comply with the lighting standards of Section ---.

g. Litter Control. The operation shall be responsible for litter control within three hundred (300) feet of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control.

h. The hours of operation shall be limited to 7:00 a.m. and 10:00 p.m. for motor fuel stations located in the B-2 district unless extended by the City Council as part of the Conditional Use Permit.

- (3) Motor vehicle repair (minor) subject to the following standards:
- a. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation and turning movements.
 - b. Repair of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in outdoor storage areas that is not larger than twenty five (25) percent of the buildable lot area, is located behind the front building line and is 100% screened.
 - c. Vehicles not being repaired but uses as a source of parts shall be prohibited unless fully enclosed within the building.
 - d. Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days.
- (4) Outdoor commercial recreation subject to the following standards:
- a. When abutting a residential use, shall be eighty percent (80%) screened, at a minimum of six feet (6') in height, at time of installation, from abutting residential property lines, by means of a combination of fencing, landscaping, berming, and building placement.
 - b. Adequate measures to contain the proposed activity on the site shall be provided.
 - c. Others
- (5) ~~Motor vehicle, implement, and recreation equipment sales and service.~~ Open Sales Lots (motor vehicles sales, recreational vehicle sales lot)
- a. Shall have permanent structure on parcel.
 - b. Headlights shall be one hundred percent (100%) screened from adjacent property lines.
 - c. Parking lot landscaping shall comply with Section 117-356.
 - d. Shall be one hundred percent (100%) screened, at a minimum of six feet (6') in height, at time of installation, from abutting residential property lines, by means of a combination of fencing, landscaping, berming, and building placement.
 - e. Open rental and sales lots shall only be considered for vehicles of a noncommercial nature.
 - f. No car auctions shall be permitted on site.
 - g. No outdoor speaker systems shall be permitted.

- h. All parking spaces in excess of minimum required, including sale display and sales storage areas shall be pervious pavement if soils permit based on City Engineer review.
 - i. All lighting shall comply with the requirements in Section 117.144A 12.
 - j. Delivery and loading hours shall be limited to 7:00 a.m. to 10:00 p.m. for all open storage lots abutting a residential property line. Delivery trucks shall not be left idling for long periods of time.
 - k. Open service, sales, display or rental areas shall not encroach on the required off street parking, loading area or traffic maneuvering area required by this chapter.
- (6) Open Storage lot subject to the following standards:
- a. Shall have permanent structure on the parcel.
 - b. Shall be one hundred percent (100%) screened, at a minimum of six feet (6') in height, at time of installation from street level view around the perimeter of the open storage area by means of a combination of fencing, landscaping, berming, and building placement.
 - c. Applicant shall submit site plans and sections illustrating sightlines from grade level view of properties and public view through the conditional use permit process.
 - d. All lighting shall comply with the requirements in this section.
 - e. Fifty percent (50%) of the open storage area shall consist of pervious pavement, if soils permit as approved by the City Engineer.
 - f. All non-storage parking area shall comply with the parking lot landscape requirements in Section 117.356.
 - g. Delivery and loading hours shall be limited to 7:00 a.m. to 10:00 p.m. for all open storage lots abutting a residential property line. Delivery trucks shall not be left idling for long periods of time.
- (7) Oversizing of signs.
- (8) Places of Assembly subject to the following standards
- a. The space for such activities is shared with another use allowed within this district or occupies no more than twenty (20) percent of a multi-tenant shopping center.

- b. Sufficient parking is available to meet the requires of Section 117-356.
- (9) Expansion or enlargement of lawful nonconforming uses as regulated by Section.
- (10) Cell towers as regulated by Section 117-428.
- (11) Micro-scale WECS as regulated by Section 117-430
- (12) Medium-scale WECS as regulated by Section 117-430.
- (13) Mini Storage Facilities subject to the following standards:
- a. All loading and service areas should be one hundred percent (100%) screened, at a minimum of six feet (6') in height, from public view. Whenever such developments abut residential districts, their interior road patterns shall be arranged in such as way as to route traffic away from residential districts.
- b. All dock, service and other business doors of the storage facility shall be kept closed during all hours of business operations.
- (14) Places of public assembly provided that:
- a. The space for such activities is shared with another use allowed within this district or occupies no more than twenty (20) percent of a multi-tenant shopping center.
- b. Sufficient parking is available to meet the requires of Section 117-356.
- (d) Interim Uses.
- (1) Farmers market subject to the following standards:
- a. No portion of the use or event shall take place within one hundred feet (100'), as measured in a straight line from the closest point of the property line of the property upon which the farmers' market is located, to the property line of any R-1 zoned property with residential buildings.
- b. A farmer's market shall be conducted only within a parking lot that has a minimum of one hundred (100) off street parking spaces.
- c. Parking and display areas associated with the sale shall not distract or interfere with existing business operations or traffic circulation patterns.
- d. Display areas and parking spaces shall use those parking lot spaces that are in excess of the minimum required parking for the primary use of that property.

e. A farmers' market shall provide one and one-half (1^{1/2}) parking stalls per producer and one and one-half (1^{1/2}) customer parking stalls per producer.

f. Sales merchandise trailers, temporary stands, etc., shall be located on an asphalt or concrete surface.

g. The owner/operator shall have the written permission of the current property owner to locate on a specific site.

h. No uses or displays shall be permitted in required green areas, parking setback areas, or any right of way or other public property.

i. Signage shall be limited to one sign not to exceed thirty two (32) square feet. The sign may be a banner, shall have a professional appearance, and shall be mounted or erected in an appropriate location. The sign may be illuminated, but must comply with all requirements of Sec.117.463 of this title.

j. All producer merchandise shall be unloaded prior to the opening of the market and confined to the off street parking lot area. No on street parking or unloading shall be allowed.

k. No public address system or speakers shall be used.

l. The site shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk, or other waste, which results in offensive odors or unsightly conditions.

m. Display of items shall be arranged in as compact a manner as reasonably practicable with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

n. All products, materials, quantities to be sold or displayed, and the dates, times, and duration of the market must be approved by the city council.

o. If the farmers' market is operated by a person other than the property owner, the property owner must notify the city of the full name, address, date of birth and telephone number of the operator in writing. The property owner is responsible for the actions of the operator and for compliance with the conditions of this Section.

(2) Schools, Public and Private

(3) Other uses as approved by the City Council

(de) Accessory uses. The following are accessory uses, subject to standards established in subsection (e) of this section and performance standards established in article II, division 6 of this chapter:

- (1) Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed 30 percent of the gross floor space of the principal use unless otherwise approved by the city council.
- ~~(2) Open and outdoor areas for display of goods for sale and rental.~~
- (2) Off-street parking including semi-trailer trucks, as regulated and required by this chapter.
- (3) Off-street loading as regulated and required by this chapter.
- (4) Signing as regulated by this Code.
- (5) Temporary seasonal sales subject to the following standards:
 - a. Permit Required: No person shall conduct temporary/seasonal outdoor sales, without first having received a permit as provided in this section.
 - b. Permit Application: The application for a permit shall include a site plan, a list of materials to be sold or displayed, and the duration of the sale.
 - c. Permit Types: A new permit shall be required for all sales located on sites where a permit has not been issued during the preceding twelve (12) month period, and for all sales that include a different site plan, list of materials to be sold, or size and/or location of the sales area from the most recently approved permit. A renewal permit shall be required for a sale that is substantially similar to the most recently approved sale at the site, provided that the most recently approved permit was issued during the preceding twelve (12) month period.
 - d. Permit Fee: The applicant shall pay the new or renewal permit fee as established annually by the city council. The fee for new and renewal permits shall also include the cost of a sign permit. The permit fee shall be paid in full with the application.
 - e. Duration: Permits issued under this section shall be for a period not to exceed ninety (90) days. No more than two (2) permits shall be issued to the same applicant or property in any calendar year.
 - f. Exemptions:
 1. This section shall not apply to schools, academies, universities, libraries, churches, hospitals or similar institutions when the sale is conducted on their own property.

g. Permit Applicant: The applicant for the permit shall be the owner of the property. If the sale is operated by a person other than the property owner, the owner must notify the city of the operator. The property owner is responsible for the actions of the operator and the conditions of the permit.

h. Performance Standards: A new or renewal permit shall be issued by the city provided the applicant demonstrates that the following performance standards will be met:

1. Off street parking and loading areas are provided where required.
2. No public address system shall be used.
3. The number, area, bulk, height, location, frequency, and duration of such uses is controlled. The site shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk, or other waste which results in offensive odors or unsightly conditions.
4. Display of items shall be arranged in as compact a manner as reasonably practicable with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
5. No uses or displays shall be permitted in required parking areas, required green areas, parking setback areas, or any right of way or other public property.
6. Signage shall be limited to one sign not to exceed thirty two (32) square feet. The sign may be a banner, shall have a professional appearance, and shall be mounted or erected in an appropriate location. This limitation applies to all signs associated with the sale, including those affixed to vehicles. The sign may be illuminated but must comply with all requirements of Section 117.463
7. All lighting shall comply with the lighting standards of the Section.
8. The sale and associated parking shall not obstruct parking spaces needed by any permanent business established on the site except that when a sale is held only during the time when all permanent businesses on the site are closed, parking spaces may be obstructed.
9. No portion of the use or event shall take place within one hundred feet (100') of any residential buildings.

i. Denial Of Renewal Permit: No renewal permit shall be issued if the operator failed to comply with any performance standards during the term of a

previously issued new or renewal permit, except upon the approval of the planning commission.

j. Denial For Noncompliance: If the city staff denies a permit, it shall notify the applicant in writing, stating the ways in which the proposed use does not comply with the standards required by this title.

k. Permittee: A temporary/seasonal outdoor sales permit shall be issued for a particular use and to the property owner making application for such permit. Such permit shall not be transferred or assigned for use by another without the written consent of the city. However, such consent by the city shall not be unreasonably withheld.

l. Revocation: Failure to comply with any performance standard or any other violation of this title shall be a misdemeanor and shall also constitute sufficient cause for the termination of the permit by the city council following a public hearing.

~~(6) Motor vehicle implement and recreational indoor storage when accessory to sales and service.~~

~~(e) Standards. (Also refer to article II, division 6 of this chapter for general performance standards).~~

(1) Bulk standards

Standard	Requirement
Minimum Lot Area	1/2 acre
Minimum Lot Width	100 feet
Minimum Lot Depth	150 feet
Maximum building height	35 feet
Maximum structure Area	35% of lot area
Minimum Building Setbacks	
Front yard	35 feet
Side yard	10 feet
Side yard, corner	20 feet
Rear yard	35 feet
Major and minor arterial and state and county roads	60 from centerline of road ROW plus applicable setback
Public/private service roads	25 feet
Off street parking, driveways and outside and display areas, fuel pumps	35 feet

~~(2) All exterior wall finishes on any building shall be:~~

~~— a. Face brick;~~

~~— b. Stucco;~~

~~e. Glass;~~

~~d. Wood;~~

~~e. Natural stone;~~

~~f. Specifically designed pre-cast concrete units whose surfaces have been integrally treated with an applied decorative material or texture;~~

~~g. Other material as may be approved by the city.~~

~~Combinations of such materials shall be permitted.~~

(32) Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, and shall be subject to the approval of the city engineer.

(43) The entire site shall have a drainage system which is subject to the approval of the city engineer.

(54) All signing and information or visual communication devices shall be in compliance with the applicable provisions of this Code.

(65) All magazinging or stacking space for vehicles shall be off-street and shall be constructed to a size that will accommodate that number of vehicles which can be serviced during a maximum 30 minute period and shall be subject to the approval of the city engineer.

(76) Parking or car magazine storage space shall be screened from view of abutting residential districts.

(87) Provisions are made to control and reduce noise.

(98) A concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle service areas.

(9) A concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle service areas.

~~(10) Motor fuel activities shall be installed in accordance with state and city standards, regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands with protective canopies. Canopies shall maintain a 20 foot setback from property lines as measured from the edge of the canopy.~~

(10) There shall be no off-street parking or outside sales and display areas within 20 feet of any street right-of-way.

~~(12) Open and outdoor storage areas and/or open and outdoor service, sales, display or rental areas shall not encroach on the required off street parking, loading area or traffic maneuvering area required by this chapter.~~

~~(13) Off street parking areas, driveways, traffic maneuvering areas, open and outdoor storage areas, open and outdoor service, sales, display or rental areas shall be surfaced with concrete or blacktop and finished with continuous concrete curbing as recommended by the city engineer and reflected on an approved site plan. Any site proposing to install any of the above named site improvements is subject to the site plan review process established in section 117-52.~~

~~(14) Open and outdoor service, sales, display or rental shall be fenced or screened from view of abutting residential districts. All conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.~~

~~(11) Lighting. Any lighting used to illuminate an off street parking area, sign or structure shall be arranged to deflect light away from an adjoining residential district or public street. Bulbs emitting in excess of 3,000 lumens (150 watts) shall be so directed that the bulb is not visible from off of the property where such light source is located.~~

(11) Landscaping and buffering

a. Site Landscaping.

1. Minimum landscaping requirements. All open space areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, ornamental trees, shrubs, flowers, ground cover, decorative walks, or other similar site design materials in a quantity and placement suitable for the site. A reasonable attempt should be made to preserve as many existing trees as is practicable and to incorporate them into the development. For each existing significant tree retained one overstory tree can be deducted from the minimum requirements.

2. Number of plantings. The minimum number of overstory trees on any given site shall be as indicated below. These are minimum requirements that are typically supplemented with other understory trees, shrubs, flowers and ground covers deemed appropriate for a complete quality landscape treatment of a site.

Business Districts

Deciduous/coniferous trees

1 per 50 lineal feet of site perimeter, or 1 tree per 1,000 square feet of building footprint, whichever is greater. For expansions to buildings, 1 additional tree is required for each 1,000 square feet of additional building footprint area.

Shrubs

1 per 30 feet of site perimeter or 1 per 300

square feet of building footprint area,
whichever is greater.

3. Minimum size of planting. Landscaping material shall be of the following minimum planting size:

<i>Landscape Material</i>	<i>Size</i>
Deciduous trees	2.5 inches diameter as measured three feet above ground
Coniferous trees	6 feet in height
Deciduous shrubs	2 feet in height
Evergreen shrubs	2 feet in height or 2 feet in width, whichever applies
Ornamental trees	1.5 inches diameter as measured three feet above ground

4. Planting types.

(i) Acceptable plantings shall be determined by the City of Ramsey Tree Book.

(ii) The compliment of trees fulfilling the landscaping requirements shall be not less than 25 percent deciduous and lot less than 25 percent coniferous. No more than 25 percent of the required plantings shall consist of ornamental trees.

(iii) For every 35 feet of public road frontage, one overstory tree shall be planted on the private property adjacent to the public road right-of-way.

b. Topsoil. All exposed ground areas of a site not occupied by building, parking or storage, excluding natural areas that are left undisturbed, shall be covered with four inches of topsoil, as defined in section 117-1.

c. Sodding and ground cover. All areas not otherwise improved in accordance with approved site plans shall be finished with sod up to the edge of improved streets. Any alternative to the sod requirement shall require city council approval.

d. Irrigation.

1. All landscaping areas required under this section shall include underground irrigation systems.

2. Exceptions include natural areas that are left undisturbed.

~~e. — Parking lot landscaping. All parking lots are required to provide internal overstory tree plantings in an effort to shade parking surfaces and provide visual relief. Plantings are~~

required at the following minimum schedule. The planting schedule is established to provide an acceptable number of plantings that may be planted in regular symmetrical patterns or irregular clusters or groupings.

- ~~1. 1 tree per every ten parking spaces.~~
- 2. Every overstory tree planting shall be provided with a planting area of 162 square feet.
- ~~3. Acceptable ground cover materials include sod, mulch, and other natural ground cover. Landscaping rock and plastic underlayment is not allowed.~~
- ~~4. All parking lot planting areas shall include underground irrigation systems.~~

fe. Bufferyards. Bufferyards are intended to provide additional screening of businesses that are adjacent to residential areas. The following table details the width of the bufferyard along the common adjacent property line. An additional increase of landscape plantings would be required in the bufferyard. That increase is expressed in the table below as a percentage of the total required site landscaping.

1. Bufferyards are intended to provide additional screening of businesses that are adjacent to residential areas. The following table details the width of the bufferyard along the common adjacent property line. An additional increase of landscape plantings would be required in the bufferyard. That increase is expressed in the table below as a percentage of the total required site landscaping.

Proposed Development	Existing Adjacent Development		
	R-1	R-2	R-3
B-1 Bufferyard width	40 ft.	30 ft.	20 ft.
% increase in plantings required	25%	20%	20%
B-2 Bufferyard width	50 ft.	40 ft.	30 ft.
% increase in plantings required	30%	25%	20%

2. As an alternative method for screening, fences that are 100 percent opaque may be used to mitigate the impacts of businesses that are adjacent to residential areas. Fences shall be subject to the provisions found in all applicable ordinances. When a fence is used for screening purposes, the bufferyard planting requirements may be reduced by ten percent from the stated minimum requirement.

(13) ~~Off street loading. All off street loading dock/berth areas shall be a minimum of 50~~

feet in length and there shall be at least one dock/berth for the first 10,000 square feet of floor area and one additional berth/dock for each additional 25,000 square feet of floor area.

DRAFT

1 **ORDINANCE #2012-**

2 AN ORDINANCE AMENDING CHAPTER 117 THE RAMSEY CITY
3 CODE PERTAINING TO OFF-STREET PARKING AND LOADING
4 REQUIREMENTS

5 Underlined text shows additions

6 ~~Strikeout text shows deletions~~

7 THE CITY OF RAMSEY DOES ORDAIN:

8 **Section 1.** Section 117-355 of the Ramsey City Code is amended is amended to
9 read as follows:

10 **Sec. 117-355. Residential development off-street parking.**

11
12 (a) In any residential district, inside parking of licensed and/or unlicensed motor vehicles
13 and equipment, commercial or private, shall be permitted. Off-street parking spaces are
14 required for residential uses:

15

Use	Parking Spaces Required
<u>Residential Uses</u>	
<u>Assisted Living</u>	.5 spaces for each unit
<u>Nursing Home</u>	<u>1 space per 6 patient beds, plus one space per employee on the largest work shift.</u>
<u>Daycare facilities (residential district)</u>	<u>No additional spaces required if located in a single dwelling or one unit in a multiple dwelling structure</u>
<u>Dwellings, detached townhouses</u>	<u>2 spaces per unit one of which must be within a primary garage.</u>
<u>Dwellings, single-family detached and two-family attached and residential facilities (licensed for 6 or fewer persons)</u>	<u>2 spaces per unit one of which must be within a primary garage.</u>
<u>Dwellings, townhouses and multiple dwelling structures</u>	<u>2 spaces per unit (one of which must be within a garage), plus 0.5 spaces for each unit for guest parking.</u>
<u>Dwellings, Senior Independent Living</u>	<u>1 space per unit, plus 0.5 space for each unit for guest parking and an addition .5 spaces for demonstrated parking to be paved in the event the development is converted to regular occupancy.</u>
<u>Mobile home parks</u>	<u>2 space per unit, plus 3 per each 6 units as guest</u>

	<u>parking.</u>
<u>Model houses/temporary real estate offices in residential units</u>	<u>4 temporary spaces per dwelling or office</u>
<u>Offices related to leasing, renting and maintenance of multiple family or attached dwellings</u>	<u>1 space for each employee on the largest shift, plus two visitor spaces or one space for each 100 square feet, whichever is greater.</u>
<u>Residential facilities (Licensed for over 6 persons)</u>	<u>1 space for each staff person on the largest shift and 0.5 space for each resident of the licensed capacity</u>

16

17 **Section 2.** Section 117-356 of the Ramsey City Code is amended to read as
 18 follows:

19 **Sec. 117-356 Commercial and industrial development off-street parking and**
 20 **loading.**

21 (a) *General requirements.*

22 (1) Property that constitutes required off-street parking areas may not be separated
 23 through sale or other means, from the property containing the principal use for
 24 which the parking area is required.

25 (2) All off-street parking spaces shall have access off driveways and not directly off
 26 the parking public street unless other wise approve by city council.

27 (3) Required parking facilities serving two or more uses may be located on the same
 28 lot or in the same structure, provided that the total number of parking spaces
 29 furnished shall not be less than the sum of separate requirements for each use.
 30 The county may approve the joint use of parking facilities by the following uses
 31 or activities under the following conditions:

32 a. For the purpose of this section, the following uses are considered as
 33 daytime uses: banks, business offices, or wholesale or similar uses.

34 b. The following are to be considered as nighttime or Sunday uses:
 35 auditoriums, incidental to a public or parochial school, churches, bowling alleys,
 36 dance halls, theatres, retail stores, personal service shops, bars or restaurants.

37 c. A properly drawn legal instrument executed by the parties' concerned for
 38 joint use of off-street parking facilities shall be filed with the zoning
 39 administrator, which shall run with the land and be recorded with the county
 40 recorder's office.

41 (b) *Off-street parking spaces required.* Off-street parking spaces shall be
 42 provided in accordance with eh specifications in this Code in any district wherever any
 43 new use is established or existing use is enlarged. Screening and landscaping as
 44 described in this section may be required where it is necessary to protect the aesthetic
 45 characteristics of residential neighborhoods (one space equals 300 square feet). When
 46 application of these regulations results in a requirement of a fraction space, any fraction
 47 up to and including one-half shall be disregarded. Fractions of over one-half shall count
 48 as one additional space.

Use	Parking Spaces Required
<u>Public and Institutional uses</u>	
<u>Athletic Facilities, Amphitheaters, Stadiums</u>	<u>1 space for each 4 seats (one seat equals 22 inches of pew or bench space) of design capacity and/or 10 seats for each field and/or 20 seats for each ball diamond. A percentage of the parking may be provided in grass lots provided those lots are used not more than 5 times per year.</u>
<u>Cemeteries</u>	<u>1 space for each full-time employee</u>
<u>Places of public assembly, clubs, lodges, mortuaries, and banquet, or convention halls</u>	<u>1 space for each 3 seats (one seat equals 22 inches of pew or bench space) based on the design capacity in the main assembly area, plus parking figured separately for additional gymnasiums, banquet rooms, meeting rooms, offices, and other multi-use spaces</u>
<u>Schools-Elementary and Junior High</u>	<u>1 space for each classroom plus 1 for each 100 students of design capacity</u>
<u>Schools-High School, College, Trade, etc.</u>	<u>1 space for each 5 students of design capacity, plus 1 space for every classroom</u>
<u>Business Uses</u>	
<u>Use</u>	<u>Minimum Number of Spaces Required</u>
<u>Boat and other recreational equipment and vehicle sales</u>	<u>4 spaces plus 1 additional space for each 500 square feet of gross floor area over the first 1,000 square feet</u>
<u>Bowling alley</u>	<u>5 spaces per alley, plus additional parking calculated separately for restaurants and other related uses</u>
<u>Clinics-medical, dental, chiropractic, etc.</u>	<u>Three spaces per doctor/dentist</u>
<u>Daycare, preschools, except residential</u>	<u>1 space per employee plus one space per 7</u>

	<u>children of licensed capacity of the facility</u>
<u>Fuel or service stations</u>	<u>4 spaces plus 3 spaces for each enclosed service stall plus parking figured separately for retail or office space.</u>
<u>Golf courses, driving ranges</u>	<u>4 spaces for each green, plus 1 for each employee on the largest shift, plus 2 spaces for each driving tee on a driving range</u>
<u>Hotel, motel</u>	<u>1 space per rental room and one additional for each 4 rental rooms, plus additional parking calculated separately for banquet rooms, meeting rooms, and restaurants</u>
<u>Hospitals</u>	<u>2 spaces for each patient bed</u>
<u>Manufacturing, fabricating or processing of a product or material</u>	<u>1 space for each 1,000 square feet of gross floor area</u>
<u>Movie theaters</u>	<u>1 space for each 4 seats of design capacity</u>
<u>Offices, including government buildings and other profession offices</u>	<u>Minimum of 3 spaces per 1,000 square feet of floor area.</u>
<u>Open sales lots</u>	<u>1 space for each 2,000 square feet of land up to the first 8,000 square feet, plus 1 space for each 4,000 square feet up to a parcel of 24,000 square feet, plus 1 space for each 6,000 square feet over 24,000.</u>
<u>Restaurants, delicatessens, bars, taverns</u>	<u>1 space per 3 patron seats or 1 space per 100 square feet of floor area whichever is greater, plus 1 space per employee on the largest work shift</u>
<u>Restaurants, fast food</u>	<u>1 space per 50 square feet of floor area, plus 1 space per employee on the largest work shift, plus 6 off street stacking spaces per drive-through lane.</u>
<u>Restaurants where no interior serving areas are present, such as a drive-in or take out business</u>	<u>At least 15 spaces for those serving food and refreshments and at least 10 spaces for all others.</u>
<u>Retail or service use, unless otherwise specified</u>	<u>1 space for each 200 square feet of gross floor area. No retail or service use may provide parking in excess of 10 percent above the minimum required parking spaces. Such properties may hold aside additional areas for</u>

	<u>parking which the City Council may approve for conversion if parking spaces are proven to be under provided.</u>
<u>Self-service storage facility</u>	<u>Drive aisles between and around storage buildings must be 30 feet to accommodate through traffic and parking outside individual storage units plus parking figured separately for office and/or on-site security personnel residences, etc</u>
<u>Shopping Centers and Big-Box retailers (over 40,000 sq ft)</u>	<u>Minimum of 4 spaces per 1,000 square feet of floor area.</u>
<u>Showrooms for display or sales including furniture stores, carpet stores, etc.</u>	<u>1 space per 400 square feet for first 25,000 square feet, plus 1 space per 600 square feet thereafter.</u>
<u>Showrooms for sale of automobiles</u>	<u>5 spaces for customer parking for every acre of total site area, plus 5 spaces for customer service parking for every acre of total site area, plus 1 space for each 400 square feet of gross floor area for employees.</u>
<u>Skating rinks (indoor), dance halls, miniature golf, ice arenas (indoor), health and fitness clubs etc.</u>	<u>1 space per 300 square feet of floor area, plus 1 space per employee on the largest work shift.</u>
<u>Warehousing (and storage) in structures < 6,000 sf</u>	<u>1 space for each 600 square feet of gross floor area, with a minimum of 5 spaces</u>
<u>Warehousing (and storage) in structures > 6,000 sf</u>	<u>1 space for each 2,000 square feet of gross floor area, with a minimum of 10 spaces</u>

51 Parking spaces may be located on a lot other than that containing the principal use only with
52 the approval of the zoning administrator.

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55 ~~(c) Parking spaces and drive aisles. Minimum parking space and drive aisle sizes shall~~
56 ~~be as follows:~~

	Stall-Width	Stall-Depth	Aisle-Width
90 degree	9 feet	18 feet	24 feet
60 degree	9 feet	17 feet	17 feet
45 degree	9 feet	19 feet	11 feet

57

58 (c) Off-street parking design requirements

59 (1) Setbacks. All parking areas created after the effective date of this chapter must
 60 be designed and constructed so that no part of any vehicle may ever be nearer than the
 61 following:

62 (a) Side or rear property line adjacent to a residential use - 35 feet.

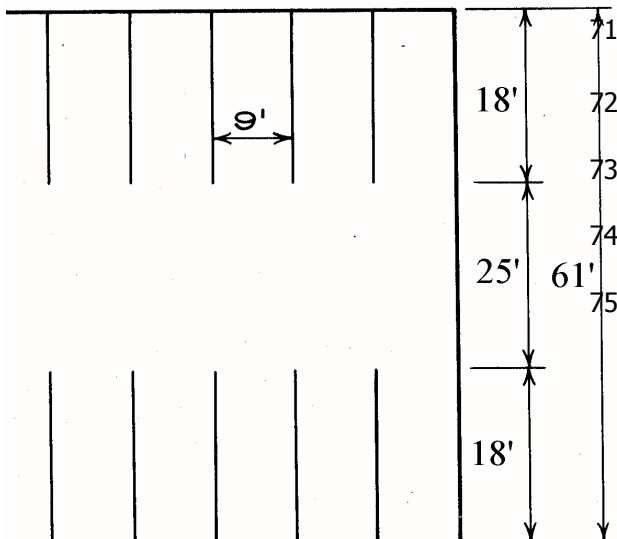
63 (b) All other interior side or rear property lines - 5 feet, unless shared parking
 64 agreement is in place with a cross access easement recorded with the Anoka County
 65 Recorders Office.

66 (c) From public rights-of-way - 15 feet.

67 (2) Design requirements. All new construction, expansion or modification of
 68 parking areas with more than four parking spaces must comply with the following:

69 (a) Each parking space and drive aisle must be unobstructed and must adhere to
 70 the design requirements included in the following table:

Required Length and Width of Parking Spaces						
<u>Angle of Parking Space</u>	<u>Type</u>	<u>Minimum Width of Space at Curb (Non-Retail Uses)</u>	<u>Minimum Width of Space at Curb (Retail Uses)</u>	<u>Minimum Length of Space from Curb</u>	<u>Minimum Drive Aisle Width (One Way)</u>	<u>Minimum Drive Aisle Width (Two Way)</u>
90 degrees	Standard	9'	10'	18'	20'	25'
	Compact	8'	8'	16'	20'	25'
60 degrees	Standard	10' 4"	11' 6½"	21'	18'	25'
	Compact	8' 6"	8' 6"	17'	18'	25'
45 degrees	Standard	12' 7"	14' 1¾"	19' 8"	15'	25'
	Compact	8' 6"	8' 6"	17'	15'	25'



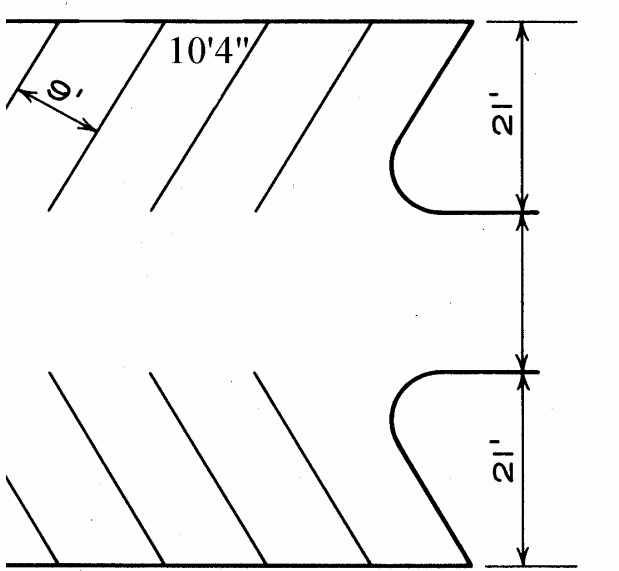
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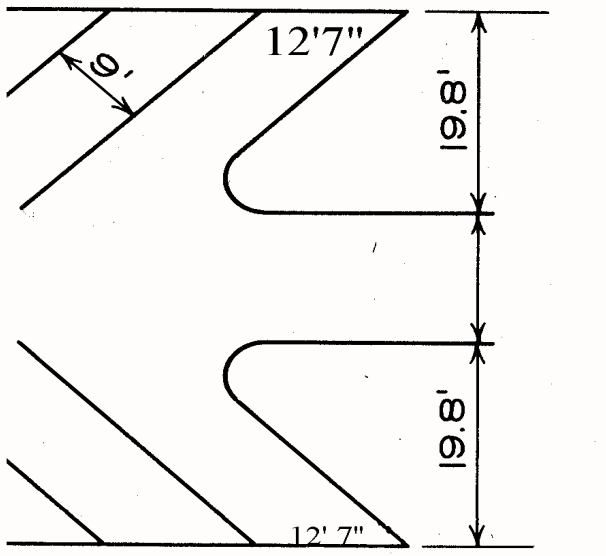
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80 **90 Degrees (Standard)**



81

82 **60 Degrees (Standard)**



83

84 **45 Degrees (Standard)**

85 (b) Parking spaces for the disabled or for specially equipped vehicles for the
86 disabled must comply with the State Building Code requirements and the Americans with
87 Disability Act standards.

88 (c) Required parking stalls may be designed and provided with electric car plug in
89 devices.

90 (d) Where parking spaces abut perimeter curbs, the length of the spaces may be
91 shortened to account for the car overhang (no greater than 12 inches). They shall not be
92 shorted adjacent to sidewalks.

93 (e) All parking spaces must be designated by clearly visible painted lines.

94 (f) Drive isle width as stated in paragraph (2) (a) shall be approved at the time of
95 site plan review.

96 (3) *Curbing required.* Paving areas must be separated with curb and gutter from all
97 designated landscaping areas, curb islands, and at ingress-egress locations to the traveled
98 roadway. Curbing must be constructed of poured-in-place concrete equipped with a gutter
99 and must be of a six inch non-surmountable design. Other curb options may be allowed
100 as approved by the city.

101 (4) *Paving.* Storage areas and access drives for motorized vehicles or motorized
102 recreational vehicles must be paved with a continuous impervious surface, except for
103 properties where gravel driveways existed prior to the adoption of this ordinance

104 This paving requirement includes the entire parking area including parking stalls, aisles
105 and driveways based on the following requirements:

- 106 • All areas shall be surfaced with concrete, bituminous or pavers.
- 107 • Pervious paving/paver systems may be used provided appropriate soils and site
108 conditions exist for the pervious systems to function. The city engineer shall make
109 the final determination if soils are conducive for use of pervious paving/paver
110 systems.
 - 111 ○ The use of pervious paving/paver systems is encouraged for pedestrian
112 walkways, parking areas, overflow parking areas, snow storage areas,
113 within raised medians and islands, emergency vehicle lanes and other low
114 traffic areas.
 - 115 ○ The owner shall provide soils information to demonstrate to the
116 satisfaction of the city engineer that appropriate conditions exist for the
117 pervious paving/paver systems to function and the owner shall enter into a
118 maintenance agreement to ensure ongoing maintenance and operation of
119 all pervious paving/paver systems.
 - 120 ○ This requirement also applies to open sales lots, open rental lots, and
121 outdoor storage or display areas.

122 (a) Alternative surface materials may be consider for the rear yard of properties
123 located in the B-2, B-3, H-1, or Employment Districts through the issuance of
124 an Interim Use Permit.

125 (5) Drainage. Driveways shall not exceed a grade of four percent and all parking
126 lots except those for less than four vehicles shall include a minimum of a one percent
127 grade. Catch basins, sumps, and underground storm sewers must be installed if required
128 by the City Engineer.

129 (6) Traffic regulatory signs. Stop signs are required at all driveway exits to public
130 streets. Other signs may be required as part of the Site Plan Review process.

131 (7) Stacking. All drive-through service windows must contain room for a minimum
132 stacking of six cars from the serving window and stacking must not extend into drive
133 aisles.

134 (8) Demonstrated parking. The City Council may approve a “proof-of-parking” plan
135 which allows for a portion of the required parking, but demonstrates that the minimum
136 number of required parking spaces can be accommodated on the property and meet
137 setback requirements. The plan must demonstrate that all other applicable ordinances can
138 be met if the full amount of required parking were to be constructed. The area for future
139 parking must be maintained as green space (sodded with grass or natural plant
140 materials). Any changes to use and/or building size could invalidate the approval for
141 “Demonstrated Parking”. Demonstrated parking may reserve the right to require
142 installation of the additional parking spaces.

143 (9) Credit for On-Street Parking: This subsection is intended to reduce the amount of
144 unnecessary parking spaces and to encourage pedestrian activity as an alternative means
145 of transportation. Credit for on street parking shall be allowed only within mixed use
146 developments. Some or all of the off street parking spaces as required in section 3
147 (b), off-street parking spaces required of this chapter may be met by the provision of on
148 street spaces. Such credit shall require site plan review approval. Requests for on street
149 parking shall meet the following requirements:

150 (a) All on street parking facilities shall be designed in conformance with the
151 standards established by the City;

152 (b) Prior to approving any requests for on street parking, the development
153 review team shall determine that the proposed on street parking will not
154 materially adversely impact traffic movements and related public street
155 functions and;

156 (c) Credit for on street parking shall be limited to the number of spaces
157 provided along the street frontage adjacent to the use.

158 (10) Landscaping and screening.

159 (a) All landscaped areas, including parking area islands must be equipped with
160 an underground, automatic irrigation system. The irrigation system must include a flow
161 meter, moisture sensing devices and must be calibrated to meet all applicable City Codes.

162 (b) Interior parking lot area. To break up the appearance of large impervious
163 areas, all parking lots in B, E and OP zoning districts shall be subject to the following
164 design and landscape standards:

165 1. Parking lot landscaping. All parking lots are required to provide internal
166 overstory tree plantings in an effort to shade parking surfaces and provide visual relief.
167 Plantings are required at the following minimum schedule. The planting schedule is
168 established to provide an acceptable number of plantings that may be planted in regular
169 symmetrical patterns or irregular clusters or groupings:

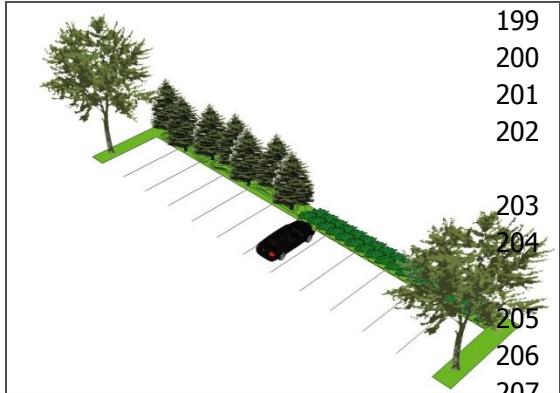
- 170
- 171 a. 1 tree per every ten parking spaces.
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- 173 b. Every overstory tree planting shall be provided with a planting area of 180 square
174 feet.
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- 176 c. Acceptable ground cover materials include sod, mulch, and other natural ground
177 cover. Landscaping rock and plastic underlayment is not allowed.
- 178
- 179 d. All parking lot planting areas shall include underground irrigation systems.
- 180 e. Landscaped parking lot islands shall be required at the beginning and end of
181 each parking row to break up longer rows. Required trees shall be included in
182 these islands.
- 183 f. Parking spaces and rows shall be organized to provide consolidated
184 landscaped areas and opportunity for on site stormwater management.
- 185

186 (12) *Perimeter Parking Area Landscaping Standards.* Where a parking area serving
187 a use abuts a street right-of-way, vacant land, or any other development (except another
188 parking use area), perimeter landscaping strips shall be provided and maintain between
189 the vehicle use areas and the abutting right-of-way or property line in accordance with the
190 following standards:

- 191 (a) Location.
- 192 (1) Perimeter landscaping strips shall be located on the same land
193 where the parking use area is located.
- 194 (2) Perimeter landscaping strips may not be placed within future street
195 rights-of-way as identified on the City's transportation plans.

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(b) Minimum Width. When the parking use area is located within 50 feet of a street right-of-way, the perimeter landscaping shall be located within a planting strip at least six feet wide. In all other instances, the strip shall be the minimum width necessary to assure required landscaping is not damaged by vehicle or other on-site activity. In no instance shall the strip be less than three feet wide.



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(c) Landscaping. Perimeter landscaping requirements are based on the following:

- Wherever a B or E district is abutting a non-residential district or use the landscape screening shall consist of a minimum of three feet in height as measured from the top of the adjacent parking area surface or;
- Wherever a B or E district is abutting a residential district or use the landscape screening shall consist of a minimum of 6 (six) feet in height and 80% (eighty percent) opaque.

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212 (13) Pedestrian circulation: All parking lots in Business, Employment/Office Park,
213 Multiple Family and non-residential uses in residential zoning districts shall be
214 subject to the following standards to provide a safe pedestrian environment:

215 (a) Parking areas shall include a direct and continuous pedestrian network
216 within and adjacent to parking lots to connect building entrances, parking
217 spaces, public sidewalks, transit stops, and other pedestrian destinations.

218
219 (b) At least one pedestrian route shall be provided between the main building
220 entrance and the public sidewalk that is uninterrupted by surface parking
221 and driveways. Pedestrian routes may include the following:

- Raised sidewalk
- Colored pavement identifying a walkway
- Other designed approved during the site plan review process.

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227 (c) In larger parking lots or where parking lots serve more than one building
228 or destination, designated pedestrian pathways for safe travel through the
229 parking lot shall be provided.

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231 (d) All pedestrian routes within a parking lot shall include a clear division
232 from vehicular areas, with a change in grade, soft landscaping, or a change
233 in surface materials.

234
235 (e) Where pedestrian routes cross street access driveways and other major
236 drive aisles, crossings shall be clearly marked and sight distance for both
237 pedestrian and vehicles shall be unobstructed.

238

239 (14) Parking of motorized vehicles outside of driveway locations is only allowed on
240 areas paved with a continuous impervious surface, or approved pervious surface, or on
241 legal non-conforming parking areas.

242 (15) Cart Storage. Any retail commercial uses using carts shall provide ample
243 space for the storage of customer service carts within off-street parking areas (unless all
244 carts are stored and returned at the building entry. The need and specific amount of
245 required cart storage space shall be determined as part of site plan review. When
246 required, cart storage areas shall not occupy required off-street parking space, shall be
247 clearly delineated, and include facilities for cart confinement.

248 (16) Transportation Demand Management: Because the purposes and intent of this
249 title includes the lessening of congestion on the streets and roads, as well as generally
250 protecting the public health, safety and welfare, specific standards and regulations are
251 outlined which are intended to reduce traffic congestion and environmental pollution
252 associated with vehicular transportation. The standards and regulations established are
253 intended to be components of an overall transportation demand management plan. A site
254 plan review a memo shall be provided detailing how the proposed site plan is meeting the
255 requirements of this section. These standards apply to all new construction in Business,
256 Employment/Office Park, non-residential uses in any Residential District, and Mixed Use
257 developments.

258 Requirement of all new construction in districts listed above:

259 (a) Bicycle Parking Requirements: Encouraging the use of bicycles is an important
260 nonmotorized transportation alternative and a component of a transportation demand
261 management program.

262 (1) Required Bicycle Parking Spaces: The minimum number of bicycle
263 parking spaces provided for any use shall be five percent (5%) of the vehicular
264 parking spaces required for such use.

265 (2) Design Standards For Bicycle Parking Spaces: Bicycle parking spaces
266 shall be:

267 (a) Located on the same lot as the principal use;

268 (b) Located to prevent damage to bicycles by cars;

269 (c) In a convenient, highly visible, active, well lighted area;

270 (d) Located so as not to interfere with pedestrian movements;

271 (e) As near the principal entrance of the building as practical;

272 (f) Located to provide safe access from the spaces to the right of way
273 or bicycle lane;

274 (g) Consistent with the surroundings in color and design and
275 incorporated, whenever possible, into buildings or street furniture design;

276 (h) Designed to avoid damage to the bicycles;

277 (i) Anchored to resist rust or corrosion, or removal by vandalism;

278 All new developments in the districts listed above shall utilize at least two of the
279 following transportation demand management strategies:

280 (a) Compact parking stalls. Parking areas including 30 spaces or more, shall include
281 25% of total spaces required, stripped and signed as compact stalls.

282 (a) Motorcycle/scooter parking. Two motorcycle/scooter parking spaces may be
283 provided in lieu of one required automobile parking space. The maximum automobile
284 parking space reduction under this provision shall be calculated at a 1:30 ratio (For
285 every 30 required automobile parking spaces, one automobile space may be waived).
286 Parking areas under 30 spaces may reduce the parking requirement by a maximum of
287 one automobile parking space. Motorcycle parking must be properly labeled with
288 signs and surfaced with concrete. The minimum stall size for one motorcycle shall be
289 four-foot in width by seven foot in depth.

290 (b) Car Pool Parking Incentives: The following regulations are intended to
291 encourage the use of car pooling to increase vehicle occupancy and reduce traffic
292 volumes and congestion:

293 (1) Applicability: The regulations of this subsection shall apply to all
294 nonresidential buildings or uses constructed after adoption of this title, that
295 employ one hundred (100) or more people.

296 (2) Reserved Parking Spaces: Uses that encourage a car pool program among
297 employers are allowed to designate required parking as reserved car pool parking.
298 No more than ten percent (10%) of the total number of employee parking spaces
299 for vehicles participating in a car pool program can be designated. Car pool
300 parking spaces shall be located to provide superior convenience.

301 (3) Submission Of Car Pool Parking Plan: Each use meeting the objectives of
302 this subsection shall submit a plan of the employee parking spaces reserved for
303 car pooling to the development review team for review and approval. The plan
304 shall:

305 (a) Specify the total number of employee parking spaces provided;

306 (b) Indicate the number and location of parking spaces reserved for car
307 pooling; and

- 308 (c) Include a copy of the car pool program which identifies the
309 individuals participating in the car pool program.
- 310 (4) Delineation Of Car Pool Parking Spaces: Car pool parking spaces shall be
311 marked by sign or marking on the pavement to identify that the use of the spaces
312 is reserved for the car pool program.
- 313 (5) The maximum automobile parking space reduction under this provision
314 shall be calculated at (need to determine a % reduction) in overall parking
315 required.
- 316 (c) Shared parking. Parking areas may be shared by uses on separate lots
317 within 500 feet of the entrance to the use it will serve provided that the
318 following is met
- 319 (1) Certain uses that have their highest peak demand for parking at
320 substantially different times of the day or week can consider a plan to provide
321 required parking by sharing parking with adjacent uses based on the following
322 criteria:
- 323 (a) Of up to fifty (50) percent of the parking facilities required for a
324 theatre, bowling alley, dance hall, bar, or restaurant may be supplied by
325 the off-street parking facilities provided by types of uses specified as a
326 primarily daytime use in subparagraph (d) below.
- 327
- 328 (b) Of up to fifty (50) percent of the off-street parking facilities
329 required for any use specified under (d) below as primary daytime uses
330 may be supplied by the parking facilities provided by the following
331 nighttime or Sunday uses:
332 Auditoriums incidental to a public or parochial school, places of assembly,
333 bowling alleys, dance halls, theatres, bars, or restaurants.
- 334
- 335 (c) Of up to fifty (50) percent of the parking facilities required by item
336 b above for a place of public assembly or for an auditorium incidental to a
337 public or parochial school may be supplied by off-street parking facilities
338 provided by uses specified under (d) below as primarily daytime uses.
- 339
- 340 (d) For the purpose of this section, the following uses are considered
341 as primarily daytime uses: Banks, business offices, retail stores/shopping
342 centers, personal service shops, household equipment or furniture shops,
343 clothing or shoe repair or service shops, manufacturing, wholesale, and
344 similar uses.
- 345 (2) The parking area must have a pedestrian connection, which includes
346 a trail or walkway, paved with a continuous impervious surface that connects to
347 all users of the shared parking.

348 (3) The parking plan for the area must demonstrate that all other
349 applicable ordinances can be met.

350 (4) Any adjacent properties with approved shared parking agreements
351 must have vehicle access between them.

352 (5) The agreement between all affected property owners may be
353 approved as to content by the City Attorney and may define responsibilities for
354 maintenance. Where shared use of parking exists within the same site or across
355 sites, a properly drawn legal instrument, drafted and executed by the parties
356 concerned, must be filed as a deed restriction on both properties with the records
357 for both properties in the Registrar of Titles' or Recorder's Office of Anoka
358 County with proof thereof presented to the Issuing Authority. The intent in either
359 case is that the agreement will be in the public record in perpetuity, and not altered
360 unless approved by the City Issuing Authority.

361 (6) Revocation. Failure to comply with the shared parking provisions of
362 this Section constitutes a violation of this Code. A shared parking agreement may
363 be revoked by the parties to the agreement only if off-street parking is provided as
364 otherwise set forth in Section b of this Code, or if an alternative shared parking
365 plan is approved by the City.

366 (d) Alternative work environments. Companies that utilize alternative work schedules,
367 telecommuting, or other methods that provide an overall reduction in parking needs
368 may be eligible for a parking reduction. A plan as to the number of employees
369 working under alternative work arrangements shall be provided to the city during site
370 plan review. City staff will review and make a recommendation to the City Council as
371 to how many stalls may be reduced.

372 (e) Planned Unit Development (PUD). Off-street parking requirements may be
373 reduced through the planned development process when an applicant demonstrates the
374 need for a lesser number of off-street parking spaces. The City may require a parking
375 and transportation study conducted in accordance with accepted methodology
376 approved by the City, prepared by an independent traffic engineering professional
377 under the supervision of the City and paid for by the applicant.

378 381
382 **Section 3.** Section 117-357 of the Ramsey City Code is amended to read as
383 follows:

384 **Sec. 117-357 Off-street loading**

385 ~~(1) One off street loading berth/dock shall be provided for every business and~~
386 ~~industrial use.~~

387 (1) All off-street loading dock/berth areas shall be a minimum of 50 feet in length
388 and there shall be at least one dock/berth for the first 10,000 square feet of floor

389 area and one additional berth/dock for each additional 25,000 square feet of floor
390 area-

391 (2) All external loading and service areas must be completely screened from
392 ground level view from contiguous residential properties and adjacent streets,
393 except at access points. Whenever a Business or Employment District abuts a
394 residential district, there shall be no loading dock on any building elevation that is
395 either directly facing or oriented towards a single family residence.

DRAFT

Regular Planning Commission

6. 2.

Meeting Date: 04/05/2012

By: Tim Gladhill, Community Development

Information

Title:

Staff Update

Background:

The following is a brief summary of approvals given in March that may be of interest to the Planning Commission :

- Request for an Interim Use Permit for an Online School at 7550 Highway 10 NW; Case of 2-OI, LLC

Clarification PACT Charter School Interim Use Permit Approval. As noted above, the City Council approved the request for an Interim Use Permit for the PACT Charter School Online Learning Program at the former site of Diamonds Sports Bar and Grill. The Planning Commission may recall the recommendation from the March Planning Commission Meeting was to also consider a Zoning Amendment/Comprehensive Plan Amendment to Public/Quasi-Public in order to make the proposed use a Permitted Use. Citing future land use goals and required process on the part of the City as well as the Property Owner, City Council directed Staff to not process said amendment at this time. Staff will work with the Property Owner over the first year or two of operation and re-evaluate zoning amendments and future land use goals for the site in the future. The Property Owner was agreeable to the direction.

City Council appoints members to Boards and Commissions. As part of the process for appointing members to Boards and Commissions, the City Council held interviews on March 6, 2012. The Planning Commission had one available seat, and Mr. Rob Schiller was appointed to another term.

Livable Communities Transit Oriented Development (TOD) Grants. The City submitted three (3) grant applications to the TOD Grant round through the Metropolitan Council for construction of the Sunwood Drive re-alignment, the construction of Center Street, and design of the future Highway 10 Pedestrian Overpass (known as Mississippi Skyway). The City is eligible for this grant opportunities available through the Livable Communities Program of the Metropolitan Council due to the approval of the Northstar Commuter Rail - Ramsey Station and eligible activities within a 1/2 mile radius of the station site.

Local Improvement Capacity (LIC) Grant Application. Made possible through a US Department of Housing and Urban Development Sustainable Communities Planning Grant, the Metropolitan Council as the lead agency with several private and public partners has created the Corridors of Opportunity Initiative. The program created pre-development planning grant opportunities. The City has submitted an application for planning for Municipal Plaza (Village Square Commons), which is directly north of the Municipal Center and location of the Happy Days Festival.

Transit Improvement Area (TIA) Designation Application. The City has submitted an application of the Minnesota Department of Employment and Economic Development (DEED) as a Transit Improvement Area (TIA). Similar to the grant opportunities mentioned above, the City is eligible for this program which would open up additional opportunities for grants and loans due to the approval of the Northstar Commuter Rail - Ramsey Station and activities within a 1/2 mile radius.

Request from Podawiltz Development for Local Contribution for Townhome Project in Town Center Gardens 3rd Addition. At their March 13th Work Session, the City Council directed Staff to continue discussions with Podawiltz Development for a local contribution for a 50 unit townhome project for an area of Town Center Gardens 3rd Addition just east of Town Center Drive, north of Bunker Lake Boulevard. This area of the Plat currently has streets and utilities constructed, but no development has occurred. City Council direction was to discuss donation of excess property owned by the HRA, vacation of an existing public ROW/conversion to private

street, and application for grant opportunities in the amount of \$15,000 to complete the gap in local contribution. According to Podawiltz Development, the local contribution is necessary for scoring purposes for a Minnesota Housing Finance Agency (MHFA) funding request. Staff anticipates discussing formal action on the request at the April 10th City Council Meeting. The Planning Commission will likely be asked to review a request for a revised site plan at a future date.

Update on Local Redistricting Process. At their March 27th Regular Agenda, the City Council approved a redistricting plan for the City's Ward Map. Redistricting is a process that is completed every ten (10) years following completion of the US Census in order to balance changes in population. As part of the State Redistricting process, a portion of Ramsey was divided by Minnesota House boundaries in Ward 1. In addition, the City's redistricting approval shifts a portion of Ward 1 into Ward 2 in order to balance population. Finally, some Polling Locations have changed based on the redistricting and size needs. Citizens should review the new Ward Map, available on display at the Ramsey Municipal Center or online at www.cityoframsey.com. In addition, all voters will be notified on their polling location and voter information via postcard by Anoka County.

City of Ramsey Hosts Northstar Commuter Rail - Ramsey Station Groundbreaking. The Planning Commission may be aware that the City recently hosted a groundbreaking for the Rail Station. Permits have been approved for the project, expected to be completed sometime in November, 2012.

First Phoenix Group of Ramsey, LLC Submits Application for Building Permit for Stoney River. Staff has received an Application for Building Permit for the Stoney River project on the current Lord of Life site. Staff is currently working with the Developer to complete the Platting process in order to allow construction to begin. According to First Phoenix and Lord of Life representatives, closing is anticipated in mid-April.

Notice of Public Hearing and Availability of Environmental Assessment for Great River Energy's Proposed Enterprise Park to Crooked Lake 115 kV Transmission Line Project. The Minnesota Department of Commerce Energy Facility Permitting will hold a public hearing on this project on Monday, April 16th at 6:00 p.m. at Anoka City Hall (2015 First Ave).

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Form Review

Inbox	Reviewed By	Date
Chris Anderson	Chris Anderson	03/29/2012 04:49 PM
Tim Gladhill (Originator)	Tim Gladhill	03/30/2012 07:55 AM
Form Started By: Tim Gladhill		Started On: 03/29/2012

Final Approval Date: 03/30/2012

Regular Planning Commission

6.3.

Meeting Date: 04/05/2012

By: JoAnn Shaw, Community Development

Information

Title:

Zoning Bulletins

Background:

Enclosed are zoning periodicals for your review.

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

Zoning Bulletins

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	03/29/2012 03:07 PM
Form Started By: JoAnn Shaw		Started On: 03/29/2012 09:07 AM
		Final Approval Date: 03/29/2012

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Zoning Bulletin

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Estoppel—After Finding Church Does Not Have Required Use Permit, County Orders Religious Services Stopped

Church sues, arguing equitable estoppel for lack of prior land use regulation enforcement and RLUIPA violations

Citation: *Guatay Christian Fellowship v. County of San Diego*, 2011 WL 6450742 (9th Cir. 2011)

The Ninth Circuit has jurisdiction over Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington.

NINTH CIRCUIT (CALIFORNIA) (12/23/11)—This case addressed the issue of whether a county's 20-year failure to enforce land use regulations against a church holding religious services without a required use permit equitably estops the county from enforcing the land use regulations against the church. The case also addresses what is required for a Religious Land Use and Institutionalized Persons Act ("RLUIPA") claim to be ripe.

The Background/Facts: Since 1986, the Guatay Christian Fellowship (the "Church") had been holding religious services in a recreation building located on the grounds of the Pine Valley Trailer Park (the "Park").

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The Park was located in Guatay, California, an unincorporated portion of San Diego County (the "County"). The parcel of land on which the Park sat was zoned "rural residential" under the County's zoning ordinance. In that zoning district, land use permits were required for religious assemblies, among other uses.

There was no evidence that the recreation building had been used for religious services prior to 1986. The Church made no attempt to complete and file a Use Permit application.

On April 16, 2008, the County issued a Notice of Violation ("NOV") to the Park. The NOV noted that the recreation building had been "illegally converted for use as a church." The NOV required the Park owner to notify the Church to cease using the building for religious assembly within 30 days of the notice.

Having found the Park owner failed to properly notify the Church of the violation, on May 30, 2008, the County sent a letter to the Church's pastor. That letter advised the Church that the property was not zoned for religious assembly and that no permit had been obtained to allow religious assembly at the property. The Church was ordered to cease and desist religious services at the recreation building.

Eventually, the Church sued the County. Among other things, the Church alleged that: the County's enforcement of the land use regulations against the Church violated RLUIPA's "substantial burden on religious exercise" prohibition. RLUIPA provides that a government land-use regulation "that imposes a substantial burden on the religious exercise of a ... religious assembly or institution" is unlawful "unless the government demonstrates that imposition of the burden ... is in furtherance of a compelling governmental interest; and is the least restrictive means of furthering that compelling governmental interest." (42 U.S.C.A. § 2000cc(a)(1).)

The Church also argued that, since the County had not enforced the land use regulations against the Church's religious assembly use in more than 20 years, principles of equitable estoppel should enjoin the County from arguing that a Use Permit was now required.

The district court found that the Church's RLUIPA claim failed because it was not ripe (i.e., not ready for judicial review) given the fact that the Church had never applied for a land use permit or zoning change. The court found that the Church's equitable estoppel claim also failed because: any reliance on the existence of a valid Use Permit (i.e., a permit that had been issued to the Park owner for music assemblies at the recreation hall had expired prior to the Church's use of the recreation hall) or on lack of prior enforcement was unreasonable.

The Church appealed.

DECISION: Affirmed.

The United States Court of Appeals, Ninth Circuit, held that: the Church's RLUIPA claim was unripe because the church failed to complete even one full use permit application. The court also held that the County could not be equitably estopped from prohibiting the Church from using its recreation hall for religious services without a required permit.

The court explained that the County's RLUIPA claim was unripe for lack of a final decision. "A claim that the application of government regulations effects a taking of a property interest is not ripe until the government entity charged with implementing the regulations has reached a final decision regarding the application of the regulations to the property at issue," said the court. Here, since neither the Park owner nor the Church submitted even a single application for a Use Permit, the court "[could] not determine if the Church ha[d] suffered a 'substantial burden' under RLUIPA" The Church had presented no evidence that the County would not or could not issue a Use Permit once the County had received a complete application from the Church.

The Church had also argued that the County should be equitably estopped from prohibiting its use of the recreation hall for religious services because, among other things: the Church did not know it needed a permit to use the recreation hall for religious services; and the Church had reasonably relied on the County's lack of enforcement of permit requirements when it made certain improvements to the recreation hall. The court rejected this equitable estoppel argument. The court explained that in order for it to grant equitable estoppel, the Church had to establish four elements: (1) the County was "apprised of the facts"; (2) the County intended that its conduct be acted upon, or acted such that the Church "had a right to believe it was so intended"; (3) the Church was "ignorant of the true state of the facts"; and (4) "relied upon [the] conduct to [its] injury." If one of those elements was missing, the court could not grant estoppel. Here, the court found that, among others, the third element was missing. The Church "[could] not claim that it knew neither that to use the recreation hall for religious services generally required a Use Permit, nor that the Church in particular needed to apply for one." The Church had been informed by a County employee in 1986 that a Use Permit was required. The Church could not, under California law, "rely on lack of enforcement, even in the form of previous exemption grants, to establish entitlement to equitable estoppel."

See also: *Williamson County Regional Planning Com'n v. Hamilton Bank of Johnson City*, 473 U.S. 172, 105 S. Ct. 3108, 87 L. Ed. 2d 126 (1985).

See also: *Green v. Travelers Indemnity Co.*, 185 Cal. App. 3d 544, 230 Cal. Rptr. 13 (1st Dist. 1986).

See also: *Golden Gate Water Ski Club v. County of Contra Costa*, 165 Cal. App. 4th 249, 80 Cal. Rptr. 3d 876 (1st Dist. 2008).

Case Note: The court noted that “[a]ll of the circuits [as well as the Ninth Circuit’s district courts] ... have applied the final decision requirement to RLUIPA claims, ... reasoning that the requirement of a final decision ... served the purposes of the ripeness doctrine”

Case Note: The Church had argued that the Use Permit application (specifically the costs associated with the application) itself was a substantial burden on the church in violation of RLUIPA. The court found the record here “insufficient” to reach the merits of this “cost-as-a burden” claim. Thus, it could not “determine whether this permit application process itself constitute[d] a substantial burden on the Church, and [it determined that it] need not pass judgment on the broader question of whether costs of some magnitude alone can ever constitute a substantial burden for the purposes of RLUIPA claims.”

Proceedings—Citizens Group Challenges City’s Approval of Two Master Planned Development Permits

Parties dispute whether regional growth management hearings board has jurisdiction over challenge

Citation: *BD Lawson Partners, LP v. Central Puget Sound Growth Management Hearings Bd.*, 2011 WL 6778803 (Wash. Ct. App. Div. 1 2011)

WASHINGTON (12/27/11)—This case addressed the issue of the jurisdiction of regional growth management boards. Specifically, it addresses whether such a board has jurisdiction over the challenge of a city’s grant of master planned development permits by ordinance.

The Background/Facts: In 2009, the City of Black Diamond (the “City”) adopted a new comprehensive plan. That comprehensive plan included a Future Land Use Map, which designated large areas of the City broadly for Master Planned Developments (“MPDs”). The City also enacted development regulations in the form of a 2009 MPD ordinance. The ordinance created an MPD zoning district and set the standards and the permit process for the review of future MPD permit applications. These 2009 ordinances were not appealed to the Central Puget Sound Region Growth Management Hearings Board (the “Board”) under the state of Washington’s Growth Management Act (the “GMA”).

In 2010, BD Lawson Partners LP and BD Village Partners LP (collectively "Yarrow Bay") sought approval from the City to build two MPDs. The City granted the two MPD permits by ordinance (the "2010 Approval Ordinances").

A citizens group led by Toward Responsible Development ("TRD") filed challenges to the 2010 Approval Ordinances both in superior court under the Land Use Petition Act ("LUPA") and with the Board under the GMA. The LUPA case was stayed pending the GMA appeal.

In proceedings before the Board, the City argued that the 2010 Approval Ordinances were project permits that were consistent with the City's comprehensive plan and development regulations. As project permits, the City maintained that the Board did not have jurisdiction over the 2010 Approval Ordinances. TRD, on the other hand, argued that 2010 Approval Ordinances were not project specific permits but were development regulations, and thus the Board should have jurisdiction.

The Board agreed with TRD that it had jurisdiction. It determined that the 2010 Approval Ordinances were development regulations over which it had jurisdiction.

Yarrow Bay appealed. It argued that the Board erred by asserting jurisdiction over the 2010 Approval Ordinances. It contended that the Board's assumption of jurisdiction constituted an improper collateral attack on the City's 2009 comprehensive plan and development regulations.

DECISION: Reversed.

The Court of Appeals of Washington, Division 1, agreed with Yarrow Bay. It held that the 2010 Approval Ordinances were project permit approvals, and therefore the Board lacked jurisdiction to review them.

The court explained that the Board's jurisdiction is "limited to deciding petitions challenging comprehensive plans, development regulations, or permanent amendments to comprehensive plans or development regulations." The court said that the "Board does not have jurisdiction to decide challenges to project permit applications or site-specific land use decisions, because such decisions do not qualify as comprehensive plans or development regulations."

Thus, if the 2010 Approval Ordinances amended development regulations or the City's comprehensive plan, the Board would properly have jurisdiction here. However, if the 2010 Approval Ordinances were permit approvals or site-specific land use decisions, then they would fall outside the scope of the Board's jurisdiction, and would only be properly challengeable in a LUPA petition to superior court.

Here, the court found it undisputed that the 2010 Approval Ordinances approved permits and that those permit applications were consistent with the development regulations established in 2009. Since the 2010

Approval Ordinances were permit approvals, the Board did not have jurisdiction, concluded the court. Moreover, since the 2010 Approval Ordinances were consistent with the 2009 ordinances—which were never challenged—TRD’s challenge of the 2010 Approval Ordinances was an impermissible collateral attack on the 2009 ordinances, found the court.

See also: *Woods v. Kittitas County*, 162 Wash. 2d 597, 174 P.3d 25 (2007).

See also: *Feil v. Eastern Washington Growth Management Hearings Bd.*, 172 Wash. 2d 367, 259 P.3d 227 (2011), as corrected, (Sept. 29, 2011) and as corrected, (Jan. 10, 2012).

Standing—Zoning Board Member Leaves After Tie Vote, Then New Vote Taken

Zoning Board member sues, alleging her vote was improperly nullified in her absence

Citation: *Brodeur v. Miami-Dade County*, 2012 WL 10824 (Fla. Dist. Ct. App. 3d Dist. 2012)

FLORIDA (01/4/12)—This case addressed the issue of whether a zoning board member had standing to challenge a vote that was taken in her absence, which she claimed improperly nullified her vote.

The Background/Facts: In June 2010, the Miami-Dade County (the “County”) Community Zoning and Appeals Board for Area 12 (the “CZAB”) convened for a regular meeting. Six members of the seven-member CZAB were present, including Peggy Brodeur (“Brodeur”).

The agenda for that meeting included an application by developer, J. Milton Dadeland, LLC (the “Developer”), for site plan approval to increase an existing apartment building from four stories to eight stories. After hearing the application, the CZAB members voted. Three members voted for approval, and three voted against the time. Brodeur voted against the application.

At the meeting, staff, including the Assistant County Attorney, advised that a tie vote would cause the matter to carry over to the next meeting of the CZAB. The relevant county ordinance, County Code § 33-308, stated that: “Whenever a tie vote occurs, the matter shall be carried over to the next regularly scheduled meeting.”

Shortly after the vote was taken, Brodeur became ill and was unable to remain for the balance of the meeting. After she left, the chair of the meeting allowed additional discussion regarding a further amendment to the Developer’s application. Eventually, after additional discussion, another vote was taken on the application. This time, the application passed by a vote of three to two.

Brodeur later filed a complaint in the circuit court against the County. She alleged that the CZAB's actions on the resolution after she left the meeting violated County Code § 33-308 and that the approval of the application was therefore void.

Both the Developer (who was allowed to intervene) and the County filed motions to dismiss Brodeur's complaint. They maintained that Brodeur lacked standing to bring the action. In doing so, they relied on the "general rule that a public official lacks standing to challenge the rules and procedures applicable to his or her official acts."

Brodeur maintained that an exception existed where, such as in this case, the public official is willing to perform his or her duties, "but is prevented from doing so by others."

The circuit court agreed with the Developer and the County and dismissed the complaint.

Brodeur appealed.

DECISION: Reversed, and matter remanded.

The District Court of Appeal of Florida held that Brodeur "alleged a sufficient interest in vindicating the effectiveness of her vote to confer standing to bring the challenge."

In so holding, the court acknowledged that Brodeur lacked a property interest in the subject matter (i.e., the Developer's application). However, the court also recognized that Brodeur was "entitled to seek review of actions which nullify her duly-exercised vote."

The court looked at whether Brodeur alleged a sufficient interest on her part in vindicating "the effectiveness of her vote." The court found that she did given the facts that: (1) § 33-308 specified that a tie vote triggered a carryover to the next meeting; and (2) the carryover to the next meeting and § 33-308 were discussed by the staff and the CZAB chair before Brodeur left the meeting. The court found these facts "sufficient ... to establish Ms. Brodeur's standing to seek relief" from her claim that her vote was improperly nullified—"a distinct 'injury in fact' resulting from the CZAB's actions taken in her absence."

See also: *Graham v. Swift*, 480 So. 2d 124 (Fla. Dist. Ct. App. 3d Dist. 1985).

See also: *Coleman v. Miller*, 307 U.S. 433, 59 S. Ct. 972, 83 L. Ed. 1385, 122 A.L.R. 695 (1939).

Case Note: In August 2011, the County Commission amended Code § 33-308 so that the pertinent excerpt now provides: "Whenever a tie vote occurs and no other available motion on the application is

made and approved before the next application is called for consideration or before a recess or adjournment is called, whichever occurs first, the matter shall be carried over to the next regularly scheduled meeting.”

Validity of Regulations—State Agency Issues Regulations Requiring Buffer Zones on Wetlands, Waterways

County says regulations amount to zoning and exceed agency’s authority

Citation: *Delaware Dept. of Natural Resources & Environmental Control v. Sussex County*, 2011 WL 6840591 (Del. 2011)

DELAWARE (12/29/11)—This case addressed the issue of the validity of §§ 4 and 5 of the Delaware Department of Natural Resources & Environmental Control’s (“DNREC”) “Regulations Governing the Pollution Control Strategy for the Indian River, Indian River Bay, Rehoboth Bay and Little Assawoman Bay Watersheds” (the “PCS Regulations”), which were promulgated in 2008 to effect DNREC’s Pollution Control Strategy (“PCS”) for the Inland Bays watershed area.

The Background/Facts: In an effort to control pollution in the Inland Bays, in June 2008, DNREC promulgated the PCS Regulations. Sections 4.0 (Buffer Zone Establishment) and 5.0 (Sediment and Stormwater Controls) of the PCS Regulations combined to effectuate buffer zones. These buffer zones “limit landowner’s uses of their property if the property is adjacent to an Inland Bay waterway.” “Water quality buffers are described as natural areas between the active land uses and wetlands, or water bodies.” They are “managed to promote the natural removal of pollutants and to protect wetlands against encroachment or physical alterations.” The PCS Regulations required the buffer zone to be 100 feet.

In November 2008, Sussex County (the “County”) filed a complaint against DNREC. The County asserted that DNREC exceeded its constitutional and statutory authority in promulgating the PCS Regulations. The County’s Zoning Ordinance § 115-193 (the “County Ordinance”), enacted in 1988, regulated buffer zones. Unlike DNREC’s PCS Regulations, which established a 100-foot buffer zone, the County Ordinance established only a 50-foot buffer zone. The County argued that it had sole zoning authority, pursuant to the powers delegated to it by the General Assembly. The County argued that §§ 4 and 5 of the PCS Regulations constituted “zoning” and thus directly conflicted with the County Ordinance and were void.

DNREC maintained that there was no direct conflict between the two buffer zones because “[n]othing in the PCS buffer of 100 feet prevents compliance with the [County Ordinance]’s buffer of 50 feet.” Moreover, DNREC argued that §§ 4 and 5 of the PCS Regulations did not constitute zoning because they were promulgated for pollution control purposes only. As such, DNREC maintained that the PCS Regulations were lawfully promulgated pursuant to title 7, § 6010(a) of the Delaware Code to effectuate Chapter 60’s express policy and purpose of pollution control.

The superior court agreed with the County. It held that §§ 4 and 5 of the PCS Regulations constituted “zoning,” and thus directly conflicted with the County Ordinance. The court held those portions of the PCS Regulations were therefore void.

DNREC appealed.

DECISION: Affirmed.

The Supreme Court of Delaware agreed with the superior court. It held that DNREC exceeded its authority in enacting buffer zones under the PCS Regulations, §§ 4 and 5.

In so holding, the court explained that the General Assembly had “made clear that the authority to adopt a comprehensive land use plan in [the County] [was] vested solely with the government of [the County].” The court found this clarity in multiple relevant statutes that delegated zoning power to the County, including: title 9, section 6902(a) of the Delaware Code (which specifically delegates zoning power to the County); title 9, § 7001 (the Home Rule statute); and title 9, § 6951 (the Quality of Life Act of 1988). The court also found that, as part of the comprehensive land use plan process, the state’s Land Use Planning Act (as well as the Quality of Life Act and the Delaware Land Protection Act) requires DNREC and other state agencies to bring zoning issues to the county government.

Since sole zoning authority vested in the County, the court first determined whether §§ 4 and 5 of the PCS Regulations conflicted with the County Ordinance’s buffer zone regulation. The court found they did conflict. Among several other points, the court found that the “conflict [was] dramatically illustrated by § 4.7 of the PCS Regulations, which prohibits the submission to Sussex County of final site plans and final major subdivision plans unless they comply with the PCS Regulations.”

The remaining issue then, was whether the PCS Regulations were valid, even if they conflicted with the County Zoning Ordinance. The court determined that § 4 and portions of § 5, which established buffer zones, were not valid because they constituted zoning. The court held that the buffer zones established in the PCS Regulations and the related

mandates constituted zoning “because they impose[d] land use restrictions on Sussex County’s inland bays watersheds by multiple methods that are well-established zoning actions.” “Zoning,” noted the court, is defined as “the division of land into distinct districts and the regulation of certain uses and developments within those districts... .” Setbacks and buffers have been judicially recognized as part of a zoning scheme, noted the court. The court found that the PCS Regulations not only mandated a buffer, thus constituting zoning, but also went “far beyond establishing buffer zones.” Among other things, again, the court pointed to § 4.7 of the PCS Regulations, which provided that no final major subdivision plats or final site plans could even be submitted to the County for consideration unless the application included the buffer zones and restrictions provided for in the PCS Regulations. The court found that, accordingly, the PCS Regulations purported “to completely prohibit [the County] from exercising its zoning authority in the absence of compliance.”

The court further found that DNREC’s general legislative authority to control pollution and to protect the environment was “insufficient to authorize DNREC to adopt regulations that zone Sussex County’s inland bays watersheds.”

The court concluded that DNREC exceeded its powers in enacting the PCS Regulations because: (1) the PCS Regulations constituted zoning; (2) the PCS Regulations directly conflicted with the County Zoning Ordinance; and (3) DNREC lacked the statutory authority to engage in zoning practices. The court held that § 4 and those portions of § 5 adopting buffer restrictions under § 4 were void and must be stricken.

See also: *Concerned Citizens of Cedar Neck, Inc. v. Sussex County Council*, 1998 WL 671235 (Del. Ch. 1998).

See also: *Coker v. Kent County Levy Court*, 2008 WL 5451337 (Del. Ch. 2008).

Zoning News from Around the Nation

DISTRICT OF COLUMBIA

Vincent Orange—currently representing Ward 5—has proposed “an emergency bill that will place limits on the number of medical marijuana facilities and strip clubs that can go in any particular ward.” Under the draft bill, only five marijuana cultivation centers could be permitted in any single ward. Medical marijuana dispensaries would be limited to only two per ward.

Source: *The Washington Post*; www.washingtonpost.com

MAINE

Reportedly, members of a state task force created to reform the Land Use Regulation Commission (“LURC”) recently “urged lawmakers ... to quickly pass changes to LURC’s structure and rules.” “[B]oth Republicans and Democrats on the committee said they don’t intend to rush a decision.” Task force recommendations reportedly include: retaining a statewide land use planning, zoning and permitting board for the Unorganized Territory; rewording LURC’s “Purpose and Scope” to value both conservation and economic viability; and shifting major site development applications in the Unorganized Territory to the Maine Department of Environmental Protection and forest management activities to the Maine Forest Service.

Source: *Bangor Daily News*; <http://bangordailynews.com>

NEW JERSEY

Assemblyman Declan O’Scanlon (Republican-Monmouth) recently announced his intent to “introduce a bill that would protect the state’s select-ed pot growers from running afoul of zoning laws.” Reportedly, O’Scanlon “said many communities in New Jersey have expressed concerns about marijuana farms running afoul of federal law, and have tried to use zoning and other tools to block their entry.” He contends that “most of the worries are unfounded and have needlessly kept patients from obtaining a drug that would help ease their pain.” Among other things, O’Scanlon’s bill would reportedly: include marijuana growers under the state’s Right to Farm Act; and require the growers to provide around the clock security, spelled out in a written plan approved by the municipality.

Source: *The Star-Ledger*; www.nj.com

NEW YORK

The New York Civil Liberties Union and the National Lawyers Guild have filed a zoning complaint with New York City’s buildings department. They argue that metal barricades surrounding Manhattan’s Zuc-cotti Park (the “epicenter of the Occupy Wall Street Movement”) are “a violation of city zoning law because they restrict public access to the space.” Reportedly, members of the public are only able to enter the park through two “checkpoints” that are guarded by police officers or security personnel.

Source: *The Washington Post*; www.washingtonpost.com

QUINLAN™

Zoning Bulletin

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Authority—Non-home-rule City's Zoning Ordinance Prohibits Oil, Gas Operations Within City Limits

Oil and gas company argues non-home-rule units of government lack authority to prohibit such operations

Citation: *Tri-Power Resources, Inc. v. City of Carlyle*, 2012 IL App (5th) 110075, 2012 WL 34253 (Ill. App. Ct. 5th Dist. 2012)

ILLINOIS (01/06/12)—This case addressed the issue of whether a non-home-rule unit of government has the authority to prohibit or bar the drilling or operation of an oil or gas well within its municipal limits.

The Background/Facts: In June 2005, Tri-Power Resources, Inc. ("Tri-Power") obtained a permit from the Illinois Department of Natural Resources (the "Department") to drill for oil on land it leased in the City of Carlyle (the "City")—an unincorporated part of Clinton County.

The City's zoning code did not allow for the drilling or operation of oil or gas wells within the City's municipal limits. Although the drilling or operation of oil or natural gas wells was not expressly prohibited by the City's zoning code, it was precluded by exclusion. It was not listed

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as a “special” or “permitted” use, and all “unlisted” uses were “deemed prohibited” under the City’s zoning code.

Tri-Power brought a legal action against the City. Among other things, Tri-Power asked the court to declare that the City was not authorized to prohibit the drilling of an oil or gas well within its municipal limits. In support of its argument, Tri-Power maintained that pursuant to § 11-56-1 of the Illinois Municipal Code (the “Code”) (65 ILCS 5/11-56-1) and § 13 of the Illinois Oil and Gas Act (the “Act”) (225 ILCS 725/13), the City had “limited authority” to regulate the drilling or operation of an oil or gas well within its municipal limits, but was not authorized to bar or prohibit such activity.

Section 11-56-1 of the Code provides: “The corporate authorities of each municipality may grant permits to mine oil or gas, under such restrictions as will protect public and private property”

Section 13 of the Act provides that an application to the State for a permit for oil or gas well operations must be accompanied by: a “certified copy of the official consent of the municipal authorities for said well to be drilled, and no permit shall be issued unless consent is secured and filed with the application.”

Tri-Power contended that §§ 11-56-1 and 13 should have been “construed together as giving the City the authority to ‘impose reasonable restrictions on the issuance of a permit to drill an oil or gas well inside the City limits’ but not the ‘authority to refuse to grant such a permit, where any or all conditions have been met or alternatively, as in the instant case, where none exist.’”

The circuit court disagreed with Tri-Power. It interpreted § 13 of the Act as granting the City the authority to prohibit the operation of an oil or gas well within its municipal limits.

Tri-Power requested certification of the issue to the appellate court. The circuit court and the appellate court both granted that request.

DECISION: Affirmed.

Agreeing with the circuit court, the Appellate Court of Illinois, Fifth District, held that a non-home-rule unit of government may prohibit the drilling or operation of an oil or gas well within its municipal limits.

In so holding, the court construed the plain language of the relevant statutes. The court found that § 13 of the Act gave the City the power to prohibit the operation of an oil or gas well within its municipal limits. The court found that § 11-56-1 of the Code further supported that determination.

Tri-Power had argued that the use of the term “consent” in § 13 should have been interpreted as referring to “the municipality’s determination that all conditions or reasonable restrictions imposed [on drilling within its municipal limits] have been met.” Accordingly, Tri-Power maintained that the State’s authority to issue permits for oil and gas operations was preemptive.

The appellate court disagreed. It said Tri-Power's proposed interpretation would require the court to ignore the legislature's plain language and "read conditions into the statute[s] that are not there." Rather, the court found that the power to give "official consent" or permission necessarily entailed the power to deny the same. Therefore, pursuant to § 13 of the Act, a municipality could block the Department's issuance of a permit to operate an oil or gas well within its municipal limits. The court concluded that "[s]ection 13 of the Act thus precludes a finding that the legislature intended the Act to have preemptive effect, and § 11-56-1 of the Code further reflects that intent by giving local units of government the power to regulate and permit local oil and gas mining." Thus, §§ 13 and 11-56-1 collectively grant municipalities the power to both permit and prohibit local oil and gas wells.

See also: *Village of Chatham v. County of Sangamon*, 216 Ill. 2d 402, 297 Ill. Dec. 249, 837 N.E.2d 29 (2005).

See also: *People v. Wade*, 326 Ill. App. 3d 396, 260 Ill. Dec. 74, 760 N.E.2d 491 (3d Dist. 2001), as modified, (Nov. 30, 2001).

Case Note: In its holding, the court noted that, under "Dillon's Rule," "non-home-rule units possess only those powers specifically conveyed by the constitution or by statute." Thus, the City could only regulate oil or gas operations if the constitution or statute specifically conveyed such authority. Here, the court found §§ 11-56-1 and 13 collectively conveyed such authority to the City.

Constitutional Validity of Regulation—Sexually-oriented Business Says Statute Limiting its Location is Unconstitutional as Applied to it

In analyzing availability of other available areas in which business could operate, court looked outside the State's borders

Citation: *Borough of Sayreville v. 35 Club L.L.C.*, 2012 WL 147848 (N.J. 2012)

NEW JERSEY (01/19/12)—This case addressed the issue of whether a court may consider the availability of alternative channels of communication that are located in another state when determining an as-applied challenge to the constitutionality of N.J.S.A. 2C:34-7—a statute that limits the locations of where sexually-oriented businesses may operate.

The Background/Facts: In November 2007, 35 Club L.L.C. (“35 Club”) began operating a business called “XXXV Gentlemen’s Club” in the Borough of Sayreville (the “Borough”). The business, “an all-nude gentlemen’s cabaret,” met the statutory definition of sexually-oriented business under New Jersey statutory law, N.J.S.A. 2C:34-6(a).

Shortly after the business opened, the Borough commenced a Chancery Division action. In part, it sought to permanently enjoin 35 Club from operating its business at the location it had chosen. The Borough maintained that the location violated N.J.S.A. 2C:34-7(a), which prohibited the operation of a sexually-oriented business within 1,000 feet of a public park or residential zone.

35 Club conceded that the Club’s location violated the statutory prohibition. However, it argued that the statute was unconstitutional as applied to it because there were no “adequate alternative channels of communication [for the protected activity] within the relevant market area.”

Because the statute operates to limit free speech rights being exercised by owners and patrons of sexually-oriented businesses, the New Jersey Supreme Court had previously held that the statute could only limit those rights if there were adequate alternative channels of the communication of that type of speech. Thus, the trial court in this case, in analyzing whether the statute as-applied to 35 Club was unconstitutional in violation of the free speech rights of 35 Club and its patrons, had to look at whether there were adequate alternative channels of communication for sexually-oriented businesses within the relevant market area.

The court found that the Borough had shown that there were adequate alternative channels of communication available in the relevant market area such that the statute could be constitutionally applied to prohibit 35 Club from operating in its current location—within 1,000 feet of a public park or residential zone.

In reaching that conclusion, the court considered the availability of alternative channels of communication outside of New Jersey—specifically in Staten Island, New York.

The matter was appealed.

The Appellate Division reversed. In reversing, it commented that “[t]he inclusion of Staten Island [in the relevant market area] presents an independent basis for rejecting the [Chancery] court’s analysis with respect to the availability of suitable sites.”

The matter was appealed as of right to the Supreme Court of New Jersey. (The appeal arose only though the dissent in the Appellate Division, and thus the Supreme Court was confined to the issue which was the subject matter of the dissent: whether a trial court addressing an as-applied challenge to the statute may consider potentially available alternative sites that are outside of New Jersey’s borders.)

DECISION: Affirmed in part and reversed in part.

The Supreme Court of New Jersey held that “in evaluating the adequacy of alternative channels of communication,” New Jersey trial courts may consider the existence of sites that are located outside of New Jersey but that are found within the relevant market area as defined by the parties’ experts.

In reaching its conclusion, the court noted that the legislature’s state-wide approach to regulating sexually-oriented businesses demanded that any ordinance be tested by means of a regional market rather than be confined to the borders of any particular municipality. The court had previously held that, in the context of a statewide statute, New Jersey trial courts could look beyond the borders of any particular municipality and consider on a broader scale whether there were adequate alternative avenues for the operation of those business establishments.

Here, the court now determined that just as it had held courts could look beyond municipal borders in evaluating the availability of alternative avenues of communications, courts could also look beyond the borders of the state if within the relevant market area.

The court based that determination on several grounds:

First, the court recognized that it might be “far more convenient for a patron to travel a few minutes into New York or Pennsylvania than to travel twenty minutes away to [another municipality in New Jersey].”

Second, the court found the record made clear that patrons of sexually-oriented businesses often travel from and to states other than the ones in which they reside to access this sort of entertainment. Confining court review only to potentially available locations within state borders thus “may not comport with the manner in which individuals in fact exercise the rights that the First Amendment protects,” said the court.

The court also noted that “refusing to permit any consideration of locations that are found in nearby states would result in unequal treatment among [New Jersey] municipalities themselves because a town in the middle of the State would be able to use a wide market area,” while a town on the border would have a “truncated” regional market approach. This, said the court, could require border municipalities to host far more sexually-oriented businesses than would otherwise be the case.

Finally, the court rejected the argument that courts should not consider sites beyond New Jersey borders because the operators of sexually-oriented businesses have no voice in the government of those out-of-state municipalities. The court found that argument ignored the fact that such

businesses had no more voice in the government of other municipalities within New Jersey borders.

The court concluded that, as a part of the evaluation of the regional market, it is permissible to consider not only the “neighboring communities” that lie within New Jersey’s borders, but to consider as relevant to the question those “neighboring communities” that are beyond those borders.

See also: *Township of Saddle Brook v. A.B. Family Center, Inc.*, 156 N.J. 587, 722 A.2d 530 (1999).

Case Note: The court emphasized that its holding was a narrow one. “We do not suggest that a record that demonstrates that the only available alternate sites are beyond our borders would be constitutionally defensible. Nor do we suggest that a record in which the majority of such sites are in another state would pass constitutional muster. But travel between states on our roads and through our public transportation system, factors that both experts in this case found relevant to their market analysis, is a fact of modern life in our increasingly mobile society.”

Case Note: The court noted that in determining whether the statute was unconstitutional as-applied to 35 Club required “difficult, fact-sensitive, inquiries” with the following steps: (1) determination of the relevant market area; (2) determination of the availability of suitable sites within that market area; and (3) determination of whether the number of suitable sites in relation to the size of the market area provides Club 35 with enough alternatives to withstand constitutional scrutiny.

Standing—Circuit Court Overturns BZA Denial of Variance

Abutting landowner, who was not a party in circuit court case, appeals circuit court’s decision

Citation: *Underwood v. St. Joseph Bd. of Zoning Adjustment*, 2012 WL 117747 (Mo. Ct. App. W.D. 2012)

MISSOURI (01/17/12)—This case addressed the issue of whether an adjacent property owner has standing to appeal a circuit court decision in which he/she was not a party.

The Background/Facts: Kelvin Underwood (“Underwood”) sought to construct a detached garage on his property in the city of St. Joseph (the “City”). He submitted construction plans to the City for approval. The City approved the plans and Underwood obtained a building permit.

When Underwood’s garage construction was 80% complete, it was determined that: (1) it was nearly 100 square feet larger than permitted; and (2) the City had erred in approving the garage plans submitted by Underwood since, under the size limitations provided by ordinance, the garage should have been nearly 300 feet smaller than permitted. The City advised Underwood to either: obtain a demolition permit, with the City paying for 76% of the required downsizing in light of the City’s permitting mistake; or seek an area variance with the City’s Board of Zoning Adjustment (“BZA”).

Underwood chose to seek the variance. Before the initial hearing on the variance request, abutting property owners, including Sharon Kennedy (“Kennedy”), submitted comments related to the variance request. Kennedy expressed her opposition to the variance. She was concerned that the garage did not fit the character of the neighborhood due to its size and construction material. She indicated her belief that “[t]his may adversely affect property values in the neighborhood.”

Underwood’s variance request was denied by the BZA.

Underwood appealed to the circuit court. The circuit court reversed the BZA’s denial. It remanded the case to the BZA with orders that the BZA grant Underwood’s variance request. The BZA did not appeal that decision. Instead, the BZA granted the variance request.

One week later, Kennedy filed a notice of appeal in the Missouri Court of Appeals. She sought to challenge the circuit court’s decision reversing the BZA’s denial of Underwood’s variance request.

Underwood filed a motion to dismiss the appeal. He argued that the appeal must be dismissed because Kennedy did not have standing to appeal.

DECISION: Motion to dismiss appeal granted.

The Missouri Court of Appeals granted Underwood’s motion to dismiss Kennedy’s appeal. In doing so, it held that because Kennedy was not a party to the cause below in the circuit court (i.e., Underwood’s appeal from the BZA decision following the initial hearing), she did not have standing to seek an appeal therefrom.

The court explained that standing is a precursor to the right to appeal. If a party does not have standing, the party’s appeal must be dismissed.

The court looked at Missouri statutory law, RSM 64.660.2, governing decisions made by county boards of zoning adjustment. The court

noted that the statute expressly indicates that “[a]fter entry of judgment in the circuit court in the action in review, any party to the cause may prosecute an appeal to the appellate court” Again, since Kennedy was not a party to the cause—the circuit court case—the court concluded that she could not prosecute an appeal.

Kennedy, however, argued that she still had standing despite her non-party status. First, she contended that § 536.100 of the Missouri Administrative Procedures Act expressly conferred standing upon her as a “person ... aggrieved by a final decision in a contested case.” Second, she argued that even if she did not have standing under § 536.100, the City’s standing should be deemed to have transferred to her for purposes of appeal once the City acted in an allegedly arbitrary and capricious manner in choosing not to pursue the appeal. The court rejected both arguments.

The court found that § 536.100 did not confer standing to nonparties on appeal in the appellate courts. Rather, § 64.660.2 provided the mechanism for judicial review here. Again, that section conferred standing only upon parties to the cause—of which Kennedy was not one.

The court also concluded that standing could not automatically transfer from a named party (e.g., here, the City) to a nonparty (e.g., here, Kennedy) for purposes of appeal. Kennedy had argued that she would have been unable to intervene in the circuit court case because the City was adequately representing her interests. As such, she contended that it was not until the City decided not to pursue the appeal that their interests diverged. The court rejected that argument as speculative. Moreover, the court found that, had she tried, Kennedy would not have been precluded from seeking permissive intervention (“which does not involve the question of adequate representation”) to become a party to the litigation, and thereby acquire standing to appeal the circuit court’s judgment.

See also: *F.W. Disposal South, LLC v. St. Louis County Council*, 266 S.W.3d 334 (Mo. Ct. App. E.D. 2008).

See also: *City of Bridgeton v. Norfolk & W. Ry. Co.*, 535 S.W.2d 99 (Mo. 1976).

Case Note: This case makes clear that opponents of land use requests should intervene in any original court action rather than relying on the municipality to represent their interests. Otherwise, as was the case with Kennedy here, they lose all opportunity to challenge the matter, and risk a municipality’s decision to deny a land use request being overturned without further appeal.

Constitutional Validity of Regulation—Ordinance Declares Abandoned Vehicles Nuisance

Property owners argue ordinance is ultra vires and unconstitutional because it does not require establishment of a nuisance in fact

Citation: *Borough of New Bloomfield v. Wagner*, 2012 WL 130668 (Pa. Commw. Ct. 2012)

PENNSYLVANIA (01/18/12)—This case addressed the issue of whether a nuisance ordinance prohibiting the accumulation of abandoned vehicles on private or public property was unconstitutional as applied to property owners.

The Background/Facts: In September 2006, the Borough of New Bloomfield (the “Borough”) passed Ordinance No. 256 (the “Ordinance”). The Ordinance prohibits nuisances on private or public property within the Borough, including, among other things, the accumulation of abandoned vehicles.

The Wagners and the Henches (the “Property Owners”) owned and stored a variety of unregistered or uninspected vehicles on their respective properties. The Property Owners’ vehicles would be deemed “abandoned” under the Ordinance.

In August 2009, the Borough filed a declaratory judgment action with the trial court. It asked the court to: declare that the Property Owners’ vehicles were “abandoned” under the Ordinance, and direct the Property Owners to remove the abandoned vehicles from their property.

The Property Owners responded by arguing that the Ordinance was ultra vires (i.e., beyond the Borough’s powers) and unconstitutional as applied to them. They maintained the Ordinance was ultra vires because it declared the storage of abandoned vehicles a nuisance per se—without having to show a nuisance in fact. The Property Owners argued that the Ordinance was unconstitutional as applied to them because there was no evidence that the vehicles on their property actually were a nuisance in fact. They contended that an unregistered or uninspected vehicle has no more impact on the public welfare than a registered or inspected vehicle in the absence of facts that such vehicle creates a nuisance. In other words, they argued that for the Ordinance to automatically deem their vehicles a nuisance, without the Borough actually having to establish they were in fact a nuisance—causing a harm (such as a harm greater than a registered and inspected vehicle)—was unconstitutional.

The trial court held the Ordinance did not declare the storage of vehicles a nuisance per se. The court reasoned that because the Ordinance listed certain exceptions or circumstances where a vehicle was not con-

sidered abandoned, the Ordinance did not declare the storage of unregistered or uninspected vehicles to be a nuisance per se.

DECISION: Reversed, and matter remanded.

The Commonwealth Court of Pennsylvania disagreed with the trial court. It found that the Ordinance did declare vehicles stored on a private property owner's property for more than 48 hours that fall within the definition of "abandoned vehicle" a nuisance per se. This was, concluded the court, ultra vires, and therefore unconstitutional as applied to the Property Owners.

The court explained: The Borough had only those powers specifically delegated to it by the General Assembly. Under statutory law—§ 1202(5) of The Borough Code—the Borough was authorized to enact an ordinance "[t]o prohibit and remove any nuisance, including but not limited to ... the storage of abandoned or junked automobiles ... on public or private grounds, or to require the removal of any such nuisance ... by the owner or occupier of such grounds." However, noted the court, a borough's ordinance seeking to abate the storage of abandoned vehicles could not "declare the mere presence of such vehicles on any given piece of property to be a nuisance per se." Rather, "the ordinance must be phrased in such a way as to require the municipality to affirmatively establish that a nuisance in fact existed."

Here, the court found that, under the Ordinance, a vehicle was "automatically deemed 'abandoned' if the vehicle [was] unregistered, uninspected, or ha[d] no title and ha[d] remained on an owner's private property ... for more than forty-eight hours." The court further found that, while the Ordinance's definition of "nuisance" included a standard of harm, the Ordinance did not specifically state that such harm must be shown before a vehicle falling within the definition of "abandoned vehicle" would be deemed a nuisance in accordance with the Ordinance. "In other words," found the court, the Ordinance was not "phrased in such a way as to require the [Borough] to affirmatively establish that a nuisance in fact" existed. Rather, the Ordinance "declare[d] the mere presence of unregistered or uninspected vehicles on private property for more than forty-eight hours to be a nuisance per se."

In light of that analysis, the court agreed with the Property Owners that the Ordinance was therefore ultra vires and unconstitutional as applied to the Property Owners.

See also: *Com. v. Creighton*, 163 Pa. Commw. 68, 639 A.2d 1296 (1994).

See also: *Kadash v. City of Williamsport*, 19 Pa. Commw. 643, 340 A.2d 617 (1975).

See also: *Teal v. Township of Haverford*, 134 Pa. Commw. 157, 578 A.2d 80 (1990).

Zoning News from Around the Nation

MAINE

A civil lawsuit has been filed by landowners against the Town of Frankfort, challenging a town ordinance that bans wind turbines. The landowners argue that the wind ordinance is an illegal land use regulation that acts as a “regulatory taking” of their property in violation of the constitutions of Maine and the United States.

Source: *Bangor Daily News*; <http://bangordailynews.com>

SOUTH CAROLINA

The Charleston City Council moved to place a six-month moratorium on approving zoning, permitting, and licensing for any new Internet cafes or arcades. The moratorium is reportedly “designed to give the city time to explore the rise of gaming businesses where patrons can use a personal computer to log on and play video games that resemble electronic slot machines regularly featured at full-scale casinos.” Reportedly, State Representative Phyllis Henderson (Republican-Greenville) has also “offered a bill” “designed to outlaw the use of casino-type video games in sweepstakes scenarios.”

Source: *The Post and Courier*; www.postandcourier.com

WEST VIRGINIA

The City of Morgantown is looking to limit, through zoning, hydraulic fracturing. Morgantown had banned hydraulic fracturing but a county circuit court overturned the ban, “ruling that regulation of oil and gas activity lies in the purview of the state.” “As an alternate approach to a ban,” Morgantown is now looking to “zoning as a means of limiting the activity to certain areas.”

Source: *The State Journal*; www.statejournal.com

WISCONSIN

State Senator Kathleen Vinehout (Democrat-Alma) recently introduced two bills “designed to give local officials more power over silica mines and residents more warning before they are approved.” Reportedly, one bill “would make frac sand mining a conditional use in land zoned agricultural and prohibit it in residential zones.” The other bill “would require local governments to give 30-day notices of a public hearing and send letters to residents within a mile of a proposed mine.”

Source: *LaCrosse Tribune*; <http://lacrossetribune.com>

ZONING PRACTICE

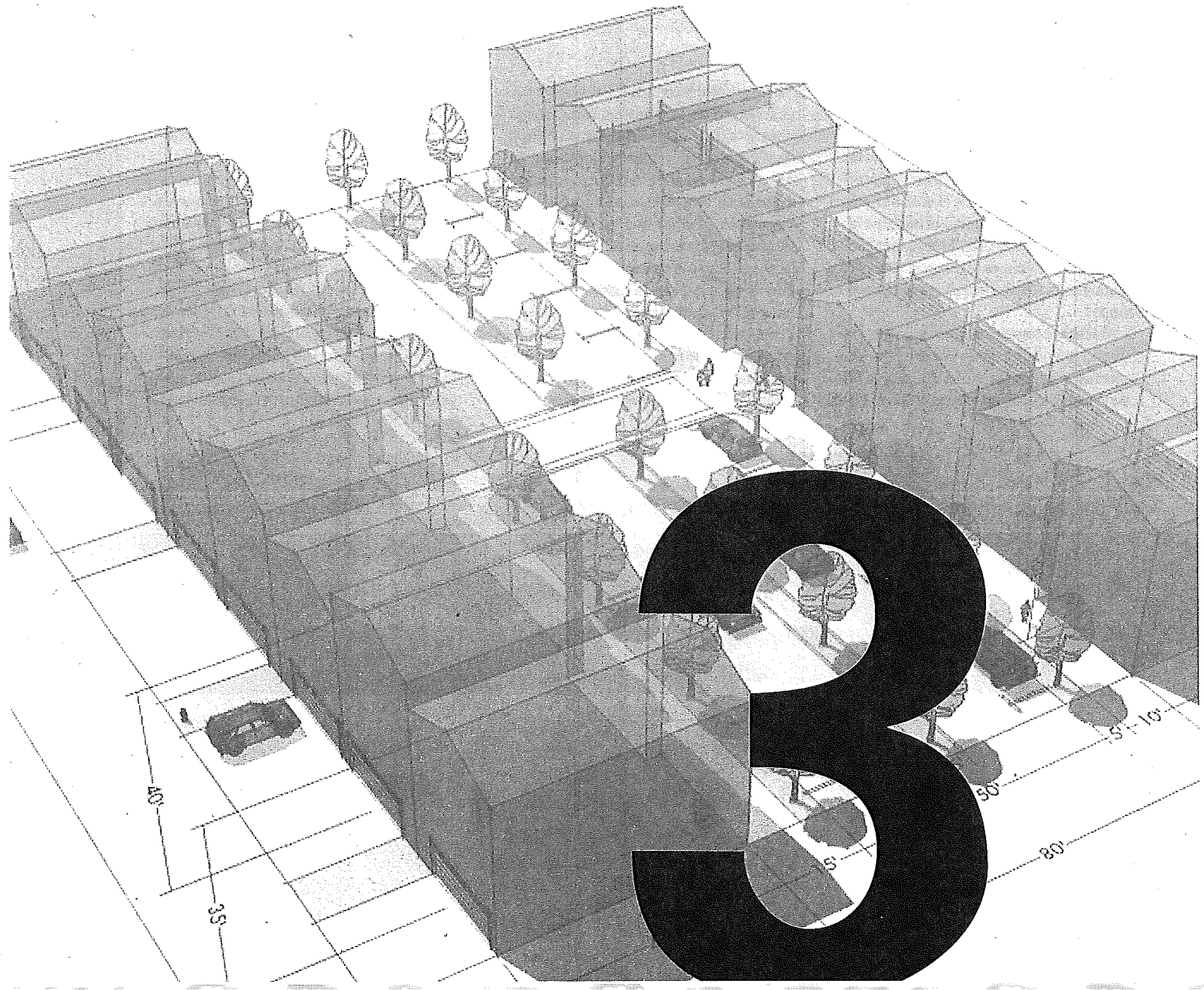
MARCH 2012



AMERICAN PLANNING ASSOCIATION

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PRACTICE VISUALIZATION



New Tools for Zoning and Development Visualization

By Devin Lavigne, AICP

Plans have almost always included figures and photos to explain recommendations and planning concepts, and now zoning ordinances, design guidelines, and other regulatory tools are starting to follow suit.

All images by Houseal Lavigne Associates

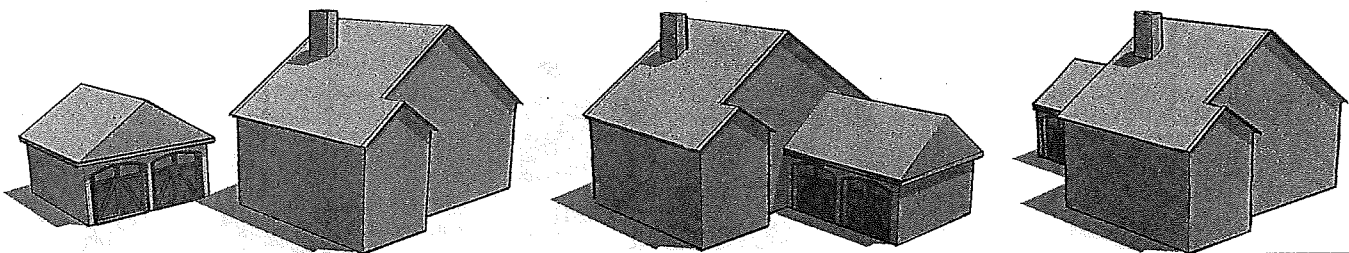
Supporting illustrations, sketches, and photos integrated into these documents can show standards that the text describes, and development visualization can show what our codes strive to foster. Even if you are not a “graphics” person, it is still important to know what today’s tools are capable of and build an appreciation for the inclusion of graphics to improve the usefulness of documents that have traditionally been text based.

Technological innovations have changed how documents are prepared, printed, packaged, and distributed. In the past these documents would sit on book-

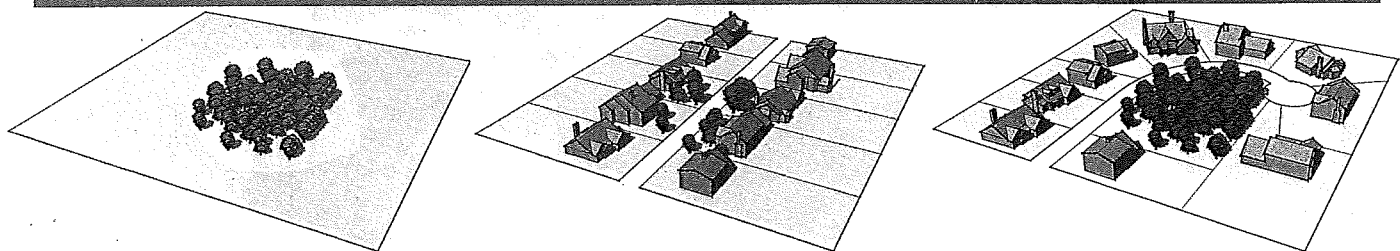
shelves in the back offices of city hall or be served online through a static website as pure text, stripped of maps and graphics. As our tools, software, and the web evolve, so must our practices, codes, and ordinances. The increased transparency in government and the availability of digital documents has broadened the audience of potential users and readers, and expectations of easy access and user friendliness are at an all-time high. However, in light of all the technological advances in graphics and visualization, and the increased document accessibility and awareness, many communities and planning professionals

struggle with how best to appropriately and effectively utilize these new tools to create better, more user-friendly codes, guidelines, and ordinances.

This article highlights the software and techniques that can provide the imagery to enhance zoning ordinances, explain zoning changes, and highlight the development potential of key sites. It reviews common and attainable software tools, including Google SketchUp, Google Earth, Pictometry, and Adobe Photoshop, and explains how each program can be used independently or together to enrich documents and improve land-use and development regulations.



☞ Communities can use simple SketchUp drawings to illustrate design and development alternatives, such as permissible configurations for garages or alternatives for site development.



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About the Author

Devin Lavigne, AICP, is a principal and cofounder of Houseal Lavigne Associates with special expertise in urban design, land-use and site planning, illustration and development visualization, web development, and geographic information systems. Lavigne's contributions to his firm's graphics and plans have helped Houseal Lavigne garner national recognition.

THE TOOLS

While no article could cover the full breadth of software and tools available, there is a small collection of programs that have emerged as the most common tools for the profession. Each of the tools and their applicability to creating development regulations is outlined on the following pages. Although not all the tools summarized are new, all have been recently upgraded or expanded, adding features that improve their usefulness in assisting with development regulation and visualization.

Google SketchUp

Google SketchUp has become firmly established in the planning toolbox primarily because of its cost and the fact that it is being taught and promoted in most planning programs. SketchUp was created by @Last Software in 2000 as a general purpose three-dimensional (3-D) modeling program that sought to simplify 3-D design and development. In 2006 @Last Software and SketchUp were purchased by Google, which now distributes the software at <http://sketchup.google.com>.

There are two types of SketchUp available: a free version for home and personal use and a professional version. For those unfamiliar with the program, the free version provides an opportunity to learn the software and become familiar with drawing in three dimensions. The professional version expands the software's exporting abilities allowing for better integration with other software, including AutoCAD.

SketchUp is easy to use and can quickly generate simple, dimensioned diagrams that can illustrate basic zoning requirements. More experienced users can create detailed models that can visualize new development and create scenes that portray activity, character, and excitement.

SketchUp has a number of features that make modeling fast and easy, including its ability to reuse and repurpose elements from drawing to drawing. By creating "components," SketchUp allows users to create reusable elements within individual drawings or between drawings. SketchUp's 3-D Warehouse (<http://sketchup.google.com/3dwarehouse>), which allows users to retrieve models that have been created and shared by others, is full of elements to add detail and interest to a model, including buildings, trees, people, cars, and other objects.

SketchUp also has the ability to create styles for line types, backgrounds, shadows, and other elements, making it

easy for a city or private firm to maintain a consistent look and feel among drawings and illustrations.

Google Earth

Google Earth is a virtual globe that allows its users to view aerial imagery from all over the world. Developed by Keyhole, Inc., it was

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acquired by Google in 2004, which now distributes the software at <http://earth.google.com>. Like SketchUp, Google Earth offers free and professional versions. The free version's functions allow users to "fly" around the globe, download aerial images, view 3-D buildings and terrain, and perform basic measurements, including area and distance. Google Earth Pro extends the capability of the software by allowing higher-resolution image exports (4,800 pixels compared to 1,000 pixels), the ability to import GIS data, and in some areas, access to parcel and tax information. Recent improvements to Google Earth include access to historical imagery, the ability to place 3-D models created in SketchUp into Google Earth, and the ability

to control the location of the sun by date and time of day.

Pictometry

In 2005 Bing Maps (formerly known as Virtual Earth and Windows Live Local) started offering oblique-angle, bird's-eye imagery of cities and towns. These photographs are provided by the Rochester-based company Pictometry, which crisscrosses the skies in low-flying airplanes to capture images of Earth at different angles. While the usefulness of Pictometry photos on Bing Maps is mostly limited to seeing unique perspectives of Earth, software developed and provided by Pictometry significantly extends the functionality and usefulness of these images. As Pictometry captures its photographs, each pixel of the images is georeferenced in three dimensions—latitude, longitude, and altitude. With Pictometry Online, Pictometry Field Study, or its plug-ins for ArcGIS and AutoCAD, end users are able to measure area, bearing, distance, height, elevation, and slope/pitch of anything visible in the image.

Adobe Photoshop

Adobe Photoshop is a raster image editing program that has been around for more than 20 years. Although there is little competition for Photoshop, Adobe continues to make improvements and add enhancements, releasing a new version about every 18 months. Adobe Photoshop CS5 was released in 2010 and added several new features that assist in creating and altering images and graphics that support the needs of our profession. As it relates to codes, ordinances, design and development guidelines, and development visualization, Photoshop provides a powerful tool to quickly generate alternative outcomes and desired ends. Existing conditions can be "altered" by deleting or removing undesirable elements or adding missing and desired features and details. Photoshop can also be used to manipulate 3-D images generated in SketchUp and aerial imagery from Google Earth and Pictometry.

Internet Imagery

As we enrich our documents with images of desired and undesired elements, we are sometimes without the image we want or need to use. While using your own photographs is always the recommended first option, the Internet can be a valuable resource for finding images we cannot capture ourselves.

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a potential development's true essence. However, other companies have developed plug-ins or add-ons that expand SketchUp's functionality.

For example, plug-ins like Maxwell Render or V-Ray allow users to assign materials to their models, add light sources and atmospheric conditions, and place cameras to render and capture photorealistic scenes. Although higher-end dedicated 3-D programs like Autodesk's 3ds Max and Maya are capable of the same output, SketchUp-integrated plug-ins have a smaller learning curve for those already familiar with the software.



Planners can also use SketchUp to create detailed drawings for development visualization.

The photo management and sharing website Flickr (www.flickr.com) allows users to easily upload full-resolution images and to tag those photos with keywords and places. Many photographers on Flickr have made their images available through Creative Commons licensing (<http://creativecommons.org>). Other websites, such as iStockphoto.com and shutterstock.com, provide large libraries of stock photos tagged with keywords that can be purchased for a small price.

SketchUp Plug-Ins

SketchUp's default output can be best described as line drawings that simulate pen and ink or pencil and paper. While this may be acceptable for supporting illustrations of codes and ordinances, its inability to render photorealistic images for visualization projects can sometimes fail to capture

APPLICATION OF THE TOOLS

Next we turn to an exploration of how these new tools can be used independently or together to enrich and improve development regulations and visualization processes.

SketchUp

SketchUp is the perfect tool for creating simple illustrations to support a zoning ordinance. Using its dimensioning tool, a user can create a basic illustration of minimum and maximum setbacks and height and define the "building envelope" for any lot.

The Village of Prairie Grove, Illinois, is a small, growing community located about 30 miles northwest of Chicago. In 2005 a 1,500-acre annexation and development proposal prompted the village to adopt design and development guidelines covering architecture, materials, building placement and ori-

entation, and the design of the right-of-way. Our firm created SketchUp illustrations to add interest to the guidelines and illustrate various recommendations.

SketchUp also has the ability to create detailed drawings, making it an effective development visualization tool. The images above were created to visualize a recommendation to convert an unfinished development site into a public plaza until such time that development may be feasible. Graphics prepared for the assignment include several perspectives of a detailed SketchUp depicting site elements such as outdoor dining, active open space, and improved circulation.

Pictometry

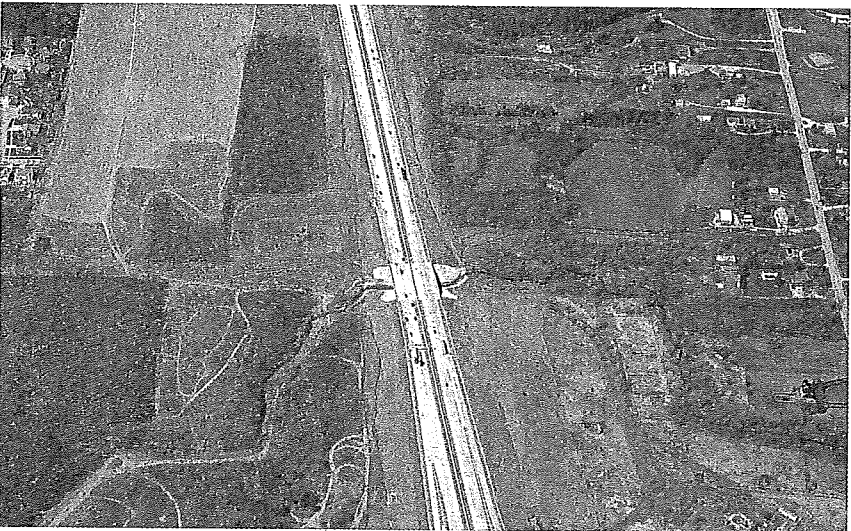
The real power of Pictometry images is the geographic information they contain. With Pictometry's measuring tools, you can document the existing built form (an important first step in developing a form-based code) and build an accurate 3-D model with properly scaled buildings and structures.

How accurate are the measurements from Pictometry? In a recent assignment for Westfield, an international shopping mall operator, we created a cross section for a distance of 1,000 linear feet—from a highway interchange to the location of new pylon sign being proposed by Westfield. Between the highway interchange and the sign were power lines, pole signs from other businesses, traffic signals, and a fairly significant change in grade, all affecting the sign's visibility and line-of-sight from the interchange. Our exhibit, based solely on measurements obtained from Pictometry, illustrated that the proposed sign would be slightly visible above all of the existing structures and signage and helped to demonstrate the justifiable need for a variance to permit the height of the proposed new sign.

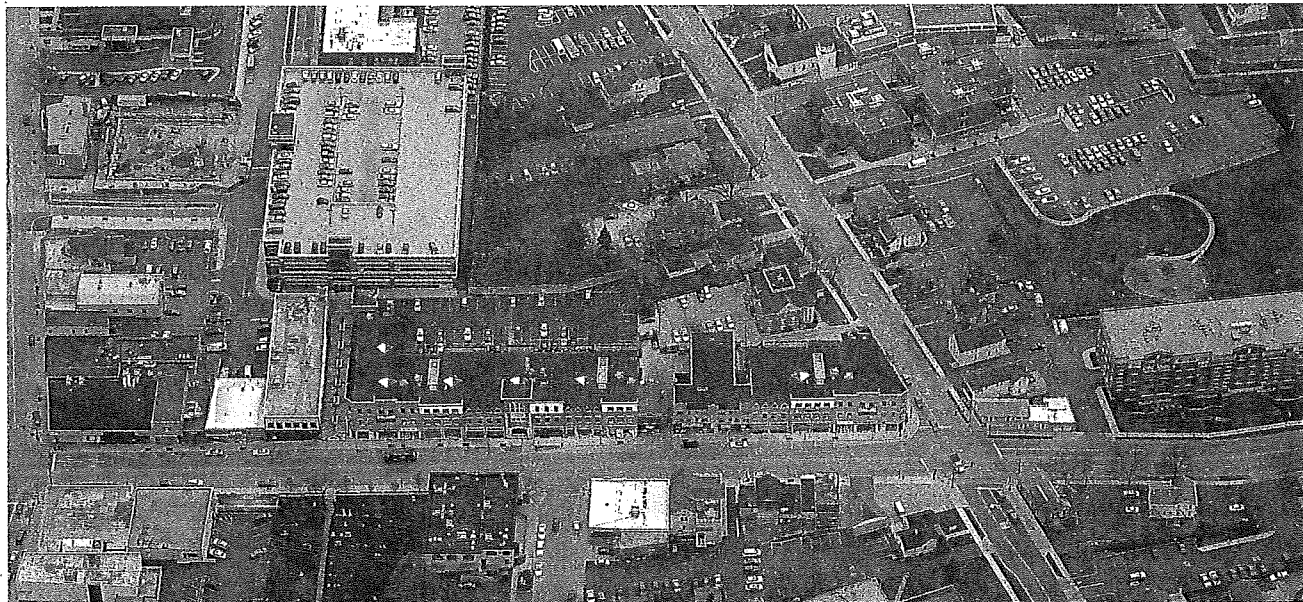
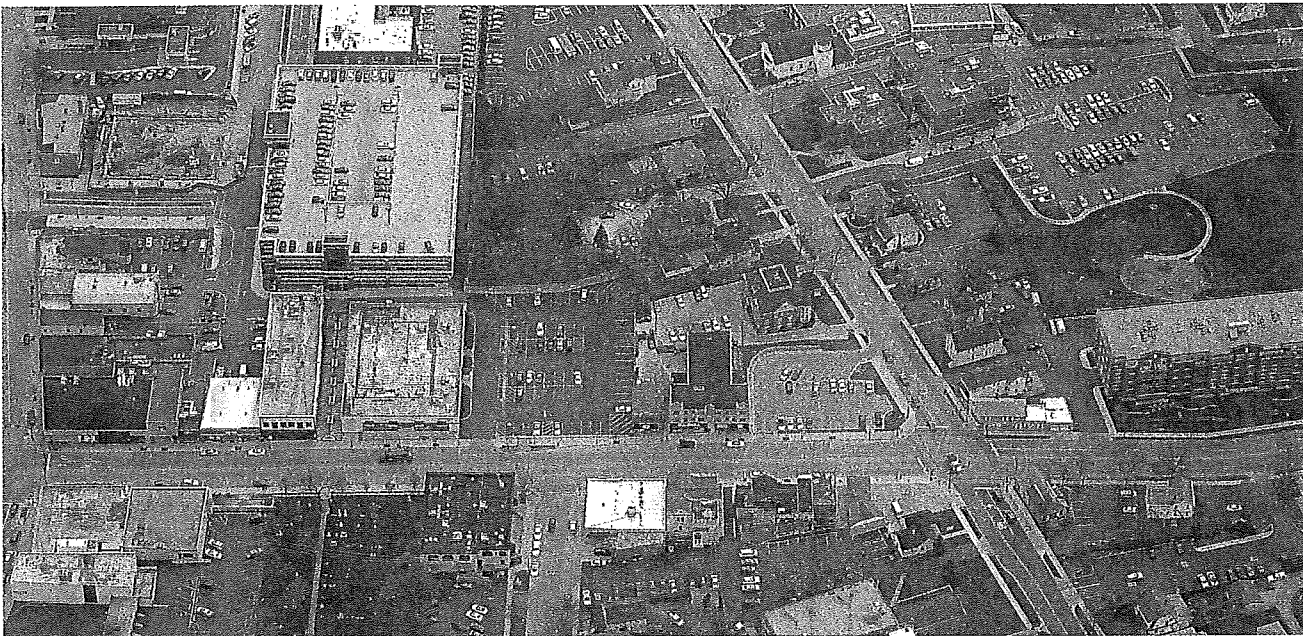
Photoshop + Pictometry

Pictometry images opened in Photoshop have no georeferenced information; however, they still provide an excellent resource to quickly visualize development.

In the Chicago suburb of Mundelein, Illinois, the state has acquired land for a future highway and is waiting for funding for construction and additional land acquisition in adjacent communities. Over the last 10 years new development has grown adjacent to the fallow right-of-way. In order to illustrate what the future highway corridor



These images show how Pictometry images were combined using Photoshop to illustrate a new highway in Mundelein, Illinois.



⊕ Pictometry images can also be combined using Photoshop to show the potential for repairing a discontinuous street wall, as in this example from Downers Grove, Illinois.

will look like, we used Photoshop to scale and merge two Pictometry images: an existing oblique angle image of the area and a recently constructed highway segment 20 miles south.

This technique is equally effective in urban areas. In another community, our goal was to show how the fabric of a downtown that had been weakened by auto-oriented development could be repaired through strategic infill. We used Photoshop

to blend and scale a Pictometry image of a desired development into an existing Pictometry image of downtown. Photoshop also allowed us to clone the parking areas in the rear and sidewalks in the front to create the desired character.

SketchUp + Google Earth + Pictometry
 SketchUp closely integrates with Google Earth imagery, allowing you to retrieve an aerial photograph that can be traced to

create a 3-D model of a place or area. The resolution of the import image is defined by a fixed import window. This can be problematic if you are trying to accurately trace existing conditions of a large area brought into SketchUp with a single import. When you import an aerial image of a large geographic area, important details are not always clearly discernable, including building footprints, sidewalks, parking areas, and other features. To overcome this, you can simply

zoom into sections of your desired area and import smaller, higher resolution pieces that SketchUp will place in its proper geographic location, allowing you to “stitch” together multiple images.

Combined with detailed measuring ability of Pictometry, SketchUp can deliver a quick massing model of an area. This can be used to serve as a simple reference drawing for notes and recommendations, or as a contextual model for development visualization.

CONCLUSION

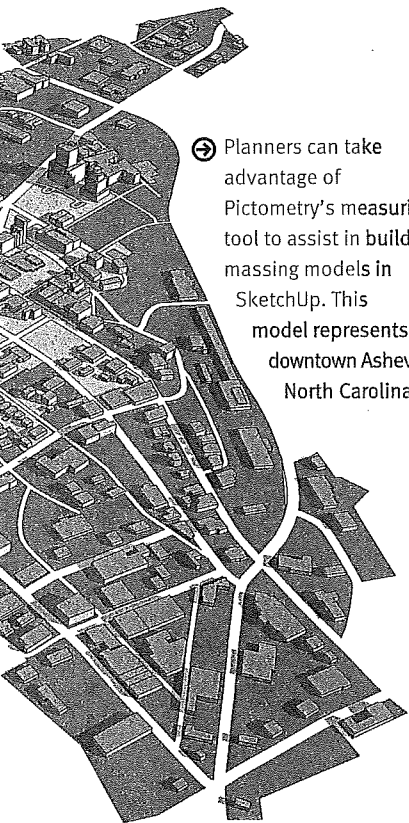
It is important to note that the programs, tools, and techniques I covered in this article are not the definitive list. Software companies will continue developing software, and cutting-edge firms and ingenious planners will continue to find new ways to create better documents.

Take for instance City Engine. Developed by Procedural in Switzerland and recently acquired by Esri, City Engine is a software application for the design, planning, and modeling of cities and urban environments in 3-D. City Engine allows professional users to quickly generate 3-D cities

from existing 2-D GIS data; do conceptual design in 3-D, based on GIS data and procedural rules; and efficiently model virtual 3-D urban environments for simulation and

entertainment. City Engine users can “grow streets” based on different parameters (i.e., curvilinear, block, organic) and create blocks that can be subdivided and “developed” based on a set of rules for setback, lot size, building height, and several other parameters.

Finally, as you begin to include and introduce graphics and illustrations to improve the effectiveness and user friendli-



Planners can take advantage of Pictometry’s measuring tool to assist in building massing models in SketchUp. This model represents downtown Asheville, North Carolina.

ness of your products, remember that everything conveyed in this article is only a tool or a technique and that supporting graphics should be used appropriately. Knowing when to use an illustration is as equally important as how to do an illustration.

RESOURCES

- Google SketchUp
<http://sketchup.google.com>
- Google Earth
<http://earth.google.com>
- Adobe Photoshop
www.adobe.com/products/photoshop
- Pictometry
www.pictometry.com
- Pictometry Online
<http://pol.pictometry.com>
- V-Ray
<http://chaosgroup.com>
- City Engine
www.esri.com/software/cityengine
- 3D Warehouse
<http://sketchup.google.com/3dwarehouse>

The cover depicts a Google SketchUp model created to illustrate design guidelines for the main street of a town center development. © House of Lavigne Associates

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