

**City of Ramsey**  
**Agenda**  
**Regular Planning Commission**  
**Thursday September 6, 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 Meeting Minutes:  
  
Planning Commission Meeting Minutes Dated August 2, 2012
- 5. Public Hearing/Commission Business**
  1. PUBLIC HEARING: Request for an Interim Use Permit to Allow for the Operation of a Church in the B-1 Business District on the Property Located at 5900 167th Ave NW; Case of Rum River Retail Ventures, LLC
  2. PUBLIC HEARING: Consider Resolution Approving Comprehensive Plan Amendment and Ordinance Approving Zoning Amendment in the WINDSORWOOD Subdivision Related to the City-Owned Lands Project
  3. PUBLIC HEARING: Consider Zoning Ordinance to Amend Chapter 117, Article II, Division 4, Subdivisions II, IV and V by Consolidating into One Subdivision (Shorelands)
  4. PUBLIC HEARING: Consider Proposed Zoning Ordinance Amendment to Create Sec. 117.117a. E-3 Employment (Office Park) District
  5. PUBLIC HEARING: Review Zoning Ordinance Amendments Related to the 2030 Comprehensive Plan and General Updates
  6. Staff Update
  7. Zoning Bulletins
- 6. Commission/Staff Input**
- 7. Adjournment**

**Regular Planning Commission**

**4. 1.**

**Meeting Date:** 09/06/2012

**By:** JoAnn Shaw, Community Development

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**Information**

**Title:**

Approve the Following Meeting Minutes:

Planning Commission Meeting Minutes Dated August 2, 2012

**Background:**

n/a

**Notification:**

**Observations:**

**Funding Source:**

**Staff Recommendation:**

**Committee Action:**

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**Attachments**

Planning Commission 08/02/12

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Tim Gladhill	JoAnn Shaw	08/30/2012 12:37 PM
JoAnn Shaw (Originator)	JoAnn Shaw	08/30/2012 12:39 PM
Tim Gladhill	Tim Gladhill	08/30/2012 09:34 PM
Form Started By: JoAnn Shaw		Started On: 08/30/2012 11:16 AM
	Final Approval Date: 08/30/2012	

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, August 2, 2012, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:                   Chairperson Gary Levine  
  Commissioner Randy Bauer  
  Commissioner Ralph Brauer  
  Commissioner Joseph Field  
  Commissioner Jessica Perez  
  Commissioner Robert Schiller

Members Absent:                   Commissioner Gary Van Scoy

Also Present:                       Senior Planner Tim Gladhill

**1.     CALL TO ORDER**

Chairperson Levine called the regular meeting to order at 7:02 p.m.

**2.     CITIZEN INPUT**

None.

**3.     APPROVAL OF AGENDA**

Motion by Commissioner Brauer, seconded by Commissioner Schiller, to approve the agenda as presented.

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

**4.     APPROVE PLANNING COMMISSION MINUTES**

**4.01: Approve the Following Planning Commission Minutes:**

**4.01.1: Planning Commission Meeting Minutes Dated July 12, 2012**

Motion by Commissioner Brauer, seconded by Commissioner Schiller, to approve the following minutes with the amendment that Commissioner Brauer left momentarily and returned to the meeting: Planning Commission Meeting Minutes dated July 12, 2012.

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

## **5. NOTE CITY COUNCIL MINUTES**

### **5.01: Note the Following City Council Meeting Minutes:**

**5.01.1: City Council Meeting Minutes Dated May 22, 2012**

**5.01.2: City Council Meeting Minutes Dated June 12, 2012**

**5.01.3: City Council Meeting Minutes Dated June 26, 2012**

Informational; no action required.

## **6. PUBLIC HEARINGS/COMMISSION BUSINESS**

### **6.01: Public Hearing: Consider Preliminary Plat Approval for COR TWO (Sunwood Retail) Located South of Sunwood Drive (realigned) and East of Armstrong Boulevard; Case of the City of Ramsey Housing and Redevelopment Authority (HRA)**

#### **Public Hearing**

Chairperson Levine called the public hearing to order at 7:05 p.m.

#### **Presentation**

Senior Planner Gladhill presented the staff report and presentation indicating the applicant is requesting consideration of the Preliminary Plat for COR TWO. He provided background and a realignment purpose for Sunwood Drive. Staff is looking for action on the plat.

Discussion ensued regarding the roundabout and direction of access.

Commissioner Brauer questioned putting in a median.

Chairperson Levine asked if it would be signaled at the shared access.

Senior Planner Gladhill replied no that is normally for larger facilities.

Commissioner Brauer asked if tenants are comfortable with the access point.

Senior Planner Gladhill noted they are.

Commissioner Brauer questioned if all issues pursuant to a June 1 letter regarding COR TWO has been resolved.

Senior Planner Gladhill noted they are all essentially resolved and approval is recommended.

### **Citizen Input**

None.

Motion by Commissioner Bauer, seconded by Commissioner Brauer, to close the public hearing.

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

Chairperson Levine closed the public hearing at 7:28 p.m.

### **Commission Business**

Motion by Commissioner Brauer, seconded by Commissioner Schiller, to recommend that City Council adopt a resolution to approve the Preliminary Plat contingent upon compliance with the Staff Review File dated July 27, 2012.

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

### **6.02: Consider Request for Site Plan Approval of Wiser Choice Liquor**

Commissioner Field asked if the applicant was okay with him remaining for this matter due to the city council race.

Mr. Jeff Wise, applicant, 7901 165<sup>th</sup> Ave, Ramsey, agreed.

Senior Planner Gladhill presented the staff report indicating the applicant is requesting site plan approval. He provided a background and presentation. He walked through the architectural renderings. The proposed action is for city council to approve the site plan.

Mr. Wise explained the potential building height and discussed some of the renderings, noting tweaks will be done on the design to better fit the lot.

Commissioner Brauer asked about a drive thru under the roof.

Mr. Wise stated under the roof would be an outdoor dining area that he will not be maintaining.

Commissioner Bauer questioned parking.

Mr. Wise responded they have seating parking.

Senior Planner Gladhill noted parking will be sufficient but the City may want to review it in the future.

Motion by Commissioner Bauer, seconded by Commissioner Perez, to recommend to City Council approval of the Site Plan for Wisser Choice Liquors, contingent upon compliance with the Staff Review File dated July 27, 2012.

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

**6.03: Staff Update**

The Staff Update was noted.

**6.04: Zoning Bulletins**

Zoning Bulletins were noted.

**7. COMMISSION/STAFF INPUT**

None.

**8. ADJOURNMENT**

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

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

The regular meeting of the Planning Commission adjourned at 7:44 p.m.

Respectfully submitted,

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Tim Gladhill  
Development Services Manager

ATTEST:

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JoAnn Shaw  
Planning Division Secretary

Drafted by Cheryl Felix, *TimeSaver Off Site Secretarial, Inc.*

**Regular Planning Commission**

**5. 1.**

**Meeting Date:** 09/06/2012

**By:** Chris Anderson, Community  
Development

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Information

**Title:**

**PUBLIC HEARING:** Request for an Interim Use Permit to Allow for the Operation of a Church in the B-1 Business District on the Property Located at 5900 167th Ave NW; Case of Rum River Retail Ventures, LLC

**Background:**

On August 9, 2012, the City received an application for an Interim Use Permit (IUP) from Rum River Retail Ventures, LLC to allow for the continued operation of a church in the B-1 Business District. The church operation is located in a multi-tenant facility located at 5900 167th Ave NW and utilizes space for church offices, Sunday services and to provide other services, such as youth group meetings/activities, throughout the week.

**Notification:**

In accordance with State statute, Staff attempted to notify property owners within 350 feet of the subject property of the public hearing via Standard US Mail. The Public Hearing was also noticed in the Anoka County Union, the City's official newsletter for public notices.

**Observations:**

There is currently an active IUP for this use (church operation in the B-1 Business District) on the Subject Property that will expire on October 3, 2012. As the Planning Commission may recall from the last time this request was discussed, this use triggered the requirement for the installation of a fire suppression system. A condition of the current IUP included certain benchmarks to ensure that a fire suppression system was installed, operational and approved by the City by September 1, 2012. The term of the current IUP was limited to nine (9) months to ensure timely installation of the fire suppression system. The installation of a fire suppression system is substantially complete. The only items left are completing the fire alarm wiring and the final inspection by the City, which likely will be finalized the first week of September.

The Subject Property is zoned B-1 Business District, which does not expressly permit places of assembly. However, the the Subject Property has sufficient parking for the use and there have been no concerns or issues brought to the City's attention related to this use over the past several years. The Property Owner has requested a new IUP for a term of five (5) years.

**Funding Source:**

Due to the unique circumstances of this request and the very limited term of the current IUP, City Council waived the application and escrow fees typically collected with an interim use permit application.

**Staff Recommendation:**

With the installation of the fire suppression system essentially complete, Staff would recommend approving the IUP for a term of five (5) years.

**Committee Action:**

Motion to recommend that City Council adopt Resolution #\_\_\_\_\_ adopting Findings of Fact relating to the request for an Interim Use Permit.

-and-

Motion to recommend that City Council adopt Resolution #\_\_\_\_\_ approving the request for an Interim Use Permit and declaring the terms as proposed.

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Attachments

Site Location Map

Draft Findings of Fact

Draft Interim Use Permit

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Form Review

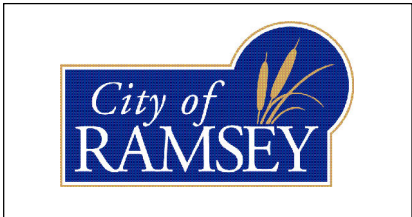
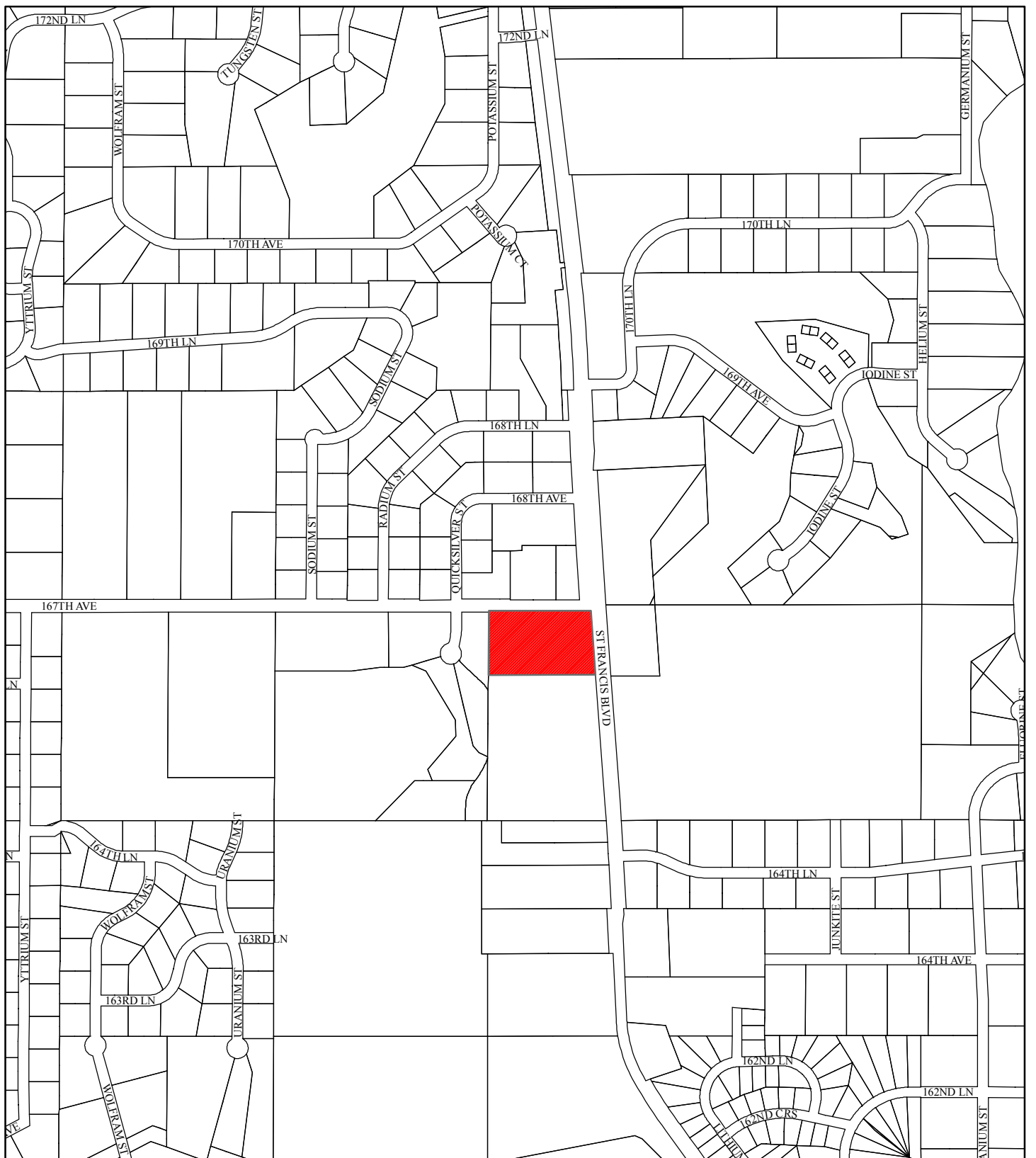
**Inbox**  
Tim Gladhill

**Reviewed By**  
Tim Gladhill

**Date**  
08/28/2012 04:14 PM  
Started On: 08/27/2012 10:02 AM

Form Started By: Chris Anderson

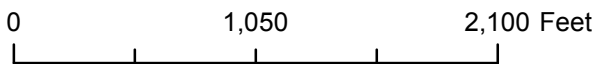
Final Approval Date: 08/28/2012



Rum River Retail Ventures  
6002 167th Avenue NW

**Legend**

- Site
- Parcels

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #12-09-\_\_\_**

**A RESOLUTION ADOPTING FINDINGS OF FACT #\_\_\_ RELATING TO A REQUEST TO ALLOW FOR THE OPERATION OF A CHURCH IN THE B-1 BUSINESS DISTRICT**

**WHEREAS**, Rum River Retail Ventures, LLC, hereinafter referred to as "Applicant", has properly applied to the City of Ramsey (the "City") for an interim use permit (the "Permit") to operate a Church in the B-1 Business District on the property located at 5900 167<sup>th</sup> Ave NW and legally described as follows:

The north 426.29 feet, as measured along west line of that part of Southwest Quarter of Southeast Quarter of Section 11, Township 32, Range 25 lying westerly of center line of Trunk Highway No. 47, except road, subject to easement of record, Anoka County, Minnesota

(the "Subject Property")

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-52 of the Ramsey City Code on September 6, 2012, and that the public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
2. That the Subject Property is zoned B-1 Business District; the parcels to the north (across 167<sup>th</sup> Ave) are zoned B-1 Business District, the parcels to the east (across Highway 47), which is the golf course, are zoned PUD, and the parcels to the south and west are zoned R-1 Residential (Rural Developing).
3. That the B-1 Business District does not expressly identify churches as a permitted use.
4. That the Applicant is proposing to utilize a portion of the multi-tenant building located at 5900 167<sup>th</sup> Ave NW for the purpose of a temporary Church facility.
5. That the Applicant is requesting the Permit be granted for five (5) years.
6. That Section 117-52 of City Code allows for an Interim Use Permit to be granted for a maximum of five (5) years.
7. That on November 22, 2011, the City approved an Interim Use Permit (the "2011 Permit") for the Applicant allowing a temporary Church operation on the Subject Property through October 3, 2012.

8. That as part of the 2011 Permit, the Applicant was required to install a fire suppression system that is operational and approved by the City by September 1, 2012.
9. That the Applicant has completed the installation of a fire suppression system, as required, on the Subject Property, which has been approved by the City.
10. That on August 13, 2012, the City Council waived the application and escrow fees associated with this request due to the unique circumstances and limited term (nine [9] months) of the 2011 Permit.
11. That the proposed use will/will not adversely impact traffic in the area.
12. That the proposed use will/will not be dangerous or detrimental to persons residing or working in the vicinity of the use or to the public welfare.
13. That the proposed use will/will not substantially or adversely impair the use, enjoyment or market value of surrounding properties.
14. That the proposed use will/will not be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will/will not change the essential character of the area.
15. That the proposed use will/will not create additional requirements at public cost for public facilities and services.
16. That the proposed use will/will not be detrimental to the economic welfare of the community.
17. That the proposed use will/will not be disturbing or hazardous to existing or future neighboring uses.
18. That the proposed use will/will not involve uses, activities, processes, materials and equipment and conditions of operation that may be detrimental to any persons, property or the general welfare, by reason of excessive production of traffic, noise, smoke or glare.
19. That the proposed use will/will not be in accordance with the objectives of the intent of Section 117-52 (Interim Use Permits) of the City Code.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 25<sup>th</sup> day of September, 2012.

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Mayor

**ATTEST:**

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City Clerk

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #12-09-\_\_\_**

**RESOLUTION APPROVING THE ISSUANCE OF AN INTERIM USE PERMIT TO ALLOW FOR THE OPERATION OF A CHURCH IN THE B-1 BUSINESS DISTRICT BASED ON FINDINGS OF FACT #\_\_\_\_\_, AND DECLARING THE TERMS OF SAME.**

**WHEREAS**, Rum River Retail Ventures, LLC has properly applied to the City of Ramsey (the "City") for an interim use permit to operate a church in the B-1 Business District on the property located at 5900 167<sup>th</sup> Ave NW and legally described as follows:

The north 426.29 feet, as measured along west line of that part of Southwest Quarter of Southeast Quarter of Section 11, Township 32, Range 25 lying westerly of center line of Trunk Highway No. 47, except road, subject to easement of record, Anoka County, Minnesota

(the "Subject Property"); and

**WHEREAS**, the Planning Commission met on September 6, 2012, conducted a public hearing and recommended that the City Council approve/deny the request to operate a church in the B-1 Business District for a term of five (5) years; and

**WHEREAS**, the City Council met on September 25, 2012 to review the request for an interim use permit to operate a church in the B-1 Business District on the Subject Property.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

This permit is issued pursuant to Section 117-52 of the Ramsey City Code. The conditions of this permit are as follows:

- 1) Based on Findings of Fact #\_\_\_\_\_, an Interim Use Permit ("Permit") to allow the temporary operation of Church and Church Offices on the **Subject Property** is hereby granted to Rum River Retail Ventures, LLC ("Permittee").
- 2) The term of the **Permit** shall commence on October 4, 2012 and shall expire five (5) years thereafter (October 4, 2017).
- 3) This **Permit** is applicable only to the operation of a Church and Church Offices on the **Subject Property**. The granting of this **Permit** does not allow for any other use that is prohibited in the B-1 Business District.
- 4) This **Permit** shall become null and void in the event the use granted under this **Permit** permanently ceases prior to the expiration date or upon the expiration date, whichever occurs first.

- 5) That all costs incurred by the **City** in administering and enforcing this **Permit** shall be the responsibility of the **Permittee**.
- 6) That the City Administrator or his or her designee shall have the right to inspect the **Subject Property** for compliance, safety measures and quantities and storage of combustibles at any time.
- 7) That the failure of the **City** at any time to require performance by the **Permittee** of any provisions herein shall in no way affect the right of the **City** thereafter to enforce the same. Nor shall waiver by the **City** of any breach of any of the provisions hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.
- 8) That if any provision of this **Permit** shall be declared void or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.
- 9) That this **Permit** shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the **City** and the **Permittee**.
- 10) That if the **Permittee** or its successors or assigns violates any material term or condition of this **Permit**, it is grounds for suspension or revocation hereof consistent with applicable law. Specifically, but without limiting the foregoing, the **City** may amend, suspend, or revoke this **Permit**, consistent with applicable law, if the City Council reasonably determines that continued operation of the facility places the public health, safety or welfare or the environment in jeopardy or creates a public nuisance due to odors, litter, debris or other nuisance factors. The change, alteration or amendment of any statute, regulation, ordinance or permit condition by any governmental authority other than the **City**, shall not excuse the **Permittee** from compliance with statutes, regulations, ordinances or **Permit** conditions in effect on the date of the original issuance of this permit unless compliance is waived or excused by the **City**.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 25<sup>th</sup> day of September, 2012.

**RUM RIVER RETAIL VENTURES, LLC.**

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of Rum River Retail Ventures, LLC, a limited liability corporation under the laws of Minnesota, on behalf of the corporation.

\_\_\_\_\_  
Notary Public

**CITY OF RAMSEY:**

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Clerk

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF ANOKA        )

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public, personally appeared Bob Ramsey and JoAnn M. Thieling, to me personally known, who, being each by me duly sworn did say that they are respectively the Mayor and City Clerk of the City of Ramsey, the Municipal Corporation named in the foregoing instrument, and seal affixed to said instrument is the corporate seal of said Municipal Corporation, and the said instrument was signed and sealed on behalf of said Municipal Corporation by authority of its City Council and said Bob Ramsey and JoAnn M. Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

\_\_\_\_\_  
Notary Public

This document drafted by:  
The City of Ramsey  
7550 Sunwood Dr NW  
Ramsey, MN 55303

This document reviewed by:  
Randall & Goodrich  
2140 Fourth Avenue  
Anoka, MN 55303

**Meeting Date:** 09/06/2012

Submitted For: Patrick Brama

By: Patrick Brama, Administrative Services

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Information

Title:

PUBLIC HEARING: Consider Resolution Approving Comprehensive Plan Amendment and Ordinance Approving Zoning Amendment in the WINDSORWOOD Subdivision Related to the City-Owned Lands Project

Background:

As part of the annual City Council strategic planning process, developing an inventory of City Owned Land was identified as a priority. The goal of this initiative was to identify, and dispose, parcels that are no longer needed for current or future City functions. In accordance with the recently adopted Policy for the Disposition of City Owned Land, Staff has identified the property known as Windsorwood as surplus City owned land, PID 06-32-25-14-0009, referred to as the "Subject Property." At a recent City Council Work Session, Staff was directed to move forward with the sale of the Subject Property.

In order to sell the Subject Property, the parcel must be marketable. As it stands, the Subject Property is zoned Public/Quasi Public. It has been proposed to change the zoning of the Subject Property to reflect the zoning of surrounding properties (R1 Residential [Rural Developing]). In order to make the said zoning change, the City must first approve a Comprehensive Plan Amendment, then subsequently approve the appropriate Zoning Amendment. Comprehensive Plan Amendments must also be approved by the Metropolitan Council. It is anticipated that this would be processed administratively through the Metropolitan Council due to the size of the Amendment.

The purpose of this case is to consider a resolution to amend the City's Comprehensive Plan and to consider a subsequent Zoning Amendment to update the City's Official Controls.

Notification:

Property owners located within 400 feet of the Subject Property have been notified of the potential sale with two separate direct mailings (6/26/2012 & 7/17/2012) as part of the City-Owned Land Project. Staff attempted to notify property owners located within 350 feet of the Subject Property via Standard US Mail of the official public hearing. A notice was published in a local newspaper 14 days prior to this public hearing.

Observations:

The Subject Property is located on the south side of 176th Avenue and the west side of Vicuna Street in the northwest portion of Ramsey. The Subject Property is zoned public/quasi-public and is surrounded by R-1 Residential (Rural Developing) properties. Attached to this case is a detailed profile of the Subject Property. The said profile reviews of a number of items including: wetlands, stormwater, maintenance, owner & encumbrance report, current and potential future usage, public input, images, etc. In summary, the Subject Property has free and clear title, appears to be buildable, and is no longer needed for current of future City functions based on analysis and review with the City Council.

The Subject Property was brought forward to a recent City Council Work Session. The City Council indicated they are interested in selling the Subject Property. A number of surrounding landowners contacted Staff regarding the Subject Property. In summary, there is an interest by surrounding property owners to purchase the Subject Property and keep it as a vacant parcel. With said public input in mind, the City Council directed Staff to give surrounding property owners the "first right" to purchase the Subject Property. Upon rezoning and completing the necessary appraisal of the Subject Property, Staff will begin negotiating a sale with surrounding property owners.

Funding Source:

Because the City is the land owner, the land use application fee has been waived. Preparing this information is considered normal work duties for planning and administrative staff.

Staff Recommendation:

Staff recommends the following:

1. ADOPT RESOLUTION 12-XX-XXX, APPROVING A COMPREHENSIVE PLAN AMENDMENT TO CHANGE A LAND USE DESIGNATION ON THE PROPERTY KNOWN AS WINDSORWOOD, PID 06-32-25-14-0009, FROM PUBLIC/QUASI PUBLIC, TO RURAL DEVELOPING, AND AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION TO THE METROPOLITAN COUNCIL FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN
2. ADOPT RESOLUTION 12-XX-XXX, FINDINGS OF FACT # \_\_\_\_ TO AMEND THE OFFICIAL ZONING MAP APPROVING A ZONING AMENDMENT OF CERTAIN PROPERTY FROM PUBLIC/QUASI PUBLIC TO R-1 RESIDENTIAL (RURAL DEVELOPING)
3. ADOPT ORDINANCE 12- \_\_\_\_, AN AMENDMENT TO CHAPTER 117 WHICH IS KNOWN AS THE ZONING AND SUBDIVISIONS CHAPTER OF THE CITY CODE OF RAMSEY, MINNESOTA, AMENDING THE OFFICIAL MAP.

Committee Action:

Motion to recommend that the City Council approve the following:

1. ADOPT RESOLUTION 12-XX-XXX, APPROVING A COMPREHENSIVE PLAN AMENDMENT TO CHANGE A LAND USE DESIGNATION ON THE PROPERTY KNOWN AS WINDSORWOOD, PID 06-32-25-14-0009, FROM PUBLIC/QUASI PUBLIC, TO RURAL DEVELOPING, AND AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION TO THE METROPOLITAN COUNCIL FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN
2. ADOPT RESOLUTION 12-XX-XXX, FINDINGS OF FACT # \_\_\_\_ TO AMEND THE OFFICIAL ZONING MAP APPROVING A ZONING AMENDMENT OF CERTAIN PROPERTY FROM PUBLIC/QUASI PUBLIC TO R-1 RESIDENTIAL (RURAL DEVELOPING)
3. ADOPT ORDINANCE 12- \_\_\_\_, AN AMENDMENT TO CHAPTER 117 WHICH IS KNOWN AS THE ZONING AND SUBDIVISIONS CHAPTER OF THE CITY CODE OF RAMSEY, MINNESOTA, AMENDING THE OFFICIAL MAP.

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Attachments

[Site Location Map](#)

[Property Profile](#)

[Policy for the Disposition of City Owned Land](#)

[Findings of Fact Supporting Zoning Amendment](#)

[Ordinance to Approve Amendment to Official Zoning Map](#)

[Resolution Approving Comprehensive Plan Amendment](#)

[Comprehensive Plan Amendment Policy Responses](#)

[Zoning Map COPY](#)

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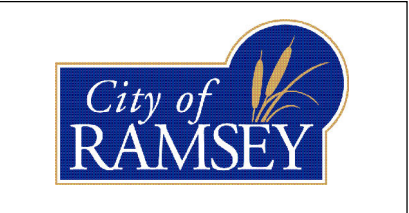
Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	08/31/2012 07:10 AM
Tim Gladhill	Tim Gladhill	08/31/2012 07:11 AM

Form Started By: Patrick Brama      Started On: 08/29/2012 08:11 AM

Final Approval Date: 08/31/2012

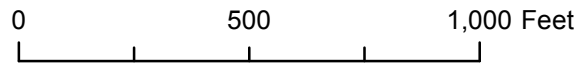




Lot 9, Block 2 Windsorwood  
06-32-25-14-0009

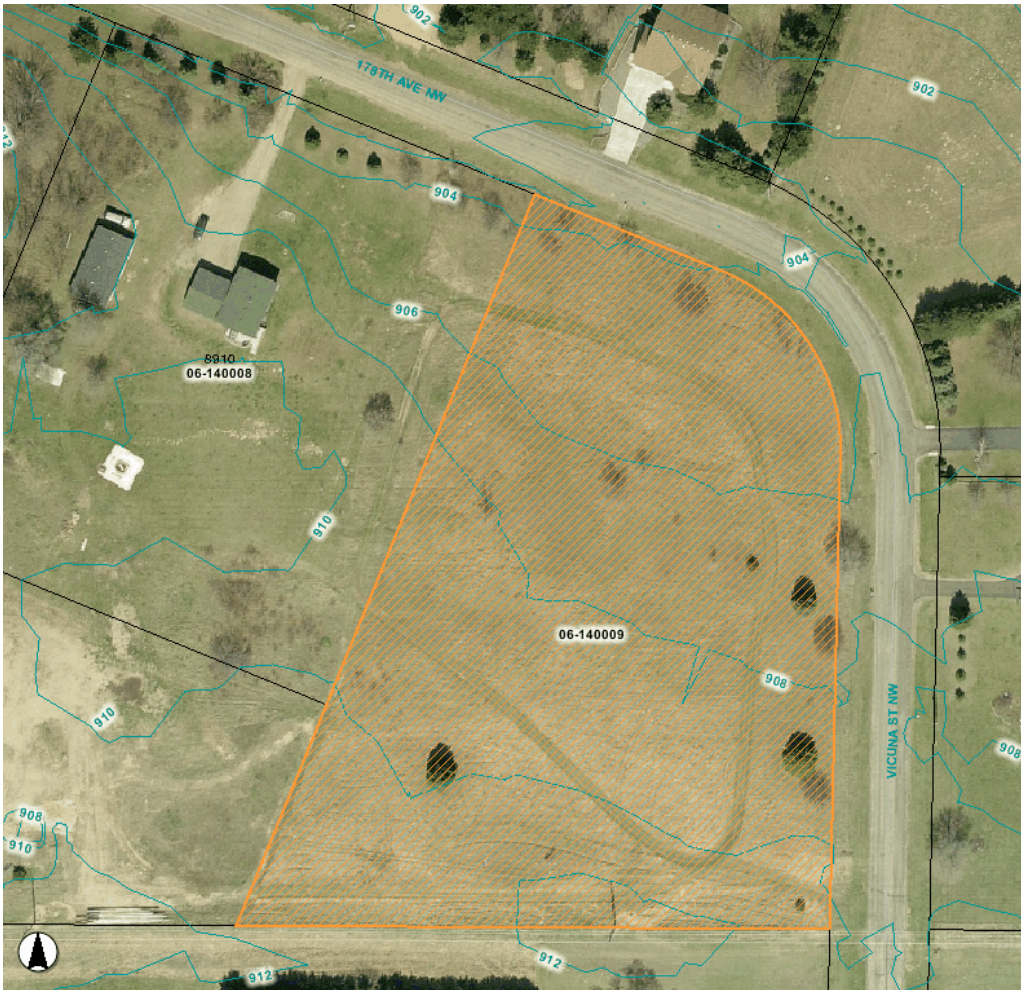
**Legend**

-  Site
-  Parcels



## PROPERTY PROFILE: CITY OF RAMSEY

**NUMBER:** 34  
**ADDRESS:** NA  
**PID:** 063225140009  
**LEGAL:** NA  
**ACRES:** 3.10  
**VALUATION:** 51,300  
**ZONING:** Public/Quasi-Public  
**MUSA:** No  
**GIS IMAGE:**



- DESCRIPTION:** The subject property is located on the south side of 176<sup>th</sup> Avenue and the west side of Vicuna Street. The property is zoned public/quasi-public and is surrounded by residential. This property is dry, high and buildable. Based on the GIS image above, it looks as though this parcel is being used by neighboring property owners.
- WETLAND:** This property is not adjacent to wetlands so banking is not a feasible use. It does not collect storm water from the neighborhood.
- MAINTENANCE:** There are no maintenance costs.
- OWNER & ENCUMBRANCE:** This property is unrestricted and can be sold.
- DISPOSITION:** The subject property was acquired in October of 1989. This is not a dedicated park. This property has free and clear title and is ready to be sold. If the council desires to dispose of this parcel, staff should rezone and list the property.

**USAGE:**

Property appears to largely be unused, there are some four wheeler tracks. It is assumed the adjacent property owners to the west may occasionally use this property.

**PUBLIC INPUT:**

Staff has received interest for purchasing this parcel from both properties owners located directly west of the subject property. Both property owners don't want this piece of land developed. No further public input was received.

**PROPERTY IMAGES:**



## COUNCIL DIRECTION:

- Direct Staff to move forward with selling Windsorwood (06-32-25-14-009).
- Select a method of sale (i.e. for sale by owner, auction, listing with a realtor).
- Consider a request by the two neighboring property owners to allow a first right to purchase the property. A time limit for negotiations should be set.

# **POLICY FOR THE DISPOSITION OF SURPLUS CITY OWNED LAND**

City of Ramsey, Minnesota

## **SECTION I: PURPOSE**

- To maximize public benefit and efficient management of City-owned land by considering disposition of lands that are underutilized and/or unneeded for City functions.
- To establish disposition decision criteria and a disposition process.

## **SECTION II: POLICY STATEMENT**

It is the policy of the City of Ramsey to periodically review and inventory City-owned land to identify parcels that are underutilized and/or unneeded for current or anticipated City functions. It also is the policy of the City of Ramsey to consider disposition of lands identified through this inventory according to established criteria and procedure.

## **SECTION III: PUBLIC BENEFIT**

The disposition of underutilized City-owned properties has a number of benefits to the community:

- (1) Reduced City property maintenance costs
- (2) Reduced City liability
- (3) Increased base of taxable parcels
- (4) Reduction of surplus parcels unneeded by the City
- (5) Reduced City resources needed for management of City owned parcels
- (6) Reallocation of parcels to fit in line with long term City needs and goals

## **SECTION IV: DETERMINATION OF INVENTORY**

City Council determines sites potentially available for disposition by means of a City owned land inventory developed by City staff. Upon direction from the City Council, staff shall develop an inventory of City owned land and determine an inventory of properties available for disposition by using the criteria outlined below. If a potential site does not meet the criteria, it shall be deemed potentially available for disposition.

The City shall consider the disposition of real estate if the subject property *does not* meet one of the following potential uses.

### POTENTIAL USE CRITERIA

- (1) Economic development purposes; including removal of blighted properties and enhancing the City's tax base
- (2) Public works and maintenance facilities, staging and storage areas
- (3) Public safety facilities, staging and storage areas
- (4) Administrative service facilities
- (5) Public Right of Way; including roads, railroads and airports

- (6) Drainage, wetland and utility easements
- (7) Enhancement of housing stock; including redevelopment purposes
- (8) Public parks, trails and open space

Consideration for the disposition of real estate by the City shall be given based on the *compliance and consistency* with the criteria outlined below.

**COMPLIANCE CRITERIA**

- (9) City Comprehensive plan
- (10) City Comprehensive water and sewer plans
- (11) City Master parks and trails plan
- (12) City Transportation plan
- (13) Relevant City boards and commissions review
- (14) City Ordinances, Sec. 117-614. - Subdivision Design Standards

**POLICY STATEMENT CRITERIA**

- (15) The demand for public parks is shifting away from small neighborhood pocket parks to larger regional community parks. The cost to maintain a large number of small neighborhood pocket parks can be greater than the cost to maintain a small number of regional community parks. As such, the City will consider the consolidation of underutilized pocket parks in favor of larger regional parks.
- (16) The City shall not acquire real estate if there is no foreseeable current or future need for the property.

**SECTION V: DISPOSITION DECISION CRITERIA**

After a property is deemed unneeded and/or underutilized by the City, as outlined in section IV, consideration for disposition will be given by the City Council based on the decision criteria outlined below. This information will be presented to the Council in a findings-of-fact document.

- (1) Public input and feedback regarding a potential disposition
- (2) Maintenance costs
- (3) Title restrictions
- (4) Ability to develop
- (5) Stormwater and drainage limitations
- (6) Proposed future zoning
- (7) Utilities availability
- (8) Long term City needs and plans
- (9) Assessed value
- (10) Method to market and sell property
- (11) Cost to market and sell property

For properties that are legally dedicated, the City will consider the criteria below in addition to the previously stated list:

- (12) Legal costs, quiet title action
- (13) Legal costs, removal of legal dedication from title

The disposition decision criteria listed above, 1-13, will be reported in a findings-of-fact document for each property before it is brought forward to Council for consideration.

## **SECTION VI: PROCESS**

As the City investigates the potential disposition of City owned lands, the process below shall be followed.

### **STEP 1**

#### NOTIFY PUBLIC (A):

Notify affected property owners of a potential disposition; and, invite interested property owners to attend the next Mayor's Town Hall Meeting.

The purpose of this meeting is to gather, and document, public input on a potential disposition.

Mail notification will be given to property owners within 350' of the subject property 14 days before said meeting.

#### FINDINGS OF FACT (B):

Staff will create a draft findings-of-fact document to be brought forward to the Council in a worksession meeting. The findings-of-fact document will contain the decision criteria outlined in Section II of this policy.

At the meeting, Council will review the findings-of-fact document and consider moving forward to step two of this process.

Mail notification will be given to property owners within 350' of the subject property 14 days before said meeting.

### **STEP 2:**

#### ORDINANCE:

An ordinance shall be passed to declare the intentions of the council. The City should not move forward with listing or rezoning properties until an ordinance is passed.

Adopting an ordinance allows the public another opportunity to voice their opinion, for the council to discuss their viewpoints and fulfills the legal process of selling City-owned land.

Mail notification will be given to property owners within 350' of the subject property 14 days before said meetings.

### **STEP 3:**

#### ZONING AMENDMENT (A):

Third, properties shall be rezoned to the appropriate classification.

Rezoning a property before it is listed makes the property marketable. If properties are not rezoned, it may make potential buyers apprehensive. Furthermore, a rezoned property allows potential property owners to better evaluate the potential use of a property. This process is done by Ordinance and requires a Public Hearing.

For information on rezoning: Chapter 117, Section 49.

**COMPREHENSIVE PLAN (B):**

If the proposed zoning amendment also changes the land use designation on the Future Land Use Map, a Comprehensive Plan Amendment shall be required. This process requires approval by the Metropolitan Council, often times done administratively. This process is done by Resolution and requires a Public Hearing.

**STEP 4:**

**MARKET:**

Marketing properties could be done by means of a realtor, auction or for-sale-by-owner.

The City Council will make this decision on a case by case basis, based on the criteria outlined in the findings-of-fact document.

**STEP 5:**

**PURCHASE AGREEMENT:**

City staff and a potential buyer will negotiate a purchase agreement. After an agreement is negotiated, a draft will be brought back to the City Council for discussion and approval.

For properties identified as dedicated or restricted will begin this process at step one, as outlined above. Then, under direction of the City Attorney, follow the process outlined below:

- A. Contact previous property owner(s) to if they would be willing to give their property to the City, with free and clear title
- B. Take property title to court and attempt to remove restrictions
- C. Return property with free and clear title to original owner; or retain City ownership
- D. In the event the City retains ownership, the process would continue at step two outlined above. In the event the property is returned to the original owner, the disposition process would end.

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #12-\_\_\_\_-\_\_\_\_**

**RESOLUTION ADOPTING FINDINGS OF FACT #\_\_\_\_ TO REZONE CERTAIN PROPERTY FROM PUBLIC/QUASI PUBLIC TO R-1 RURAL RESIDENTIAL**

**WHEREAS**, the City received an application to rezone certain property in accordance with Section 117.49 (Zoning Amendments) and 117.111 (R-1 Rural Residential District) of the Ramsey City Code.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

1. That Ramsey Municipal Corporation (City of Ramsey), hereinafter referred to as "Applicant," has properly applied to rezone a certain property from Public/Quasi Public to R-1 Rural Residential District.
2. That the Planning Commission conducted a public hearing pursuant to Section 117.49 (Zoning Amendments) of the Ramsey City Code on September 06, 2012 and said public hearing was properly advertised, and the minutes of said public hearing are hereby incorporated by reference.
3. That the property or portions thereof proposed to be rezoned are legally described as follows:

Lot 9, Block 2, Windsorwood, Anoka County, Minnesota; which was conveyed to the County of Anoka by Warranty Deed dated October 31, 1989, as Document No. 869962. Abstract Property, 06-32-25-14-009.
4. That the total area of the property to be rezoned is 3.10 acres in size.
5. That the proposed rezoning is not located within the Metropolitan Urban Service Area (MUSA) boundary.
6. That the Subject Property is currently zoned Public/Quasi Public. The property is surrounded by properties zoned R-1 Rural Residential; and, is bordered to the east by Vicuna Street and bordered to the north by 174<sup>th</sup> Ave NW.
7. That the proposed use is R1 Rural Residential
8. That the proposal is/is not designed to incorporate open spaces, community gathering places, public and private recreational spaces, and educational facilities.

9. That the Applicant is/is not proposing a high quality of design and design compatible with surrounding land uses, both existing and planned.
10. That the proposed public amenities, facilities and open spaces are/are not greater than the minimum requirements of existing zoning and determined to be in the public good.
11. That the Applicant is proposing a development that is/is not compatible with the purposes and intents of this Zoning Chapter and the City's Comprehensive Plan.
12. That the proposed development will/will not exercise any substantial detrimental influence on the market value of surrounding properties.
13. That the proposed development will/will not show a favorable economic impact on the community at large.
14. That the proposed development will/will not adversely impact natural features such as wetlands, water features, woodlands, and steep slopes.
15. That the proposed development will/will not protect and preserve scenic qualities to the greatest extent possible.
16. That the proposed development will/will not impose any undue burden on public services and facilities, including fire and police protection, schools, streets, water systems, sanitary sewer systems and storm sewer systems.
17. That the proposed development is/is not designed in such a way as to form a desirable and unified environment within its own boundaries, and also will not be detrimental to future land uses in the surrounding areas.
18. That the proposed development is/is not consistent with all other applicable City and State regulations.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the \_\_\_\_ day of \_\_\_\_ 2012.

---

Mayor

**ATTEST:**

---

City Administrator

**ORDINANCE #12-\_\_\_-\_\_\_**

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

**AN AMENDMENT TO CHAPTER 117 WHICH IS KNOWN AS THE ZONING AND SUBDIVISIONS CHAPTER OF THE CITY CODE OF RAMSEY, MINNESOTA.**

**AN ORDINANCE AMENDING SECTION 117-90 "MAP" OF CHAPTER 117 OF THE CITY CODE OF RAMSEY, MINNESOTA.**

**SECTION 1. AMENDMENT**

The following legally described properties or portions thereof are hereby rezoned from Public/Quasi Public to R1 Rural Residential:

Lot 9, Block 2, Windsorwood, Anoka County, Minnesota; which was conveyed to the County of Anoka by Warranty Deed dated October 31, 1989, as Document No. 869962. Abstract Property, 06-32-25-14-009.

(the "Subject Property")

**SECTION 2. MAP**

The City is hereby instructed to cause this amendment to be shown on the "City of Ramsey Zoning Map", which map was adopted pursuant to Section 117-90 of the Ramsey City Code.

**SECTION 3. EFFECTIVE DATE**

This ordinance becomes effective 30 days after its passage and publication, subject to City Charter Section 5.04.

PASSED by the City Council of the City of Ramsey, Minnesota the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

Introduction date:

Posting dates:

Adoption date:

Publication date:

Effective date:

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #12-\_\_-\_\_**

**A RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO CHANGE A LAND USE DESIGNATION ON THE PROPERTY KNOWN AS WINDSORWOOD, PID 063225140009, FROM PUBLIC/QUASI PUBLIC, TO RURAL RESIDENTIAL, AND AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION TO THE METROPOLITAN COUNCIL FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN**

**WHEREAS**, the Ramsey Municipal Corporation is the Property Owner; and is requesting an amendment to the Comprehensive Plan to change the future land use designation from Public/Quasi Public to R-1 Rural Residential for the following legally described property:

1. That the property or portions thereof proposed to be rezoned are legally described as follows:

Lot 9, Block 2, Windsorwood, Anoka County, Minnesota; which was conveyed to the County of Anoka by Warranty Deed dated October 31, 1989, as Document No. 869962. Abstract Property, 06-32-25-14-009.

(The Subject Property)

**WHEREAS**, the Comprehensive Plan approved in 2010 shows the designated land uses on the Subject Property as Public/Quasi Public; and

**WHEREAS**, the City and the Property Owner are requesting that the Subject Property land use designation be changed to Rural Residential; and

**WHEREAS**, all R-1 properties surrounding the subject property are currently zoned R-1 Rural Residential; and

**WHEREAS**, the Ramsey Planning Commission met on September 6, 2012, conducted a public hearing, and recommended that the Ramsey City Council approve the request for an amendment to the Comprehensive Plan.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

- 1) That the Ramsey City Council hereby approves the request for a land use designation change on the Subject Property from Public/Quasi Public to R-1 Rural Residential.
- 2) That the Ramsey City Council hereby authorizes City Staff to submit the necessary documentation to the Metropolitan Council requesting an amendment to the 2030 Comprehensive Plan to change the land use designation to Rural Residential.
- 3) That this land use change shall become effective concurrent with the City's receipt of notification of approval from Metropolitan Council.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

Mayor Ramsey  
Councilmember Backous

Councilmember Elvig  
Councilmember Strommen  
Councilmember Tossey  
Councilmember McGlone  
Councilmember Wise

and the following voted against the same:

None

and the following abstained:

None

and the following were absent:

None

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the XX day of XXXX, 2012.

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Mayor

**ATTEST:**

---

City Clerk

# COMPREHENSIVE PLAN AMENDMENT CONSIDERATIONS

The following questions/factors are typically considered when addressing requests for Comprehensive Plan Amendments:

1. *The proposed land use considers traffic levels and patterns.*
  - a. *Traffic impacts of the proposal should be assessed for adjacent streets and affected collector streets. Impacts resulting in a safety hazard, increase in fire or police response time, or substantial increase in traffic congestion should be mitigated.*
  - b. *Potential future travel corridors should be identified and preserved where feasible.*

**The proposed new land use would allow for a maximum one additional single family residential unit. Impacts on traffic levels will be minimal. Rezoning the Subject Property does not warrant the identification, or preservation of future travel corridors.**

2. *The Community's expenditures for new or additional services required by the proposed land use will be recovered if the proposal goes forward.*

**The proposed new land use will not require connection to City sewer or water services. Said services will be the responsibility of the land owner; and would likely be a private well and septic system. The City will not be providing any additional services to the Subject Property that are not currently provided. Because the Subject Property is currently City Owned and it is the intention of the City to sell the Subject Property to a private owner, the City will be receiving property taxes moving forward.**

3. *Environmentally sensitive resources should be known, and as per section 177-144 of the city code "Development shall be so regulated as to minimize risk of environmental damage to these areas."*

**Upon rezoning the Subject property, it is the intention of the City to sell the Subject Property to a private owner. If the private owner intends to build on the Subject Property, they will be responsible for conducting a wetland delineation, for official documentation of wetlands. Based on City records, the Subject Property appears to be buildable, does not collect stormwater from nearby properties and does not appear to be a wetland.**

4. *The potential of the parcel containing a greenway corridor or open space area should be reviewed and if present, appropriate preservation strategies shall be employed.*

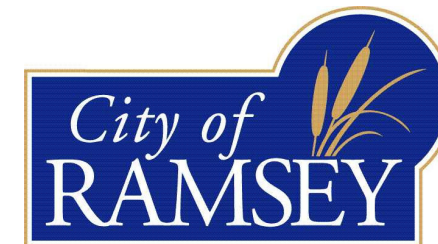
**The Subject Property currently is an open space. Based on feedback from surrounding properties owners, there is a desire to keep the property an open space. With the said public input in mind, the City Council has directed Staff to allow surrounding property owners a "first right" to purchase the Subject Property. NOTE: the City Council has indicated a desire to reduce the number of small City parks and open spaces in favor of larger and more improved City parks. No preservation strategies will be employed regarding the rezoning of the Subject Property.**

*5. Sewer and water capacity is adequate to service the proposed development*

**Not applicable. The Subject Property will access sewer and water with a private septic system and well.**








*6. The type of density transition, as required by Section 117-110 of City Code, which will be utilized as part of the land use, shall be identified and approved by the City Council.*

**No density transition is required for this project. The proposed zoning for Subject Property will be identical to surrounding parcels.**

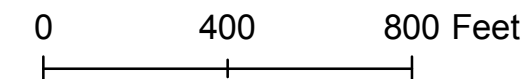


# Official Zoning Map

Copy  
Windsorwood Zoning Amendment  
September 4, 2012

-  Parcels
-  2030 MUSA
- Zoning**
-  R-1: Rural Developing (outside MUSA)
-  R-1: MUSA
-  R-2: Medium-Density Residential
-  R-3: High-Density Residential
-  B-1: Business District
-  B-2: Business District
-  H-1: Business District
-  E-1: Employment District
-  E-2: Employment District
-  MU-PUD: Mixed-Use, Planned Unit Development
-  PUD: Planned Unit Development
-  COR: The COR
-  P: Public/Quasi-Public District

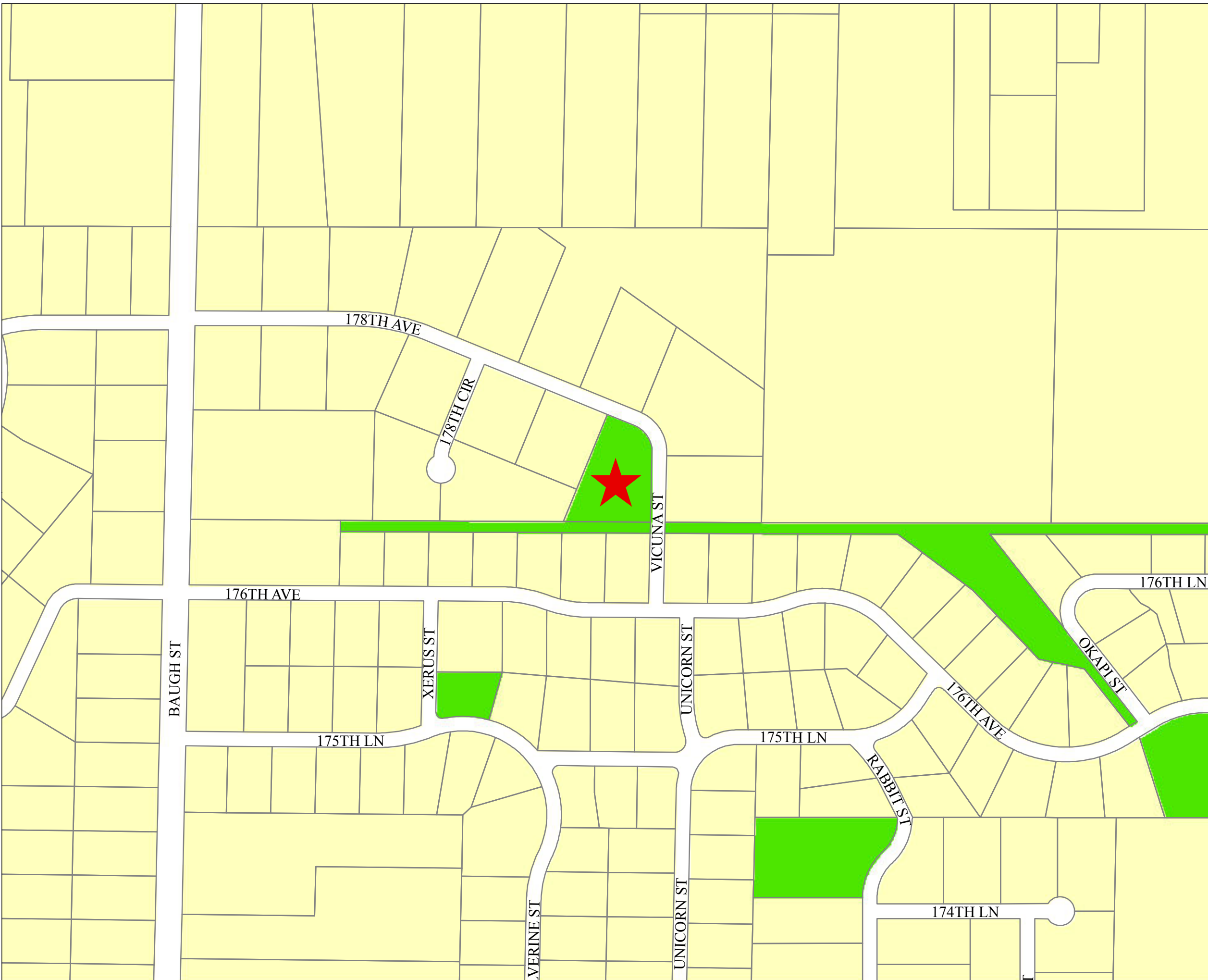
Update: March 2011  
Update: April 2011  
Amendment: September 2011



This map has been compiled using information gathered from various governmental offices and other sources and is to be used for reference purposes only. It is neither a legally recorded map nor a survey and is not intended for use as one. The Geographic Information System (GIS) data used to develop this map is not warranted by the City as being error-free.

The City does not represent that the GIS data can be used for exact measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found, please contact (763) 427-1410.

The City of Ramsey disclaims any responsibility for or liability for the accuracy of the information at any point of initial contact with a GIS and the public has general access. The geographic data made available is provided pursuant to Minnesota Statute 466.03, Subd. 21 (2000), and the user of this map acknowledges that the City of Ramsey is immune from any and all claims brought by User, its employees or agents, or third parties who do not have access to the data.



**Regular Planning Commission**

**5. 3.**

**Meeting Date:** 09/06/2012

Submitted For: Tim Gladhill

By: Tina Goodroad, Community Development

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Information

Title:

PUBLIC HEARING: Consider Zoning Ordinance to Amend Chapter 117, Article II, Division 4, Subdivisions II, IV and V by Consolidating into One Subdivision (Shorelands)

Background:

A consolidation is proposed for all rules pertaining to shorelands including lakes, streams and rivers into a single section, Shorelands. The proposed ordinance repeals Subdivisions II (Environmental Overlay Protection Districts), Subdivision IV (Shoreland Management Overlay District) and Subdivision V (Scenic River Protection Overlay District) and establishes a new Subdivision II (Shorelands), which incorporates the provisions of these three (3) Subdivisions. This, in part, was prompted due to the Mississippi River within Ramsey being statutorily designated as both a Wild and Scenic River and as part of the Critical River Area. This dual designation results in overlapping regulations.

Notification:

The Public Hearing was properly notified in the Anoka County Union. The proposed ordinance amendment was also sent to the MN DNR per Minnesota Rules.

Observations:

In 2012, special legislation was approved that exempts the Mississippi River from the Wild and Scenic regulations. The Critical Area Overlay requirements will now only apply to the Mississippi River and Scenic River Overlay will only apply to the Rum River. As part of this special legislation, the DNR expressed support for the merger of these sets of river regulations into the Shoreland Section as long as it didn't diminish the established regulations. This will provide a single source ordinance for all shoreland related regulations thereby making it easier for staff and property owners of affected properties to navigate these requirements.

In 2010, the Minnesota Supreme Court determined that the MN DNR did not have statutory authority to certify certain local decisions, such as variances and inconsistent plats. Therefore, the proposed ordinance does include updated language to clarify what types of actions still require DNR certification (ordinance and zoning amendments) and which actions simply require official notification of public hearings and final actions.

Other than the aforementioned clarification, this consolidation is not including a rewrite or revisit of the regulations within these various sections. The proposed ordinance amendment is simply a reorganization to include the existing Critical Area Overlay Requirements, Scenic River Protection Overlay, and Shoreland Management Overlay Districts into one Subdivision, Shorelands.

Funding Source:

All costs associated with the amendment are being handled as part of Planning Consultant budget.

Staff Recommendation:

Staff recommends approval of the proposed ordinance amendment to create Subdivision (II) Shorelands, which will include the Critical Area Overlay, Scenic River Protection Overlay and Shoreland Management Overlay District regulations.

Committee Action:

Motion to recommend that the City Council adopt Ordinance #12-\_\_\_ to amend City Code Chapter 117, Article II Division 4 by repealing Subdivisions II, IV and V and replacing with Subdivision II (Shorelands), subject to review by the City Attorney as to legal form.

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Attachments

Proposed Ordinance

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Form Review

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Tim Gladhill	Tim Gladhill	08/24/2012 08:43 AM
Chris Anderson	Chris Anderson	08/29/2012 01:14 PM
Tim Gladhill	Tim Gladhill	08/30/2012 09:35 PM

Form Started By: Tina Goodroad      Started On: 08/23/2012 01:26 PM

Final Approval Date: 08/30/2012



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and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is recognized by the city.

(1) The city council finds that the Mississippi River Corridor within the city is a unique and valuable local, state, regional and national resource. The river is an essential element in the local, regional, state and national transportation, sewer and water and recreational systems and serves important biological and ecological functions. The prevention and mitigation of irreversible damage to this resource and the preservation and enhancement of its natural, aesthetic, cultural and historic values is in furtherance of the health, safety and general welfare of the city.

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(2) The council further finds that the Critical Area District is characterized by certain soil types, slopes and water levels that are unsuitable for development. The preservation of trees and woodlands, marshes, swamps, wetlands, drainageways and watercourses within the Critical Area District serves important ecological, recreational and aesthetic functions to the benefit of existing and future residences of the city and, therefore, is in furtherance of the health, safety and general welfare of the city.

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(3) In addition to the Shorelands and Critical Area District, the city council finds that the wetlands are a valuable local, state, regional and national resource. The wetlands provide recreation and serve as drainage areas, important biological and ecological functions.

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(4) The city council finds that the Rum River Corridor within the city is a unique and valuable local, state and regional natural resource.

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(5) It is the purpose and intent of this subdivision to prevent and mitigate irreversible damage to these natural resources and to preserve and enhance their values to the public. Development shall be so regulated so as to minimize the risk of environmental damage to these areas. By doing so, private homeowners and governmental units are protected from incurring high maintenance and capital costs resulting from the necessity to correct the deficiencies encountered as a result of inappropriate or improper development.

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(Code 1978, § 9.25.01; Ord. No. 04-32, 5-30-2005)

84 **Sec. 117-222. -- General provisions and definitions.**

85 (c) *Jurisdiction-Lakes and tributary streams.* The provisions of this subdivision (Sections  
86 117-221 through 117-224) shall apply to the shorelands of the public water bodies as  
87 classified in Section 117-224~~2~~, not including rivers. Pursuant to Minn. Rules pts.  
88 6120.2500—6120.3900, no lake, pond, or flowage less than ten acres in size in  
89 municipalities or 25 acres in size in unincorporated areas need be regulated in a  
90 local government's shoreland regulations. A body of water created by a private user  
91 where there was no previous shoreland may, at the discretion of the city council, be  
92 exempt from this subdivision.

93 (d) *Jurisdiction-Rivers.* The provisions of this subdivision (Sec.117-223) shall apply to  
94 the Critical ~~River Area Overlay~~ (Mississippi River) as amended, due to 2012 Special  
95 Legislation that exempts the Mississippi River from the Wild and Scenic regulations,  
96 and (Sec. 117-223 4 )~~through 117-224~~, the Scenic River ~~Protection Overlay District~~  
97 (Rum River).

98 ~~(e)~~ *Compliance.* The use of any shoreland of public waters (including lakes,  
99 tributary streams and rivers); the size and shape of lots; the use, size, type and  
100 location of structures on lots; the installation and maintenance of water supply and  
101 waste treatment systems, the grading and filling of any shoreland area; the cutting of  
102 shoreland vegetation; and the subdivision of land shall be in full compliance with the  
103 terms of this subdivision and other applicable regulations.

104 (Code 1978, § 9.25.02, subs. 1, 2; Ord. No. 04-32, 5-30-2005)

105 **Sec. 117-223. -- Administration.**

106 (f) *Permits required and standards.*

107 (1) A building permit is required for the construction of buildings or building  
108 additions (and including such related activities as construction of decks and  
109 signs), the installation and/or alteration of sewage treatment systems, and  
110 those grading and filling activities not exempted by ~~section 117-225~~222 (c )  
111 below. ~~(g)(2)~~. Application for a permit shall be made to the building official on  
112 the forms provided. The application shall include the necessary information  
113 so that the building official can determine the site's suitability for the intended  
114 use and that a compliant sewage treatment system will be provided.

115  
116 (2) A permit authorizing an addition to an existing structure shall stipulate that an  
117 identified nonconforming sewage treatment system, as defined by ~~subsection~~  
118 ~~117-225(g)(7)~~subsection (7)~~b(d)(2)~~, shall be reconstructed or replaced in  
119 accordance with the provisions of this subdivision.

120  
121 ~~(3)~~ DNR permits.

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- a. Excavations on shorelands where the intended purpose is connection to a protected water shall require a permit from the zoning administrator before construction is begun. Such permit may be obtained only after the commissioner of natural resources has issued a permit to work in the beds of protected waters.
- b. Any work which will change or diminish the course, current or cross section of a protected water or wetland shall be approved by the commissioner of natural resources, and such approval shall be construed to mean the issuance by the commissioner of natural resources of a permit under the procedures of Minn. Stats. § 103G.245 and other related statutes.

(Code 1978, § 9.21.06; Ord. No. 75-08, 6-27-1975; Ord. No. 85-02, 8-12-1985; Ord. No. 86-2, 8-25-1986)

(4) Environmental permit.

- a. To ensure that the policies in this subdivision are properly implemented, any person undertaking development to or on any land within the Critical River Area and Shoreland Overlay Districts shall, prior to commencing the work, obtain an environmental permit from the city. Except as hereinafter provided in this subdivision, no person shall perform any development in the Critical River Area and Shoreland Overlay Districts without first having obtained an environmental permit (hereinafter called permit) from the city. Exempted from this environmental permit requirement shall be all lots within a plat of record in the county recorder's office. Outlots contained within a plat shall not be exempted from this permit requirement.
- b. Notwithstanding this permit exemption, development occurring on any lot, whether in a plat or not, must comply with and conform to the environmental permit standards as outlined in subsection 4 of this section.

(5) Environmental permit standards. The following standards shall be met when any development is undertaken within the overlay districts:

- a. No filling, grading, dredging, excavation or construction shall be allowed within any wetlands area; nor on lands abutting, adjoining or affecting said areas if such activity upon those adjacent areas is incompatible with city policies expressed here, in other documents and in the relevant stormwater drainage study. Development is improper and therefore prohibited which may result in loss and

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damage to public and private improvements through inundation by floodwaters and subsequent expensive construction of storm sewers and other public projects, in the permanent destruction of natural resources, loss of water retention facilities, open space and wildlife habitats and impairment of public and private water supplies. Minimum area requirements for building sites shall be determined in accordance with this Code, the standards of the Shoreland Overlay District and the Critical Rivers Area Overlay District.

b. Filling.

1. A minimum amount of filling may be allowed when necessary, but in no case shall the following restrictions on total amount of filling be exceeded. Since the total amount of filling that can be permitted is limited, the city, when considering permit applications, shall consider the equal apportionment of fill opportunity to riparian landowners.
2. Total filling shall not cause the total natural flood storage capacity of the wetland to fall below the projected volume of runoff from the entire area wetland water shed generated by a ten-year storm.
3. Total filling shall not cause the total natural nutrient stripping capacity of the wetland to fall below the nutrient production of the wetland watershed shed for its projected development.
4. Only fill, free of chemical pollutants and organic wastes, may be used. Wetlands shall not be used for solid waste disposal.
5. Grading and filling in overlay district areas or any alteration of the natural topography where the slope of the land is toward a protected water or a watercourse leading to a protected water must be authorized by a permit. The permit may be granted subject to the conditions that:
  - i. The smallest amount of bare ground is exposed for as short a time as feasible.
  - ii. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is established.
  - iii. Methods to prevent erosion and trap sediment are employed.
  - iv. Fill is stabilized to accepted engineering standards.

- c. The removal of natural vegetation shall be restricted to prevent erosion into protected waters, to consume nutrients in the soil, and to preserve aesthetics. Removal of natural vegetation in the overlay districts shall be subject to the following provisions:

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1. Selective removal of natural vegetation is allowed, provided that sufficient vegetative cover remains to screen cars, dwellings and other structures when viewed from the water.
2. Clear cutting of natural vegetation is prohibited.
3. Natural vegetation shall be restored insofar as feasible after any construction project is completed to retard surface runoff and soil erosion.
4. Additional provisions.
  - i. The provisions of this subsection shall not apply to permitted uses that normally require the removal of natural vegetation.
  - ii. Development shall be conducted so that the maximum number of trees is preserved by the locating of structures in existing cleared areas and natural clearing and the utilization of other site design techniques.
  - iii. Grading, contouring and paving shall be performed to minimize any detrimental affect on root zone aeration and stability of existing trees. Existing trees shall be provided with a watering area equal to at least one-half the crown cover.
  - iv. When trees are removed, the permittee will restore the density of trees, utilizing nursery stocks of a minimum of 1¾ inch diameter measured one foot above the ground, using species generally accepted as suitable for the purpose to that which existed before the development provided that in no case need the density exceed ten trees per acre.
  - v. Development shall not reduce the existing crown cover greater than 50 percent and shall be conducted in such a manner as to preserve the understory and prevent litter.
  - vi. Trees used in reforestation or landscaping must be compatible with the local landscape and climatic conditions.
5. No on-site sewage disposal systems shall be allowed which do not meet the requirements of this Code.
6. No development shall be permitted on land having a slope in excess of 45 percent. All very steep slopes (18 percent and over) shall be protected. No development of slope from 12 to 18 percent shall be permitted unless the applicant can prove that the following conditions are met:

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i. The foundation and underlying material of any material of any structure, including roads, shall be adequate for slope condition and soil type.

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ii. The applicant can demonstrate that development during and after construction can be accomplished without increasing erosion and runoff and that there is proper utilization of controls to reduce runoff to non-destructive levels.

iii. The proposed development presents no danger of falling rock, mud, uprooted trees or other material to structures, recreational facilities, public lands and public waters downhill.

iv. All structures other than buildings and roadway surfaces but including retaining walls shall meet the following design requirements:

(A) Retaining walls or terrace contours shall not exceed five feet in height;

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(B) Construction shall be of natural stone, wood, or concrete;

(C) The use of gabions non-wood pilings, metal retaining walls and pre-cast or cast in place concrete retaining walls is specifically prohibited; and

(D) The minimum width of terraces shall be ten (10) feet.

d. Emergency work and exemptions.

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1. When emergency work is performed under this subdivision, the person performing it shall report the pertinent facts relating to the work to the city engineer and zoning administrator prior to the commencement of work. The zoning administrator shall review the facts and determine whether an emergency exists and shall be written memorandum authorize the commencement of the emergency exception or deny the emergency exception, in which case no work may be commenced. A person commencing emergency work shall within ten days following the commencement of that activity, apply for the issuance of an environmental permit and on the issuance thereof may be required to perform such work as is determined to be reasonably necessary to correct any impairment to the wetland occasioned by such emergency work.

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2. The removal of trees, seriously damaged by storms or other acts of God, or diseased trees, shall not be prohibited.

(6) Permit applications; required data.

a. Environmental permits, except where hereinafter noted, shall be issued by the council after written findings from the planning commission and city staff. A written application for an environmental permit must be submitted to the zoning administrator. Such applications shall include a site plan with adequate evidence to show that the proposed use will conform to the standards set forth in this subdivision. Five sets of clearly legible blue or black-lined copies or drawings and required information shall be submitted to the zoning administrator and shall be accompanied by a receipt from the administrator evidencing the payment of all required site plan fees. No permit or variance shall be issued unless the applicant in support of their application shall submit engineering data, surveys, site plans and other information as the city may require in order to determine the effects of such development on the affected lands and water areas. Such data, etc. shall be prepared by hydrologists, biologists, botanists or other technical persons as required by the zoning administrator.

b. Approval may be expressly given in conjunction with other permits applied for, but no approval shall be implied from the grant of such permits.

1. The site plans shall be prepared to a scale appropriate to the size of the project and suitable for the review to be performed which shall not be less than one inch equals 200 feet or more than one inch equals ten feet.

2. The following information shall be provided in the site plan:

- i. The name and address of the landowner and developer, the legal description and address of the property, north point, date and scale of drawing and number of sheets.
- ii. Location of the property including such information as the names and numbers of adjoining railroads, roads, existing subdivisions, building and other landmarks.
- iii. Existing topography as indicated on a contour map having contour intervals of one foot, on a zero percent to three percent slope; two feet, on a three percent to ten percent slope; and five feet, on a ten percent or greater slope. The topography map shall also clearly delineate any bluff line, all streams, including intermittent streams and

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swales, rivers, water bodies and wetlands located on the site, including depth of water, bottom slope, a description of body materials and all vegetation which may be found in the water body, a statement of water turbidity, a statement of water quality, and a classification given to the water body by the state department of natural resources and the Minnesota PCA, if any. The topography map shall indicate the floodway and/or flood fringe lines and shall indicate the ordinary high water mark of the river.

iv. A plan delineating existing drainage of the water setting forth in which direction the volume and at what rate stormwater is conveyed from the site and setting forth those areas of the site where stormwater collects and is gradually percolated into the ground or slowly released to a stream or lake. The quality of water runoff and water infiltrated to the water table or aquifer shall be as high after development as it was before development of the site. The quantity of runoff shall be limited to the discharge rates listed in the city's comprehensive storm drainage plan.

v. A description of the soils of the site, a map indicating soil types by areas to be disturbed, as well as a soil report prepared by a soil scientist containing information on the suitability of the soils for type of development proposed and for the type of sewage disposal and describing any remedial steps to be taken by the developer to render the soils suitable. All areas proposed for grading shall be identified by soil type, both as to soil type of existing top soil and soil type of the new contour. The location and extent of any erosion areas shall be indicated.

vi. A description of the flora and fauna which occupy the site and are occasionally found thereon, setting forth with detail those areas where unique plant or animal species may be found on the site.

vii. A description of any features, buildings or areas that are of historic significance.

viii. A map indicating proposed finished grade showing contours are the same intervals as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features.

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- xi. A landscape plan drawn to an appropriate scale including dimensions and distances and the location species, size and description of all existing vegetation, clearly locating and describing any vegetation proposed for removal and all proposed landscape materials which will be added to the site as part of the development.
- x. A proposed drainage plan of the developed site delineating in which direction, the volume and at what rate stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect and gradually percolate into the ground or be slowly released to stream or lake. The plan shall also set forth hydraulic capacity of all structures to be constructed or existing structures to be utilized including volume of holding ponds and the design year of the storm.
- xi. An erosion and sedimentation control plan indicating the type, location and necessary technical information on control measures to be taken both during and after construction, including a statement expressing the calculated anticipated gross soil loss expression in ton/acre/year both during and after construction. The gross soil loss shall not exceed five tons per acre per year during construction or two tons per acre per year during construction when the site is adjacent to a water body or watercourse; and one-half ton per acre per year after the construction activities are completed as calculated in accordance with the Uniform Soil Loss Equation. Wetlands and other natural water bodies shall not be used as primary sediment traps during or after construction.
- xii. A plan of erosion protection measures which shall make maximum use of natural in-place vegetation rather than the placing of new vegetation on site as erosion control facilities. The use of natural erosion control devices shall be preferred to the maximum extent over the construction of artificial drainage devices including culverts, holding ponds and ditches. The development shall be located in such a manner as to minimize the removal of vegetation and alteration of the natural topography.

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- xiii. The proposed size, alignment, height and intended use of any structures to be erected or located on the site including building elevations (front, side and rear).
- xiv. A clear delineation of all areas that shall be paved or surfaced including a description of the surface material to be used.
- xv. A description of the method to be provided for vehicular and pedestrian access to the proposed development and public access to the river and/or public river view opportunities both before and after development; a description of the development's impact on existing views along the river.
- xvi. Trail right-of-way shall be provided to the city in accordance with the general alignment as shown on the Proposed Mississippi River Trail Corridor Map dated 12/1/89 and approved by the council on 12/12/89 to allow for development of the Mississippi River Corridor Trail. Trail right-of-way shall be inclusive of street rights-of-way in existing developed areas as of August 12, 1985. The following standards shall be used for trail right-of-way (R.O.W.) widths:

<u>Trail Segment</u>	<u>R.O.W. Width</u>
<u>From the easterly limits of the city along Rivlyn Ave. to the west terminus of Rivlyn Ave.</u>	<u>17 feet</u>
<u>From the west terminus of Rivlyn Ave. to the east boundary of Lot 3, Auditor's Subdivision No. 96</u>	<u>17 feet</u>
<u>From the east boundary of Lot 3 Auditor's Subdivision No. 96 to the east boundary of Lot 1, Block 5 Riverside West</u>	<u>20 feet</u>
<u>Through Riverside West</u>	<u>17 feet</u>
<u>From the west boundary of Riverside West to Mississippi West County Park</u>	<u>35 feet</u>
<u>Through Mississippi West County Park</u>	<u>Alignment to be developed in cooperation with the county</u>
<u>From the west boundary of Mississippi West County Park to the east boundary of Alpaca Estates</u>	<u>75 feet</u>
<u>Each side of 142nd Ave. NW through Alpaca Estates</u>	<u>17 feet</u>
<u>From the west boundary of Alpaca Estates to the Highway 10 R.O.W. north of Bower's Mississippi Acres</u>	<u>75 feet - Alignment to be determined during platting but within limits shown on trail map.</u>
<u>Within the Highway 10, 169 R.O.W. to the Wayside Park</u>	<u>Alignment to be developed in cooperation w/ Mn/DOT</u>
<u>From the west boundary of the Wayside Park to the West boundary of the city</u>	<u>75 feet - Alignment to be determined during platting but within limits shown on trail map.</u>

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- xvii. A description of all parking facilities to be provided as part of the development of the site including analysis of parking needs generated by the proposed development.
  - xviii. A delineation of the area to be dedicated for public use.
  - xix. A delineation of the location and amounts of excavated soils to be stored on the site during construction.
  - xx. Any other information pertinent to the particular project which in the opinion of the inspector or applicant is necessary or helpful for the review of the project.
3. It is recognized that not all types of development have the same potential for causing harm to the environment; therefore, three classifications of development are established:
- i. Construction of one new single-family home on a lot in a plat.
  - ii. Construction of one new single-family home on a lot described by metes and bounds.
  - iii. Development on more than one parcel of residential property or any development of commercial or industrial property. It is intended that this classification shall include all proposed plats and subdivisions that create two or more parcels.
  - iv. Classification of subsection (6)b.3.ii and iii of this section must provide all of the information requested in section 117-146(6)b. Classification of subsection (6)b.3.i of this section shall provide a certificate of survey to the building inspector at the time the building permit is applied for. The building inspector shall review the lot for which the building permit is requested by reviewing that data submitted for the environmental permit for the plat in which the lot is located. This review shall be made in order to ensure that the permit standards adopted herein are complied with and that the construction of such a single-family home will be consistent with said permit standards.

- (7) Expiration, extension and revisions.
- a. A permittee shall begin the work authorized by the permit within 60 days from the date of issuance of the permit unless a different date for the commencement of work is set forth in the permit. The permittee shall complete the work authorized by the permit within the

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time limit specified in the permit which in no event shall exceed more than 12 months from the date of issuance. The permittee shall notify the zoning administrator at least 24 hours prior to the commencement of work.

b. Should the work not be commenced as specified herein, then the permit shall become void. However, if prior to the date established for commencement of work the permittee makes written request to the zoning administrator for an extension of time to commence the work, setting forth the reasons for the required extension of not greater than one single year, then the permit shall remain in force.

c. Any revision of the originally approved site plan must be approved by the council after findings by the planning commission and zoning administrator.

d. A permit may be approved subject to compliance with conditions that are specifically set forth in the permit and are necessary to ensure compliance with the requirements contained in this subdivision. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of other structures including special foundations and soil stabilization structures, establish required monitoring procedures, require such alterations of the site as may be necessary, require execution of an agreement between the city and the developer, require a surety in the form of a performance bond, cash escrow or letter of credit in an amount of 150 percent of the expected development costs as determined by the city engineer. Accompanying such agreement shall be a statement from the owner indicating the city's right of entry to the property if it becomes necessary to complete the agreed upon work.

(8) Fees. A schedule of fees for the examination and approval of site plans leading to an environmental permit and the inspection of all required improvements and conditions in such plans shall be determined by ordinance. Prior to approval of any site plan, such fees shall be paid to the zoning administrator and be deposited to the credit of the general fund.

(9) Effect of permit. The granting of an environmental permit under the provisions of this subdivision shall in no way affect the owner's or the permittee's responsibility to obtain the approval required by any other statute, ordinance or regulation of any federal or state agency or subdivision thereof.

(Code 1978, § 9.21.05; Ord. No. 75-08, 6-27-1975; Ord. No. 85-02, 8-12-1985; Ord. No. 88-11, 3-19-1989; Ord. No. 90-02, 2-26-1990)

State law reference— Fees, Minn. Stats. § 462.353, subs. 4, 4a.

(g) *Certificate of zoning compliance.* The zoning administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in this subdivision. This certificate will specify that the use of land conforms to the requirements of this

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508 subdivision. Any use, arrangement, or construction at variance with that authorized  
509 by permit shall be deemed a violation of this subdivision and shall be punishable as  
510 provided in this subdivision.

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512 (h) *Variances.* Variances may only be granted in accordance with [section 117-53](#) and  
513 Minn. Stats. ch. 462, as applicable. In addition to the criteria established in [section](#)  
514 [117-53](#), the board of adjustment must also determine whether the property is used  
515 seasonally or year-round. Conditions may be imposed in the granting of a variance to  
516 ensure compliance and to protect adjacent properties and the public interest. For  
517 existing developments, the application for variance must include documentation,  
518 either through existing records or an inspection report by a licensed Minnesota  
519 Pollution Control Agency septic inspector, documenting that a conforming individual  
520 sewage treatment system is present for the intended use of the property. If a  
521 variance is issued that will have the ~~effect~~ of allowing additional bedroom on the  
522 property, the property owner shall be required, if necessary, to upgrade the  
523 nonconforming individual sewage treatment system in conjunction with the issuance  
524 of the variance. If the variance does not have the ~~effect~~ of allowing additional  
525 bedrooms, the property owner shall have a maximum of two years to upgrade the  
526 nonconforming system. A failed system determined to be an imminent public health  
527 threat must be reconstructed within 45 days, regardless of the intended use  
528 permitted by the variance.

529  
530 (i) *Notifications to the department of natural resources.*  
531 (1) Copies of all notices of any public hearings to consider variances, zoning  
532 amendments, subdivisions, or conditional uses under local shoreland  
533 management controls must be sent to the commissioner or the  
534 commissioner's designated representative and postmarked at least ten days  
535 before the hearings. Notices of hearings to consider proposed  
536 subdivisions/plats must include copies of the subdivision/plat.  
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538 (2) A copy of approved amendments and subdivisions/plats, and final decisions  
539 granting variances or conditional uses under local shoreland management  
540 controls must be sent to the commissioner or the commissioner's designated  
541 representative and postmarked within ten days of final action. When a  
542 variance is approved after the department of natural resources has formally  
543 recommended denial in the hearing record, the notification of the approved  
544 variance shall also include the board of adjustment's summary of the public  
545 record/testimony and the findings of fact which supported the issuance of the  
546 variance.

547 (Code 1978, § 9.25.03; Ord. No. 04-32, 5-30-2005)

548 (Code 1978, § 9.25.03; Ord. No. 04-32, 5-30-2005)

549 **Sec. 117-224222 - Shoreland Management Overlay District, classification system**  
 550 **and land use districts; shoreland management, and development standards.**

551 (a) *Shoreland classification system.*

552 (1) The public waters of the city have been classified in subsection (a)(2) of this  
 553 section consistent with the criteria found Minn. Rules pt. 6120.3300, and the  
 554 protected waters inventory map for the county. In order to guide the wise  
 555 development and utilization of shorelands of protected waters for the  
 556 preservation of water quality, natural characteristics, economic values and  
 557 the general health, safety and welfare, certain protected waters in the city  
 558 have been given a shoreland management classification.

559 (2) These protected waters of the city have been classified by the commissioner  
 560 of natural resources as follows:  
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	Natural Environment Lakes	DNR I.D. #
a.	Shack Eddy	2-109
b.	Itasca	2-110
	<i>Recreational Development Lakes</i>	DNR I.D. #
a.	Jeglens Marsh	2-111
b.	Peltzer Pond	2-112
c.	Rogers	2-104
d.	Grass (Sunfish)	2-113

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	General Development Lakes	DNR I.D. #
a.	Ramsey Terrace Pond	2-114
b.	Magnesium Street Pond	2-116
c.	Industry Avenue Pond South	2-117
d.	Industry Avenue Pond North	2-118
	Tributary Streams	Locations
a.	Trott Brook	Sections 1, 2, 3, 6, 7, 8, 9, 10, T32N, R25W
b.	Ford Brook	Sections 1 and 2 T32N, R25W

565 (3) The shorelands of the city in subsection (a)(2) of this section are designated  
 566 as a Shoreland Overlay District. The purpose of the Shoreland Overlay  
 567 District is to provide for the wise utilization of shoreland areas in order to  
 568 preserve the quality and natural character of these protected waters of the  
 569 city. Boundaries of the Shoreland Overlay District shall be as defined by  
 570 shoreland in [section 117-1](#)

571 (b) *Land use district descriptions.* Within the shoreland area, land use descriptions and  
572 allowable uses therein shall be identified in the respective zoning districts established  
573 in this chapter.

574 (Code 1978, § 9.25.04; Ord. No. 04-32, 5-30-2005)

575

576 ~~Sec. 117-225.~~

577 (c.) Shoreland Overlay District development standards

578 (1) *Permitted uses.* All permitted uses allowed and regulated by the applicable  
579 zoning district underlying this Shoreland Overlay District as indicated on the official  
580 environmental overlay map of the city.

581

582 (2) *Conditional uses.*

583 a. All conditional uses and applicable attached conditions allowed and  
584 regulated by the applicable zoning district underlying this Shoreland Overlay  
585 District as defined by shoreland in section 117-1

586

b. Boathouses.

587

588 (3) *Substandard uses.* Any uses of shorelands in existence prior to the date of  
589 enactment of this Code which are permitted within the applicable zoning district, but  
590 do not meet the minimum lot area, setbacks or other dimensional requirements of  
591 this Code are substandard uses. Substandard uses, including substandard sanitary  
592 facilities, shall be allowed to continue. However, any structural alteration or addition  
593 to a substandard use that will increase the substandard dimensions shall not be  
594 allowed.

595

596 (4) *Prohibited uses.* Any uses which are not permitted or conditional uses as  
597 regulated by the applicable zoning district underlying this Shoreland Overlay District,  
598 as defined by shoreland in section 117-1

599

600 (5) *Zoning provisions; lot area and width standards.* The following standards  
601 shall apply to all shorelands of the protected waters listed in section 117-224 222  
602 within the city. Where the requirements of the underlying zoning district as shown on  
603 the official zoning map are more restrictive than those set forth herein, then the more  
604 restrictive standards shall apply. The lot area (in square feet) and lot width standards  
605 (in feet) for single, double, triple, and quad unit residential lots created after the date  
606 of enactment of the ordinance from which this subdivision is derived for the lake and  
607 river/stream classifications are the following:

608

1. *Unsewered lakes.*

609

610

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
<b>Natural Environment:</b>				
Single	80,000	200	80,000	200
Double	120,000	300	160,000	400
Triple	160,000	400	240,000	600
Quad	200,000	500	320,000	800
<b>Recreational Development:</b>				
Single	40,000	150	40,000	150
Double	80,000	225	80,000	265
Triple	120,000	300	120,000	375
Quad	160,000	375	160,000	490
<b>General Development:</b>				
Single	20,000	100	40,000	150
Double	40,000	180	80,000	265
Triple	60,000	260	120,000	375
Quad	80,000	340	160,000	490

611

2. Sewered lakes.

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
<b>Natural Environment:</b>				
Single	40,000	125	20,000	125
Double	70,000	225	35,000	220
Triple	100,000	325	52,000	315
Quad	130,000	425	65,000	410
<b>Recreational Development:</b>				
Single	20,000	75	15,000	75
Double	35,000	135	26,000	135
Triple	50,000	195	38,000	190
Quad	65,000	255	49,000	245
<b>General Development:</b>				
Single	15,000	75	10,800	75
Double	26,000	135	17,500	135
Triple	38,000	195	25,000	190
Quad	49,000	255	32,500	245

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613

(6)c. Stream lot width standards. There is no minimum lot size requirements are no minimum lot size requirements for streams. The lot

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width standards for single-, double-, triple- and four-unit residential developments for the stream classifications are:

	Tributary	
	No Sewer	Sewer
Single	100	75
Double	150	115
Triple	200	150
Quad	250	190

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~~(7)~~ d. *Additional special provisions.*

1. Residential subdivisions with dwelling unit densities exceeding those in the tables in subsections ~~(e)~~~~(2)~~~~b.~~ and ~~(3)~~~~c.~~ of this section can only be allowed if designed and approved as residential planned unit developments under ~~section 117-227 subsection one~~ ~~(e)~~. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in subsection ~~(e)~~~~(2)~~~~b.~~ of this section can only be used if publicly owned sewer system service is available to the property.
2. Subdivisions of double, triple, and quad unit buildings on natural environment lakes must also meet the following standards:
  - i. Each building must be set back at least 200 feet from the ordinary high water level;
  - ii. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
  - iii. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
  - iv. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
3. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in subsections ~~(e)~~~~(1)~~ through ~~(3)~~ ~~(8)~~ ~~(5)~~ a-c of this section, provided the following standards are met:
  - i. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
  - ii. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and

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648 iii.. A guest cottage must be located or designed to reduce its visibility as  
649 viewed from public waters and adjacent shorelands by vegetation,  
650 topography, increased setbacks or color, assuming summer leaf-on  
651 conditions.

652 **4.** Lots intended as controlled accesses to public waters or as  
653 recreation areas for use by owners of nonriparian lots within subdivisions  
654 are permissible and must meet or exceed the following standards:

- 655 i. They must meet the width and size requirements for residential lots,  
656 and be suitable for the intended uses of controlled access lots;  
657 ii. If docking, mooring, or over-water storage of more than six watercraft  
658 is to be allowed at a controlled access lot, then the width of the lot  
659 (keeping the same lot depth) must be increased by the percent of the  
660 requirements for riparian residential lots for each watercraft beyond  
661 six, consistent with the following table:  
662

Controlled Access Lot Frontage Requirements	
Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100–200	20
201–300	15
301–400	10
Greater than 400	5

663 **eiii.** They must be jointly owned by all purchasers of lots in the  
664 subdivision or by all purchasers of nonriparian lots in the subdivision  
665 who are provided riparian access rights on the access lot; and

666 **iv.** Covenants or other equally effective legal instruments must  
667 be developed that specify which lot owners have authority to use the  
668 access lot and what activities are allowed. The activities may include  
669 watercraft launching, loading, storage, beaching, mooring, or docking.  
670 They must also include other outdoor recreational activities that do  
671 not significantly conflict with general public use of the public water or  
672 the enjoyment of normal property rights by adjacent property owners.  
673 Examples of the non-significant conflict activities include swimming,  
674 sunbathing, or picnicking. The covenants must limit the total number  
675 of vehicles allowed to be parked and the total number of watercraft  
676 allowed to be continuously moored, docked, or stored over water, and  
677 must require centralization of all common facilities and activities in the  
678 most suitable locations on the lot to minimize topographic and  
679 vegetation alterations. They must also require all parking areas,  
680

681 storage buildings, and other facilities to be screened by vegetation or  
 682 topography as much as practical from view from the public water,  
 683 assuming summer, leaf-on conditions.

684  
 685 **(86)** *Placement, design, and height of structures.*

686 a. *Placement of structures on lots.* When more than one setback applies  
 687 to a site, structures and facilities must be located to meet all setbacks. Where  
 688 structures exist on the adjoining lots on both sides of a proposed building  
 689 site, structure setbacks may be altered without a variance to conform to the  
 690 adjoining setbacks from the ordinary high water level, provided the proposed  
 691 building site is not located in a shore impact zone or in a bluff impact zone.  
 692 Structures shall be located as follows:

693 **b1.** *Structure and on-site sewage system setbacks (in feet) from*  
 694 *ordinary high water level\*.*

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Classes of Public Waters	Structures		Setbacks*
	Unsewered	Sewered	Sewage Treatment System
Lakes			
Natural environment	150	150	150
Recreational development	100	75	75
General development	75	50	50
Tributary streams	100	50	75

696 \*One water-oriented accessory structure designed in accordance with  
 697 subsection ~~(f6)(2)~~**b.** of this section may be set back a minimum  
 698 distance of ten feet from the ordinary high water level.

699 **e2.** *Additional structure setbacks.* The following additional  
 700 structure setbacks apply, regardless of the classification of  
 701 the water body:

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Setback From:	Setback (in feet)
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads or streets not classified	20

705 **e** **3.** *Bluff impact zones.* Structures and accessory  
 706 facilities, except stairways and landings, must not be placed  
 707 within bluff impact zones.

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e- 4. *Uses without water-oriented needs.* Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

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~~(9)~~b. *Design criteria for structures.*

- a1. *High water elevations.* Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or floodproofed must be determined as follows:
- i. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
  - ii. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Minn. Rules pts. 6120.5000—6120.6200 governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
  - iii. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

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b2. *Water-oriented accessory structures.* Each lot may have one water-oriented accessory structure not meeting the normal structure

748 setback in this subdivision if this water-oriented accessory structure  
749 complies with the following provisions:  
750 i. The structure or facility must not exceed ten feet in height,  
751 exclusive of safety rails, and cannot occupy an area greater  
752 than 250 square feet. Detached decks must not exceed eight  
753 feet above grade at any point;  
754 ii. The setback of the structure or facility from the ordinary high  
755 water level must be at least ten feet;  
756 iii. The structure or facility must be treated to reduce visibility as  
757 viewed from public waters and adjacent shorelands by  
758 vegetation, topography, increased setbacks or color,  
759 assuming summer, leaf-on conditions;  
760 iv. The roof may be used as a deck with safety rails, but must  
761 not be enclosed or used as a storage area;  
762 v. The structure or facility must not be designed or used for  
763 human habitation and must not contain water supply or  
764 sewage treatment facilities; and  
765 vi. As an alternative for general development and recreational  
766 development waterbodies, water-oriented accessory  
767 structures used solely for watercraft storage, and including  
768 storage of related boating and water-oriented sporting  
769 equipment, may occupy an area up to 400 square feet  
770 provided the maximum width of the structure is 20 feet as  
771 measured parallel to the configuration of the shoreline.

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773 | e3. *Stairways, lifts, and landings.* Stairways and lifts are the preferred  
774 alternative to major topographic alterations for achieving access up  
775 and down bluffs and steep slopes to shore areas. Stairways and lifts  
776 must meet the following design requirements:

- 777 i. Stairways and lifts must not exceed four feet in width on  
778 residential lots. Wider stairways may be used for commercial  
779 properties, public open-space recreational properties, and  
780 planned unit developments;  
781 ii. Landings for stairways and lifts on residential lots must not  
782 exceed 32 square feet in area. Landings larger than 32  
783 square feet may be used for commercial properties, public  
784 open-space recreational properties, and planned unit  
785 developments;  
786 iii. Canopies or roofs are not allowed on stairways, lifts, or  
787 landings;

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- iv. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
  - v. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
  - vi. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of the items in subsections ~~(f6)(29)e-4b.3.-i~~ to ~~5v~~ of this section are complied with in addition to the requirements of Minn. Rules ch. 1340.
- ~~e4.~~ *Significant historic sites.* No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- ~~e5.~~ *Steep slopes.* The city engineer must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- ~~(40)c.~~ *Height of structures.* All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 35 feet in height.
- ~~(e7)~~ *Shoreland alterations.* Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.
- ~~(4)a.~~ *Vegetation alterations.*
- ~~a1.~~ Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this subdivision are exempt from the vegetation alteration standards that follow.
  - ~~b2.~~ Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in this subdivision is allowed subject to the following standards:

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- i. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
  - ii. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
    - ~~(a)~~(A) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
    - ~~(b)~~(B) Along rivers, existing shading of water surfaces is preserved; and
    - ~~(c)~~(C) The provisions of this subsection ~~(g7)(4)a~~ of this section are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- ~~(2)~~b. *Topographic alterations/grading and filling.*
- a1. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this subdivision must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
  - b2. Public roads and parking areas are regulated by this subdivision.
  - c3. Notwithstanding subsections ~~(g7)(2)b\_1a~~ and b2 of this section, a grading and filling permit will be required for:
    - i. The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and
    - ii. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
  - d4. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling

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permits, conditional use permits, variances and subdivision approvals:

- ~~4~~i. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland. This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the state department of natural resources, or the United States Army Corps of Engineers. The applicant will be so advised.
  - ~~(a)~~(A) Sediment and pollutant trapping and retention;
  - ~~(b)~~(B) Storage of surface runoff to prevent or reduce flood damage;
  - ~~(c)~~(C) Fish and wildlife habitat;
  - ~~(d)~~(D) Recreational use;
  - ~~(e)~~(E) Shoreline or bank stabilization; and
  - ~~(f)~~(F) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
- ~~2~~ii. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- ~~3~~iii. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- ~~4~~iv. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- ~~5~~v. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
- ~~6~~vi. Fill or excavated material must not be placed in a manner that creates an unstable slope;
- ~~7~~vii. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- ~~8~~viii. Fill or excavated material must not be placed in bluff impact zones;

- 910 |                    ~~9~~ix. Any alterations below the ordinary high water level of public  
911 | waters must first be authorized by the commissioner under  
912 | Minn. Stats. § 103G.245;
- 913 |                    ~~40~~x. Alterations of topography must only be allowed if they are  
914 | accessory to permitted or conditional uses and do not  
915 | adversely affect adjacent or nearby properties; and  
916 |                    ~~44~~xi. Placement of natural rock rip-rap, including associated  
917 | grading of the shoreline and placement of a filter blanket, is  
918 | permitted if the finished slope does not exceed three feet  
919 | horizontal to one foot vertical, the landward extent of the rip-  
920 | rap is within ten feet of the ordinary high water level, and the  
921 | height of the rip-rap above the ordinary high water level does  
922 | not exceed three feet.
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- 924 |                    ~~e~~5. Connections to public waters. Excavations where the intended  
925 | purpose is connection to a public water, such as boat slips, canals,  
926 | lagoons, and harbors, must be controlled by local shoreland controls.  
927 | Permission for excavations may be given only after the commissioner  
928 | has approved the proposed connection to public waters.
- 929 |                    ~~(3)~~c. *Placement and design of roads, driveways, and parking areas.*
- 930 |                    ~~a~~1. Public and private roads and parking areas must be designed to take  
931 | advantage of natural vegetation and topography to achieve maximum  
932 | screening from view from public waters. Documentation must be  
933 | provided by a qualified individual that all roads and parking areas are  
934 | designed and constructed to minimize and control erosion to public  
935 | waters consistent with the field office technical guides of the local soil  
936 | and water conservation district, or other applicable technical  
937 | materials.
- 938 |
- 939 |                    ~~b~~2. Roads, driveways, and parking areas must meet structure setbacks  
940 | and must not be placed within bluff and shore impact zones, when  
941 | other reasonable and feasible placement alternatives exist. If no  
942 | alternatives exist, they may be placed within these areas, and must  
943 | be designed to minimize adverse impacts.
- 944 |                    ~~e~~3. Public and private watercraft access ramps, approach roads, and  
945 | access-related parking areas may be placed within shore impact  
946 | zones provided the vegetative screening and erosion control  
947 | conditions of this section are met. For private facilities, the grading  
948 | and filling provisions of subsection ~~(g)~~~~(2)~~b of this section must be  
949 | met.
- 950 |

951 | ~~(4)~~d. *Stormwater management.* The following general and specific standards shall  
952 | apply:

953 | ~~a~~1. *General standards:*

954 | ~~4~~i. When possible, existing natural drainageways, wetlands, and  
955 | vegetated soil surfaces must be used to convey, store, filter,  
956 | and retain stormwater runoff before discharge to public  
957 | waters.

958 | ~~2~~ii. Development must be planned and conducted in a manner  
959 | that will minimize the extent of disturbed areas, runoff  
960 | velocities, erosion potential, and reduce and delay runoff  
961 | volumes. Disturbed areas must be stabilized and protected as  
962 | soon as possible and facilities or methods used to retain  
963 | sediment on the site.

964 | ~~3~~iii. When development density, topographic features, and soil  
965 | and vegetation conditions are not sufficient to adequately  
966 | handle stormwater runoff using natural features and  
967 | vegetation, various types of constructed facilities such as  
968 | diversions, settling basins, skimming devices, dikes,  
969 | waterways, and ponds may be used. Preference must be  
970 | given to designs using surface drainage, vegetation, and  
971 | infiltration rather than buried pipes and manmade materials  
972 | and facilities.

973 | ~~b~~2. *Specific standards:*

974 | ~~4~~i. Impervious surface coverage of lots must not exceed 25  
975 | percent of the lot area.

976 | ~~2~~ii. When constructed facilities are used for stormwater  
977 | management, documentation must be provided by a qualified  
978 | individual that they are designed and installed consistent with  
979 | the field office technical guide of the local soil and water  
980 | conservation districts.

981 | ~~3~~iii. New constructed stormwater outfalls to public waters must  
982 | provide for filtering or settling of suspended solids and  
983 | skimming of surface debris before discharge.

984 |

985 | ~~(5)~~e. *Special provisions for commercial, industrial, public/semipublic, agricultural,*  
986 | *forestry and extractive uses and mining of metallic minerals and peat.*

987 | ~~a~~1. *Standards for commercial, industrial, public, and semipublic uses.*

988 | ~~4~~i. Surface water-oriented commercial uses and industrial,  
989 | public, or semipublic uses with similar needs to have access  
990 | to and use of public waters may be located on parcels or lots

991 with frontage on public waters. Those uses with water-  
992 oriented needs must meet the following standards:

993 ~~(#)(A)~~ In addition to meeting impervious coverage limits,  
994 setbacks, and other zoning standards in this  
995 subdivision, the uses must be designed to incorporate  
996 topographic and vegetative screening of parking  
997 areas and structures;

998 ~~(#)(B)~~ Uses that require short-term watercraft mooring for  
999 patrons must centralize these facilities and design  
1000 them to avoid obstructions of navigation and to be the  
1001 minimum size necessary to meet the need; and

1002 ~~(##)(C)~~ Uses that depend on patrons arriving by watercraft  
1003 may use signs and lighting to convey needed  
1004 information to the public, subject to the following  
1005 general standards:

1006  
1007 ~~A1)-~~ No advertising signs or supporting facilities for  
1008 signs may be placed in or upon public waters.  
1009 Signs conveying information or safety  
1010 messages may be placed in or on public  
1011 waters by a public authority or under a permit  
1012 issued by the county sheriff;

1013 ~~B2)-~~ Signs may be placed, when necessary, within  
1014 the shore impact zone if they are designed  
1015 and sized to be the minimum necessary to  
1016 convey needed information. They must only  
1017 convey the location and name of the  
1018 establishment and the general types of goods  
1019 or services available. The signs must not  
1020 contain other detailed information such as  
1021 product brands and prices, must not be  
1022 located higher than ten feet above the ground,  
1023 and must not exceed 32 square feet in size. If  
1024 illuminated by artificial lights, the lights must  
1025 be shielded or directed to prevent illumination  
1026 out across public waters; and

1027 ~~C3)-~~ Other outside lighting may be located within  
1028 the shore impact zone or over public waters if  
1029 it is used primarily to illuminate potential  
1030 safety hazards and is shielded or otherwise  
1031 directed to prevent direct illumination out

1032 across public waters. This does not preclude  
1033 use of navigational lights.

1034  
1035 | **2ii.** Uses without water-oriented needs must be located on lots or  
1036 parcels without public waters frontage, or, if located on lots or  
1037 parcels with public waters frontage, must either be set back  
1038 double the normal ordinary high water level setback or be  
1039 substantially screened from view from the water by vegetation  
1040 or topography, assuming summer, leaf-on conditions.

1041 | **b2.** *Agriculture use standards.*

1042 | **4i.** General cultivation farming, grazing, nurseries, horticulture,  
1043 truck farming, sod farming, and wild crop harvesting are  
1044 permitted uses if steep slopes and shore and bluff impact  
1045 zones are maintained in permanent vegetation or operated  
1046 under an approved conservation plan (Resource  
1047 Management Systems) consistent with the field office  
1048 technical guides of the local soil and water conservation  
1049 districts or the United States Soil Conservation Service, as  
1050 provided by a qualified individual or agency. The shore impact  
1051 zone for parcels with permitted agricultural land uses is equal  
1052 to a line parallel to and 50 feet from the ordinary high water  
1053 level.

1054 | **2ii.** Animal feedlots must meet the following standards:

1055 | **(i)(A)** New feedlots must not be located in the shoreland of  
1056 watercourses or in bluff impact zones and must meet  
1057 a minimum setback of 300 feet from the ordinary high  
1058 water level of all public waters basins; and

1059 | **(ii)(B)** Modifications or expansions to existing feedlots that  
1060 are located within 300 feet of the ordinary high water  
1061 level or within a bluff impact zone are allowed if they  
1062 do not further encroach into the existing ordinary high  
1063 water level setback or encroach on bluff impact  
1064 zones.

1065 | **e3.** *Forest management standards.* The harvesting of timber and  
1066 associated reforestation must be conducted consistent with the  
1067 provisions of the Minnesota Nonpoint Source Pollution Assessment-  
1068 Forestry and the provisions of Water Quality in Forest Management  
1069 "Best Management Practices in Minnesota."

1070 | **e4.** *Extractive use standards.*

1071 | **4a.** *Site development and restoration plan.* An extractive use site  
1072 development and restoration plan must be developed,

1073 approved, and followed over the course of operation of the  
1074 site. The plan must address dust, noise, possible pollutant  
1075 discharges, hours and duration of operation, and anticipated  
1076 vegetation and topographic alterations. It must also identify  
1077 actions to be taken during operation to mitigate adverse  
1078 environmental impacts, particularly erosion, and must clearly  
1079 explain how the site will be rehabilitated after extractive  
1080 activities end.

1081 | 2b. *Setbacks for processing machinery.* Processing machinery  
1082 must be located consistent with setback standards for  
1083 structures from ordinary high water levels of public waters  
1084 and from bluffs.

1085 | e5. *Mining of metallic minerals and peat.* Mining of metallic minerals and  
1086 peat, as defined in Minn. Stats. §§ 93.44—93.51, shall be a permitted  
1087 use provided the provisions of Minn. Stats. §§ 93.44—93.51, are  
1088 satisfied.

1089 | (e)f. *Conditional uses.* Conditional uses allowable within shoreland areas shall be  
1090 subject to the review and approval procedures, and criteria and conditions for  
1091 review of conditional uses established communitywide. The following  
1092 additional evaluation criteria and conditions apply within shoreland areas:

1093 | a1. *Evaluation criteria.* A thorough evaluation of the waterbody and the  
1094 topographic, vegetation, and soils conditions on the site must be  
1095 made to ensure:

1096 | 4i. The prevention of soil erosion or other possible pollution of  
1097 public waters, both during and after construction;

1098 | 2ii. The visibility of structures and other facilities as viewed from  
1099 public waters is limited;

1100 | 3iii. The site is adequate for water supply and on-site sewage  
1101 treatment; and

1102 | 4iv. The types, uses, and numbers of watercraft that the project  
1103 will generate are compatible in relation to the suitability of  
1104 public waters to safely accommodate these watercraft.

1105 | b2. *Conditions attached to conditional use permits.* The city council, upon  
1106 consideration of the criteria listed in subsection ~~(e7)~~(~~e~~)a1 of this  
1107 section and the purposes of this subdivision, shall attach such  
1108 conditions to the issuance of the conditional use permits as it deems  
1109 necessary to fulfill the purposes of this subdivision. Such conditions  
1110 may include, but are not limited to, the following:

1111 | 4i. Increased setbacks from the ordinary high water level;

- 1113 | 2ii. Limitations on the natural vegetation to be removed or the  
1114 | requirement that additional vegetation be planted; and  
1115 | 3iii. Special provisions for the location, design, and use of  
1116 | structures, sewage treatment systems, watercraft launching  
1117 | and docking areas, and vehicle parking areas.

1118 | ~~(7)g~~ *Water supply and sewage treatment.*

1119 | a1. *Water supply.* Any public or private supply of water for domestic  
1120 | purposes must meet or exceed standards for water quality of the  
1121 | state department of health and the state pollution control agency.

1122 | b2. *Sewage treatment.* Any premises used for human occupancy must be  
1123 | provided with an adequate method of sewage treatment, as follows:

1124 | 4i. Publicly owned sewer systems must be used where available.

1125 | 2ii. All private sewage treatment systems must meet or exceed  
1126 | the Minn. Rules. ch. 7080, a copy of which is adopted by  
1127 | reference and declared to be a part of this subdivision.

1128 | 3iii. On-site sewage treatment systems must be set back from the  
1129 | ordinary high water level in accordance with the setbacks  
1130 | contained in this subdivision.

1131 | 4iv. All proposed sites for individual sewage treatment systems  
1132 | shall be evaluated in accordance with the criteria in  
1133 | subsections ~~(g)(7)b.4(i) through (iv)~~ (e)(7)g2 of this section. If  
1134 | the determination of a site's suitability cannot be made with  
1135 | publicly available, existing information, it shall then be the  
1136 | responsibility of the applicant to provide sufficient soil borings  
1137 | and percolation tests from on-site field investigations.

1138 | Evaluation criteria:

1139 | ~~(i)(A)~~ (A) Depth to the highest known or calculated groundwater  
1140 | table or bedrock;

1141 | ~~(ii)(B)~~ (B) Soil conditions, properties, and permeability;

1142 | ~~(iii)(C)~~ (C) Slope;

1143 | ~~(iv)(D)~~ (D) The existence of lowlands, local surface depressions,  
1144 | and rock outcrops.

1145 | 5v. Nonconforming sewage treatment systems shall be regulated  
1146 | and upgraded in accordance with ~~section 117-226~~ subsection  
1147 | (e)(3)a.

1148 | *(Code 1978, § 9.25.05; Ord. No. 04-32, 5-30-2005)*

1149 | **Sec. 117-226. — ~~(e)~~ Nonconformities.**

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1152 | ~~(e)~~(d) *Nonconformities*. All legally established nonconformities as of the date of the  
1153 ordinance from which this subdivision is derived may continue, but they will be  
1154 managed according to applicable state statutes and other regulations of this  
1155 community for the subjects of alterations and additions, repair after damage,  
1156 discontinuance of use, and intensification of use; except that the following standards  
1157 will also apply in shoreland areas:

1158 (1) *Construction on nonconforming lots of record.*

- 1159 a. Lots of record in the office of the county recorder on the date of  
1160 enactment of local shoreland controls that do not meet the  
1161 requirements of this subdivision may be allowed as building sites  
1162 without variances from lot size requirements provided the use is  
1163 permitted in the zoning district, the lot has been in separate  
1164 ownership from abutting lands at all times since it became  
1165 substandard, was created compliant with official controls in effect at  
1166 the time, and sewage treatment and setback requirements of this  
1167 subdivision are met.
- 1168 b. A variance from setback requirements must be obtained before any  
1169 use, sewage treatment system, or building permit is issued for a lot.  
1170 In evaluating the variance, the board of adjustment shall consider  
1171 sewage treatment and water supply capabilities or constraints of the  
1172 lot and shall deny the variance if adequate facilities cannot be  
1173 provided.
- 1174 c. If, in a group of two or more contiguous lots under the same  
1175 ownership, any individual lot does not meet the requirements of this  
1176 subdivision, the lot must not be considered as a separate parcel of  
1177 land for the purposes of sale or development. The lot must be  
1178 combined with the one or more contiguous lots so they equal one or  
1179 more parcels of land, each meeting the requirements of this  
1180 subdivision as much as possible.

1182 (2) *Additions/expansions to nonconforming structures.*

- 1183 a. All additions or expansions to the outside dimensions of an existing  
1184 nonconforming structure must meet the setback, height, and other  
1185 requirements of this subdivision. Any deviation from these  
1186 requirements must be authorized by a variance.
- 1187 b. Deck additions may be allowed without a variance to a structure not  
1188 meeting the required setback from the ordinary high water level if all  
1189 of the following criteria and standards are met:  
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1. The structure existed on the date the structure setbacks were established;
  2. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
  3. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
  4. The deck is constructed primarily of wood, and is not roofed or screened.
- (3) *Nonconforming sewage treatment systems.*
- a. A sewage treatment system not meeting the requirements of [chapter 113](#), article II must be upgraded, at a minimum, at any time a variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
  - b. The city has adopted the following by reference: Minn. Rules pts. 7080.0020, 7080.0060, 7080.0065, 7080.0110, 7080.0120, 7080.0125, 7080.0150, 7080.0160, 7080.0170, 7080.0175 7080.0176, being the sections containing the technical standards and criteria contained in the "Individual Sewage Treatment Systems Program." The city currently requires and monitors septic system pumping permits that indicate the status of each system. The city will require upgrading or replacement of any nonconforming system within a reasonable period of time, which will not exceed two years following issuance of written notification from the city to the property owner of said nonconforming system. Sewage systems installed according to all applicable local shoreland management standards adopted under Minn. Stats. §§ 103F.201—103F.221 in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater

1231 than required by Minn. Rules ch. 7080 for design of on-site sewage  
1232 treatment systems, shall be considered nonconforming.

1233 (Code 1978, § 9.25.06; Ord. No. 04-32, 5-30-2005)

1234 ~~Sec. 117-227. —Planned unit developments (PUDs).~~

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1235 (fe) *Planned Unit Developments (PUDs)*

1236 (1) *Types of PUDs permissible.* Planned unit developments (PUDs) are allowed  
1237 for new projects on undeveloped land, redevelopment of previously built  
1238 sites, or conversions of existing buildings and land. The land use districts in  
1239 which they are an allowable use are identified in the land use district  
1240 descriptions in this subdivision and the official zoning map.

1241 (2) *Processing of PUDs.* Planned unit developments must be processed as a  
1242 conditional use, except that an expansion to an existing commercial PUD  
1243 involving six or less new dwelling units or sites since the adoption date of the  
1244 ordinance from which this subdivision is derived is permissible as a permitted  
1245 use provided the total project density does not exceed the allowable densities  
1246 calculated in the project density evaluation procedures. Approval cannot  
1247 occur until the environmental review process (EAW/EIS) is complete.

1248 (3) *Application for a PUD.* The applicant for a PUD must submit the following  
1249 documents prior to final action being taken on the application request:  
1250 a. A site plan and/or plat for the project showing locations of property  
1251 boundaries, surface water features, existing and proposed structures  
1252 and other facilities, land alterations, sewage treatment and water  
1253 supply systems (where public systems will not be provided), and  
1254 topographic contours at ten-foot intervals or less. When a PUD is a  
1255 combined commercial and residential development, the site plan  
1256 and/or plat must indicate and distinguish which buildings and portions  
1257 of the project are residential, commercial, or a combination of the two.

1258 b. A property ~~owner's~~ association agreement (for residential  
1259 PUDs) with mandatory membership, and all in accordance with the  
1260 requirements of this subdivision.

1261 c. Deed restrictions, covenants, permanent easements or other  
1262 instruments that:  
1263 1. Properly address future vegetative and topographic  
1264 alterations, construction of additional buildings, beaching of  
1265 watercraft, and construction of commercial buildings in residential  
1266 PUDs; and  
1267  
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- 1271 2. Ensure the long-term preservation and maintenance of open  
 1272 space in accordance with the criteria and analysis specified in this  
 1273 subdivision.  
 1274  
 1275 d. When necessary, a master plan/drawing describing the project and  
 1276 the floor plan for all commercial structures to be occupied.  
 1277  
 1278 e. Those additional documents as requested by the city that are  
 1279 necessary to explain how the PUD will be designed and will function.  
 1280 (4) *Site "suitable area" evaluation.* Proposed new or expansions to existing  
 1281 planned unit developments must be evaluated using the following procedures  
 1282 and standards to determine the suitable area for the dwelling unit/dwelling  
 1283 site density evaluation.  
 1284 a. The project parcel must be divided into tiers by locating one or more  
 1285 lines approximately parallel to a line that identifies the ordinary high water  
 1286 level at the following intervals, proceeding landward:

	Shoreland Tier Dimensions	
	Unsewered (feet)	Sewered (feet)
General development lakes—first tier	200	200
General development lakes—second and additional tiers	267	200
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes	300	300

- 1287 b. The suitable area within each tier is next calculated by excluding from  
 1288 the tier area all wetlands, bluffs, or land below the ordinary high water level of  
 1289 public waters. This suitable area and the proposed project are then subjected  
 1290 to either the residential or commercial planned unit development density  
 1291 evaluation steps to arrive at an allowable number of dwelling units or sites.  
 1292  
 1293 (5) *Residential and commercial PUD density evaluation.* The procedures for  
 1294 determining the base density of a PUD and density increase multipliers are  
 1295 as follows. Allowable densities may be transferred from any tier to any other  
 1296 tier further from the waterbody, but must not be transferred to any other tier  
 1297 closer.  
 1298  
 1299 a. *Residential PUD base density evaluation.* The suitable area within  
 1300 each tier is divided by the single residential lot size standard for lakes or, for  
 1301 rivers, the single residential lot width standard times the tier depth, unless the  
 1302 local unit of government has specified an alternative minimum lot size for  
 1303 rivers which shall then be used to yield a base density of dwelling units or

1304 sites for each tier. Proposed locations and numbers of dwelling units or sites  
 1305 for the residential planned unit developments are then compared with the tier,  
 1306 density, suitability analysis, and the design criteria contained herein.

- 1307
- 1308 b. *Commercial PUD base density evaluation.*
- 1309 1. Determine the average inside living area size of dwelling units  
 1310 or sites within each tier, including both existing and proposed units  
 1311 and sites. Computation of inside living area sizes need not include  
 1312 decks, patios, stoops, steps, garages, or porches and basements,  
 1313 unless they are habitable space.
- 1314 2. Select the appropriate floor area ratio from the following table:

1315 Commercial Planned Unit Development  
 1316 Floor Area Ratios\*; Public waters classes

*Average unit floor area (sq. ft.)	Sewered general development lakes; first tier on unsewered general development lakes; tributary river segments	Second and additional tiers on unsewered general development lakes; recreational development lakes	Natural environment lakes
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

1317 \*For average unit floor areas less than shown, use the floor area  
 1318 ratios listed for 200 square feet. For areas greater than shown, use  
 1319 the ratios listed for 1,500 square feet. For recreational camping  
 1320 areas, use the ratios listed at 400 square feet. Manufactured home  
 1321 sites in recreational camping areas shall use a ratio equal to the size  
 1322 of the manufactured home, or if unknown, the ratio listed for 1,000  
 1323 square feet.

- 1324 3. Multiply the suitable area within each tier by the floor area  
 1325 ratio to yield total floor area for each tier allowed to be used for  
 1326 dwelling units or sites.
- 1327 4. Divide the total floor area by tier computed in subsection  
 1328 ~~(ee)(25)e-b.3~~ of this section by the average inside living area size  
 1329 determined in subsection ~~(ee)(25)a-b.1~~ of this section. This yields a  
 1330 base number of dwelling units and sites for each tier.
- 1331 5. Proposed locations and numbers of dwelling units or sites for  
 1332 the commercial planned unit development are then compared with  
 1333 the tier, density and suitability analyses herein and the design criteria.
- 1334 c. *Density increase multipliers.*
- 1335 1. Increases to the dwelling unit or dwelling site base densities  
 1336 previously determined are allowable if the dimensional standards are  
 1337 met or exceeded and the design criteria are satisfied. The allowable  
 1338 density increases in subsection ~~(ee)(35)b-c.2~~ of this section will only  
 1339 be allowed if structure setbacks from the ordinary high water level are  
 1340 increased to at least 50 percent greater than the minimum setback, or  
 1341 the impact on the waterbody is reduced an equivalent amount  
 1342 through vegetative management, topography, or additional means  
 1343 acceptable to the local unit of government and the setback is at least  
 1344 25 percent greater than the minimum setback.
- 1345 2. Allowable dwelling unit or dwelling site density increases for  
 1346 residential or commercial planned unit developments:

Density Evaluation Tiers	Maximum Density Increase Within Each Tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

- 1347 (6) *Maintenance and design criteria.*
- 1348 a. *Maintenance and administration requirements.*
- 1349 1. Before final approval of a planned unit development,  
 1350 adequate provisions must be developed for preservation and  
 1351 maintenance in perpetuity of open spaces and for the  
 1352 continued existence and functioning of the development.
- 1353 2. Open space preservation. Deed restrictions, covenants,  
 1354 permanent easements, public dedication and acceptance, or  
 1355 other equally effective and permanent means must be  
 1356 provided to ensure long-term preservation and maintenance

1357 of open space. The instruments must include all of the  
1358 following protections:  
1359 (i) Commercial uses prohibited (for residential PUDs);  
1360 (ii) Vegetation and topographic alterations other than  
1361 routine maintenance prohibited;  
1362 (iii) Construction of additional buildings or storage of  
1363 vehicles and other materials prohibited; and  
1364 (iv) Uncontrolled beaching of watercraft prohibited.  
1365 3. Development organization and functioning. Unless an equally  
1366 effective alternative community framework is established,  
1367 when applicable, all residential planned unit developments  
1368 must use an owners association with the following features:  
1369 (i) Membership must be mandatory for each dwelling  
1370 unit or site purchaser and any successive purchasers;  
1371 (ii) Each member must pay a pro rata share of the  
1372 association's expenses, and unpaid assessments can  
1373 become liens on units or sites;  
1374 (iii) Assessments must be adjustable to accommodate  
1375 changing conditions; and  
1376 (iv) The association must be responsible for insurance,  
1377 taxes, and maintenance of all commonly owned  
1378 property and facilities.  
1379 b. *Open space requirements.* Planned unit developments must contain  
1380 open space meeting all of the following criteria:  
1381 1. At least 50 percent of the total project area must be preserved  
1382 as open space;  
1383 2. Dwelling units or sites, road rights-of-way, or land covered by  
1384 road surfaces, parking areas, or structures, except water-  
1385 oriented accessory structures or facilities, are developed  
1386 areas and shall not be included in the computation of  
1387 minimum open space;  
1388 3. Open space must include areas with physical characteristics  
1389 unsuitable for development in their natural state, and areas  
1390 containing significant historic sites or unplatted cemeteries;  
1391 4. Open space may include outdoor recreational facilities for use  
1392 by owners of dwelling units or sites, by guests staying in  
1393 commercial dwelling units or sites, and by the general public;  
1394 5. Open space may include subsurface sewage treatment  
1395 systems if the use of the space is restricted to avoid adverse  
1396 impacts on the systems;

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6. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
  7. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
  8. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUDs, at least 50 percent of the shore impact zone must be preserved in its natural state.
- c. *Erosion control and stormwater management.* Erosion control and stormwater management plans must be developed and the PUD must:
1. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
  2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUDs 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with this subdivision.
- d. *Centralization and design of facilities.* Centralization and design of facilities and structures must be done according to the following standards:
1. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site

1438 water supply and sewage treatment systems must be  
1439 centralized and designed and installed to meet or exceed  
1440 applicable standards or rules of the state department of  
1441 health and this subdivision. On-site sewage treatment  
1442 systems must be located on the most suitable areas of the  
1443 development, and sufficient lawn area free of limiting factors  
1444 must be provided for a replacement soil treatment system for  
1445 each sewage system;

1446 2. Dwelling units or sites must be clustered into one or more  
1447 groups and located on suitable areas of the development.  
1448 They must be designed and located to meet or exceed the  
1449 following dimensional standards for the relevant shoreland  
1450 classification: setback from the ordinary high water level,  
1451 elevation above the surface water features, and maximum  
1452 height. Setbacks from the ordinary high water level must be  
1453 increased in accordance with this subdivision for  
1454 developments with density increases;

1455 3. Shore recreation facilities, including but not limited to  
1456 swimming areas, docks, and watercraft mooring areas and  
1457 launching ramps, must be centralized and located in areas  
1458 suitable for them. Evaluation of suitability must include  
1459 consideration of land slope, water depth, vegetation, soils,  
1460 depth to groundwater and bedrock, or other relevant factors.  
1461 The number of spaces provided for continuous beaching,  
1462 mooring, or docking of watercraft must not exceed one for  
1463 each allowable dwelling unit or site in the first tier  
1464 (notwithstanding existing mooring sites in an existing  
1465 commercially used harbor). Launching ramp facilities,  
1466 including a small dock for loading and unloading equipment,  
1467 may be provided for use by occupants of dwelling units or  
1468 sites located in other tiers;

1469 4. Structures, parking areas, and other facilities must be treated  
1470 to reduce visibility as viewed from public waters and adjacent  
1471 shorelands by vegetation, topography, increased setbacks,  
1472 color, or other means acceptable to the local unit of  
1473 government, assuming summer, leaf-on conditions.  
1474 Vegetative and topographic screening must be preserved, if  
1475 existing, or may be required to be provided;

1476 5. Accessory structures and facilities, except water oriented  
1477 accessory structures, must meet the required principal  
1478 structure setback and must be centralized; and

- 1479 6. Water-oriented accessory structures and facilities may be  
1480 allowed if they meet or exceed design standards contained in  
1481 this subdivision and are centralized.
- 1482 (7) *Conversions.* Local governments may allow existing resorts or other land  
1483 uses and facilities to be converted to residential planned unit developments if  
1484 all of the following standards are met:
- 1485 a. Proposed conversions must be initially evaluated using the same  
1486 procedures for residential planned unit developments involving all  
1487 new construction. Inconsistencies between existing features of the  
1488 development and these standards must be identified.
- 1489 b. Deficiencies involving water supply and sewage treatment, structure  
1490 color, impervious coverage, open space, and shore recreation  
1491 facilities must be corrected as part of the conversion or as specified in  
1492 the conditional use permit.
- 1493 c. Shore and bluff impact zone deficiencies must be evaluated and  
1494 reasonable improvements made as part of the conversion. These  
1495 improvements must include, where applicable, the following:
- 1496 1. Removal of extraneous buildings, docks, or other facilities  
1497 that no longer need to be located in shore or bluff impact  
1498 zones;
- 1499 2. Remedial measures to correct erosion sites and improve  
1500 vegetative cover and screening of buildings and other  
1501 facilities as viewed from the water; and
- 1502 3. If existing dwelling units are located in shore or bluff impact  
1503 zones, conditions are attached to approvals of conversions  
1504 that preclude exterior expansions in any dimension or  
1505 substantial alterations. The conditions must also provide for  
1506 future relocation of dwelling units, where feasible, to other  
1507 locations, meeting all setback and elevation requirements  
1508 when they are rebuilt or replaced.
- 1509 d. Existing dwelling unit or dwelling site densities that exceed standards  
1510 may be allowed to continue but must not be allowed to be increased,  
1511 either at the time of conversion or in the future. Efforts must be made  
1512 during the conversion to limit impacts of high densities by requiring  
1513 seasonal use, improving vegetative screening, centralizing shore  
1514 recreation facilities, installing new sewage treatment systems, or  
1515 other means.

(Code 1978, § 9.25.07; Ord. No. 04-32, 5-30-2005)

1516 | **Sec. 117-228. ~~(j)~~ Enforcement.**

1518 | ~~(g)(f)~~ *Enforcement.* The city shall be responsible for the administration and enforcement of  
 1519 | this subdivision. Any violation of the provisions of this subdivision or failure to comply  
 1520 | with any of its requirements (including violations of conditions and safeguards  
 1521 | established in connection with grants of variances or conditional uses) shall constitute  
 1522 | a misdemeanor. Violations of this subdivision can occur regardless of whether or not a  
 1523 | permit is required for a regulated activity pursuant to ~~section 117-223~~ section 117-  
 1524 | 221(a).

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1525 | (Code 1978, § 9.25.08; Ord. No. 04-32, 5-30-2005)

1526 | ~~Sec. 117-229. – (k) Interpretation.~~

1527 | ~~(h)(g)~~ *Interpretation:* In their interpretation and application, the provisions of this subdivision  
 1528 | shall be held to be minimum requirements and shall be liberally construed in favor of  
 1529 | the city council and shall not be deemed a limitation or repeal of any other powers  
 1530 | granted by state statutes.

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1531 | (Code 1978, § 9.25.09; Ord. No. 04-32, 5-30-2005)

1532 | ~~Secs. 117-230 – 117-251. – Reserved.~~

1533 | ~~Sec. 117-448223. - Critical River Overlay District development standards.~~

1534 | ~~(a)~~ *District Boundaries.* The Mississippi River Corridor Critical Area as set forth and  
 1535 | legally described in Minnesota State Executive Order No. 7919 as recorded in the  
 1536 | State Register, Monday, March 12, 1979. This district hereinafter is called Critical  
 1537 | River Area and shall be identified on the official environmental overlay map  
 1538 | referenced in this section.

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1540 | ~~(ab)~~ *Zoning provisions.* The following standards shall apply to the Critical River Area, of  
 1541 | the Mississippi River, as shown on the official environmental overlay map of the city.  
 1542 | Where the requirements of the underlying zoning district as shown on the official  
 1543 | zoning map are more restrictive than those set forth herein, then the more restrictive  
 1544 | standards shall apply:

- 1545 | (1) Area standards and permitted uses for the lots located in the Critical River  
 1546 | Area and rural service area.

	Residential District	Business District	Employment District
Lot size without public sewer any permitted use (riparian)	<del>2.5 acres</del> * 4 acres	2.5 acres	2.5 acres
Lot size without public sewer any permitted use (non-riparian)	2.5 acres*	2.5 acres	2.5 acres
Lot width without public sewer any permitted use	<del>200 feet</del> 300 (at bldg. line and OHW)	<del>200 feet</del> 300 (at bldg. line and OHW)	<del>200 feet</del> 300 (at bldg. line and OHW)

Front yard setback without public sewer any permitted use	40 feet <sup>***</sup>	40 feet <sup>***</sup>	40 feet <sup>***</sup>
Rear yard setback without public sewer any permitted use	35 feet	35 feet	35 feet
Side yard setback without public sewer any permitted use	10 feet	10 feet	10 feet
River setback without public sewer any permitted use	35 feet from bluff line or 200 feet from ordinary high water mark whichever is greater <sup>***</sup>		
Maximum building height any permitted building	35 feet	35 feet	35 feet
Maximum impervious surface area permitted as percent of total lot area**	30%	30%	30%
On-site sewage treatment system setback from ordinary high water level	<del>75 feet</del> 100 feet	<del>75 feet</del> 100 feet	<del>75 feet</del> 100 feet

1547 \*The underlying zoning limits the density to a maximum of one per ten acre.

1548 \*\*Includes all structures, surfaced roads, parking lots, and other impervious  
1549 areas.

1550 ~~\*\*\*River setbacks may be less than 40 feet provided that the front setback~~  
1551 ~~matches the front setback of existing properties on each side of the proposed~~  
1552 ~~building~~Where a setback pattern from the ordinary high water level already  
1553 has been established on both sides of a proposed building site, the setback  
1554 of the proposed structure may be allowed to conform to that pattern. This  
1555 provision shall only apply to lots that do not meet the minimum lot width  
1556 requirement of subsection (b) (1) and (2) of this section.

1557 (2) Area standards and permitted uses for the lots located in the critical river  
1558 area and urban service area.

	Residential District	Business District	Employment District
Lot size with public sewer (riparian)	20,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.
Lot size with public sewer (non-riparian)	12,150 sq. ft.	20,000 sq. ft.	20,000 sq. ft.
Lot width at building line and river frontage (riparian)	90 feet	125 feet	125 feet
Lot width at building line (non-riparian)	<u>90 feet</u>	<u>125 feet</u>	<u>125 feet</u>
Front yard setback	35 feet <sup>*</sup>	35 feet <sup>*</sup>	35 feet <sup>*</sup>
Rear yard setback	35 feet	35 feet	35 feet
Side yard setback	10 feet	10 feet	10 feet
River setback any permitted use	20 feet bluff line or 100 feet from ordinary high water mark whichever is greater <sup>*</sup>		
Maximum impervious surface area permitted as percent of total lot area.	30%	30%	30%
Maximum building height any permitted building	35 feet	35 feet	35 feet

On-site sewage treatment system setback from ordinary high water level	75 feet	75 feet	75 feet
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1559 \*River yard setbacks may be less than 40 feet provided that the front setback  
1560 match the front setback of existing properties on each side of the proposed  
1561 building. Where a setback pattern from the ordinary high water level already  
1562 has been established on both sides of a proposed building site, the setback  
1563 of the proposed structure may be allowed to conform to that pattern. This  
1564 provision shall only apply to lots that do not meet the minimum lot width  
1565 requirement of subsection (b) (1) and (2) of this section.

1566  
1567 Permitted uses: The permitted uses for the Critical River Area shall be those  
1568 uses presently permitted in the respective zoning districts.

1569 ~~(bc)~~ Existing uses.

1570 (1) Existing structures. Existing structures, the location or the use of which is  
1571 inconsistent with this subdivision or the critical areas designation order shall  
1572 not be eligible for any permit granted by the city for expansion, change of  
1573 use, renewal of existing permit or building permit unless the following criteria  
1574 are met:

- 1575 a. The applicant shall provide and maintain adequate screening of the  
1576 structure from the water through the use of natural vegetative means.
- 1577 b. Expansion of existing structures shall be in a direction away from the  
1578 riverfront.
- 1579 c. The public's ability to view the river and river corridor from existing  
1580 public streets shall not be further degraded by the proposed activity.

1581 (2) Signs.

- 1582 a. Advertising signs are prohibited between the flood fringe borderline  
1583 and all county, state or federal highway located within 1,000 feet of  
1584 the line except where the river cannot be viewed from the highway  
1585 due to natural topography or existing buildings.
- 1586 b. All advertising signs permitted within the critical area outside the area  
1587 set forth in subsection ~~(bc)~~(2)a of this section shall conform with the  
1588 provisions of article II, division 8 of this chapter.
  - 1589 1. Views of the water from vistas and public roads shall not be  
1590 impaired by the placement of business or advertising signs;  
1591 and
  - 1592 2. Advertising signs may be located only on the shore side of  
1593 public transportation routes that are parallel and adjacent to  
1594 the riverfront.
- 1595 c. All advertising signs, the location of which is not in conformance with  
1596 this subdivision, are deemed nonconforming uses and shall be

- 1597 removed within seven years of the effective date of the ordinance  
1598 from which this subdivision is derived.
- 1599 (3) *Existing lots of record.*
- 1600 a. Lots of record in the office of the county register of deeds (or registrar  
1601 of titles) prior to the date of enactment of the ordinance from which  
1602 this subdivision is derived, which do not meet the requirements of  
1603 ~~section 117-148 section 117-223~~(ab), may be allowed as building  
1604 sites provided:
- 1605 1. Such use is permitted in the zoning district;
  - 1606 2. The lot is in separate ownership from abutting lands; and
  - 1607 3. All other sanitary and dimensional requirements of this  
1608 subdivision are complied with insofar as practical.
- 1609 (ed) *River crossing.*
- 1610 (1) *Utility facilities.* Utility crossings of the Critical Area Corridor or routing within  
1611 the corridor shall meet the following standards:
- 1612 a. Underground placing of the utility facility shall be required unless  
1613 economic, technological and land characteristic factors make  
1614 underground placement infeasible. Economic considerations alone  
1615 shall not be made the major determinate regarding feasibility.
- 1616 b. Overhead crossings, if required, shall meet the following criteria:
- 1617 1. The crossings shall be adjacent to or part of an existing utility  
1618 corridor, including bridge or overhead utility lines;
  - 1619 2. All structures utilized shall be as compatible as practicable  
1620 with land use, scenic views and existing transmission  
1621 structures in height, material, color and design;
  - 1622 3. Right-of-way clearance shall be kept to a minimum;
  - 1623 4. Vegetative screening shall be utilized to the maximum extent  
1624 consistent with safety requirements;
  - 1625 5. Routing shall avoid unstable soils, bluff lines or high ridges,  
1626 the alteration of the natural environment, including grading,  
1627 shall be minimized; and
  - 1628 6. The crossings shall be subject to the site planning  
1629 requirements set forth in ~~section 117-146 section 117-~~  
1630 ~~221~~(df)(~~26~~)b.
- 1631 c. Utility substations. Utility substations shall be subject to the following  
1632 standards:
- 1633 1. All substations shall be subject to the site planning  
1634 requirements set forth in ~~section 117-146 section 117-~~  
1635 ~~221~~(df)(~~26~~)b; and
  - 1636 2. New substations or refurbishment of existing substations shall  
1637 be compatible in height, scale, building materials, landscaping

- 1638 and signing with the surrounding natural environment or land  
1639 uses. Screening by natural means is encouraged and should  
1640 be compatible with the surrounding environment.
- 1641 d. Pipelines. Pipelines and underground utility facilities shall be subject  
1642 to the following standards:
- 1643 1. All pipelines and underground facilities shall be subject to the  
1644 site planning requirements set forth in ~~section 117-146~~  
1645 ~~section 117-221(d)(26)b~~; and
  - 1646 2. The facilities shall be located to avoid wetlands, woodlands  
1647 and areas of unstable soils; and
  - 1648 3. All underground placing of utility facilities and pipelines shall  
1649 be followed by revegetation and rehabilitation to the  
1650 conditions that existed on site prior to development.
- 1651 (2) *Public and private roads and railways.* New roads and railways crossing the  
1652 Critical Area Corridor or routed within the Critical Area Corridor shall meet the  
1653 following standards:
- 1654 a. Roads and railways shall be constructed to minimize impacts on the  
1655 natural terrain and natural landscape.
  - 1656 b. Cuts and fills are to be avoided.
  - 1657 c. All roads and railways shall be subject to the site planning  
1658 requirements set forth in ~~section 117-146~~ ~~section 117-221(d)(26)b~~.
  - 1659 d. New roads and railways shall not utilize the river corridor as a  
1660 convenient right-of-way for new arterials or main lines.
  - 1661 e. New roads and railways shall be restricted to those facilities needed  
1662 to access existing and planned residential, commercial and industrial  
1663 uses.
  - 1664 f. All new roads and railways shall provide safe pedestrian crossing  
1665 points to allow access to the riverfront. Rest areas, vistas and  
1666 waysides shall be provided.
- 1667 (de) *Riverfront uses/access.*
- 1668 (1) *Public property.* Public pedestrian access shall be provided to the riverfront of  
1669 all public property.
  - 1670 (2) *Public pedestrian access.* Public pedestrian access shall be provided to the  
1671 riverfront of developments on publicly owned and publicly controlled riverfront  
1672 property whether leased to private leases or not, except where:
    - 1673 a. Unavoidable hazards exist to the public.
    - 1674 b. Public pedestrian access at a particular location cannot be designed  
1675 or developed to provide a pleasant view or recreational experience.
    - 1676 c. Access to the riverfront may be denied to any person who creates a  
1677 nuisance or who engages in illegal conduct on the property and  
1678 public access may be temporarily or permanently closed upon a

- 1679 finding by the city that such offensive conduct cannot otherwise be  
1680 reasonably controlled.
- 1681 (3) *Public access, private property.* Public pedestrian access shall be provided to  
1682 the riverfront for all non-water-dependent uses that are:
- 1683 a. Commercial or industrial.  
1684 b. Developed as a planned unit development or requiring subdivision  
1685 approval.  
1686 c. Access to the riverfront may be denied to any person who creates a  
1687 nuisance or who engages in illegal conduct on the property and  
1688 public access may be temporarily or permanently closed upon a  
1689 finding by the city that such offensive conduct cannot otherwise be  
1690 reasonably controlled.
- 1691 (4) *Riverfront uses.* Riverfront uses shall be preferred in the following order:  
1692 a. Water dependent;  
1693 b. Non-water dependent with public pedestrian access; and  
1694 c. Non-water dependent without public pedestrian access.
- 1695 (ef) *Marinas, barge fleeting areas and loading facilities.*
- 1696 (1) *Boat launching ramps.*
- 1697 a. Boat launching ramps may be located only where access streets are  
1698 adequate to handle the traffic load generated by the facility.  
1699 b. Shared or joint use accessory parking will be preferred. Loading will  
1700 be permitted only at ramps. Parking areas must be screened from the  
1701 river and adjoining residential property and located at least 50 feet  
1702 from the normal high water mark.  
1703 c. The impact of the accessory parking must not adversely affect the  
1704 environmental quality of the site or the surrounding neighborhood.  
1705 d. Boat launching ramps and minor accessory buildings and haul-off  
1706 facilities must be in character and scale with the surrounding  
1707 neighborhood.
- 1708 (2) *Public marinas.* Public marinas shall be permitted subject to the following  
1709 conditions:
- 1710 a. The marina must have lavatory facilities adequate to service the  
1711 marina clientele.  
1712 b. Off-street parking areas should be provided in accordance with the  
1713 requirements set forth for boat launching ramps.  
1714 c. Areas for the winter storing of boats should be naturally screened  
1715 from view from the river and from upland lots.  
1716 d. The marina shall be designed for and used only by pleasure craft.  
1717 e. Maximum height of any buildings or structures shall be 35 feet.

1718 f. Accessory uses customarily incidental to public marinas including  
1719 fueling stations may be permitted providing they are consistent in  
1720 scale and intensity with the marina and surrounding uses.

1721 (fg) *Vegetation management.*

1722 (1) In rural open space, urban developed and urban open space districts, the  
1723 following standards shall apply:

1724 a. On undeveloped islands, public recreation lands, the slope or face of  
1725 bluffs, within 200 feet of the normal high water mark of the river, and  
1726 within the area 40 feet landward from bluff-lines, clear cutting shall  
1727 not be permitted.

1728 b. On all other lands within these districts, clear cutting shall be guided  
1729 by the following provisions:

1730 1. Any selective or clear cutting shall require an environmental  
1731 permit from the city. The permittee shall submit a plan to the  
1732 city showing the size and location of all trees on the site and  
1733 which trees are proposed to be cut. The plan shall be drawn  
1734 to an accurate scale. The permit application shall be reviewed  
1735 by both the building inspector and the tree inspector;

1736 2. Clear cutting shall not be used where soil, slope or other  
1737 water shed conditions are fragile and subject to injury;

1738 3. Clear cutting shall be conducted only where clear cut blocks,  
1739 patches or strips are, in all cases, shaped and blended with  
1740 the natural terrain;

1741 4. The size of clear cut blocks, patches or strips shall be kept at  
1742 the minimum necessary; and

1743 5. Where feasible, all selective cuts shall be conducted between  
1744 September 15 and May 15. If natural regeneration will not  
1745 result in adequate vegetation cover, areas in which clear  
1746 cutting is conducted shall be replanted to prevent erosion and  
1747 to maintain the aesthetic quality of the area; and where  
1748 feasible, replanting shall be performed in the same spring or  
1749 the following spring.

1750 c. The selective cutting of trees greater than four inches in diameter  
1751 may be permitted by local units of government when the cutting is  
1752 appropriately spaced and staged so that a continuous natural cover is  
1753 maintained.

1754 (2) These vegetative management standards shall not prevent the pruning and  
1755 cutting of vegetation to the minimum amount necessary for the construction  
1756 of bridges and roadways and for the safe installation, maintenance and  
1757 operation of essential services and utility transmission services which are  
1758 permitted uses.

1759 | (gh) Administration of the Mississippi River Critical Area.  
1760 | (1) ~~In areas when overlapping standards are present the city council shall apply~~  
1761 | ~~the most restrictive standards.~~  
1762 | (21) No development or alteration of the Critical Area shall take place without  
1763 | complete compliance with this chapter. All permits for conditional uses,  
1764 | building, sewer system construction or extension (public or private), DNR and  
1765 | EQB review if applicable, and variances shall be obtained prior to any  
1766 | construction. Variances shall be issued only upon demonstration of hardship  
1767 | as defined by section 117-1. Failure to comply with all the standards and  
1768 | regulations of this chapter may be enjoined by the city council through proper  
1769 | legal channels. Each day a violation is permitted to exist shall constitute a  
1770 | separate offense.  
1771 | (32) Notification procedures and certification.  
1772 | a. Certain land use decisions which directly affect the use of land within  
1773 | the Mississippi Critical River Area District and involve ~~any adopting or~~  
1774 | ~~amending an ordinance regulating the use of land including rezoning~~  
1775 | ~~of particular tracts of the land of the following actions~~ must be certified  
1776 | by the commissioner as specified in subsection (gh)(32)b of this  
1777 | section:  
1778 | 1. ~~Adopting or amending an ordinance regulating the use of land~~  
1779 | ~~including rezoning of particular tracts of the land.~~  
1780 | 2. ~~Granting a variance from a provision of this subdivision which~~  
1781 | ~~related to the zoning dimension provision of subsection (a) of~~  
1782 | ~~this section and any other zoning dimension provisions~~  
1783 | ~~established in the Mississippi River Critical Area.~~  
1784 | 3. ~~Approving a plat that is inconsistent with the local land use~~  
1785 | ~~code.~~  
1786 | 4. ~~Granting a conditional use permit for a private or commercial~~  
1787 | ~~recreational development.~~  
1788 | b. Certification process.  
1789 | 1. A copy of all notices of any public hearings, or where a public  
1790 | hearing is not required, a copy of the application to consider  
1791 | zoning amendments, ~~variances, or inconsistent plats~~ under  
1792 | this Code shall be sent so as to be received by the  
1793 | commissioner at least 30 days prior to such hearings or  
1794 | meetings to consider such actions. The notice of application  
1795 | shall include a copy of the proposed ordinances or  
1796 | amendment, ~~or a copy of the proposed inconsistent plat, or a~~  
1797 | ~~description of the requested variance, or a copy of the~~  
1798 | ~~conditional use permit application, where applicable.~~

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2. The city shall notify the commissioner of its final decision on the proposed action within ten days of the decision.
  3. The action becomes effective when and only when either:
    - (i) The final decision taken by the city has previously received certification of approval from the commissioner;
    - (ii) The city received certification of approval after its final decision;
    - (iii) 30 days have elapsed from when the commissioner received notice of the final decision, and the city has received from the commissioner neither certification of approval nor notice of non-approval; or
    - (iv) The commissioner certifies approval within 30 days after conducting a public hearing.
  4. In the case the commissioner gives notice of non-approval of an ordinance or zoning amendment, variance, or inconsistent plat, either the applicant or the administrator may, within 30 days of said notice, file with the commissioner a demand for hearing. If the demand for hearing is not made within 30 days, the notice of non-approval shall become final.
    - (i) The hearing will be held in an appropriate local community within 60 days of the demand and after at least two weeks published notice.
    - (ii) The hearing will be conducted in accordance with Minn. Stats. § 103G.311.
    - (iii) The commissioner shall either certify approval or disapproval of the proposed action within 30 days of the hearing.
  - ~~5. The following recreational uses shall require certification approval by the commissioner:
    - (i) ~~Governmental campgrounds.~~
    - (ii) ~~Private campgrounds.~~
    - (iii) ~~Public accesses, road access type with boat launching facilities.~~
    - (iv) ~~Public accesses, trail access type.~~
    - (v) ~~Temporary docks.~~
    - (vi) ~~Other governmental open space recreational uses.~~~~
- c. Notification process.
1. The City shall submit all notices of public hearings for variances, conditional use permits, interim use permits, and plats to the commissioner of natural resources at least thirty (30) days prior to such hearings or meetings to consider such

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actions as required by Minnesota Rules, part 6105.0230, subpart 3, item A, and part 6105.0240, and the notice(s) must include a detailed description of the proposal.  
i. The City shall, within ten (10) days of final action, submit to the commissioner of natural resources copies of final decisions on variances, conditional use permits, interim use permits, and plats.  
2. The City shall, prior to considering the proposal or requests, submit copies of all preliminary plats and Planned Unit Developments to the commissioner of natural resources for approval.

(3) Enforcement.

- a. It is declared unlawful for any person to violate any of the terms and provisions of this subdivision. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.
- b. In the event of a violation or a threatened violation of this subdivision, the city or the commissioner of natural resources, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.
- c. Any taxpayer of the city may institute mandamus proceedings in the district court to compel specific performance by the proper official of any duty required by this subdivision.

(Code 1978, § 9.21.07; Ord. No. 75-08, 6-27-1975; Ord. No. 85-02, 8-12-1985; Ord. No. 86-2, 8-25-1986; Ord. No. 88-11, 3-19-1989)

~~Secs. 117-149—117-179.—Reserved.~~

~~Sec. 117-252224. - Scenic River Protection Overlay District Policy and authorization.~~

The purpose of this subdivision is to control bluff land and river land development in order to protect and preserve the outstanding scenic, recreational, natural, historical, and scenic values of the Rum River in Ramsey, Minnesota, in a manner consistent with Minn. Stats. §§ 103F.301—103F.345.84, Minn. Rules pts. 6105.0010—6105.0250, 6105.1400—6105.1500.

(Code 1978, § 9.23.01; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

~~Sec. 117-253232.—~~

- (a) *Scope and interpretation*

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- 1878 (1) The provisions of this subdivision shall apply only within the designated  
1879 Scenic River Land Use District of the Rum River in accordance with the  
1880 property descriptions contained in Minn. Rules pt. 6105.1400.
- 1881
- 1882 (2) In their interpretation and application, the provisions of this subdivision shall  
1883 be held to be minimum requirements, and shall not be deemed a limitation or  
1884 repeal of any powers or rights granted by Minnesota Statutes.
- 1885
- 1886 (3) It is not intended by this subdivision to repeal, abrogate, or impair any  
1887 existing easement, covenants, deed restrictions, or land use controls. Where  
1888 this subdivision imposes greater restrictions, the provisions of this subdivision  
1889 shall prevail.
- 1890
- 1891 (4) Compliance. The use of any land within the Scenic River Land Use District;  
1892 the size and shape of lots; the use and location of structures on lots; the  
1893 installation and maintenance of water supply and waste disposal facilities; the  
1894 filling, grading, lagooning, or dredging of any river area; the cutting of  
1895 vegetation or alteration of the natural topography within the district; and the  
1896 subdivision of land shall be in full compliance with the terms of this  
1897 subdivision and other applicable regulations. Permits from the zoning  
1898 authority are required by this Code, for the construction of buildings, public or  
1899 private water supply and sewage treatment systems, the grading and filling of  
1900 the natural topography, and erection of signs within the Scenic River Land  
1901 Use District of the Rum River.
- 1902
- 1903 (5) The term "wetland" shall be as defined in Minn. Stats. § 103G.005, subd. 19.

1904 *(Code 1978, § 9.23.03; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)*

1905 **~~Sec. 117-254233. – District application.~~**

1906 (b) *District application*

- 1907 (1) The Scenic River Land Use District of the Rum River, within the city, is  
1908 divided into two areas: The portion of the Scenic River Land Use District  
1909 located within the 2000 Urban Area as defined and located in article II,  
1910 division 3 of this chapter shall be classified as an urban area; and the  
1911 remainder of the Scenic River Land Use District within the city shall be  
1912 classified as a rural area.
- 1913
- 1914 (2) The Scenic River Land Use District shall be shown on the official zoning  
1915 map, as shall the urban and rural area portions of the district contained  
1916 therein.
- 1917

1918 (3) The provisions of Minn. Rules pts. 6105.0010—6105.0250 shall apply within  
 1919 the Scenic River Land Use District, as specified in the Minn. Rules pts.  
 1920 6105.1400—6105.1500. Where the provisions of this Code are in conflict with  
 1921 Minn. Rules pts. 6105.1400—6105.1500, the provisions of Minn. Rules pts.  
 1922 6105.1400—6105.1500 shall apply. Copies of Minn. Rules pts. 6105.0010—  
 1923 6105.0250 and 6105.1400—6105.1500 shall be kept on file in the office of  
 1924 the administrator.

(Code 1978, § 9.23.04; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

**~~Sec. 117-255234.~~ - Uses.**

- 1927 (c) *Uses*
- 1928 (1) Urban area. The urban area of the Scenic River Land Use District is  
 1929 designated the Urban Area Overlay District.
- 1930 (2) Permitted uses are all permitted uses allowed and regulated by the  
 1931 applicable zoning district underlying the urban area overlay district, as  
 1932 indicated on the official zoning map of the city, except that public roads, utility  
 1933 crossings, and all private and commercial recreation uses shall be conditional  
 1934 uses.
- 1935 (3) Conditional uses are all conditional uses and applicable attached conditions  
 1936 allowed and regulated by the applicable zoning district underlying the urban  
 1937 area overlay district, as indicated on the official zoning map of the city.
- 1938
- 1939 (4) *Rural areas.* The uses allowed within the rural area of the Rum River Scenic  
 1940 Land Use District shall be those prescribed for a Scenic River Minn. Rules pt.  
 1941 6105.0100 as follows:

	Scenic River	
(1)	Governmental campgrounds, subject to management plan specifications and the provisions of <del>section 117-264</del> <a href="#">section 117-224(gj)</a> .*	P*
(2)	Private campgrounds, subject to management plan specifications and the provisions of <del>section 117-264</del> <a href="#">section 117-224(gj)</a> .	C**
(3)	Public accesses, road access type with boat launching facilities subject to management plan specifications and the provisions of <del>section 117-264</del> <a href="#">section 117-224(gj)</a> .	P
(4)	Public accesses, trail access type, subject to management plan specifications and the provisions of <del>section 117-264</del> <a href="#">section 117-224(gj)</a> .	P
(5)	Temporary docks.	C
(6)	Other governmental open space recreational uses, subject to management plan specifications and the provisions of <del>section 117-264</del> <a href="#">section 117-224(gj)</a> .	P
(7)	Other private open space recreational uses, subject to management plan specifications and the provisions of <del>section 117-264</del> <a href="#">section 117-224(gj)</a> .	C
(8)	Agricultural uses.	P
(9)	Single-family residential uses.	P
(10)	Forestry uses.	P

(11)	Essential services.	P
(12)	Sewage disposal systems.	P
(13)	Private roads and minor public streets.	P
(14)	Signs approved by federal, state, or local government which are necessary for public health and safety and signs indicating areas that are available or not available for public use.	P
(15)	Signs not visible from the river, <del>that are not specified in section 117-253(e).</del>	P
(16)	Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads.	P
(17)	Underground mining that does not involve surface excavation in the Land Use District.	C
(18)	Utility transmission power lines and pipelines, subject to the provisions of <del>section 117-260 section 117-224(eh)(7).</del>	C
(19)	Public roads, subject to the provisions in <del>section 117-260 section 117-224(dh)(8).</del>	C

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1942 P\* means permitted use

1943 C\*\* means conditional use

1944 (Code 1978, § 9.23.05; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

1945 **~~Sec. 117-256235. – District provisions.~~**

1946 (d) District provisions

1947 (1) The following chart sets forth the minimum dimensional requirements of the  
1948 urban area overlay district:

	Unsewered Area	Sewered Areas Riparian Lots	Sewered Areas Non-Riparian Lots
(1) Lot size (in square feet)	43,560	20,000	12,150
(2) Lot width at building line and ordinary high water level	150'	90'	90'
(3) Building setback from ordinary high water level	100'	75'	75'
(4) Building setback from federal, state and county trunk highway rights-of-way	50'	50'	50'
(5) Building setback from other roads and public street rights-of-way	20'	20'	20'
(6) On-site sewage treatment system setback from ordinary high water level	75'	NA	NA
(7) Maximum structure height*	35'	35'	35'
(8) Maximum total area of all impervious surfaces on each lot**	30%	30%	30%
(9) Minimum road parking area setback from ordinary high water level	***50'	50'	50'
(10) Controlled vegetative cutting area measured from the ordinary high water level	100'	75'	75'

1949 \*Does not apply to buildings used primarily for agricultural purposes.

1950 \*\*Includes all structures, surfaced roads, parking lots, and other impervious  
1951 areas.

1952 \*\*\*Where practical and feasible, all roads and parking areas shall meet the  
1953 setback requirements established for structures in subsection (9) of this  
1954 section.

1955 (2) The following chart sets forth the minimum dimensional requirements for the  
1956 rural areas of the Rum River Scenic Land Use District:

(1)	Minimum lot size above ordinary high water level	
	Riparian lots	4 acres
	Non-riparian lots	2½ acres
(2)	Lot width at building line	300 feet
(3)	Lot width at ordinary high water level	300 feet
(4)	Building setback from ordinary high water level	150 feet
(5)	Building setback from bluff line	30 feet
(6)	On-site sewage treatment system setback from ordinary high water level	100 feet
(7)	Maximum structure height*	35 feet
(8)	Controlled vegetative cutting area (see <a href="#">section 117-260</a> <a href="#">section 117-224(ah)</a> )	
	Setback from ordinary high water level	150 feet
	Setback from bluff line	30 feet

1957 \*This requirement shall not apply to buildings used primarily for agricultural  
1958 uses.

1959 (3) Trott Brook is a designated tributary of the Rum River and the following  
1960 setbacks shall also apply:

- 1961 1. Building setback from the OHW level of Trott Brook: 100 feet.
- 1962 2. On-site sewage treatment system setback from OHW level of Trott  
1963 Brook: 75 feet.
- 1964 3. Controlled vegetative cutting area setback from ordinary high water  
1965 level of Trott Brook: 100 feet. (See [section 117-260](#) [section 117-224\(ah\)](#).)

1966 (Code 1978, § 9.23.06; Ord. No. 81-04, 8-18-1981; Ord. No. 81-07, 11-21-1981; Ord. No. 86-2, 8-25-1986)

1967 **~~Sec. 117-257236. – Sanitary provisions; sewage disposal and water supply.~~**

1968 (e) *Sanitary provisions; sewage disposal and water supply.*

1969 (1) Any premises intended for human occupancy must provide for an adequate  
1970 method of sewage treatment. Public or municipal collection and treatment  
1971 facilities must be used where available and feasible. Where public or  
1972 municipal facilities are not available, all on-site individual sewer treatment  
1973 systems shall conform to the minimum standards and administration  
1974 procedures set forth in other applicable city regulations and the minimum  
1975 standards of the Minnesota Pollution Control Agency (Minn. Rules ch. 7080)  
1976 and [section 117-256](#) [subsection \(d\) of this section.](#)

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- (2) No person, firm, or corporation shall install, alter, repair, or extend any individual sewer disposal system or private well without first obtaining a permit for such action from the zoning authority for the specific installation, alteration, repair, or extension. Prior to issuance of any such permit, the zoning authority may require that soil boring tests be done on the proposed site to determine whether or not the site is capable of supporting a conforming sewage treatment system.
- (3) Any public or private supply of water for domestic purposes must conform to state department of health standards for water quality and the administrative procedures of other applicable local ordinances.

(Code 1978, § 9.23.07; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

1988 **~~Sec. 117-258237. – Placement of structures.~~**

- 1990 (f) *Placement of structures*
- 1991 (1) Structures proposed within a floodplain area shall be consistent with all
- 1992 floodplain management regulations of the city.
- 1993
- 1994 (2) No structure shall be placed on any slope greater than 12 percent (12 feet
- 1995 vertical rise in 100 feet horizontal distance) unless such structures can be
- 1996 screened. Sewage disposal facilities can be installed so as to comply with the
- 1997 sanitary provisions of ~~section 117-257~~, subsection (e) of this section and the
- 1998 permit applicant can prove to the zoning authority that any potential erosion
- 1999 or sedimentation problems related to locating such a structure either do not
- 2000 exist, or that adequate measures will be taken to prevent such problems
- 2001 through special construction methods.

(Code 1978, § 9.23.08; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

2002 **~~Sec. 117-259238. – Subdivision of land.~~**

- 2004 (g) *Subdivision of land.*
- 2005 (1) No land shall be subdivided which is determined by the city, or the
- 2006 commissioner of natural resources, to be unsuitable by reason of flooding,
- 2007 inadequate drainage, soil and rock formations with severe limitations for
- 2008 development, severe erosion potential, unfavorable topography, inadequate
- 2009 water supply or sewage treatment capabilities or any other feature likely to be
- 2010 harmful to the health, safety, or welfare of the future residents of the
- 2011 proposed subdivision or the community. Soil percolation rate tests and soil
- 2012 borings shall be required on each proposed subdivision within the Rum
- 2013 Scenic River Land Use District, to establish the suitability of the land for
- 2014 development. Such testing is required before any final plat may be approved,

2015 but may be waived by the zoning administrator when adequate data is  
2016 already available.

2017  
2018 (b2) Planned unit or cluster developments may be allowed in the Scenic River  
2019 Land Use District if preliminary plans are first approved by the commissioner  
2020 of natural resources and the applicable provisions of Minn. Rules pts.  
2021 6105.0010—6105.0250 pertaining to such development are satisfied, and the  
2022 provisions of this Code are satisfied.

2023 (Code 1978, § 9.23.09; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

2024 **~~Sec. 117-260239. -- Landscape alterations.~~**

2025 (h) *Landscape alterations*

2026 (1) The vegetative cutting provisions of this section shall apply to those areas as  
2027 specified in ~~section 117-256~~ subsection (d) of this section.

2028 (2) General provisions within designated setback areas:

2029 a. Clear-cutting, except for any authorized public services such as roads  
2030 and utilities, shall not be permitted within 200 feet of the OHW.

2031 b. Selective cutting of trees in excess of four inches in diameter at  
2032 breast height shall be permitted providing cutting is spaced in several  
2033 cutting operations and a continuous cover is maintained.

2034 c. The cutting provisions of subsections (ah)(2)a and b of this section  
2035 shall not be deemed to prevent:

2036 1. The removal of diseased or insect infested trees or of rotten  
2037 or damaged trees that present safety hazards.

2038  
2039 2. Pruning understory vegetation, shrubs, plants, brushes,  
2040 grasses, or from harvesting crops, or cutting suppressed  
2041 trees or trees less than four inches in diameter at breast  
2042 height.

2043 (3) Clear-cutting. Clear-cutting anywhere within the Scenic River Land Use  
2044 District of the Rum River is subject to the following standards and criteria:

2045 a. Clear-cutting shall not be used as a cutting method where soil, slope,  
2046 or other watershed conditions are determined by the zoning authority  
2047 to be fragile and subject to severe erosion and/or sedimentation.

2048 b. Clear-cutting shall be conducted only where clear-cut blocks, patches  
2049 or strips are, in all cases, shaped and blended with the natural terrain.

2050 c. The size of clear-cut blocks, patches or strips shall be kept at the  
2051 minimum necessary.

2052 d. Where feasible, all clear cuts shall be conducted between September  
2053 15 and May 15. If natural regeneration will not result in adequate  
2054 vegetative cover, areas in which clear-cutting is conducted shall be

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2055 replanted to prevent erosion and to maintain the aesthetic quality of  
2056 the area. Where feasible, replanting shall be performed in the same  
2057 spring or the following spring.

(4) Grading, filling, alterations of the bed of public waters. Any grading and filling  
2058 work done within the Scenic River Land Use District of this section shall  
2059 require a permit and shall comply with the following:  
2060

a. Grading and filling of the natural topography that is not accessory to a  
2061 permitted or conditional use shall not be permitted in the Scenic River  
2062 Land Use District.  
2063  
2064

b. Grading and filling of the natural topography that is accessory to a  
2065 permitted or conditional use shall not be conducted without a grading  
2066 and filling permit from the zoning authority. A grading and filling  
2067 permit may be issued only if the conditions of the following  
2068 subsections (~~eh~~)(14)c and d of this section are properly satisfied.  
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c. Grading and filling of the natural topography which is accessory to a  
2071 permitted or conditional use shall be performed in a manner which  
2072 minimizes earthmoving, erosion, tree clearing, and the destruction of  
2073 natural amenities.  
2074

d. Grading and filling in of the natural topography shall also meet the  
2075 following standards:  
2076

- 2077 1. The smallest amount of bare ground is exposed for as short a  
2078 time as feasible.
- 2079 2. Temporary ground cover such as mulch is used and  
2080 permanent ground cover such as sod, is planted.
- 2081 3. Methods to prevent erosion and to trap sediment are  
2082 employed.
- 2083 4. Fill is stabilized to accepted engineering standards.  
2084

(5) Excavation of material from, or filling in a wild, scenic or recreational river, or  
2085 construction of any permanent structures or navigational obstructions therein  
2086 is prohibited unless authorized by a permit from the commissioner of DNR  
2087 pursuant to Minn. Stats. § 103G.245.  
2088  
2089

(6) Drainage or filling in of wetlands is not allowed within the Scenic River Land  
2090 Use District designated by this subdivision.  
2091  
2092

(7) Utility transmission lines. All utility transmission crossings of land within the  
2093 Scenic River Land Use District designated by this subdivision shall require a  
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2096 conditional use permit. The construction of such transmission services shall  
2097 be subject to the standards and criteria of Minn. Rules pt. 6105.0170. No  
2098 conditional use permit shall be required for high voltage transmission lines  
2099 under control of the environmental quality council pursuant to Minn. Stats. §  
2100 216E.10.

2101  
2102 (8) Public roads. In addition to such permits as may be required by Minn. Stats.  
2103 § 103G.245, a conditional use permit shall be required for any construction or  
2104 reconstruction of new public roads within the Scenic River Land Use District  
2105 of this subdivision. Such construction or reconstruction shall be subject to the  
2106 standards and criteria of Minn. Rules pt. 6105.0200. A conditional use permit  
2107 is not required for minor public streets that are streets intended to serve  
2108 primarily as an access to abutting properties. Public roads include township,  
2109 county, and municipal roads and highways that serve or are designed to  
2110 serve flows of traffic between communities or other traffic generating areas.

2111 (Code 1978, § 9.23.10; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

2112 **Sec. 117-261240. -- Administration.**

2113 (i) Administration

2114 ~~Organization provisions.~~

- 2115 (1) The provisions of this subdivision shall be administered by the city's zoning  
2116 authority.
- 2117 (2) The board of adjustment shall act upon all questions as they arise in the  
2118 administration of this subdivision, to hear and decide appeals; and to review  
2119 any order, requirement, decision or determination made by the zoning  
2120 authority, who is charged with enforcing this subdivision as provided by  
2121 Minnesota Statutes.
- 2122 (3) Permit fees and inspection fees as may be established by ordinance shall be  
2123 collected by the zoning authority for deposit with the city and credited to the  
2124 appropriate general fund.
- 2125 (4) Substandard lots and uses, nonconforming uses.
- 2126 a. *Substandard lots.*
- 2127 1. Lots of record in the office of the county recorder on the  
2128 effective day of enactment of this subdivision that do not meet the  
2129 dimensional requirements of this Code shall be allowed as building  
2130 sites; provided that such use is permitted in the land use district; the  
2131 lot was in separate ownership from abutting lands on the date of  
2132 enactment of this Code; and all sanitary and dimensional  
2133 requirements are complied with to the greatest extent practicable.  
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2. If in a group of two or more contiguous lots under single ownership any individual lot does not meet the lot width requirements of this Code, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of this Code, except that such lots which meet or exceed 60 percent or more of the lot width standards of these regulations may be considered as a separate parcel of land for the purpose of sale or development, if on-site sewage disposal systems can be installed so as to comply with these regulations.

b. *Nonconforming uses.*

1. *Nonconforming uses.* Uses which are prohibited by this subdivision but which are in existence prior to the effective date of the ordinance from which this subdivision is derived shall be nonconforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in most current permit issued prior to the adoption of the ordinance from which this subdivision is derived.

2. *Nonconforming sanitary systems.* All sanitary facilities inconsistent with the performance standards of other applicable local ordinances and the minimum standards of MPCA shall be brought into conformity or discontinued within five years of the date of enactment of the ordinance from which this subdivision is derived or other applicable ordinances.

(5) *Substandard uses.* All uses in existence prior to the effective date of enactment or amendment of the ordinance from which this subdivision is derived which meet the allowable use criteria within the newly established land use district provisions of this subdivision, but do not meet the minimum lot area, setback, or other dimensional requirements of this subdivision are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

a. Any structural alteration or addition to a substandard use that will increase the substandard dimensions shall not be allowed.

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- b. Substandard signs shall be gradually eliminated over a period of time not to exceed five years from the date of enactment of the ordinance from which this subdivision is derived.
  - c. Where a setback pattern from the ordinary high water level already has been established on both sides of a proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. This provision shall only apply to lots that do not meet the minimum lot width requirement of ~~section 117-256~~ subsection (d) of this section.
- (6) *Variances.* The granting of a variance requires the presence of the following conditions:
- a. The strict enforcement of the land use controls will result in unnecessary hardship.
  - b. Granting of the variance is not contrary to the purpose and intent of the zoning provisions herein established by these standards and criteria, and is consistent with Minn. Rules pts. 6105.1400—6105.1500.
  - c. There are exceptional circumstances unique to the subject properties that were not created by the landowner.
  - d. Granting of the variance will not allow any use which is neither a permitted or conditional use in the land use district in which the subject property is located.
  - e. Granting of the variance will not alter the essential character of the locality as established by Minn. Rules pts. 6105.1400—6105.1500.
  - ~~(f) All variances to the requirements of this subdivision must be certified in accordance with subsection (g) of this section.~~
- (7) *Plats.*
- a. Copies of all plats within the boundaries of the Scenic River Land Use District shall be forwarded to the commissioner within ten days of final approval by the city.
  - b. Inconsistent plats: Approval of a plat which is inconsistent with this subdivision is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.

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~~e. — All inconsistent plats approved by the council must be certified in accordance with subsection (g) of this section.~~

(8) *Amendments.*

a. This subdivision may be amended whenever the public necessity and the general welfare require such amendments by the procedure specified in this subdivision. Amendments to this subdivision must be certified by the commissioner as specified in subsection (g)(10) of this section.

b. Requests for amendments of this subdivision shall be initiated by a petition of the owner of the actual property; or by action of the council.

c. An application for an amendment shall be filed with the zoning authority.

d. Upon receipt in proper form of the application and other requested materials, the planning commission shall conduct a public hearing in the manner prescribed in article II, division 2 of this chapter.

e. Following the public hearing, the planning agency shall make a report of its recommendations on the proposed amendment and shall file a copy with the council within 60 days after the hearing for the city council's action. Certification from the commissioner must be obtained as specified in subsection (g)(10) of this section before the proposed amendment becomes effective.

f. To defray the administrative costs of processing requests for an amendment to this subdivision, a fee not exceeding administrative costs shall be paid by the petitioners. Such fee shall be determined by the council.

(9) *Conditional use permit review.*

a. A copy of all notices of any public hearing, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be sent so as to be received by the commissioner at least 30 days prior to such hearings or meetings to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the commissioner within ten days of such action.

~~b. — Conditional use permits relating to private or commercial recreational development must be certified in accordance with subsection (g) of this section.~~

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(10) Notification procedure and Certification.

a. Certain land use decisions which directly affect the use of land within the Scenic River Land Use District and involve adopting or amending an ordinance regulating the use of land, including rezoning of particular tracts of the land, any of the following actions must be certified by the commissioner as specified in subsection (g)(~~211~~) of this section.

- ~~1. Adopting or amending an ordinance regulating the use of land including rezoning of particular tracts of the land.~~
- ~~2. Granting a variance from a provision of this subdivision that related to the zoning dimension provisions of section 117-256 subsection (d) and any other zoning dimension provisions established in Minn. Rules pts. 6105.1400 – 6105.1500.~~
- ~~3. Approving a plat that is inconsistent with the local land use.~~
- ~~4. Granting a conditional use permit for a private or commercial recreational development.~~

b. Notification process.

1. The City shall submit all notices of public hearings for variances, conditional use permits, interim use permits, and plats to the commissioner of natural resources at least thirty (30) days prior to such hearings or meetings to consider such actions as required by Minnesota Rules, part 6105.0230, subpart 3, item A, and part 6105.0240, and the notice(s) must include a detailed description of the proposal.

i. The City shall, within ten (10) days of final action, submit to the commissioner of natural resources copies of final decisions on variances, conditional use permits, interim use permits, and plats.

2. The City shall, prior to considering proposals or requests, submit copies of all preliminary plats and Planned Unit Developments to the commissioner of natural resources for approval.

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(11) Certification process.

a. A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, ~~variances, or inconsistent plats under local code~~ shall be sent so as to be received by the commissioner at least thirty (30) days prior to such hearings or meetings to consider such actions. The notice of application shall include a copy of the proposed ordinance or amendment, ~~or a copy of the proposed inconsistent plat, or a description of the requested variance, or a copy of the conditional use permit application, where applicable.~~

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- b. The city shall notify the commissioner of its final decision on the proposed action within ten (10) days of the decision.
  - c. The action becomes effective when and only when either:
    - 1. The final decision taken by the city has previously received certification of approval from the commissioner;
    - 2. The city received certification of approval after its final decision;
    - 3. Thirty (30) days have elapsed from the day the commissioner received notice of the final decision, and the city has received from the commissioner neither certification of approval nor notice of non-approval; or
    - 4. The commissioner certifies approval within thirty (30) days after conducting a public hearing.
  - d. In case the commissioner gives notice of non-approval of an ordinance, ~~variance or inconsistent plat,~~ either the applicant or the administrator may, within thirty (30) days of said notice, file with the commissioner a demand for hearing. If the demand for hearing is not made within thirty (30) days, the notice of non-approval becomes final.
    - 1. The hearing will be held in an appropriate local community within sixty (60) days of the demand and after at least two weeks published notice.
    - 2. The hearing will be conducted in accordance with Minn. Stats. § 103G.311.
    - 3. The commissioner shall either certify approval or disapproval of the proposed action within thirty (30) days of the hearing.
  - ~~e. The following recreational uses shall require certification approval by the commissioner:
    - 1. ~~Governmental campgrounds.~~
    - 2. ~~Private campgrounds.~~
    - 3. ~~Public accesses, road access type with boat launching facilities.~~
    - 4. ~~Public accesses, trail access type.~~
    - 5. ~~Temporary decks.~~
    - 6. ~~Other governmental open space recreational uses.~~~~
- (12) *Enforcement.* It is declared unlawful for any person to violate any of the terms and provisions of this subdivision section. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.
- a. In the event of a violation or a threatened violation of this subdivision, the city or the commissioner of natural resources, in addition to other remedies may

2339 institute appropriate actions or proceedings to prevent, restrain, or abate  
2340 such violations or threatened violations.  
2341 b. Any taxpayer of the city may institute mandamus proceedings in the district  
2342 court to compel specific performance by the proper official of any duty  
2343 required by this subdivision.

2344 (Code 1978, § 9.23.11; Ord. No. 81-04, 8-18-1981; Ord. No. 86-2, 8-25-1986)

2345 **Sec. 117-252225. - Wetlands.**

2346  
2347 **(a) Wetlands.**

- 2348 1. The state department of natural resources (DNR) uses the U.S. Fish  
2349 and Wildlife classification system for wetlands and currently requires  
2350 a permit for alteration of wetland Types 3—5 which are 2.5 acres or  
2351 larger.  
2352 2. Wetland Types 1, 2 and 6 and wetlands as small as one acre are  
2353 recognized as having importance as storm sewer ponding basins, but  
2354 the DNR does not presently require permits for alteration of these  
2355 areas.  
2356 3. In the city, there is an abundance of wetlands, some found along the  
2357 edges of the streams and rivers and the others in upland  
2358 depressional areas. The wetlands are not concentrated in one area,  
2359 but rather scattered throughout the community. All Type 3, 4 and 5  
2360 wetlands of 2.5 acres or more as referenced in this section have been  
2361 mapped by the DNR and the county and shall be identified on the  
2362 official environmental map referenced in this section. A copy of the  
2363 public waters/wetlands map as prepared by the county is on file at the  
2364 city offices and is adopted as part of this Code. This Code shall apply  
2365 to an impact area within 50 feet of all Type 3, 4, and 5 wetlands and  
2366 Type 1, 2, and 6 wetlands one acre in size or larger.  
2367  
2368

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2369 **Secs. 117-262—117-285. - Reserved.**

2370 **SECTION 3 SUMMARY**

2371  
2372 The following official summary of Ordinance #12-\_\_ has been approved by the City Council of the City  
2373 of Ramsey as clearly informing the public of the intent and effect of the Ordinance.  
2374

2375 It is the intent and effect of Ordinance #12-\_\_ to amend Ramsey City Code Chapter 117 (Zoning and  
2376 Subdivision of Land) Article II (Zoning) Division 4 (District Regulations) by consolidating Subdivisions

2377 II, IV and V ~~are hereby repealed and replaced with~~ into one Subdivision subdivision (Subdivision II,  
2378 (Shoreland s-Management Overlay District) Section 117-349 (Accessory Structures) and to:

2379

- 2380 • Establish Sections 117-221 (Background, statutory authority, policy, general definition,  
2381 compliance and administration), 117-222 (Shoreland management overlay district), 117-223  
2382 (Critical river overlay district), 117-224 (Scenic river protection overlay district) and 117-225  
2383 (Wetlands).
- 2384 • Repeal language related to DNR certification for variances, inconsistent plats, conditional use  
2385 permits and interim use permits.

2386 **SECTION 4 EFFECTIVE DATE**

2387

2388 The effective date of this ordinance is thirty (30) days after its passage and publication, subject to City  
2389 Charter Section 5.07.

2390

2391 Adopted by the Ramsey City Council the \_\_\_ day of \_\_\_\_\_, 2012.

2392

2393

2394 \_\_\_\_\_

2395

Mayor

2396 **ATTEST:**

2397

2398 \_\_\_\_\_

2399 City Administrator

2400

2401 **Introduction Date:** \_\_\_\_\_

2402 **Posting Dates:** \_\_\_\_\_

2403 **Adoption Date:** \_\_\_\_\_

2404 **Publication Date:** \_\_\_\_\_

2405 **Effective Date:** \_\_\_\_\_

2406

**Regular Planning Commission**

**5. 4.**

**Meeting Date:** 09/06/2012

Submitted For: Tim Gladhill

By: Tina Goodroad, Community Development

Information

Title:

PUBLIC HEARING: Consider Proposed Zoning Ordinance Amendment to Create Sec. 117.117a. E-3 Employment (Office Park) District

Background:

Staff prepared a new E-3 Employment (Office Park) Zoning District as an implementation step of 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. 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.

Notification:

The Public Hearing was properly notified in the Anoka County Union.

Observations:

This proposed amendment creates a new E-3 Employment (Office Park) Zoning district. This action is a direct implementation item of the Comprehensive Plan. Both the Planning Commission and City Council expressed support for the inclusion of this new zoning district.

Item #12 within the Permitted Uses is language consistent with the E-1 and E-2 zoning districts. However, this does permit motor vehicle, implement and recreational equipment sales or repair. City Staff is seeking Planning Commission feedback on this particular use as it often times has an element of outside storage and/or display associated with it and outside storage is not permissible in the proposed E-3 Employment (Office Park) district.

Funding Source:

All costs associated with the amendment are being handled as part of regular Staff duties.

Staff Recommendation:

Staff recommends approving the Zoning Ordinance amending City Code by establishing Section 117.117a. E-3 Employment (Office Park) District.

Committee Action:

Motion to recommend that the City Council adopt the zoning ordinance establishing Section 117.117a. E-3 Employment (Office Park) District.

Attachments

Ordinance

Future Land Use Map

Form Review

Inbox

Reviewed By

Date

Tim Gladhill  
Chris Anderson  
Tim Gladhill

Tim Gladhill  
Chris Anderson  
Tim Gladhill

08/24/2012 03:58 PM  
08/28/2012 03:17 PM  
08/28/2012 04:15 PM

Form Started By: Tina Goodroad

Started On: 08/23/2012 01:16 PM

Final Approval Date: 08/28/2012



47 (4) Create an area to provide opportunities for higher technology business and  
48 other industries that may benefit from the accommodation of both office and light  
49 industrial uses on site with internal and external amenities to benefit employees;  
50

51 (5) Provide for accessible business park opportunities near major highways  
52 and future transit corridors;  
53

54 (6) Preserve and utilize natural environmental features for office sites that are  
55 located next to or overlook public open space and trail uses, woodlands and  
56 wetlands.  
57

58 (b) Design Character: Development in this district shall establish and maintain high  
59 standards of site design, spatial relationships, proportions, building architecture  
60 and landscape design that will create a high quality environment attractive to  
61 major employers. The design character of this district will be characterized by a  
62 high level of design, site amenities such as trails or open space, storm water  
63 management, and other modern techniques used to create a high-end office and  
64 industrial park. No outdoor storage will be permitted with any use.  
65

66 (c) Permitted uses  
67

68 (1) Offices and office showrooms;  
69

70 (2) Coffee shops, cafeterias, medical facilities, and athletic/fitness facilities if  
71 located within the principal structure;  
72

73 (3) Government offices/facilities;  
74

75 (4) Technical, vocational, business and college/university satellite  
76 facilities/schools;  
77

78 (5) Travel agencies;  
79

80 (6) Research and development;  
81

82 (7) Data processing;  
83

84 (8) Wholesale showroom;  
85

86 (9) Warehousing used in conjunction with offices or light manufacturing  
87 facilities with no outdoor storage;  
88

89 (10) Retail sales, incidental to manufacturing of products produced on the site  
90 not to exceed 25 percent of the gross square footage of the first floor;  
91

92 (11) High technology business uses including, but not limited to: the  
93 manufacturing, or assembly, of medical devices and equipment,  
94 telecommunications equipment, pharmaceuticals, computer or electronic products  
95 and software, aeronautical equipment or components;

96  
97 (12) Business incubators/multitenant facilities housing manufacturing, research  
98 labs, testing labs, offices, motor vehicle, implement and recreation equipment sales or  
99 repair, governmental or public uses, indoor commercial recreation, manufacturing,  
100 radio and television offices and stations, and wholesale businesses, provided they are  
101 indoor operations with no outside storage or display areas. A maximum of 20 percent  
102 of the units or suites of such a facility may be occupied by enclosed retail and rental  
103 activity as a principal use.

104  
105 (13) Public utilities and essential government services;

106  
107 (14) Athletic/fitness facility within principal building;

108  
109 (15) Other uses similar to those permitted in this Section as determined by the  
110 Planning Commission and the City Council

111  
112  
113 (d) Accessory Uses

114 (1) Cafeterias not open to the general public;

115  
116 (2) Bicycle and public or private transit shelters;

117  
118 (3) Gate security detached building;

119  
120 (4) Commercial overnight delivery drop box;

121  
122 (e) Conditional Uses The following are conditional uses and require a conditional use  
123 permit based upon procedures set forth in and regulated by section 117-50.

124  
125 (1) Restaurant, Full Service subject to the following standards:

126 a. No drive through service is provided;

127 b. No restaurant shall be allowed on a parcel of less than one and  
128 one-half (1<sup>1</sup>/<sub>2</sub>) acres.

129 c. Exterior materials and design shall be compatible with surrounding  
130 properties.

131 (2) Health and fitness centers, freestanding;

132  
133 (3) Financial institutions and banks subject to the following standards:

134 a. No drive through facilities;

135  
136 (4) Full Service Hotels;

137

- 138           (5)     Radio and TV studios, sound stages, multi-media, post production studio  
 139                     and support facilities and equipment;  
 140  
 141           (6)     Cell towers subject to standards in Sec. 117-428  
 142  
 143           (7)     Micro and medium-scale WECS subject to standards in Sec. 117-430  
 144  
 145  
 146     (f)     Interim Uses.  
 147           (1)     Places of Assembly  
 148           (2)     Other uses as approved by the City Council  
 149  
 150     (g)     Standards. (Also refer to article II, division 6 of this chapter for general  
 151                     performance standards).  
 152           (1)     Bulk Standards.

<b>Standard</b>	<b>Requirement</b>
Minimum Lot Area	1 acre
Minimum Lot Width	200 feet
Maximum building height	65 feet
Maximum structure Area	45% of lot area
Minimum 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 adjacent to residential districts	
Buildings	60 feet
Off-street parking, storage and driveways	40 feet
Parking and pavement (includes maneuvering areas) setback from street right-of-way	20 feet

153  
 154     **SECTION 3    SUMMARY**  
 155

156     The following official summary of Ordinance #12-\_\_ has been approved by the City Council of  
 157     the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

158  
 159           It is the intent and effect of Ordinance #12-\_\_ to amend Ramsey City Code Chapter 117  
 160           (Zoning and Subdivision of Land) to add Section 117-117a (E-3 Employment District  
 161           [Office Park]) in order to create a new zoning district that reserves larger areas for  
 162           multi-use buildings, offices, wholesale showrooms, light manufacturing, research

163 and development, training, limited retail uses and uses accessory to conducting  
164 business within a coordinated, well-defined campus environment and provides  
165 opportunities for higher technology business and other industries that may benefit  
166 from the accommodation of both office and light industrial uses on site with  
167 internal and external amenities to benefit employees;  
168  
169

170 **SECTION 4 EFFECTIVE DATE**

171  
172 The effective date of this ordinance is thirty (30) days after its passage and publication, subject to  
173 City Charter Section 5.07.  
174

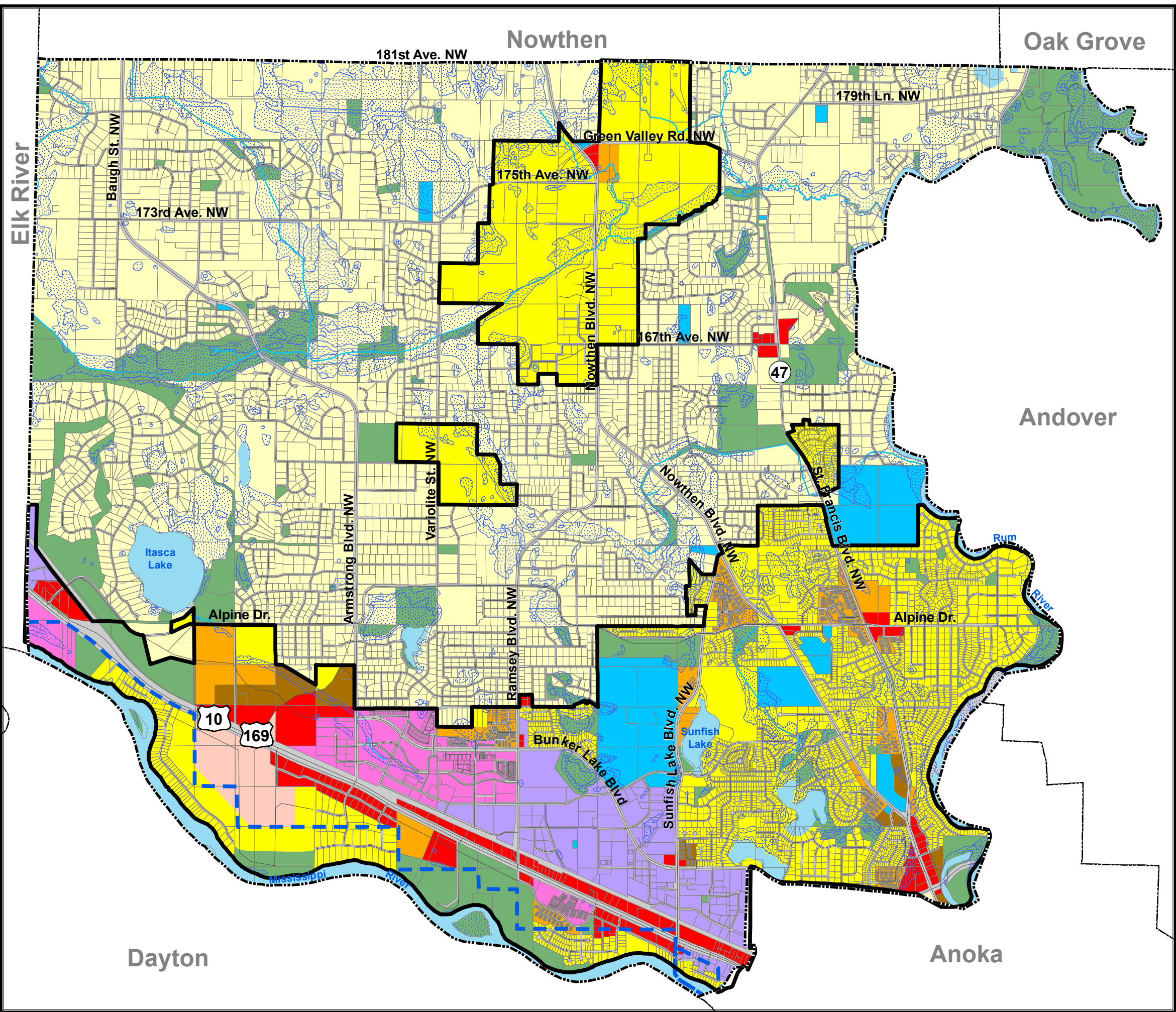
175 Adopted by the Ramsey City Council the \_\_\_ day of \_\_\_\_\_, 2012.

176  
177  
178 \_\_\_\_\_  
179 Mayor

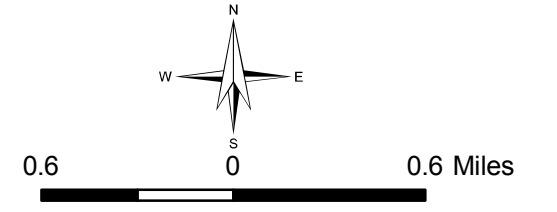
180 **ATTEST:**  
181  
182 \_\_\_\_\_  
183 City Administrator  
184

185  
186

187 **Introduction Date:** \_\_\_\_\_  
188 **Posting Dates:** \_\_\_\_\_  
189 **Adoption Date:** \_\_\_\_\_  
190 **Publication Date:** \_\_\_\_\_  
191 **Effective Date:** \_\_\_\_\_



# City of Ramsey 2030 Comprehensive Plan Draft 2030 Land Use Plan



- Ramsey City Limit
- 2030 MUSA Boundary
- Mississippi River Critical Area Boundary
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Office Park
- Commercial
- Mixed Use
- Business Park
- Public/Quasi-Public
- Rural Developing
- Park
- Right-of-Way
- Water
- NWI Wetland

October 22, 2009



**Regular Planning Commission**

**5. 5.**

**Meeting Date:** 09/06/2012

Submitted For: Tim Gladhill

By: Tina Goodroad, Community Development

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Information

Title:

PUBLIC HEARING: Review Zoning Ordinance Amendments Related to the 2030 Comprehensive Plan and General Updates

Background:

As we preliminarily introduced to the Planning Commission at the April meeting and at City Council work sessions on May 22nd and July 24th, Staff has completed updates to the Zoning Code 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. 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. Finally, Staff has attempted to clarify policies related to approving current conditional uses. The Planning Commission has the ability to recommend that some of these conditional uses can now become permitted uses based on the standards suggested.

Notification:

The Public Hearing was properly notified in the Anoka County Union.

Observations:

Several ordinance sections are affected by this update as listed below: Draft Ordinance Amendments include the following:

Sec. 117-111 Residential Use Districts

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

Sec. 117-116a. Special Requirements and Performance Standards in All Employment and Office Park Districts.

Sec. 117-116 and Sec. 117.117. E-2 Employment District and E-1 Employment District

Sec. 117-144a. Special Requirements and Performance Standards for B-1, B-2 and B-3 Zoning Districts.

Sec. 117-355 Residential Development Off-Street Parking

Sec. 117-356 Commercial and Industrial Development Off-street Parking.

Draft Consolidated Landscaping Section

An executive summary has been provided that summarizes each of the following proposed amendments. Previous comments and suggestions made by the Planning Commission and City Council have been included in these final drafts. Please note that for sections highlighted in yellow, Staff is looking for additional policy feedback from the Planning Commission.

Funding Source:

Preparation of the Zoning Code amendments is part of the consulting planning budget.

Staff Recommendation:

Staff recommends approval of the proposed Zoning Ordinance Sections as presented.

Committee Action:

Motion to recommend that the City Council adopt a resolution granting approval of the amended Sections of the Zoning Code.

---

Attachments

Ordinance Amendment Executive Summary  
Residential Zoning Districts  
Special Requirements for Business Districts  
Business Districts  
Special Requirements for Employment Districts  
Employment Districts  
Public/Quasi Public and Park Districts  
Off Street Parking  
Consolidated Landscaping

---

Form Review

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Tim Gladhill	Tim Gladhill	08/29/2012 03:18 PM
Chris Anderson	Chris Anderson	08/30/2012 03:10 PM
Tim Gladhill	Tim Gladhill	08/31/2012 07:11 AM

Form Started By: Tina Goodroad      Started On: 08/23/2012 01:01 PM

Final Approval Date: 08/31/2012

## **Draft Ordinance Amendments Executive Summary**

Draft ordinance amendments are summarized below based on edits from previous reviews and comments from the Planning Commission and City Council.

Draft Ordinance Amendments:

### **Sec. 117.111 Residential Use Districts**

Minor edits have 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 as inward facing signs on ball fields fencing 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. Staff has presented this proposed ordinance provision with the Park and Recreation Commission and they expressed support.

### **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.

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 reinforces 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. 117.116 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. 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.

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 reinforces 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.

*City Council direction:* Do you support the consolidated building and site design standards for all Business districts versus repeating these standards within the individual districts? Do you support the inclusion of standards for conditional uses?

**Sec. 117.356 Commercial and Industrial Development Off-street Parking.** This amendment expands upon the list of potential uses, consistent with prior site plan approvals in an attempt to expand upon uses and required parking. As part of this update staff explored alternatives that may help the city achieve objectives to reduce excess impervious surface including excess parking. In an attempt to reduce "over parking" of

larger sites such as big box retailers staff suggests using an industry standard parking minimum of 4 spaces per 1,000 and a maximum of 5 spaces per 1,000 for shopping centers. There was some concern expressed by the City Council to set a maximum however, several members did acknowledge that is may be feasible as the proposed minimum and maximum are based on industry standards.

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 draft includes parking lot landscaping requirements to strive for more landscaping and placement of trees within parking lot areas to reduce heat island effect while improving aesthetics. Based on comments with the City Council who expressed concern for the amount of landscaping being required in parking lot areas, staff has revised this section to apply only to parking lots of ten vehicles or more. Also, staff is suggesting that the total amount of trees required in parking lots can be located within interior parking areas at 50% of the total with the remaining 50% in the parking lot setback areas. This change was made to address concern over placement and use of islands in parking lots and will result in less parking within the parking areas.

On page 10 additional “alternative language” is also provided for the Planning Commissioners consideration that simply requests all open areas of site be landscaped without a requirement for any landscaping in islands within parking areas. This alternative *will not* meet the intent of the first option of improving site aesthetics and reducing heat island effects in parking lots.

Perimeter parking area landscape requirements have been added (for parking lots of ten vehicles or more, which requires sites in business or employment district abutting a street or similar district to provide landscape screening at a minimum of 3 feet in height to screen headlights. Where a business or employment district abuts a residential district a landscape screen of 6 feet in height and 80% opaqueness is required. This is a current requirement but written with addition detail and graphics. An alternative to this 6 feet height requirement is provided on page 11 that requires a mature height of landscaped screening between 4 and 6 feet in height.

Finally a new Minimum Parking Requirement Alternative section has been added for review and input. This new section is intended to require new construction or expansion in Business, Employment and Mixed Use districts to use parking alternatives if proposing parking below or above minimum requirements. The draft suggests that a minimum of two of the proposed choices be required.

### **Draft Consolidated Landscaping Section**

A draft consolidated landscaping section has been prepared based on support expressed by the Planning Commission. The intent of this section is to consolidating landscaping into one section to provide more consistency and to limit duplication. A draft has been prepared using current requirements for the B-1, B-2, E-1, E-2 and E-3 districts. In

addition to current requirements some new text has been included an introduction;  
building perimeter landscaping and landscaping maintenance.



- 48 (c) Uses permitted by conditional use permit.  
49  
50 (1) ~~Religious institutions~~ Places of Assembly  
51  
52 (d) For lots located within the ~~2020~~ 2030 MUSA where adjacent structures  
53 existing as of July 1, 2002, have a different setback from that required herein,  
54 the front yard setback shall conform to the prevailing setback of adjacent  
55 structures. If adjacent structures have different setbacks from one another, the  
56 minimum front yard shall be the average of the two adjacent structures.  
57

58 **Sec. 117-112. R-2 Residential District.**  
59

- 60 (a) *Intent.* The intent of the R-2 Residential District is to accommodate multiple  
61 dwellings at a density of three to seven dwelling units per acre and multiple-  
62 dwelling complexes within the 2002 MUSA. All lots created by subdivision  
63 located within the ~~2020~~ 2030 MUSA shall be serviced by sanitary sewer and  
64 municipal water.  
65  
66 (c) Uses permitted by conditional use permit.  
67  
68 (1) ~~Religious institutions~~ Places of Assembly  
69  
70 (e) General R-2 residential performance standards  
71  
72 (4) Fences  
73  
74 (a) Fencing or walls (except retaining walls) located in the front  
75 yard shall not exceed four feet height. Fencing or walls  
76 located in the side or rear yard shall not exceed six feet in  
77 height. Fences outside the ~~2020~~ 2030 MUSA are allowed up  
78 to eight feet in height in any yard but must be set back a  
79 minimum of 100 feet from the front property line unless they  
80 have at least 75 percent clear visible opening. Fences may be  
81 constructed of barbed wire to accommodate agricultural  
82 activities and the raising of livestock and animals as defined  
83 by chapter 10, Animals. Lots of record as of July 1, 2002,  
84 within the MUSA that are currently used for agricultural  
85 activities or the raising of livestock and animals also qualifies  
86 under this provision.  
87

88 **Sec. 117-113. R-3 Residential District.**  
89

- 90 (a) *Intent.* The intent of the R-3 Residential District is to accommodate high-  
91 density residential housing at a density greater than seven units per  
92 acre but not to exceed 15 units per acre within the ~~2020~~ 2030 MUSA.  
93 All lots created by subdivision located within the ~~2020~~ 2030 MUSA  
94 shall be serviced by sanitary sewer and municipal water.  
95

- 96 (c) Uses permitted by conditional use permit.
- 97
- 98 (1) ~~Religious institutions~~ Places of Assembly
- 99
- 100 (e) *General R-3 residential performance standards*
- 101
- 102 (3) Fences
- 103
- 104 (a) Fencing or walls (except retaining walls) located in the front
- 105 yard shall not exceed four feet in height. Fencing or walls
- 106 located in the side or rear yard shall not exceed six feet in
- 107 height. Fences outside the ~~2020~~ 2030 MUSA are allowed up
- 108 to eight feet in height in any yard but must be set back a
- 109 minimum of 100 feet from the front property line unless there
- 110 is at least a 75 percent clear visible opening. Fences may be
- 111 constructed of barbed wire to accommodate agricultural
- 112 activities and the raising of livestock and animals as defined
- 113 by chapter 10, Animals. Lots of record as of July 1 2002,
- 114 within the MUSA that are currently used for agricultural
- 115 activities or the raising of livestock and animals also qualify
- 116 under this provision.
- 117

118 **SECTION 3 SUMMARY**

119  
120 The following official summary of Ordinance #12-\_\_ has been approved by the City Council of  
121 the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

122  
123 It is the intent and effect of Ordinance #12-\_\_ to amend Ramsey City Code City Code Sections  
124 117-111 through 117-113 (R-1 Residential District, R-2 Residential District, R-3 Residential  
125 District) by amending references of the 2020 MUSA to the 2030 MUSA, and amend the  
126 definition of religious institutions to places of assembly.

127  
128 **SECTION 4 EFFECTIVE DATE**

129  
130 The effective date of this ordinance is thirty (30) days after its passage and publication, subject to  
131 City Charter Section 5.07.

132  
133 Adopted by the Ramsey City Council the \_\_ day of \_\_\_\_\_, 2012.

134  
135  
136 \_\_\_\_\_  
137 Mayor

138 **ATTEST:**

139  
140 \_\_\_\_\_  
141 City Administrator

142  
143 Introduction Date: \_\_\_\_\_

144 Posting Dates: \_\_\_\_\_  
145 **Adoption Date:** \_\_\_\_\_  
146 **Publication Date:** \_\_\_\_\_  
147



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

50 g. Architectural concrete and precast panels shall be acceptable as the major  
51 exterior wall surface when they are incorporated into an overall design of the  
52 building.

53 h. Architectural metal may be considered with matte finish and with neutral or  
54 earth tone colors;

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

57 j. All materials shall be color impregnated with the exception of allowing  
58 architectural concrete precast panel systems and fiber cement siding to be  
59 painted. Painting shall not be allowed on color impregnated, major exterior  
60 materials.

61 k. Other material as may be approved by the city.

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

64 a. Accent materials;

65 b. A visually pleasing front entry that, in addition to doors, shall be accented a  
66 minimum of 150 square feet around the door entrance for single occupancy  
67 buildings and a minimum of 300 square feet total for the front of multi-tenant  
68 buildings (this area shall be counted as one element);

69 c. Twenty-five percent (25%) window coverage on each front that faces a street;

70 d. Contrasting, yet complementary material colors;

71 e. A combination of horizontal and vertical design features;

72 f. Irregular building shapes; or

73 g. Other architectural features in the overall architectural concept.

74 (3) Other Design Requirements:

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

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

77 c. The tops of buildings shall be articulated to minimize "box" like images;

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

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

- 84 (5) Building Height: In order to improve the appearance of uninterrupted facades, buildings  
85 over 100 feet in length shall be at least one and one-half (1 ½) stories in height for at  
86 least thirty percent (30%) of their length.
- 87 (6) Restricted Exterior Materials: Unadorned pre-stressed concrete panels, whether  
88 smooth or raked, non-decorative concrete block, sheet metal, corrugated metal or  
89 unfinished metal shall not be used as exterior materials. This restriction shall apply to  
90 all principal structures and to all accessory buildings except those accessory buildings  
91 not visible from any property line. No more than twenty-five percent (25%) of any  
92 exterior wall on a building shall be fiber cement siding, wood or metal accent material.
- 93 (7) Roofs: Roofs which are exposed or an integral part of the building aesthetics shall be  
94 constructed only of commercial grade asphalt shingles, wood shingles, standing seam  
95 metal, slate, tile, or copper. Flat roofs, which are generally parallel with the first floor  
96 elevation, are not subject to these material limitations.
- 97 (8) Building Mechanical Equipment: All roof vents, pipes and/or other roof penetrations  
98 (except chimneys), shall be fully screened, located on the rear elevations, or be  
99 otherwise configured to the maximum extent practicable to have a minimal visual  
100 impact as seen from a public street. Wood fencing or chain link with slats shall not be  
101 used for screening. A cross-sectional drawing shall be provided that illustrates the sight  
102 lines from the ground level view.

103 a. Acceptable Roof-based Mechanical Equipment Screening:

- 104 1. Parapet walls or other techniques included as an integral part of the  
105 building design shall be used to totally screen any roof-based  
106 mechanical equipment from public rights-of-way or adjacent lands.
- 107 2. The parapet wall finish materials shall match the major exterior  
108 materials provided on an exterior wall.
- 109 3. The parapet walls shall be provided along all perimeter walls.
- 110 4. Parapet walls may vary in height but shall not exceed the building height  
111 of the respective district.
- 112 5. The back of the parapet wall and/or its supports shall be screened from  
113 view from adjoining properties and public streets.
- 114 6. In cases where roof-based mechanical equipment are too tall to be  
115 screened by a parapet wall, or if changes in the surrounding grade make  
116 rooftops with parapets visible from public rights-of-way or adjacent  
117 lands, a rooftop screening system shall be used for screening.

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*Sample Roof Screening*



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

*Sample Ground Screening*



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

*Sample Trash Enclosure*



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150 (11) Lighting: All lighting proposed on a site in a B-1, B-2 or B-3 district shall comply with the  
151 following standards:

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

158 b. Decorative style lighting a maximum of fourteen (14) feet in height shall be used  
159 to illuminate all site areas with the exception of parking areas.

160 c. Shoe-box style lighting shall only be permitted in parking areas.

161 d. Lighting fixtures shall be compatible with the architecture of the building.

162 e. Wall-mounted lighting shall be used on building fronts to illuminate entry points  
163 and highlight architectural features.

164

165 (b) B-1 Neighborhood Business District Design Standards: In addition to the minimum design  
166 standards applicable to all commercial districts, Neighborhood Business districts shall also be  
167 subject to the following standards to reflect the character of the neighborhood in which they  
168 are located.

169 (1) Building Design: New buildings shall be designed to appear to have similar scale and  
170 design elements as the neighboring buildings at a residential scale and character.  
171 Buildings fronts shall include three of the following elements:

172 a. Articulation of facades into house-size segments

173 b. Residential scale building modules similar to adjacent buildings

174 c. Similar façade proportions to those on neighboring buildings

175 d. Residential scale building components such as porches, patios, decks, columns  
176 and balconies

177 e. A roof configuration which reflects traditional residential structures and is  
178 pitched such as gable, hip, or shed.

179 f. Display windows a minimum of six feet in height shall exist along at least fifty  
180 percent (50%) of the linear length of the building front.

181

182 **SECTION 3 SUMMARY**

183  
184 The following official summary of Ordinance #12-\_\_ has been approved by the City Council of the City  
185 of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

186  
187 It is the intent and effect of Ordinance #12-\_\_ to create Ramsey City Code City Code Sections 117-114a  
188 (Special Requirements for Business Districts) by consolidating design and performance standards related  
189 to the B-1, B-2, and B-3 Business Districts. The ordinance also expands upon existing design criteria.

190  
191 **SECTION 4 EFFECTIVE DATE**

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The effective date of this ordinance is thirty (30) days after its passage and publication, subject to City Charter Section 5.07.

Adopted by the Ramsey City Council the \_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Administrator

Introduction Date: \_\_\_\_\_

Posting Dates: \_\_\_\_\_

**Adoption Date:** \_\_\_\_\_

**Publication Date:** \_\_\_\_\_



- 45 (8) Dry cleaning.
- 46 (9) ~~Animal clinics and indoor small animal boarding facilities.~~
- 47 (10) ~~Adult uses—accessory.~~
- 48 (11) Convenience grocery and/or food operations (with no motor fuel
- 49 sales).
- 50 (12) Off-sale liquor.

51 (c) *Conditional uses.*

- 52 (1) Animal clinics and outside small animal boarding facilities subject to the
- 53 following standards:
- 54 a. All structures shall be sufficiently insulated so no unreasonable
- 55 noise or odor can be detected off the premises.
- 56 b. All outdoor animal recreation areas shall be fully screened and
- 57 secure at all times.
- 58 c. All outdoor animal recreation areas shall be a minimum of 100 feet
- 59 from any abutting residential district.
- 60 (2) Commercial carwashes (drive-through, mechanical, self service) subject to
- 61 the following standards:
- 62 a. Stacking space is provided to accommodate an appropriate number
- 63 of vehicles and shall be subject to the approval of the City Council.
- 64 b. The entire area shall have a drainage system which is subject to the
- 65 approval of the City and gives special consideration to the
- 66 prevention of ice build-up during winter months.
- 67 (3) Convenience gas (no vehicle service or repair) subject to the following
- 68 standards:
- 69 a. Canopy Height: The total height of any overhead canopy or
- 70 weather protection shall not exceed twenty feet (20') in height.
- 71 b. Sales, Rentals Prohibited: No sales or rental of motor vehicles or
- 72 trailers or campers shall be permitted.
- 73 c. Goods For Sale: All goods for sale by a motor fuel station
- 74 convenience store other than commercial freezers for ice and
- 75 petroleum based products required for the operation and
- 76 maintenance of motor vehicles shall be displayed within the
- 77 principal motor fuel station structure. No displays shall be
- 78 permitted in required parking or driveway areas, landscape areas,
- 79 required setback areas, or any right of way or other public
- 80 property. Displays may be permitted on sidewalks, only if they
- 81 leave at least four feet (4') of sidewalk width available to
- 82 pedestrians.
- 83 d. Compatibility: Each motor fuel station shall be compatible with the

- 84 area in which it is located.
- 85 e. Motor Fuel Dispenser Location: Motor fuel dispensers shall be  
86 located at least thirty feet (30') from a property line and 100 feet  
87 from an R-1, R-2, or R-3 district property line.
- 88 f. Electronic Speaker Devices: Electronic speaker devices shall be  
89 regulated as provided in section 117-354 of this Chapter. Exterior  
90 speakers shall not be allowed on sites that abut residential uses  
91 unless expressly permitted as part of a conditional use permit.
- 92 g. Litter Control. The operation shall be responsible for litter control  
93 within 300 feet of the premises and litter control is to occur on a  
94 daily basis. Trash receptacles must be provided at a convenient  
95 location on site to facilitate litter control.
- 96 h. Accessory car wash uses shall be allowed subject to the following  
97 requirements:
- 98 1. Car wash stacking spaces shall accommodate a minimum  
99 of three (3) waiting vehicles.
  - 100 2. No more than one (1) car wash shall be permitted.
  - 101 3. The car wash shall be designed as an integral part of the  
102 principle building, or if freestanding, shall be designed with  
103 the same materials as the principal structure.
  - 104 4. Neither the car wash nor accessory vacuum(s) shall be  
105 located within 300 feet of any residential use unless  
106 completely screened or located across an arterial or major  
107 collector roadway from the residential use.
- 108 (4) Day care centers (licensed) subject to the following standards:
- 109 a. No overnight facilities shall be provided for children served by the  
110 daycare.
  - 111 b. An outdoor recreational facility shall be continuous to the day care  
112 facility, appropriately separated from the parking lot and driving  
113 areas by a fence not less than four (4) feet in height with additional  
114 standards as follows:
- 115 1. Shall not be located in any yard abutting a major  
116 thoroughfare;
  - 117 2. Shall not have an impervious surface for more than one-  
118 half of the playground area,
  - 119 3. Shall extend at least sixty feet (60') from the wall of the  
120 building or to an adjacent property line, whichever is less,  
121 or shall be bound on not more than two (2) sides by parking  
122 and driving areas, and
  - 123 4. Shall be a minimum size of 2,000 sq. ft. or seventy-five

- 124 (75) sq. ft. per child at licensed capacity, whichever is the  
125 greater figure.
- 126 c. All state laws and statutes governing such use are strictly adhered  
127 to and all required operating permits are secured.
- 128 (5) Bar or Tavern.
- 129 (6) Uses with drive through service subject to the following standards:
- 130 a. Drive-thru lanes are not permitted in the front yard.
- 131 b. Adequate stacking distance of not less than five (5) vehicles shall  
132 be provided. A site plan shall be prepared to demonstrate  
133 provision for stacking space does not interfere with other drive  
134 areas, parking spaces, sidewalks or pedestrian access to the main  
135 entry of the building.
- 136 c. Electronic speaker devices, if used, shall not be audible beyond the  
137 property being served and shall not be operated between the hours  
138 of ten o'clock (10:00) PM and seven o'clock (7:00) AM.
- 139 d. Screening shall be provided of automobile headlights in the drive-  
140 thru lane to windows and doors of adjacent uses. Such screen shall  
141 be at least three feet (3') in height at installation and fully opaque,  
142 consisting of a wall, fence, dense vegetation, berm or grade  
143 change.
- 144 e. A bypass lane shall be provided for each drive-thru use, allowing  
145 cars to leave the drive-thru lane from the stacking area.
- 146 (7) Places of Assembly subject to the following standards
- 147 a. The space for such activities is shared with another use allowed  
148 within this district or occupies no more than twenty (20) percent of a  
149 multi-tenant shopping center.
- 150 b. Sufficient parking is available to meet the requirements of Section  
151 117-356.
- 152 (8) Oversizing of signs.
- 153 (9) Expansion or enlargement of lawful nonconforming uses.
- 154 (10) Cell towers as regulated by Sec. 117.428.
- 155 (11) Micro-scale WECS as regulated by Sec. 117.430
- 156 (12) Medium-scale WECS as regulated by Sec. 117.430
- 157 (13) Outdoor seating accessory to a restaurant subject to the following  
158 standards:
- 159 a. The seating shall be located on private property.
- 160 b. The seating shall be of good patio or café type furniture that  
161 enhances the appearance of the business.

- 162 c. The outdoor seating area shall be defined with the use of  
163 landscaping, temporary fencing or other means that contains the  
164 tables and chairs for the use as demonstrated on a site plan and  
165 approved by city staff.
- 166 d. No alcoholic beverages or food shall be served to persons outside  
167 of the designated outdoor seating area. Signage shall be posted  
168 that restricts consumption of alcohol outside of the designated  
169 outdoor seating area as approved by staff.
- 170 e. Patrons shall access the outdoor seating area through the main  
171 entrance or host station and shall be seated by a staff person.
- 172 f. Seating shall be located so as not to compromise safety. Seating  
173 shall not obstruct the entrance or any required exits or be located  
174 on landscaping or parking areas. If located on private sidewalks or  
175 walkways, it shall be located so as to leave a minimum of a four  
176 foot (4') wide passageway for pedestrians.
- 177 g. Lighting shall be permitted provided it only illuminates the  
178 designated area. Lighting cannot shine or cause a glare upon other  
179 public or private property outside the designated area.
- 180 h. All exterior sound equipment shall be shut off by ten o'clock  
181 (10:00) P.M.

182 (d) *Accessory uses.*

- 183 (1) Off-street parking as regulated and required by this chapter.  
184 (2) Off-street loading as regulated and required by this chapter.  
185 (3) Signing as regulated by article II, division 8 of this chapter.

186 (e) *Interim Uses*

187 (1) Farmers market subject to the following standards:

- 188 a. No portion of the use or event shall take place within 100 feet, as  
189 measured in a straight line from the closest point of the property  
190 line of the property upon which the farmers' market is located, to  
191 the property line of any R-1 zoned property with residential  
192 buildings.
- 193 b. A farmer's market shall be conducted only within a parking lot that  
194 has a minimum of 100 off-street parking spaces.
- 195 c. Parking and display areas associated with the sale shall not distract  
196 or interfere with existing business operations or traffic circulation  
197 patterns.
- 198 d. Display areas and parking spaces shall use those parking lot spaces  
199 that are in excess of the minimum required parking for the primary  
200 use of that property.
- 201 e. A farmers' market shall provide one and one-half (1<sup>1/2</sup>) parking

- 202 stalls per producer and one and one-half (1<sup>1/2</sup>) customer parking  
 203 stalls per producer.
- 204 f. Sales merchandise trailers, temporary stands, etc., shall be located  
 205 on an asphalt or concrete surface.
- 206 g. The owner/operator shall have the written permission of the  
 207 current property owner to locate on a specific site.
- 208 h. No uses or displays shall be permitted in required green areas,  
 209 parking setback areas, or any right of way or other public property.
- 210 i. Signage shall be limited to one sign not to exceed thirty-two (32)  
 211 square feet. The sign may be a banner, shall have a professional  
 212 appearance, and shall be mounted or erected in an appropriate  
 213 location. The sign may be illuminated, but must comply with all  
 214 requirements of Sec.117.463 of this chapter.
- 215 j. All producer merchandise shall be unloaded prior to the opening of  
 216 the market and confined to the off-street parking lot area. No on  
 217 street parking or unloading shall be allowed.
- 218 k. No public address system or speakers shall be used.
- 219 l. The site shall be kept in a neat and orderly fashion, free from litter,  
 220 refuse, debris, junk, or other waste, which results in offensive  
 221 odors or unsightly conditions.
- 222 m. Display of items shall be arranged in as compact a manner as  
 223 reasonably practicable with particular reference to vehicle and  
 224 pedestrian safety and convenience, traffic flow and control, and  
 225 access in case of fire or other emergency.
- 226 n. All products, materials, quantities to be sold or displayed, and the  
 227 dates, times, and duration of the market must be approved by the  
 228 city council.
- 229 o. If the farmers' market is operated by a person other than the  
 230 property owner, the property owner must notify the city of the full  
 231 name, address, date of birth and telephone number of the operator  
 232 in writing. The property owner is responsible for the actions of the  
 233 operator and for compliance with the conditions of this Section.

234 (2) Schools, public and private.

235 (3) Other uses as approved by the City Council.

236 (f) *Standards.* (Also refer to article II, division 6 of this chapter for general  
 237 performance standards.)

238 (1) Bulk standards.

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Standard	Requirement
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Minimum lot area	½ acre 1 acre without municipal water and sewer
Minimum lot width	100 feet 200 feet without municipal water and sewer
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 on corner lot	20 feet
Rear yard	35 feet
Major and minor arterials and state and county roads	60 feet from centerline of road right-of-way plus the local applicable setback
Public/private service road	25 feet
Off-street parking and pavement (includes maneuvering areas) setback from street right-of-way	20
Setbacks from residential districts:	35 feet
Structure setback from property boundary line	
Off-street parking, driveways and outside sales and display areas	

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- 1) 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.
- 2) The entire site shall have a drainage system which is subject to the approval of the city engineer.
- 3) All signing and information or visual communication devices shall be in compliance with the applicable provisions of this Code.
- 4) 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.
- 5) Parking or car magazine storage space shall be screened from view of abutting residential districts.
- 6) Provisions are made to control and reduce noise.

- 256 7) A concrete curb not less than six inches above grade shall separate the public  
257 sidewalk from motor vehicle service areas.
- 258 8) If applicable, motor fuel activities shall be installed in accordance with state  
259 and city standards, regardless of whether the dispensing, sale or offering for  
260 sale of motor fuels and/or oil is incidental to the conduct of the use or  
261 business. Additionally, adequate space shall be provided to access gas pumps  
262 and allow maneuverability around the pumps. Underground fuel storage tanks  
263 are to be positioned to allow adequate access by motor fuel transports and  
264 unloading operations do not conflict with circulation, access and other  
265 activities on the site. Fuel pumps shall be installed on pump islands with  
266 canopies. Canopies shall maintain a 20-foot setback from property lines as  
267 measured from the edge of the canopy.

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

- 270  
271 ~~—— a. Face brick;~~  
272  
273 ~~—— b. Stucco;~~  
274  
275 ~~c. Glass;~~  
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277 ~~d. Wood;~~  
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279 ~~e. Natural stone;~~  
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281 ~~f. Specifically designed pre-cast concrete units whose surfaces have been integrally~~  
282 ~~treated with an applied decorative material or texture;~~  
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284 ~~—— g. Other material as may be approved by the city.~~

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

287  
288 ~~(11) Off street parking areas, loading areas, driveways, and traffic maneuvering areas shall~~  
289 ~~be surfaced with concrete or blacktop and finished with continuous concrete curbing as~~  
290 ~~recommended by the city engineer and reflected on an approved site plan. Any site proposing~~  
291 ~~to install any of the above named site improvements is subject to the site plan review process~~  
292 ~~established in section 117-52.~~

293  
294 ~~(12) All conditions pertaining to a specific site are subject to change when the council,~~  
295 ~~upon investigation in relation to a formal request, finds that the general welfare and public~~  
296 ~~betterment can be served as well or better by modifying the conditions.~~

297  
298 ~~-(13) Lighting. Any lighting used to illuminate an off street parking area, sign or structure,~~  
299 ~~shall be arranged to deflect light away from an adjoining residential district or public street.~~  
300 ~~Bulbs emitting in excess of 3,000 lumens (150 watts) shall be so directed that the bulb is not~~  
301 ~~visible from off of the property where such light source is located.~~

302  
303 ~~(14) Landscaping and buffering.~~

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~~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:~~

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

~~4. Planting types.~~

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

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Book.

~~(ii) (ii) The compliment of trees fulfilling the landscaping requirements shall be not less than 25 percent deciduous and not 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.~~

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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%

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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.**

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- (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

- 434 than 500 square feet of lot area per unit.
- 435 (6) Motor vehicle, implement, and recreation equipment sales and service with  
436 no outdoor storage or display.
- 437 (7) Animal clinics and outside small animal boarding facilities subject to the  
438 following standards:
- 439 a. All structures shall be sufficiently insulated so no unreasonable noise  
440 or odor can be detected off the premises.
- 441 b. All outdoor animal recreation areas shall be fully screened and secure  
442 at all times.
- 443 c. All outdoor animal recreation areas shall be a minimum of 100 feet  
444 from any abutting residential district.
- 445 (8) Adult uses ~~principal~~ and accessory, subject to requirements in section 117-  
446 360.
- 447 (9) Enclosed retail sales and rental activity.
- 448 (10) Offices, banks, personal and professional services.
- 449 (11) Drive-in and convenience, fast food establishments subject to the  
450 following standards:
- 451 a. Litter Control. The operation shall be responsible for litter control  
452 within 300 feet of the premises and litter control is to occur on a daily  
453 basis. Trash receptacles must be provided at a convenient location on  
454 site to facilitate litter control.
- 455 b. These facilities shall be located only on sites having direct access to a  
456 minor arterial street, collector or service road.
- 457 c. The applicant shall demonstrate that such use will not significantly  
458 lower the existing level of service on streets and intersections
- 459 (12) Convenience grocery and/or food operations with convenience gas  
460 (no vehicle service or repair)
- 461 (13) Day care ~~services center~~ (licensed) subject to the following standards:
- 462 a. No overnight facilities shall be provided for children served by the  
463 daycare.
- 464 b. An outdoor recreational facility shall be continuous to the day care  
465 facility, appropriately separated from the parking lot and driving  
466 areas by a fence not less than four (4) feet in height with additional  
467 standards as follows:
- 468 1. Shall not be located in any yard abutting a major  
469 thoroughfare;
- 470 2. Shall not have an impervious surface for more than one-  
471 half of the playground area,
- 472 3. Shall extend at least sixty feet (60') from the wall of the

473 building or to an adjacent property line, whichever is less,  
474 or shall be bound on not more than two (2) sides by parking  
475 and driving areas, and

476 4. Shall be a minimum size of 2,000 sq. ft., or seventy-five  
477 (75) sq. ft. per child at licensed capacity, whichever is the  
478 greater figure.

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

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

483 a. The seating shall be located on private property.

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

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

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

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

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

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

507 h. All exterior sound equipment shall be shut off by ten o'clock  
508 (10:00) P.M.

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

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

- 514 (1) Commercial carwashes (drive through and mechanical) subject to the  
515 following standards:
- 516 a. Car wash stacking spaces shall accommodate a minimum of three (3)  
517 waiting vehicles.
- 518 b. No more than one (1) car wash shall be permitted.
- 519 c. The architectural appearance and functional plan of the building and site  
520 shall be consistent with the existing buildings and are to avoid  
521 impairment in property values and blight within a reasonable distance of  
522 the site.
- 523 d. All lighting shall be in compliance with section 117-114a (a)(11).
- 524 e. When abutting a residential district, the property shall be fully screened.
- 525 f. The entire area shall have a drainage system which is subject to the City  
526 Engineer.
- 527 g. Car wash facility shall have direct access to a major thoroughfare via  
528 driveway or frontage road.
- 529 h. All sounds produced by the car wash operation shall not be audible to  
530 adjoining residential properties.
- 531 (2) Motor fuel station, truck stop subject to the following standards:
- 532 a. Motor fuel facilities shall be installed in accordance with State and  
533 City standards. Additionally, adequate space shall be provided to  
534 access gas pumps and to allow maneuverability around the pumps.  
535 Underground storage tanks are to be positioned to allow adequate  
536 access by motor fuel transports and unloading operations which do  
537 not conflict with circulation, access and other activities on site.  
538 Fuel pumps shall be installed on pump islands.
- 539 b. The total height of any overhead canopy or weather protection  
540 shall not exceed twenty feet (20') in height.
- 541 c. No sales or rental of motor vehicles or trailers or campers shall be  
542 permitted.
- 543 d. All goods for sale by a motor fuel station convenience store other  
544 than petroleum based products required for the operation and  
545 maintenance of motor vehicles shall be displayed within the  
546 principal motor fuel station structure.
- 547 e. Each motor fuel station shall be compatible with the area in which  
548 it is located.
- 549 f. A minimum ten foot (10') landscaped yard shall be planted and  
550 maintained behind the property line along all public streets. A  
551 landscaped yard not less than five feet (5') wide shall be  
552 maintained along exterior property lines.
- 553 g. Motor fuel dispensers shall be located at least thirty feet (30') from  
554 a property line, and 100 feet from any Residential District property

- 555 lines.
- 556 h. All canopy lighting for motor fuel station pump islands shall be  
557 recessed or fully shielded. Illumination levels for pump islands  
558 shall comply with the lighting standards of City Code.
- 559 i. Litter Control. The operation shall be responsible for litter control  
560 within 300 feet of the premises and litter control is to occur on a  
561 daily basis. Trash receptacles must be provided at a convenient  
562 location on site to facilitate litter control.
- 563 j. The hours of operation shall be limited to 7:00 a.m. and 10:00 p.m.  
564 for motor fuel stations located in the B-2 District unless extended  
565 by the City Council as part of the Conditional Use Permit.
- 566 (3) Motor vehicle repair (minor) subject to the following standards:
- 567 a. The use shall be designed to ensure proper functioning of the site as  
568 related to vehicle stacking, circulation and turning movements.
- 569 b. Repair of all vehicles shall occur within an enclosed building.  
570 Temporary outdoor vehicle storage may be allowed in outdoor  
571 storage areas that are not larger than twenty-five percent (25%) of the  
572 buildable lot area, is located behind the front building line and is  
573 100% screened.
- 574 c. Vehicles not being repaired but used as a source of parts shall be  
575 prohibited unless fully enclosed within the building.
- 576 d. Vehicles that are repaired and are awaiting removal shall not be  
577 stored or parked for more than thirty (30) consecutive days.
- 578 (4) Outdoor commercial recreation subject to the following standards:
- 579 a. When abutting a residential use, shall be eighty percent (80%)  
580 screened, at a minimum of six feet (6') in height, at time of  
581 installation, from abutting residential property lines, by means of a  
582 combination of opaque fencing, landscaping, berming, and  
583 building placement. Adequate measures to contain the proposed  
584 activity on the site shall be provided.
- 585 (5) Motor vehicle, implement, and recreation equipment sales and service. Open  
586 Sales Lots (motor vehicle and implement sales, recreational vehicle sales  
587 lot)
- 588 a. Shall have permanent structure on parcel.
- 589 b. Headlights shall be 100% screened from adjacent property lines.
- 590 c. Parking lot landscaping shall comply with Section 117-356.
- 591 d. Shall be 100% screened, at a minimum of six feet (6') in height, at  
592 time of installation, from abutting residential property lines, by  
593 means of a combination of opaque fencing, landscaping, berming,  
594 and building placement.

- 595 e. Open rental and sales lots shall only be considered for vehicles of a  
596 noncommercial nature.
- 597 f. No car auctions shall be permitted on site.
- 598 g. No outdoor speaker systems shall be permitted.
- 599 h. All parking spaces in excess of the minimum required, including  
600 sales display and sales storage areas, shall be pervious pavement if  
601 soils permit based on City Engineer review.
- 602 i. All lighting shall comply with the requirements in Section 117-  
603 114A (11).
- 604 j. Delivery and loading hours shall be limited to 7:00 a.m. to 10:00  
605 p.m. for all open storage lots abutting a residential property line.  
606 Delivery trucks shall not be left idling for long periods of time.
- 607 k. Open service, sales, display or rental areas shall not encroach on the  
608 required off street parking, loading area or traffic maneuvering area  
609 required by this chapter.
- 610 (6) Open Storage lot subject to the following standards:
- 611 a. Shall have permanent structure on the parcel.
- 612 b. Shall be 100% screened, at a minimum of six feet (6') in height, at  
613 time of installation from street level view around the perimeter of  
614 the open storage area by means of a combination of opaque  
615 fencing, landscaping, berming, and building placement.
- 616 c. Applicant shall submit site plans and sections illustrating sightlines  
617 from grade level view of properties and public view through the  
618 conditional use permit process.
- 619 d. All lighting shall comply with the requirements in section 117-  
620 114A (11).
- 621 e. Fifty percent (50%) of the open storage area shall consist of  
622 pervious pavement, if soils permit as approved by the City  
623 Engineer.
- 624 f. All non-storage parking areas shall comply with the parking lot  
625 landscape requirements in Section 117-356.
- 626 g. Delivery and loading hours shall be limited to 7:00 a.m. to 10:00  
627 p.m. for all open storage lots abutting a residential property line.  
628 Delivery trucks shall not be left idling for long periods of time.
- 629 (7) Oversizing of signs
- 630 (8) Places of Assembly subject to the following standards
- 631 a. The space for such activities is shared with another use allowed  
632 within this district or occupies no more than twenty percent (20%) of  
633 a multi-tenant shopping center.

- 634 b. Sufficient parking is available to meet the requirements of section  
635 117-356.
- 636 (9) Expansion or enlargement of lawful nonconforming uses as regulated by  
637 Section.
- 638 (10) Cell towers as regulated by Section 117-428.
- 639 (11) Micro-scale WECS as regulated by Section 117-430
- 640 (12) Medium-scale WECS as regulated by Section 117-430.
- 641 (13) Mini Storage Facilities subject to the following standards:
- 642 a. All loading and service areas should be 100% screened, at a  
643 minimum of six feet (6') in height, at time of installation from  
644 street level view by means of a combination of opaque fencing,  
645 landscaping, berming, and building placement. Whenever such  
646 developments abut residential districts, their interior road patterns  
647 shall be arranged in such a way as to route traffic away from  
648 residential districts.
- 649 b. All dock, service and other business doors of the storage facility  
650 shall be kept closed during all hours of business operations.
- 651 (14) Places of public assembly provided that:
- 652 a. The space for such activities is shared with another use allowed  
653 within this district or occupies no more than twenty percent (20%)  
654 percent of a multi-tenant shopping center.
- 655 b. Sufficient parking is available to meet the requirements of Section  
656 117-356.
- 657 (d) Interim Uses.
- 658 (1) Farmers market subject to the following standards:
- 659 a. No portion of the use or event shall take place within 100 feet, as  
660 measured in a straight line from the closest point of the property  
661 line of the property upon which the farmers' market is located, to  
662 the property line of any R-1 zoned property with residential  
663 buildings.
- 664 b. A farmers market shall be conducted only within a parking lot that  
665 has a minimum of 100 off street parking spaces.
- 666 c. Parking and display areas associated with the sale shall not distract  
667 or interfere with existing business operations or traffic circulation  
668 patterns.
- 669 d. Display areas and parking spaces shall use those parking lot spaces  
670 that are in excess of the minimum required parking for the primary  
671 use of that property.
- 672 e. A farmers market shall provide one and one-half (1<sup>1</sup>/<sub>2</sub>) parking  
673 stalls per producer and one and one-half (1<sup>1</sup>/<sub>2</sub>) customer parking

- 674 stalls per producer.
- 675 f. Sales merchandise trailers, temporary stands, etc., shall be located  
676 on an asphalt or concrete surface.
- 677 g. The owner/operator shall have the written permission of the  
678 current property owner to locate on a specific site.
- 679 h. No uses or displays shall be permitted in required green areas,  
680 parking setback areas, or any right of way or other public property.
- 681 i. Signage shall be limited to one sign not to exceed thirty-two (32)  
682 square feet. The sign may be a banner, shall have a professional  
683 appearance, and shall be mounted or erected in an appropriate  
684 location. The sign may be illuminated, but must comply with all  
685 requirements of Sec.117.463 of this chapter.
- 686 j. All producer merchandise shall be unloaded prior to the opening of  
687 the market and confined to the off-street parking lot area. No on  
688 street parking or unloading shall be allowed.
- 689 k. No public address system or speakers shall be used.
- 690 l. The site shall be kept in a neat and orderly fashion, free from litter,  
691 refuse, debris, junk, or other waste, which results in offensive  
692 odors or unsightly conditions.
- 693 m. Display of items shall be arranged in as compact a manner  
694 as reasonably practicable with particular reference to vehicle and  
695 pedestrian safety and convenience, traffic flow and control, and  
696 access in case of fire or other emergency.
- 697 n. All products, materials, quantities to be sold or displayed, and the  
698 dates, times, and duration of the market must be approved by the  
699 city council.
- 700 o. If the farmers market is operated by a person other than the  
701 property owner, the property owner must notify the city of the full  
702 name, address, date of birth and telephone number of the operator  
703 in writing. The property owner is responsible for the actions of the  
704 operator and for compliance with the conditions of this Section.

705 (2) Schools, Public and Private.

706 (3) Other uses as approved by the City Council.

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

710 (1) Commercial or business buildings and structures for a use accessory to the  
711 principal use but such use shall not exceed 30 percent of the gross floor space  
712 of the principal use unless otherwise approved by the city council.

713 (2) ~~Open and outdoor areas for display of goods for sale and rental.~~

- 714 (3) Off-street parking including semi-trailer trucks, as regulated and required by  
 715 this chapter.
- 716 (4) Off-street loading as regulated and required by this chapter.
- 717 (5) Signing as regulated by this Code.
- 718 (6) ~~Motor vehicle implement and recreational indoor storage when accessory~~  
 719 ~~to sales and service.~~
- 720 (f) *Standards.* (Also refer to article II, division 6 of this chapter for general performance  
 721 standards).
- 722 (1) Bulk standards

723

Standard	Requirement
Minimum lot area	½ 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 on corner lot	20 feet
Rear yard	35 feet
Major and minor arterials and county and state roadways	60 feet from centerline of road right-of-way plus the local applicable setback
Parking and pavement (includes maneuvering areas) setback from street right-of-way	20 feet
Public/private service roads	25 feet
Setbacks from residential districts:	35 feet
Structure setback	
Off-street parking, driveways and outside sales and display areas	
Fuel pumps	

- 724 (2) Vehicular access points shall be limited, shall create a minimum of conflict  
 725 with through traffic movements, and shall be subject to the approval of the  
 726 city engineer.
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- 728 (3) The entire site shall have a drainage system which is subject to the approval  
 729 of the city engineer.

- 730 (4) All signing and information or visual communication devices shall be in  
731 compliance with the applicable provisions of this Code.
- 732 (5) All magazinging or stacking space for vehicles shall be off-street and shall be  
733 constructed to a size that will accommodate that number of vehicles which  
734 can be serviced during a maximum 30 minute period and shall be subject to  
735 the approval of the city engineer.
- 736 (6) Parking or car magazine storage space shall be screened from view of  
737 abutting residential districts.
- 738 (7) Provisions are made to control and reduce noise.
- 739 (8) A concrete curb not less than six inches above grade shall separate the public  
740 sidewalk from motor vehicle service areas.
- 741 (9) A concrete curb not less than six inches above grade shall separate the public  
742 sidewalk from motor vehicle service areas.
- 743 (10) Motor fuel activities shall be installed in accordance with state and  
744 city standards, regardless of whether the dispensing, sale or offering for sale  
745 of motor fuels and/or oil is incidental to the conduct of the use or business.  
746 Additionally, adequate space shall be provided to access gas pumps and allow  
747 maneuverability around the pumps. Underground fuel storage tanks are to be  
748 positioned to allow adequate access by motor fuel transports and unloading  
749 operations do not conflict with circulation, access and other activities on the  
750 site. Fuel pumps shall be installed on pump islands with protective canopies.  
751 Canopies shall maintain a 20-foot setback from property lines as measured  
752 from the edge of the canopy.
- 753 (11) There shall be no off-street parking or outside sales and display areas  
754 within 20 feet of any street right-of-way.

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

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

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

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

775 maneuvering area required by this chapter.

776

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

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

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

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795 (11) Landscaping and buffering

796 a. ~~Site Landscaping.~~

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

806

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

811

~~*Business Districts*~~

812

813 ~~Deciduous/coniferous trees~~ ~~1 per 50 lineal feet of site perimeter, or 1~~  
814 ~~tree per 1,000 square feet of building~~  
815 ~~footprint, whichever is greater. For~~  
816 ~~expansions to buildings, 1 additional tree is~~  
817 ~~required for each 1,000 square feet of~~  
818 ~~additional building footprint area.~~

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820 ~~Shrubs~~ ~~1 per 30 feet of site perimeter or 1 per 300~~  
821 ~~square feet of building footprint area,~~  
822 ~~whichever is greater.~~

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

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

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4. ~~Planting types.~~

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

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

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~~(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.~~

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~~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.~~

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~~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.~~

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~~d. Irrigation.~~

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

850  
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853

~~2. Exceptions include natural areas that are left undisturbed.~~

854  
855

~~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~~

856  
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859

860 irregular clusters or groupings.

861

862 ~~1. 1 tree per every ten parking spaces.~~

863

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

866

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

869

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

871

872

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

878

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

884

Proposed Development	Existing Adjacent Development			885
	R-1	R-2	R-3	886
B-1	40 ft.	30 ft.	20 ft.	887
Bufferyard width				888
% increase in plantings required	25%	20%	20%	889
				890
B-2	50 ft.	40 ft.	30 ft.	891
Bufferyard width				892
% increase in plantings required	30%	25%	20%	893
				894
				895
				896

897

898 ~~2. As an alternative method for screening, fences that are 100 percent opaque may be~~  
899 ~~used to mitigate the impacts of businesses that are adjacent to residential areas.~~

900

901 ~~Fences shall be subject to the provisions found in all applicable ordinances. When a~~  
902 ~~fence is used for screening purposes, the bufferyard planting requirements may be~~  
903 ~~reduced by ten percent from the stated minimum requirement.~~

904

905

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

908 floor area.

909

910 **SECTION 3 SUMMARY**

911

912 The following official summary of Ordinance #12-\_\_ has been approved by the City Council of  
913 the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

914

915 It is the intent and effect of Ordinance #12-\_\_ to amend Ramsey City Code City Code Sections  
916 117-114 (B-1 Neighborhood Business District) and 117-115 (B-2 Highway Business District) by  
917 amending permitted, conditional, accessory, and interim uses as well as defining standards for  
918 certain uses. In addition, the ordinance removes landscaping requirements, which are relocated to  
919 City Code Section 117-363.

920

921 **SECTION 4 EFFECTIVE DATE**

922

923 The effective date of this ordinance is thirty (30) days after its passage and publication, subject to  
924 City Charter Section 5.07.

925

926 Adopted by the Ramsey City Council the \_\_ day of \_\_\_\_\_, 2012.

927

928

929

930

\_\_\_\_\_  
Mayor

931 **ATTEST:**

932

933

\_\_\_\_\_  
City Administrator

935

936 Introduction Date: \_\_\_\_\_

937 Posting Dates: \_\_\_\_\_

938 **Adoption Date:** \_\_\_\_\_

939 **Publication Date:** \_\_\_\_\_



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

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

g. Architectural metal may be considered with matt finish and with neutral or earth tone colors;

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

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

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

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

a. Accent materials;

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

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

d. Contrasting, yet complementary material colors;

e. A combination of horizontal and vertical design features;

f. Irregular building shapes; or

g. Other architectural features in the overall architectural concept.

(3) Accent Materials: Accent materials shall be wrapped around walls visible from public view. Painting shall not be substituted for visual relief, accenting, or

95 a required element. Walls shall be articulated such that no wall exceeds 100 feet  
96 in length without visual relief. Visual relief may be defined as the incorporation  
97 of design features such as windows, horizontal and vertical patterns, contrasting  
98 material colors, or varying wall depths. Use of fiber cement trim, soffit and fascia  
99 shall be allowed as accent materials.

100  
101 (4) Additional Office Park Building Design requirements

- 102  
103 a. A minimum of thirty percent (30%) of the ground level façade  
104 shall be transparent.
- 105 b. Visual continuity shall be created by designing buildings to exhibit  
106 complementary height and massing to adjacent buildings.
- 107 c. Buildings shall be designed in an architectural style and  
108 constructed of materials that are compatible, and complementary to  
109 surrounding buildings in the Office Park District.

110  
111 (5) Restricted Exterior Materials: Unadorned pre-stressed concrete panels,  
112 whether smooth or raked, non-decorative concrete block, sheet metal, corrugated  
113 metal or unfinished metal shall not be used as exterior materials. This restriction  
114 shall apply to all principal structures and to all accessory buildings except those  
115 accessory buildings not visible from any property line. No more than twenty-five  
116 percent (25%) of any exterior wall on a building shall be fiber cement siding,  
117 wood or metal accent material.

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

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

131  
132 a. Exceptions: Rooftop screening standards  
133 shall not apply to E-1 and E-2 zoned properties.

134  
135 b. Acceptable Roof-based Mechanical  
136 Equipment Screening:

- 137 1. Parapet walls or other techniques  
138 included as an integral part of the



139 building design shall be used to totally screen any roof-based  
140 mechanical equipment from public rights-of-way or adjacent lands.

141  
142 2. The parapet wall finish materials shall match the major exterior  
143 materials provided on an exterior wall.

144  
145 3. The parapet walls shall be provided along all perimeter walls.

146  
147 4. Parapet walls may vary in height but shall not exceed the  
148 building height of the respective district.

149  
150 5. The back of the parapet wall and/or its supports shall be  
151 screened from view from adjoining properties and public streets.

152  
153 6. In cases where roof-based mechanical equipment are too tall to  
154 be screened by a parapet wall, or if changes in the surrounding  
155 grade make rooftops with parapets visible from public rights-of-  
156 way or adjacent lands, a rooftop screening system shall be used for  
157 screening.

158  
159 (8) Ground Mechanical Equipment: Ground  
160 mechanical equipment shall be 100% screened from  
161 contiguous properties and adjacent streets by opaque  
162 landscaping, or a screen wall shall be provided to be  
163 compatible with the architectural treatment of the  
164 principal structure.



165  
166 (9) Trash Enclosure Service Structure: All trash,  
167 recyclable materials, and trash and recyclable materials  
168 handling equipment and compactors shall be stored  
169 inside the building or totally screened from public view.  
170 All trash enclosure service structures shall be  
171 constructed of the same materials as the principle  
172 building.



173  
174 (10) Lighting: All lighting proposed on a site in an Employment District shall  
175 comply with the following standards:

176  
177 a. Lighting used to illuminate an off-street parking area, sign or  
178 structure, shall be arranged to deflect light away from an adjoining  
179 residential district or public street. Bulbs emitting in excess of  
180 3,000 lumens (150 watts) shall be so directed that the bulb is not  
181 visible from off of the property where such light source is located.

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





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49  
50

(e) (f) *Standards.*

DRAFT

ORDINANCE #12-\_\_\_\_

CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA

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 117-122 (PUBLIC/QUASI-PUBLIC DISTRICT) OF CHAPTER 117 OF THE RAMSEY CITY CODE.

The City of Ramsey ordains:

**SECTION 1 AUTHORITY**

This ordinance is adopted pursuant to and under the authority of the City Charter of the City of Ramsey.

**SECTION 2 AMENDMENTS**

City Code Section 117-122 (Public/Quasi-Public District) is amended as follows (additions indicated as underline, deletions indicated as ~~strike through~~):

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

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

(b) *Permitted uses.*

(1) Government buildings and facilities.

~~(2) Public recreational facilities.~~

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

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

~~(5) Private utility substations.~~

~~(6) Municipal utility substations.~~

47

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

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

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

53

54 (b) Permitted Uses

55

56 (1) Boat landing.

57

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

59

60 (3) Informal play field.

61

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

63

64 (5) Picnic areas, shelters, gazebos and other similar facilities.

65

66 (6) Play fields and play courts, including, but not limited to, soccer, baseball, softball,  
67 football, basketball.

68

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

70

71 (8) Recreation buildings.

72

73 (9) Skateboard parks.

74

75 (10) Special events as scheduled with recreation department.

76

77 (11) Swimming pools.

78

79 (12) Tennis courts.

80

81 (13) Volleyball courts.

82

83 (14) Warming houses and other similar facilities.

84

85 (15) Other recreation uses/equipment.

86 (c) Permitted Accessory Uses:

87  
88 (1) Antennas/towers mounted on an existing structure, as regulated by Sec. 117-428 of  
89 this chapter.

90 (2) Municipal utility substations

91  
92 (3) Outdoor ballfield signs. Signs located on outfield fences at ballfields within all  
93 municipal parks shall be subject to a lease or master agreement with the city and are  
94 subject to the following restrictions:

95 a. Signs may be located as inward facing signs on outfield fences. Signs shall be  
96 located at least one foot (1') from the top and bottom of the outfield fence and  
97 centered on the fence section.

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

102 c. All signs shall face the interior of the ballfield.

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

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

109 f. Signs shall be installed no earlier than April 1 and shall be removed no later  
110 than October 31 of each year. The city shall be notified by the organization when  
111 signage will be installed and removed each year.

112 g. Signs shall be permitted on permanent ballfield scoreboards subject to the  
113 approval of the city.

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

120 i. The provisions of this section do not apply to the naming rights for any park or  
121 facility. Naming rights shall be subject to a lease or master agreement to be  
122 approved by the city council.

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

126  
127 **SECTION 3 SUMMARY**

128  
129 The following official summary of Ordinance #12-\_\_ has been approved by the City Council of the City  
130 of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

131  
132 It is the intent and effect of Ordinance #12-\_\_ to amend Ramsey City Code City Code Sections 117-122  
133 (Public/Quasi-Public District) by adding Section 117-122a (Park District). The intent and effect of said  
134 ordinance creates a separate zoning district for parks from other public and quasi-public uses.

135  
136 **SECTION 4 EFFECTIVE DATE**

137  
138 The effective date of this ordinance is thirty (30) days after its passage and publication, subject to City  
139 Charter Section 5.07.

140  
141 Adopted by the Ramsey City Council the \_\_ day of \_\_\_\_\_, 2012.

142  
143  
144 \_\_\_\_\_  
145 Mayor

146 **ATTEST:**

147  
148 \_\_\_\_\_  
149 City Administrator

150  
151 Introduction Date: \_\_\_\_\_

152 Posting Dates: \_\_\_\_\_

153 **Adoption Date:** \_\_\_\_\_

154 **Publication Date:** \_\_\_\_\_

ORDINANCE #12-\_\_\_\_

CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA

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 SECTIONS 117-355 AND 117-356 (RESIDENTIAL AND COMMERCIAL/INDUSTRIAL OFF-STREET PARKING) OF CHAPTER 117 OF THE RAMSEY CITY CODE.

The City of Ramsey ordains:

**SECTION 1 AUTHORITY**

This ordinance is adopted pursuant to and under the authority of the City Charter of the City of Ramsey.

**SECTION 2 AMENDMENTS**

City Code Sections 117-355 and 117-356 (Residential and Commercial/Industrial Off-Street Parking) are amended as follows (additions indicated as underline, deletions indicated as ~~strike through~~):

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

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

Use	Parking Spaces Required
<b><u>Residential Uses</u></b>	
<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 spaces for each unit for guest parking and an additional 0.5 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 spaces per unit, plus 3 per each 6 units as guest 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 spaces for each resident of the licensed capacity</u>

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

*(a) General requirements.*

- (1) Property that constitutes required off-street parking areas may not be separated through sale or other means, from the property containing the principal use for which the parking area is required.
- (2) All off-street parking spaces shall have access off driveways and not directly off the parking public street unless otherwise approve by city council.
- (3) Required parking facilities serving two or more uses may be located on the same lot or in the same structure, provided that the total number of parking spaces furnished shall not be less than the sum of separate requirements for each use. The county may approve the joint use of parking facilities by the following uses or activities under the following conditions:
  - a. For the purpose of this section, the following uses are considered as daytime uses: banks, business offices, or wholesale or similar uses.
  - b. The following are to be considered as nighttime or Sunday uses: auditoriums, incidental to a public or parochial school, churches, bowling alleys, dance halls, theatres, retail stores, personal service shops, bars or restaurants.

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

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

65

Use	Parking Spaces Required
<b><u>Public and Institutional uses</u></b>	
<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>
<b><u>Business Uses</u></b>	
<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 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</u>	<u>1 space for each 200 square feet of gross floor</u>

<u>specified</u>	<u>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 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 with a maximum of 5 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 &lt; 6,000 sq. ft.</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 &gt; 6,000 sq. ft.</u>	<u>1 space for each 2,000 square feet of gross floor area, with a minimum of 10 spaces</u>

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

70

71 (c) Off-street parking design requirements

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

75

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

76 b. All other interior side or rear property lines - 5 feet, unless shared parking  
 77 agreement is in place with a cross access easement recorded with the Anoka  
 78 County Records Office.

79 c. From public rights-of-way - 15 feet.

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

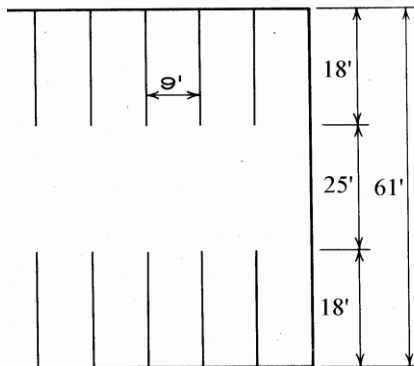
82 a. Each parking space and drive aisle must be unobstructed and must adhere to  
 83 the design requirements included in the following table:

84

<u>Required Length and Width of Parking Spaces</u>						
<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>
<u>90 degrees</u>	<u>Standard</u>	<u>9'</u>	<u>10'</u>	<u>18'</u>	<u>20'</u>	<u>25'</u>
	<u>Compact</u>	<u>8'</u>	<u>8'</u>	<u>16'</u>	<u>20'</u>	<u>25'</u>
<u>60 degrees</u>	<u>Standard</u>	<u>10' 4"</u>	<u>11' 6½"</u>	<u>21'</u>	<u>18'</u>	<u>25'</u>
	<u>Compact</u>	<u>8' 6"</u>	<u>8' 6"</u>	<u>17'</u>	<u>18'</u>	<u>25'</u>
<u>45 degrees</u>	<u>Standard</u>	<u>12' 7"</u>	<u>14' 1¾"</u>	<u>19' 8"</u>	<u>15'</u>	<u>25'</u>
	<u>Compact</u>	<u>8' 6"</u>	<u>8' 6"</u>	<u>17'</u>	<u>15'</u>	<u>25'</u>

85

86 **90 Degrees (Standard)**

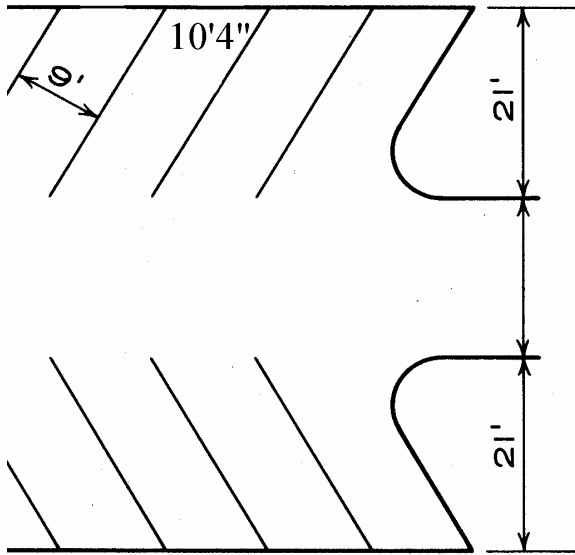


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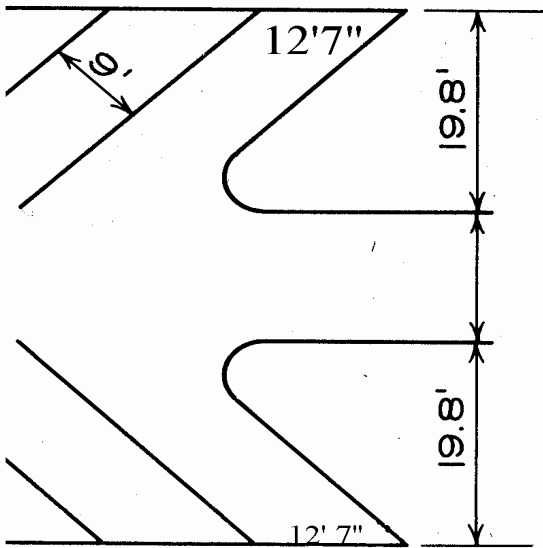
89 **60 Degrees (Standard)**

90



91  
92  
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94

**45 Degrees (Standard)**



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105

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

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

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

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

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

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

113 (4) Paving. Storage areas and access drives for motorized vehicles or motorized  
114 recreational vehicles must be paved with a continuous impervious surface, except for  
115 properties where gravel driveways existed prior to the adoption of this ordinance. This  
116 paving requirement includes the entire parking area including parking stalls, aisles and  
117 driveways based on the following requirements:

118 a. All areas shall be surfaced with concrete, bituminous or pavers.

119 b. Pervious paving/paver systems may be used provided appropriate soils and site  
120 conditions exist for the pervious systems to function. The city engineer shall  
121 make the final determination if soils are conducive for use of pervious  
122 paving/paver systems.

123 1. The use of pervious paving/paver systems is encouraged for pedestrian  
124 walkways, parking areas, overflow parking areas, snow storage areas,  
125 within raised medians and islands, emergency vehicle lanes and other  
126 low traffic areas.

127 2. The owner shall provide soils information to demonstrate to the  
128 satisfaction of the city engineer that appropriate conditions exist for the  
129 pervious paving/paver systems to function and the owner shall enter  
130 into a maintenance agreement to ensure ongoing maintenance and  
131 operation of all pervious paving/paver systems.

132 3. This requirement also applies to open sales lots, open rental lots, and  
133 outdoor storage or display areas.

134 c. Alternative surface materials may be considered for the rear yard of properties  
135 located in the B-2, B-3, H-1, or Employment Districts through the issuance of an  
136 Interim Use Permit.

137 (5) Drainage. Driveways shall not exceed a grade of four percent (4%) and all parking lots  
138 except those for less than four (4) vehicles shall include a minimum of a one percent  
139 (1%) grade. Catch basins, sumps, and underground storm sewers must be installed if  
140 required by the City Engineer.

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

143 (7) Stacking. All drive-through service windows must contain room for a minimum stacking  
144 of six (6) cars from the serving window and stacking must not extend into drive aisles.

145 (8) Demonstrated parking. The City Council may approve a “proof-of-parking” plan which  
146 allows for a portion of the required parking to not be immediately installed, but  
147 demonstrates that the minimum number of required parking spaces can be

148 accommodated on the property and meet setback requirements. The plan must  
149 demonstrate that all other applicable ordinances can be met if the full amount of  
150 required parking were to be constructed. The area for future parking must be  
151 maintained as green space (sodded with grass or natural plant materials). Any changes  
152 to use and/or building size could invalidate the approval for “Demonstrated  
153 Parking”. Demonstrated parking may reserve the right to require installation of the  
154 additional parking spaces.

155 (9) Joint Parking Facilities: Off-street parking facilities for a combination of mixed buildings,  
156 structures or uses may be provided collectively in any business or employment district in  
157 which separate parking facilities for each separate building, structure or use would be  
158 required, provided that the total number of spaces provided shall equal the project peak  
159 hour parking demands of the combined uses, and subject to the following requirements:

160 a. With issuance of a Conditional Use Permit as required by the provisions of Sec.  
161 117-51.

162 b. The owner(s) of the property where the parking will be provided along with the  
163 operations of all businesses to utilize the joint parking facilities shall be part of  
164 the Conditional Use Permit application.

165 c. The proposed parking plan realistically projects peak use of the joint parking  
166 facilities based upon the proposed uses, and shall provide adequate spaces for  
167 that peak demand.

168 d. All joint off-street parking facilities shall be located within 200 feet of the  
169 building or uses for which the permit is issued.

170 e. A properly drawn legal instrument, executed by the parties concerns for joint  
171 use of off-street parking facilities duly approved as to the form and manner of  
172 execution by the city attorney, shall be filed with the City Clerk and Anoka  
173 County.

174 (10) Credit for On-Street Parking: This subsection is intended to reduce the amount  
175 of unnecessary parking spaces and to encourage pedestrian activity as an alternative  
176 means of transportation. Credit for on street parking shall be allowed only within mixed  
177 use developments. Some or all of the off-street parking spaces as required in (b), off-  
178 street parking spaces required, of this chapter may be met by the provision of on street  
179 spaces. Such credit shall require site plan review approval. Requests for on street  
180 parking shall meet the following requirements:

181 a. All on street parking facilities shall be designed in conformance with the  
182 standards established by the City;

183 b. Prior to approving any requests for on street parking, the development review  
184 team shall determine that the proposed on street parking will not materially  
185 adversely impact traffic movements and related public street functions and;

186 c. Credit for on street parking shall be limited to the number of spaces provided  
187 along the street frontage adjacent to the use.

188 (11) Landscaping and screening.

189 a. All landscaped areas, including parking area islands, must be equipped with an  
190 underground, automatic irrigation system. The irrigation system must include a  
191 flow meter, moisture sensing devices and must be calibrated to meet all  
192 applicable City Codes.

193 b. Interior parking lot area. To break up the appearance of large impervious areas,  
194 all parking lots in B, E and OP zoning districts shall be subject to the design and  
195 landscape standards in (12) and (13) of this section.

196 (12) Parking lot landscaping. All parking lots containing ten (10) parking spaces or  
197 more are required to provide internal overstory tree plantings in an effort to shade  
198 parking surfaces and provide visual relief. Plantings are required at the following  
199 minimum schedule. The planting schedule is established to provide an acceptable  
200 number of plantings that may be planted in regular symmetrical patterns or  
201 irregular clusters or groupings:

202 a. 1 tree per every ten parking spaces.

203 b. Acceptable ground cover materials include sod, mulch, and other natural  
204 ground cover. Landscaping rock and plastic underlayment is not allowed.

205 c. Fifty percent (50%) of required landscaping shall be located within the interior  
206 of the parking lot (inside the parking lot setback) in parking lot islands, while the  
207 remaining fifty percent (50%) can be provided within the parking lot setback  
208 areas. Overstory tree plantings located in islands shall be provided with a  
209 planting area of at least 180 square feet.

210 d. Alternative: All open areas of any site, lot, tract, or parcel shall be graded to  
211 provide proper drainage and except for areas used for parking, driveways or  
212 storage, shall be landscaped with trees, shrubs, and planted ground cover.  
213 Location, size, and species of trees and shrubs shall be indicated on the site plan  
214 and subject to the landscaping ordinance and approval by the Planning  
215 Commission.

216 e. Parking spaces and rows shall be organized to provide consolidated landscaped  
217 areas and opportunity for onsite stormwater management.

218 (13) Perimeter Parking Area Landscaping Standards. Where a parking lot of ten (10)  
219 parking spaces or more, serving a use that abuts a street right-of-way, vacant land, or  
220 any other development (except another parking use area), perimeter landscaping strips  
221 shall be provided and maintained between the vehicle use areas and the abutting right-  
222 of-way or property line in accordance with the following standards:

223 a. Location.

224 1. Perimeter landscaping shall be located within parking lot setbacks.

225 2. Perimeter landscaping may not be placed within future street rights-of-  
226 way as identified on the City's transportation plans.

227 b. Minimum Width. When the parking use area is located within fifty feet (50') of  
228 a street right-of-way, the perimeter landscaping shall be located within a  
229 planting strip at least six (6) feet wide. In all other instances, the strip shall be  
230 the minimum width necessary to assure required landscaping is not damaged by

231 vehicle or other on-site activity. In no instance shall the strip be less than three  
232 feet (3') wide.

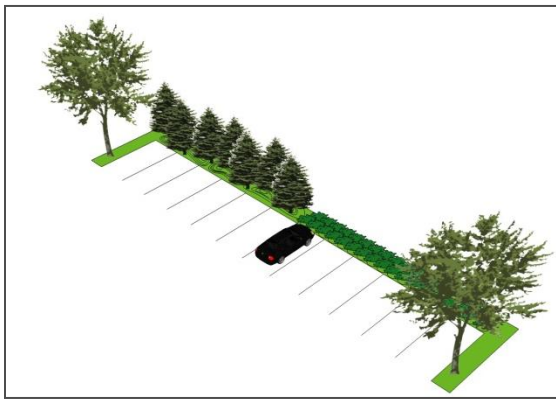
233 c. Landscaping. Perimeter landscaping requirements are based on the following:

234 1. Wherever a B or E zoning district is abutting a non-residential district or  
235 use, the landscape screening shall consist of a minimum of three feet  
236 (3') in height as measured from the top of the adjacent parking area  
237 surface to screen headlights or;

238 2. Wherever a B or E zoning district is abutting a residential district or use,  
239 the landscape screening shall consist of a minimum of 6 (six) feet in  
240 height and eighty percent (80%) opaqueness.

241 3. Alternative-lighter screening standard: A planting screen consisting of a  
242 row of alternating evergreen shrubs and deciduous trees as approved  
243 by the City. The trees shall be a minimum of two and a half (2½) inches  
244 caliper and shall be spaced not more than fifteen (15) feet apart. The  
245 shrubs shall be a minimum of twenty-four (24) to thirty-six (36) inches in  
246 height at time of planting, with a mature height of four (4) to six (6)  
247 feet, and shall be spaced between the trees in such proximity as will  
248 form a screen. As an alternative, a planting screen may consist of a  
249 continuous row of evergreen trees, no less than four (4) feet in height at  
250 time of planting and ten (10) feet apart.

251



252

253

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

257 a. Parking areas shall include a direct and continuous pedestrian network  
258 within and adjacent to parking lots to connect building entrances, parking  
259 spaces, public sidewalks, transit stops, and other pedestrian destinations.

260 b. At least one pedestrian route shall be provided between the main building  
261 entrance and the public sidewalk that is uninterrupted by surface parking  
262 and driveways. Pedestrian routes may include the following:

263 1. Raised sidewalk

- 264                                   2. Colored pavement identifying a walkway
- 265                                   3. Other designs approved during the site plan review process.
- 266                                   c. In larger parking lots, or where parking lots serve more than one building
- 267                                   or destination, designated pedestrian pathways for safe travel through the
- 268                                   parking lot shall be provided.
- 269                                   d. All pedestrian routes within a parking lot shall include a clear division
- 270                                   from vehicular areas, with a change in grade, soft landscaping, or a change
- 271                                   in surface materials.
- 272                                   e. Where pedestrian routes cross street access driveways and other major
- 273                                   drive aisles, crossings shall be clearly marked and sight distance for both
- 274                                   pedestrians and vehicles shall be unobstructed.
- 275                                   (15)       Parking of motorized vehicles outside of driveway locations is only
- 276                                   allowed on areas paved with a continuous impervious surface, or approved
- 277                                   pervious surface, or on legal non-conforming parking areas.
- 278                                   (16)       Minimum Parking Requirement Alternative: Because the purposes and
- 279                                   intent of this section includes the lessening of congestion on the streets and roads,
- 280                                   and reducing the amount of parking, specific standards and regulations are
- 281                                   outlined which are intended to provide an option to reduce the total parking
- 282                                   provided on site. A site plan review a memo shall be provided, detailing how
- 283                                   alternative parking is provided within the requirements of this section. These
- 284                                   standards apply to all new construction or major redevelopment or expansion in
- 285                                   Business, Employment, non-residential uses in any Residential District, and
- 286                                   Mixed Use developments. In any Business, Employment or non-residential use in
- 287                                   any Residential District that proposes parking in excess of the minimum
- 288                                   requirements, or a reduction to the minimum requirements, as listed in Sec. 117-
- 289                                   355 and Sec. 117-356 shall provide alternative parking utilizing at least two of the
- 290                                   following parking management strategies:
- 291                                   a. Bicycle Parking Requirements: Encouraging the use of bicycles is an
- 292                                   important non-motorized transportation alternative and can serve as an
- 293                                   alternative to minimum parking standards.
- 294                                   1. Required Bicycle Parking Spaces: The minimum number of
- 295                                   bicycle parking spaces provided for any use shall be five percent
- 296                                   (5%) of the vehicular parking spaces required for such use.
- 297                                   2. Design Standards For Bicycle Parking Spaces: Bicycle parking
- 298                                   spaces shall be:
- 299                                   i. Located on the same lot as the principal use;
- 300                                   ii. Located to prevent damage to bicycles by cars;
- 301                                   iii. In a convenient, highly visible, active, well lighted area;
- 302                                   iv. Located so as not to interfere with pedestrian movements;
- 303                                   v. As near the principal entrance of the building as practical;

304 vi. Located to provide safe access from the spaces to the right  
305 of way or bicycle lane;

306 vii. Consistent with the surroundings in color and design and  
307 incorporated, whenever possible, into buildings or street  
308 furniture design;

309 viii. Designed to avoid damage to the bicycles;

310 ix. Anchored to resist rust or corrosion, or removal by  
311 vandalism;

312 b. Compact parking stalls. Parking areas including thirty (30) spaces or more,  
313 shall include twenty-five percent (25%) of total spaces required, striped  
314 and signed as compact stalls.

315 c. Motorcycle/scooter parking. Two (2) motorcycle/scooter parking spaces  
316 may be provided in lieu of one required automobile parking space. The  
317 maximum automobile parking space reduction under this provision shall  
318 be calculated at a 1:30 ratio (For every 30 required automobile parking  
319 spaces, one automobile space may be waived). Parking areas under thirty  
320 (30) spaces may reduce the parking requirement by a maximum of one  
321 automobile parking space. Motorcycle parking must be properly labeled  
322 with signs and surfaced with concrete. The minimum stall size for one  
323 motorcycle shall be four feet in width by seven feet in depth (4' x 7').

324 d. Car Pool Parking Incentives: The following regulations are intended to  
325 encourage the use of carpooling to increase vehicle occupancy and reduce  
326 traffic volumes and congestion:

327 1. Applicability: The regulations of this subsection shall apply to all  
328 nonresidential buildings or uses constructed after adoption of this  
329 section that employ 100 or more people.

330 2. Reserved Parking Spaces: Uses that encourage a carpool program  
331 among employers are allowed to designate required parking as  
332 reserved carpool parking. No more than ten percent (10%) of the  
333 total number of employee parking spaces for vehicles participating  
334 in a carpool program can be designated. Carpool parking spaces  
335 shall be located to provide superior convenience.

336 3. Submission of Carpool Parking Plan: Each use meeting the  
337 objectives of this subsection shall submit a plan of the employee  
338 parking spaces reserved for carpooling to the development review  
339 team for review and approval. The plan shall:

340 i. Specify the total number of employee parking spaces  
341 provided;

342 ii. Indicate the number and location of parking spaces  
343 reserved for carpooling; and



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

393 (6) Revocation. Failure to comply with the shared parking provisions of this section  
394 constitutes a violation of this Code. A shared parking agreement may be revoked  
395 by the parties to the agreement only if off-street parking is provided as otherwise  
396 set forth in subsection b of this Code, or if an alternative shared parking plan is  
397 approved by the City.

398  
399 **Sec. 117-357 Off-street loading**

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

402 (1) All off-street loading dock/berth areas shall be a minimum of fifty feet (50') in length  
403 and there shall be at least one (1) dock/berth for the first 10,000 square feet of floor area  
404 and one (1) additional berth/dock for each additional 25,000 square feet of floor area.

405 (2) All external loading and service areas must be completely screened from ground level view  
406 from contiguous residential properties and adjacent streets, except at access points. Whenever a  
407 Business or Employment District abuts a residential district, there shall be no loading dock on  
408 any building elevation that is either directly facing or oriented towards a single family residence.  
409

410 **SECTION 3 SUMMARY**

411  
412 The following official summary of Ordinance #12-\_\_ has been approved by the City Council of  
413 the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

414  
415 It is the intent and effect of Ordinance #12-\_\_ to amend Ramsey City Code City Code Sections  
416 117-355 and 117-356 (Residential and Commercial Off-Street Parking) by expanding the table of  
417 parking types and requirements as well as defining landscaping and performance standards for  
418 off-street parking.

419  
420 **SECTION 4 EFFECTIVE DATE**

421  
422 The effective date of this ordinance is thirty (30) days after its passage and publication, subject to  
423 City Charter Section 5.07.

424  
425 Adopted by the Ramsey City Council the \_\_ day of \_\_\_\_\_, 2012.  
426

427

428

429

\_\_\_\_\_  
Mayor

430 **ATTEST:**

431

432

\_\_\_\_\_  
City Administrator

434

435 Introduction Date: \_\_\_\_\_

436 Posting Dates: \_\_\_\_\_

437 **Adoption Date:** \_\_\_\_\_

438 **Publication Date:** \_\_\_\_\_

439



46 (B) Site landscaping.

- 47 1) Minimum landscaping requirements. All open space areas of a lot which are not used or  
 48 improved for required parking areas, drives or storage shall be landscaped with a  
 49 combination of overstory trees, ornamental trees, shrubs, flowers, ground cover,  
 50 decorative walks, or other similar site design materials in a quantity and placement  
 51 suitable for the site. A reasonable attempt should be made to preserve as many existing  
 52 trees as is practicable and to incorporate them into the development. For each existing  
 53 significant tree retained one overstory tree can be deducted from the minimum  
 54 requirements. Credit for preserved trees apply only to those trees that are located within  
 55 the front and sides of the site, rather than the rear of the site.  
 56 2) Number of plantings. The minimum number of overstory trees on any given site shall be  
 57 as indicated below. These are minimum requirements that are typically supplemented  
 58 with other understory trees, shrubs, flowers and ground covers deemed appropriate for a  
 59 complete quality landscape treatment of a site.  
 60  
 61

	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.

- 62  
 63 3) Minimum size of plantings. Landscaping material shall be of the following minimum  
 64 planting size:

Landscape Material	Size
Deciduous trees	2.5 inches diameter
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

- 65  
 66 4) Building Perimeter Landscaping: At least fifty percent (50%) of the total building  
 67 perimeter shall be sodded or landscaped with approved ground cover, shrubbery and trees in  
 68 an area of no less than six feet (6') in width.

- 69 5) Planting types.  
 70 (i) Acceptable plantings shall be determined by the City of Ramsey Tree Book.

- 71 (ii) The compliment of trees fulfilling the landscaping requirements shall be not less  
72 than 25 percent deciduous and lot less than 25 percent coniferous. No more than  
73 25 percent of the required plantings shall consist of ornamental trees.
- 74 (iii) For every 35 feet of public road frontage, one overstory tree shall be planted on  
75 the private property adjacent to the public road right-of-way.

76  
77 (C) Topsoil. All exposed ground areas of a site not occupied by building, parking or storage,  
78 excluding natural areas that are left undisturbed, shall be covered with ~~six~~ four (4) inches  
79 of topsoil, as defined in **section 117-1**, or an approved alternative as referenced in **section**  
80 **117-348**.

81  
82 (D) Sodding and ground cover. All areas not otherwise improved in accordance with  
83 approved site plans shall be finished with sod up to the edge of improved streets. Any  
84 alternative to the sod requirement shall require city council approval.

- 85  
86 (E) Irrigation.
- 87 1) All landscaping areas required under this section shall include underground  
88 irrigation systems.
  - 89 2) Exceptions include natural areas that are left undisturbed.
  - 90 3) All irrigation systems shall include soil moisture and rain sensors to conserve  
91 water.

92 (F) Maintenance: All landscaped areas shall be maintained by the property owner and kept  
93 neat, clear and uncluttered, and where landscaping is required as part of city approvals,  
94 any plant material which is diseased or dies shall be replaced with like kind of the  
95 original size by the property owner. No landscaped area shall be used for the parking of  
96 vehicles or for the storage or display of materials, supplies or merchandise, unless  
97 specifically approved by the city.

98 (i) Replacement of landscape materials, plantings and screening shall be consistent with  
99 the original landscape/screen design or as approved by the city.

100 (ii) All repair or replacement shall be done within forty-five (45) days of written  
101 notification from the city.

102 (iii) The responsibility for tree and plant growth and maintenance rests upon the property  
103 owner.

104 (G) Bufferyards. This section is intended to be minimum requirements to achieve screening  
105 between differing uses with varied intensities and impacts that are not always  
106 complementary when adjacent to one another. When a bufferyard is required under this  
107 section, the yard space and planting requirements are not to be reduced for other purposes

108 such as future parking and driveways, building expansions, or other activities that are not  
 109 in keeping with the purposes of buffering and screening.

110  
 111 1) Bufferyards are intended to provide additional screening of businesses that are  
 112 adjacent to residential areas. The following table details the width of the bufferyard  
 113 along the common adjacent property line. An additional increase of landscape  
 114 plantings would be required in the bufferyard. That increase is expressed in the table  
 115 below as a percentage of the total required site landscaping:  
 116

Proposed Development	Existing Adjacent Development		
	R-1	R-2	R-3
B-1 District 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%

117

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

118  
 119 2) As an alternative method for screening, fences that are 100 percent opaque may be  
 120 used to mitigate the impacts of businesses or industrial buildings that are adjacent to  
 121 residential areas. Fences shall be subject to the provisions found in all applicable  
 122 ordinances. When a fence is used for screening purposes, the bufferyard planting  
 123 requirements may be reduced by ~~ten~~ fifty percent (50%) from the stated minimum  
 124 requirement.  
 125  
 126

127 **SECTION 3 SUMMARY**

128

129 The following official summary of Ordinance #12-\_\_ has been approved by the City Council of the City  
 130 of Ramsey as clearly informing the public of the intent and effect of the Ordinance.  
 131

132 It is the intent and effect of Ordinance #12-\_\_ to create Ramsey City Code City Code Sections 117-363  
133 (Commercial and Industrial landscaping requirements) to replace individual landscaping sections in  
134 underlying zoning districts..

135  
136 **SECTION 4 EFFECTIVE DATE**  
137

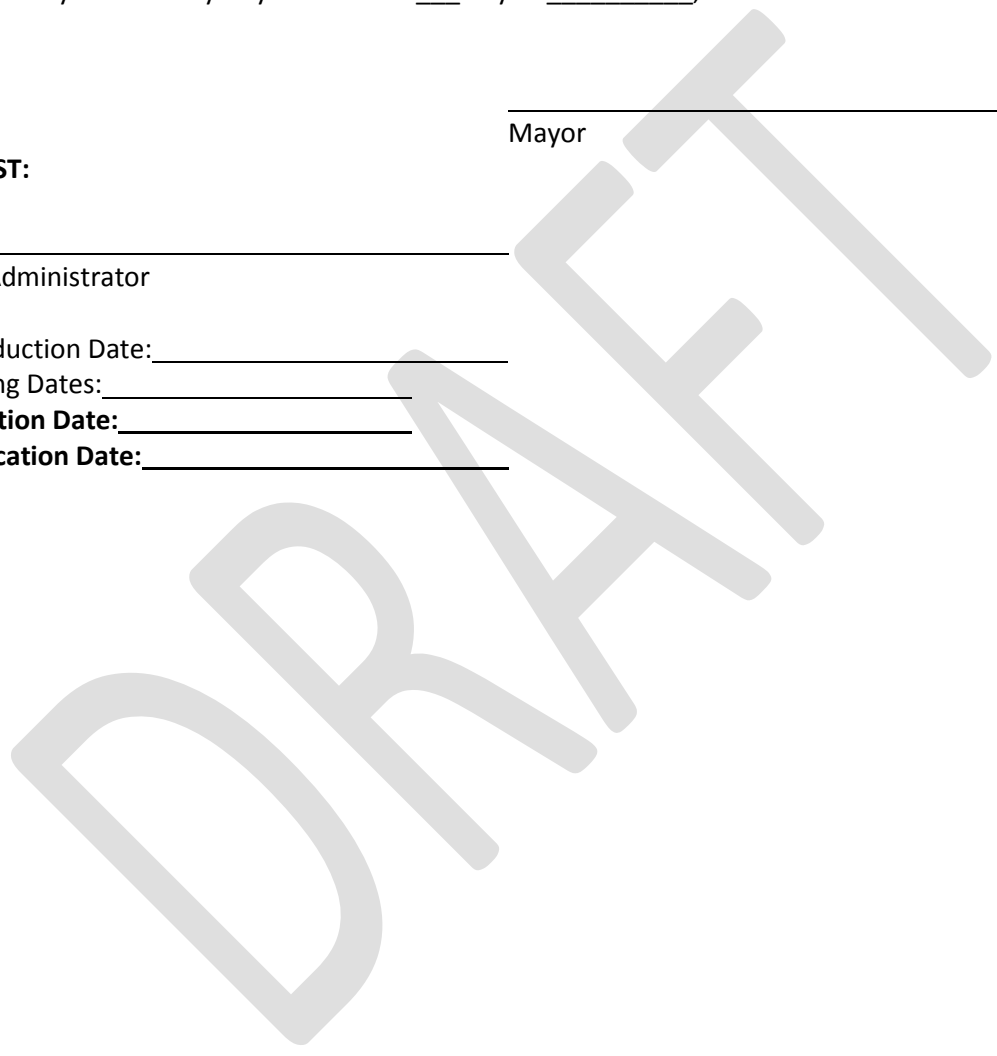
138 The effective date of this ordinance is thirty (30) days after its passage and publication, subject to City  
139 Charter Section 5.07.

140 Adopted by the Ramsey City Council the \_\_\_ day of \_\_\_\_\_, 2012.

141  
142  
143  
144 \_\_\_\_\_  
145 Mayor

146 **ATTEST:**  
147  
148 \_\_\_\_\_  
149 City Administrator

150  
151 Introduction Date: \_\_\_\_\_  
152 Posting Dates: \_\_\_\_\_  
153 **Adoption Date:** \_\_\_\_\_  
154 **Publication Date:** \_\_\_\_\_



**Regular Planning Commission**

**5. 6.**

**Meeting Date:** 09/06/2012

**By:** Tim Gladhill, Community Development

Information

Title:

Staff Update

Background:

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

*Consider Preliminary Plat, Final Plat, and Zoning Amendment for COR TWO.* The City Council approved the request for Preliminary Plat, Final Plat for COR TWO. COR TWO is the retail subdivision east of Armstrong Boulevard and south of the realigned Sunwood Drive within The COR.

*Adopt Ordinance to Establish the Game Fair Off-Street Parking Overlay District.* The City Council adopted the ordinance to establish the Game Fair Off-Street Parking Overlay District and will become effective 30 days following publication.

*Introduce Ordinance to Amend City Code Chapter 6 (Alcoholic Beverages), Section 6-4 (Consumption in Public Places).* The City Council introduced an ordinance to create a process to allow for establishments to allow consumption of alcohol in public places. For example, the revised ordinance will allow for more special events in the transit/Municipal Plaza area, especially related to special event trains of the Northstar Commuter Rail. Establishments along sidewalks and other public plazas would also have a mechanism to utilize these spaces adjacent to their establishment, provided appropriate pedestrian corridors are maintained.

*Consider Resolution Requesting that the Minnesota Legislature Review Minnesota Statute Chapter 462 Related to Permitted Residential Uses.* Based on feedback received from area residents regarding licenses approved for permitted residential uses, the City Council has adopted a resolution requesting that the Minnesota Legislature review Minnesota Statute Chapter 462 to consider ways to assist cities better manages these uses, provided it is consistent with Federal Fair Housing Act regulations.

**Update on Thrive MSP 2040 (Metropolitan Council Regional Framework).** The Metropolitan Council has scheduled upcoming Listening Sessions related to the status and proposed process for the upcoming update to the Regional Framework. As this is the precursor to the next Comprehensive Plan Update for the City, it will be important to participate in these discussions. As the Listening Session that will be held closest to Ramsey coincides with tonight's Planning Commission, Staff will be requesting a separate meeting with the Metropolitan Council, as offered by the Metropolitan Council. Staff will attempt to schedule coinciding with the October Planning Commission date.

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Form Review

Inbox

Reviewed By

Date

Tim Gladhill (Originator)

Tim Gladhill

08/31/2012 07:28 AM

Form Started By: Tim Gladhill

Started On: 08/28/2012

Final Approval Date: 08/31/2012

**Regular Planning Commission**

**5. 7.**

**Meeting Date:** 09/06/2012

**By:** JoAnn Shaw, Community Development

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**Information**

**Title:**

Zoning Bulletins

**Background:**

Enclosed are zoning periodicals for your review.

**Notification:**

**Observations:**

**Funding Source:**

**Staff Recommendation:**

**Committee Action:**

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**Attachments**

Zoning Bulletin

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**Form Review**

**Inbox**  
Tim Gladhill

Form Started By: JoAnn Shaw

**Reviewed By**  
Tim Gladhill

Final Approval Date: 08/30/2012

**Date**  
08/30/2012 09:34 PM  
Started On: 08/30/2012 12:07 PM

# ZONING PRACTICE

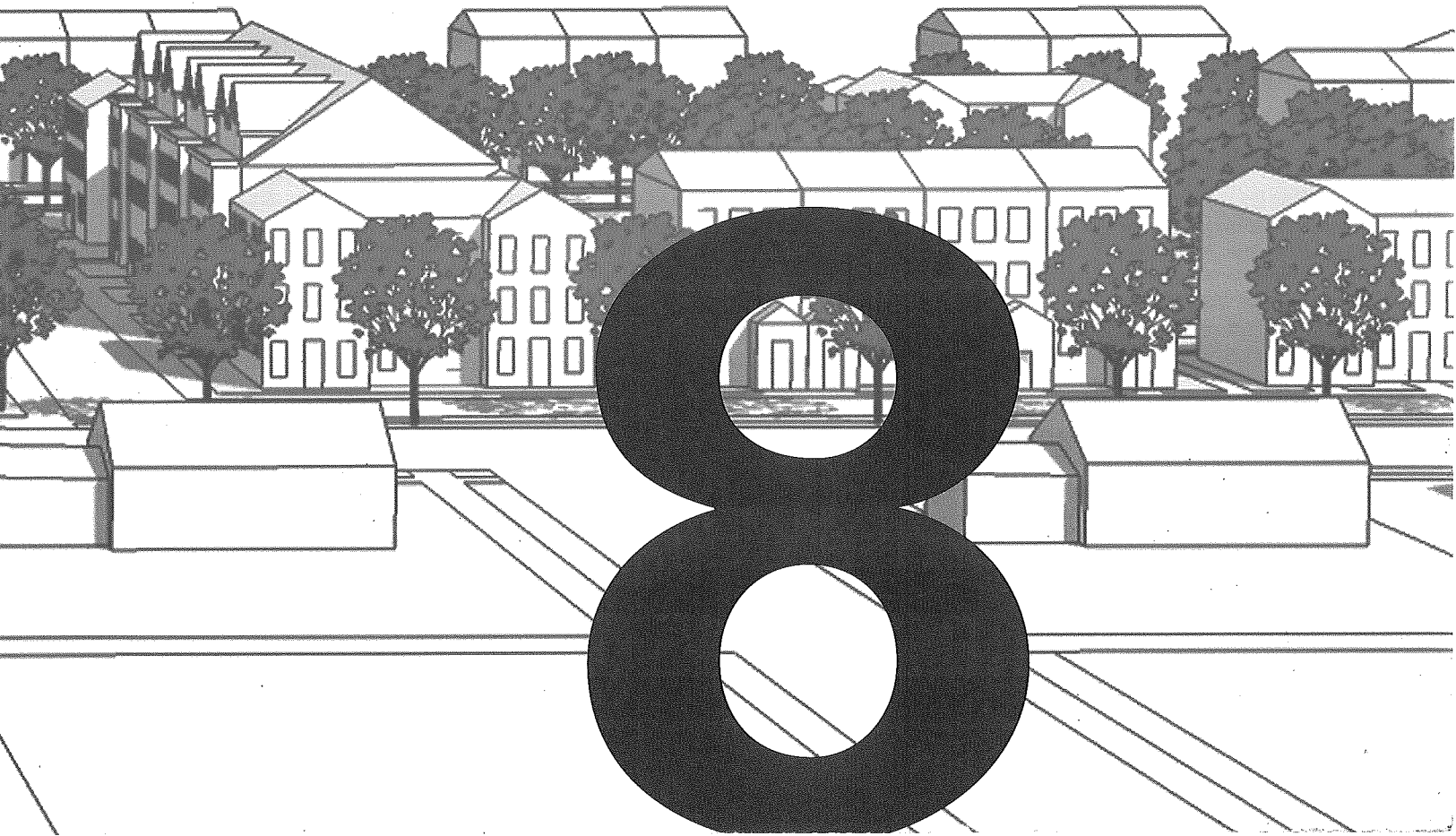
AUGUST 2012



AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 8

## PRACTICE PLANNING FOR EDGES



# Density and the Planning Edge

By Lisa Nisenson

The growing demand for city living naturally boosts demand for building rehabilitation and redevelopment.

However, urbanists hoping to accelerate the renaissance need to reckon with market and other forces that still hold back redevelopment. Ask developers, smart growth advocates, planners, and local officials to name the greatest barrier to redevelopment and infill, and there is one answer common to all: neighborhood opposition to new density and redevelopment.

This is not a new observation. Smart growth and housing advocates have developed a range of tool boxes, guides, and graphics to address the main points of opposition: reduced property values, traffic, and livability factors. Common resources tend to address these fears in three main ways:

- by debunking property value and traffic arguments through research and “myth and fact”-type documents;
- by listing the redevelopment benefits for watersheds, transportation, and housing supply; and
- by using graphics, photo galleries, and photo-edited images to highlight amenities.

These responses help make the case for why density and redevelopment should occur in the first place but do not address neighbors’ legitimate concerns about introduced impacts. Instead, what is needed is a focused effort to identify potential impacts and methods to prevent, mitigate, or manage them throughout the life of the project.

This article begins a conversation on higher density redevelopment to answer a fundamental question: If neighborhood opposition is a predominant barrier to redevelopment and infill, why not dedicate more attention to design solutions and livability where new density meets the neighborhood?

## THE PLANNING EDGE

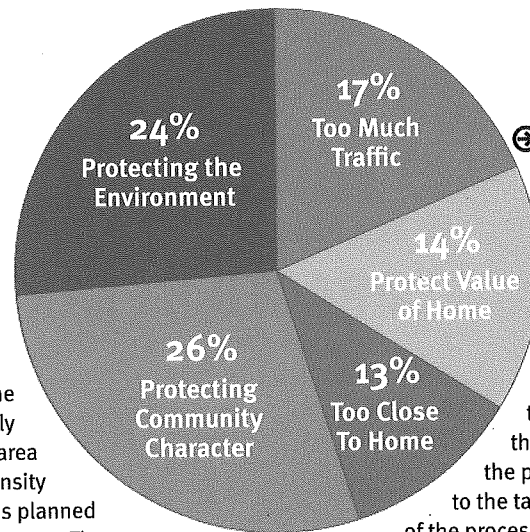
What is the planning edge? Typically this edge includes the zone immediately surrounding an area where higher density redevelopment is planned or under development. The planning edge can also extend from the project area to include residential and commercial areas impacted (positively and negatively) by transportation, economic development, and infrastructure.

Several terms are used when describing the transition between areas of development intensity. For example, the term “interface” is used commonly between undeveloped open space and rural housing. Some form-based codes include a category called “planning edge.” For purposes of this article, the edge is defined functionally as the area where a higher level of impacts can potentially occur due to redevelopment.

## A FRAMEWORK FOR THE PLANNING EDGE

First, it is helpful to think about what a specialized planning process can, and cannot, do. Focused planning can help shape neighborhood-friendly redevelopment with the following objectives:

- to signal an honest, dedicated approach to identifying and addressing potential impacts;
- to provide solutions in the design process that will lower costs and improve operation and maintenance throughout the life of the project;
- to strengthen decision support analyses;



Why are Americans opposing development in their communities?  
Saint Consulting

- to identify the full range of participants needed throughout the life of the project and get them to the table at the front end of the process;
- to give stakeholders an organized, comprehensive resource; and
- to change the dynamics of land-use battles where the urge to say “no” occurs because information on neighborhood-friendly redevelopment is not readily available.

However, such a process cannot be expected to stop opposition and lawsuits altogether, change the human fear of change and need to guard investments, prevent poor quality projects from coming forward, or substitute for vision-based and participatory planning that determines the appropriate location for density and redevelopment.

## TWO-PART FRAMEWORK FOR ADDRESSING NEIGHBORHOOD OPPOSITION AND CONCERN

Saint Consulting conducts an annual survey to gauge the politics of land use. The 2011 Saint Index provides a snapshot of sentiment, including the types of development projects most opposed and the reasons. Responses tend to be a mix of emotional and rational concerns. The emotional reasons are personal and close to home while the rational concerns are directed at measurable impacts anticipated with higher density infill development and redevelopment.

As such, the planning edge requires a two-part framework:

## ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of August to participate in our "Ask the Author" forum, an interactive feature of Zoning Practice. Lisa Nisenson will be available to answer questions about this article. Go to the APA website at [www.planning.org](http://www.planning.org) and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The author will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

### About the Author

Lisa Nisenson is a principal of Nisenson Consulting. She began her career in urban planning as a citizen activist in Arlington, Virginia. Since then she has worked at the federal, state, and local levels on smart growth, transit, and stormwater management. She is currently a vice president at the Florida House Institute in Sarasota, and authors the land-use blog *Planning Edges* at [www.nisenson.net](http://www.nisenson.net).

1. A general collection of planning, design, and policy approaches that can be used to prevent and mitigate impacts related to redevelopment and infill
2. A local approach focused on working with adjacent neighborhoods to address both rational and emotional concerns related to new projects

This article primarily discusses the first part of this framework, with an emphasis on a process for identifying best practices related to planning and zoning. It is this author's hope that the following sections represent a first step in developing a robust program to comprehensively address impacted edges through design and policy.

### A FRAMEWORK FOR THE PLANNING EDGE

#### Part 1 Scale: National

**Content:** Examples that address prevention/mitigation of commonly cited impacts. Includes data, legal documents, "lessons learned," maps, site plans, and photographs. Provides information by impact (for example, policies, planning documents, and photos on spillover parking prevention).

**Objective:** To develop a comprehensive set of design solutions, policy, developer agreements, and other successful mechanisms for preventing or mitigating impacts related to redevelopment and infill.

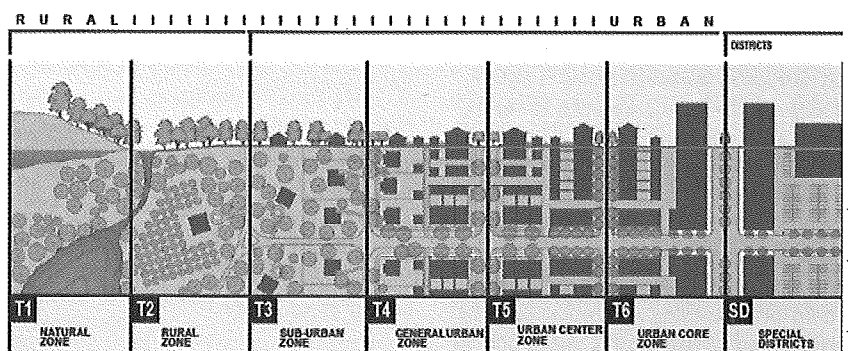
**Political Approach:** Decrease opposition to redevelopment and infill by showing successful policies and practices. Provide decision makers and other stakeholders with credible, documented examples.

#### Part 2 Scale: Local

**Content:** Local planning documents, local analyses (stormwater, traffic, economic development), citizen engagement techniques.

**Objective:** To address concerns and tailor policies and practices in order to reduce impacts.

**Political Approach:** Maximize outreach to neighborhoods, address impacts to the degree possible, negotiate community benefits, and highlight the benefits of the project area to both neighbors and the entire community.



➤ The new urbanist transect can be a useful tool for organizing discussions about how to mitigate the impacts of higher density infill or redevelopment on existing neighborhoods.

### PLANNING, DESIGN, AND POLICY FOR THE EDGE

The general component of the planning edge framework consists of six areas described in detail below:

1. Determining the development context
2. Determining the planning and zoning context
3. Analyzing potential impacts
4. Addressing impacts through policy, design, and transportation infrastructure
5. The process for addressing impacts
6. Long-term operations, maintenance, and enforcement considerations

#### Determining the Development Context

The development context is important since the degree of density, infrastructure, street network, and other aspects of the built environment will direct design and policy options. The most general descriptors are rural, suburban, and urban. New urbanists use the transect to describe the landscape from a natural undeveloped state (T1) up to the most intensely developed urban core (T6).

The development context will be important when matching design and policy solutions to localized impacts. In many circumstances the planning edge will be a tran-

sition from one transect zone to another. In the case of a transit-oriented development for rail stations, the change may be abrupt where T6-related density and architecture are located next to a T4 neighborhood.

**Determining the Planning and Zoning Context**

Project sites are often contained within, and governed by, one or more plans and zoning documents; these plans will influence the array of practices available to project planners and neighborhoods. A redevelopment project might be subject to several nested plans; for example, a comprehensive plan, a corridor plan, transit station area plans, and a detailed neighborhood plan. Likewise, federal and state rules may direct design details, such as postconstruction stormwater rules or brown-field redevelopment requirements. Therefore, a locality and neighborhoods will need to consult these documents prior to embarking on project design.

**Analyzing Potential Impacts**

A careful consideration of potential impacts can help local planning and zoning officials mitigate potential flashpoints ahead of infill projects. The following list contains concerns commonly raised by existing residents and businesses. (Goldberg 2004):

- Visual changes
- Changes to greenspace
- Changes to community character
- Increased traffic
- Parking problems
- Operational impacts such as noise and light pollution
- Property value decline
- Disruption during construction
- Loss of spaces for local businesses and affordable housing

This list is by no means complete or static. For example, reflection and glare off of windows in high- and mid-rise buildings are growing concerns and difficult to correct after the fact. As such, any database will need to adjust over time.

Impacts can also be categorized based on development phases. Consequently, any database will also need to collect mitigation practices based on the timing of impacts:

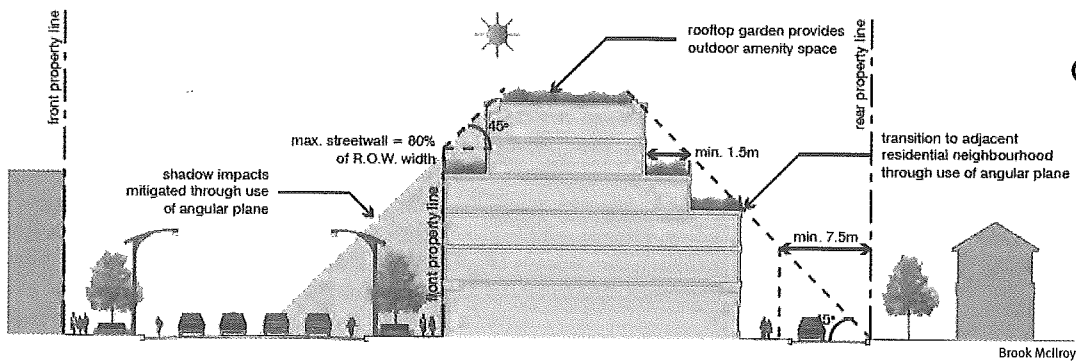
- Short- or near-term impacts related to preconstruction, construction, landscape installation, or utilities

Summary of Impacts	Sample Approaches to Address Impacts
<i>Visual</i>	
Incongruous height and massing of buildings	Design guidelines on building massing and form, setbacks, and lot coverage. Height limits, taper (or step-down) ratios, form-based codes, density bonus criteria
Lack of building quality	Visual Preference surveys and design guidelines
Shadows	Shadow modeling
<i>Character</i>	
Loss of historic buildings and features	Historic preservation overlays, tax credits, and renovation incentives
Changes to community character	Design guidelines and preferred building materials, guidelines for infill housing, and community improvement funds
Loss of privacy and sense of safety	Design for privacy (location of windows and balcony design) and Crime Prevention Through Environmental Design (CPTED)
Loss of affordable housing or retail	Inclusionary zoning and small business support programs
Loss of park space	Level of service requirements for park space per person
<i>Environmental</i>	
Poor air circulation (wind tunnels or lack of circulation)	Design guidelines on building arrangement and air flow studies
Loss of green space	Tree canopy retention requirements, open space dedication requirements, and natural buffer requirements
Urban heat island	Low albedo roof design and landscape design for lower heat island effects
Increased stormwater runoff	Light imprint or Low-Impact Development (LID) requirements
<i>Traffic and Transportation</i>	
Increased congestion	See table on page 5
Cut-through traffic	
<i>Parking</i>	
Insufficient parking and loading space	See table on page 5
<i>Operational</i>	
Noise and odor	"Good neighbor agreements" and noise ordinances
Light pollution and glare	Low reflective glass requirements
<i>Financial</i>	
Decreased Property Values	Before-and-after studies from similar projects

- Mid-term impacts related to opening, phased construction and infrastructure, or landscape maturation
- Long-term impacts related to operations and maintenance, adaptive management, or mature landscaping care

The ability to predict and mitigate infill-related impacts is heavily dependent on forecast models and methods. As such, any effort

to compile policies and design solutions will also need to include the growing list of forecast models for traffic, parking demand, economic impacts, and the like. The stakes in model outcomes can be high, ranging from project disapproval to the size of proffers and impact fees. The choice of models used, inputs, and use of outputs can become the center of controversy in any land-use debate. For infill, that controversy may grow as a new generation of forecast



➤ This illustration from a presentation about Barrie, Ontario's urban intensification guidelines shows how new buildings can be required to step back to create a softer transition to adjacent lower density development.

Transportation Practice Area	Potential Impacts	Sample Approaches to Address Impacts
Street network	Increased congestion, cut-through traffic, loss of privacy and sense of safety, increased stormwater runoff, urban heat island, and noise and odor	Transportation improvement plans, street connectivity requirements, complete streets policies, street design standards, corridor improvement plans, alley design guidelines, light imprint or LID requirements, and traffic calming techniques
Transit network	Increased congestion, loss of privacy and safety, changes to community character, and noise and odor	Transit plans and facility siting and design guidelines
Nonmotorized transportation network	Increased congestion, changes to community character, decreased property values, increased stormwater runoff, and insufficient parking and loading space	Nonmotorized facility plans, sidewalk requirements, on-site circulation requirements, light imprint or LID requirements, and nonmotorized facility siting and design guidelines
Off-street parking and loading	Increased congestion, insufficient parking and loading space, loss of privacy and sense of safety, increased stormwater runoff, urban heat island, and noise and odor	Transportation demand management programs, shared parking incentives, light imprint or LID requirements, and off-street parking and loading requirements

### Process

Neighborhoods will also have concerns related to the process of project approval. As cities seek incentives and streamlined processing for desired infill, neighborhoods often push back, seeking greater control and as many concessions as possible. The legal structure for obtaining and maintaining conditional approvals is important. Different communities rely on a wide range of tools, such as use permits, stipulations, exemptions, developer agreements, monitoring reports, and community benefits agreements. A nationwide database of development approval processes would allow communities to compare their process against others.

In some municipalities (e.g., Arlington County, Virginia, and Lawrence, Kansas) developers have the option of developing under the underlying zoning or choosing a parallel form-based code in order to obtain higher densities, a more valuable use mix, or other benefits. In exchange the neighborhoods can obtain amenities such as parks, better design and building materials, improvements to drainage, and landscaping.

Finally, communities will want to address management during the construction phase as part of an infill program. Because the construction phase can cause considerable disruption, zoning and planning departments need to carefully plan for construction, anticipate problems, and have a list of remedies. Neighbors will want enforceable provisions to limit hours, noise, and dust. After project approval it is important to signal to developers and neighbors which kinds of variances to approved project plans are acceptable (e.g., minor modifications) and which are not (e.g., backing away from major commitments).

### Operations, Maintenance, and Enforcement

While project approval is a major milestone, neighbors will be thinking about the long

models emerges, for example the MXD traffic generation model developed specifically for mixed use development.

### Addressing Impacts

The table on page 3 summarizes common infill-related impacts cited by neighborhoods and examples of policy and design options for mitigation. The table on page 5 takes a closer look at potential impacts and mitiga-

tion techniques related to transportation infrastructure. These tables are intended to be a summary to show how policies can be assembled, but the suitability of a particular practice will depend on location-specific considerations. Likewise, planners should scrutinize the specific design practices to make sure they do not undermine other objectives. For example, the desire to limit light may impinge on safety.

term and how to enforce commitments made during the approval process, such as hours of loading, landscaping maintenance, and parking. Because many aspects of maintenance will be shared between a private property manager and the local government, planners must draw clear lines of responsibility during the design phase and spell out these responsibilities through stipulations, use permits, and developer agreements.

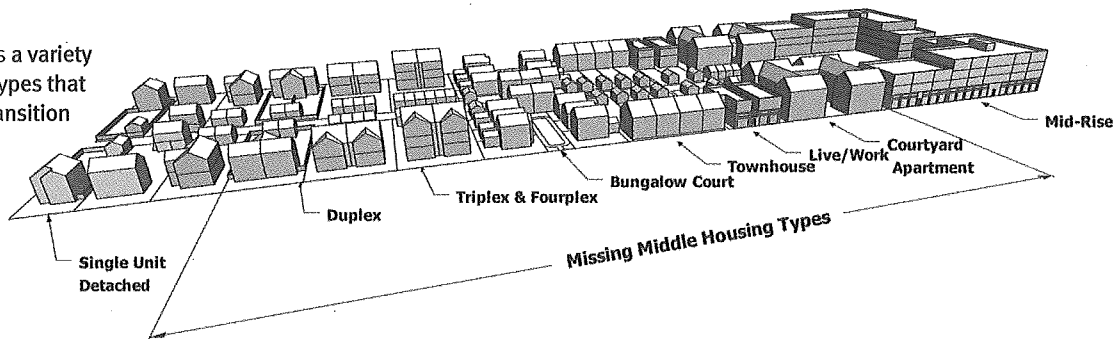
**East Greenwich, Rhode Island, Cottages on Greene**

The Cottages on Greene project is comprised of 15 units of mixed income housing on a 0.85 acre lot that was once an auto repair shop near downtown. The cottages are organized around a linear court and gardens that also serve to manage storm-water with landscaping, bridges, and boardwalks. The architect, Don Powers of Union Studio in Providence, Rhode Island,

knew the neighborhood was reluctant to see such density. Powers took the unusual step of going to public meetings with the project fully designed. Because there was little room for negotiation, he did not want to risk reducing the number or type of units. He was confident that the quality design and landscaping would win over critics. The project was approved in 2009 despite last-minute questions on traffic counts and water.

➔ This image shows a variety of infill housing types that be used in the transition from detached, single-family housing to higher density, mixed use projects.

Daniel Parolek



**CASE STUDIES**

The following case studies illustrate how cities and neighborhoods have addressed planning and design for infill.

**Eugene, Oregon, Infill Program**

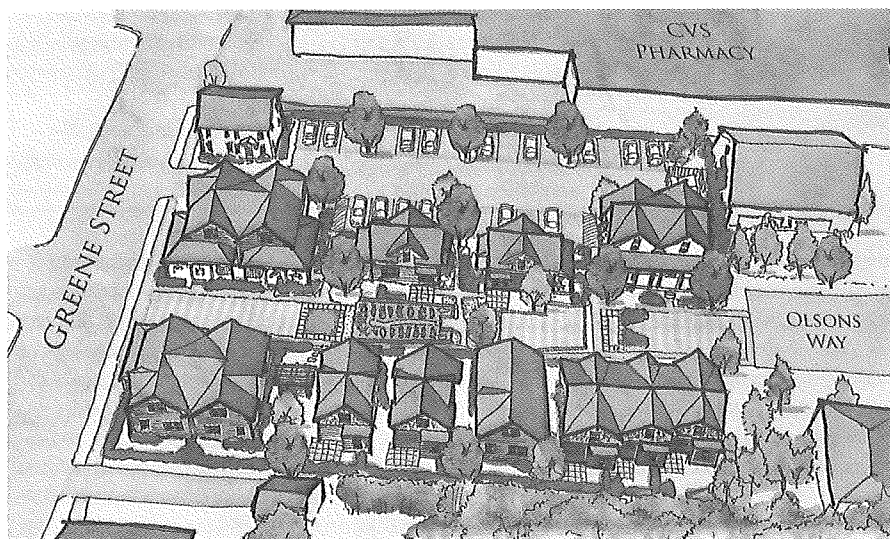
Neighborhood opposition is not just about stopping infill but instead bringing about better infill. In 2001 several neighborhoods in Eugene formed the Heritage Crescent Neighborhood Livability Project after zoning code changes resulted in boxy, oversized development. Working with the city, the neighborhoods formed the Infill Compatibility Standards Task Team. Rather than relying solely on city staff, volunteers helped collect data, develop sample code language, conduct walking tours, and engage university students in research. Neighborhoods are actively involved in Eugene's Opportunity Siting process to identify appropriate new sites where medium- and high-density residential development would be compatible with the overall neighborhood. The city has produced brochures and videos and has a YouTube channel to showcase aspects of compatibility standards.

➔ The design for the Cottages on Greene in East Greenwich, Rhode Island, references the compact workers' cottages built in the area during the late 19th and early 20th centuries.

Donald Powers

**EXAMPLES OF PRACTICES**

- *Building design for height and massing:* Arlington County, Virginia's Columbia Pike Form Based Code contains building envelope standards for main-street, local-avenue, and neighborhood-facing sites.
- *Streamlined Code:* Raleigh, North Carolina, is updating its unified development ordinance to streamline permitting for certain infill housing activities while increasing standards. The new code is popular with neighborhood groups in the city, who have started an online petition in support.
- *Parking Survey for Affordable Housing:* The city of San Diego surveyed residents of affordable and workforce housing on car ownership. In general car ownership was higher for larger units and higher incomes and lower for residents of the downtown core.
- *Before-and-After Study:* Idaho Smart Growth and the Urban Land Institute Idaho conducted a resident survey and before-and-after data collection related to traffic, parking, and property values.



### Austin, Texas, Special Use Infill Options and Design Tools

In 2010 Austin developed eight different infill districts and corresponding regulations. As in other cities, the tools focus on residential infill; however, they also include three categories with commercial uses: neighborhood mixed use building, the corner store, and neighborhood urban center. Neighborhood residents then vote to incorporate one or more of the desired categories into their neighborhood plans.

### CONCLUSION

While infill studies typically focus on land use and transportation performance, this article adds another dimension: livability where new density meets the neighborhoods. Many concerns raised by neighborhoods are legitimate and, when handled from the first stages of planning, can be prevented or mitigated through design and policy.

At present, most resources on design and policy options are scattered. A comprehensive resource would include a searchable database by type of impact, location, and development context. This information could be crowdsourced (having users contribute content) and distributed through social networks, websites, and print. This database could include photos of design and architectural "tricks" used to enhance compatibility; examples of site plans; zoning code language and design guidelines for neighborhood edges and infill housing; language for stipulations and use permits; innovative language from developer agreements; practices to limit impacts from construction; model policies for park design, tree canopy, and parking; and success stories on how developers, planners, and neighbors came together.

This resource would also collect best practices for local approaches to civic engagement. It would include methods for engaging the most affected neighbors; use of new models and technology (such as computer renderings, visualization tools, and use of smart phone/tablet apps to show how a project looks in situ); important local data; identifying locally relevant management practice; and running effective charrettes and workshops.

### REFERENCES AND ADDITIONAL RESOURCES

Arlington County, Virginia, Columbia Pike  
[www.columbiapikeva.us](http://www.columbiapikeva.us)

Austin, Texas, Special Use Infill Options and Design Tools  
[ftp://ftp.ci.austin.tx.us/npzd/Austingo/infill\\_tools.pdf](ftp://ftp.ci.austin.tx.us/npzd/Austingo/infill_tools.pdf)

Barrie, Ontario, Intensification Area Urban Design Guidelines, Public Open House, April 27, 2011  
[www.barrie.ca/City%20Hall/growth/Documents/110427\\_BarrieUDG\\_Workshop.pdf](http://www.barrie.ca/City%20Hall/growth/Documents/110427_BarrieUDG_Workshop.pdf)

Crime Prevention Through Environmental Design  
[www.cpted.net](http://www.cpted.net)

Emeryville, California, Stormwater Guidelines for Green, Dense Redevelopment  
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Lathrop, California, Traffic Calming Report  
[www.ci.lathrop.ca.us/pwd/documents/TrafficCalmingReport.pdf](http://www.ci.lathrop.ca.us/pwd/documents/TrafficCalmingReport.pdf)

Madison, Wisconsin, Design Guidelines and Criteria for Preservation, Williamson Street  
[www.cityofmadison.com/planning/DesignStandardsBookFinal%204.pdf](http://www.cityofmadison.com/planning/DesignStandardsBookFinal%204.pdf)

Minneapolis Central Corridor Funders Collaborative  
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Raleigh, North Carolina, Unified Development Ordinance  
[www.raleighnc.gov/business/content/PlanCurrent/Articles/NewRaleighCode.html](http://www.raleighnc.gov/business/content/PlanCurrent/Articles/NewRaleighCode.html)

San Diego Affordable Housing Parking Study  
[www.sandiego.gov/planning/programs/transportation/mobility/affordpark.shtml](http://www.sandiego.gov/planning/programs/transportation/mobility/affordpark.shtml)

The author thanks Tom Miller (Arlington, Virginia), Dan Parolek (Berkeley, California), Toby Millman (Skaneateles, New York), Lee Sobel (Washington, D.C.), Patricia Thomas (Eugene, Oregon), and Neal Payton (Los Angeles) for assistance and graphics.

Cover image created by Renaissance Planning Group for the Town of Blacksburg, Virginia; design concept by Lisa Barton

### VOL. 29, NO. 8

**Zoning Practice** is a monthly publication of the American Planning Association. Subscriptions are available for \$95 (U.S.) and \$120 (foreign). W. Paul Farmer, FAICP, Chief Executive Officer; William R. Klein, AICP, Director of Research

Zoning Practice (ISSN 1548-0135) is produced at APA. Jim Schwab, AICP, and David Morley, AICP, Editors; Julie Von Bergen, Assistant Editor; Lisa Barton, Design and Production.

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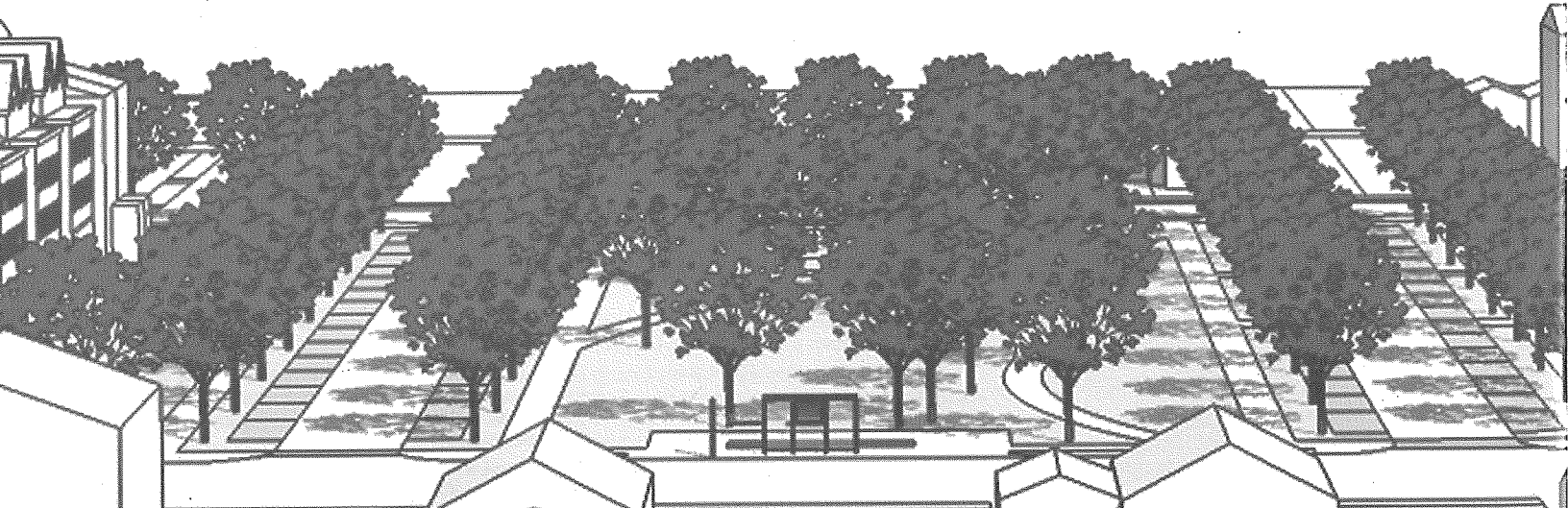
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WHAT HAPPENS WHEN NEW DENSITY  
MEETS THE NEIGHBORHOOD?

