

City of Ramsey
Agenda
City Council Work Session
Tuesday, December 14, 2021

5:30 pm
Lake Itasca Room, 7550 Sunwood Drive NW

Remote Attendance available at www.cityoframsey.com/meetings. To maximize social distancing due to the COVID-19 Pandemic, those that can join remotely are encouraged to do so. Those joining remotely and requesting to speak are asked to use a webcam when speaking.

- 1. Call to Order**
- 2. Topics for Discussion**
 1. Discussion Regarding Union Contract Negotiations with LELS-Patrol (Portions Closed to the Public)
 2. Discuss Ordinance #21-11 Amending Chapter 10 of City Code: Animals
 3. Review Comprehensive Plan Amendment Options for MUSA Areas North of Trott Brook
 4. Discuss Ordinance #21-18 Amending Section 117-349 of City Code to Allow Accessory Dwelling Units (ADU's)
 5. Discuss Ordinance #21-20 Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations
 6. Discuss Ordinance Amending Sections 117-111, 117-349, and 117-355 of the City Code Creating Additional Requirements for Driveways and Parking Pads.
- 3. Topics for Future Discussion**
 1. Review Future Topics/Calendar
- 4. Mayor/Council/Staff Input**
- 5. Adjournment***

***Note: the City Council may motion to recess this Work Session meeting and reconvene after the regular City Council meeting if items on the agenda are not completed.**

Meeting Date: 12/14/2021

Information

Title:

Discussion Regarding Union Contract Negotiations with LELS-Patrol (Portions Closed to the Public)

Purpose/Background:

The purpose of this discussion is to provide the City Council with an update on the status of negotiations with LELS Patrol.

Per Minnesota Statutes 13D.03, which states: "The governing body of a public employer may by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections [179A.01](#) to [179A.25](#)" staff is requesting that the City Council go into closed session to discuss the City's labor negotiations strategy.

At the time of the work session, City staff will provide the City Council with detailed information regarding the status of negotiations with LELS Patrol. In summary, as a result of Mediation that took place on Monday, December 6, 2021, which included the following individuals: a Mediator from the Bureau Mediation Services, both Union Stewards, the Patrol Business Agent, an LELS Attorney, Mayor Kuzma, City Administrator Ulrich, Deputy City Administrator/Community Development Director Hagen, and Administrative Services Director Lasher, a tentative agreement for a 3-year labor agreement has been reached on all open items within the LELS-Patrol union contract.

Timeframe:

Up to 15 minutes.

Funding Source:

Not applicable at this time.

Responsible Party(ies):

Colleen Lasher, Administrative Services Director

Outcome:

For the City Council to agree, by consensus, to either:

- 1) concur with the terms of the tentative agreement as discussed this evening and direct staff to prepare the LELS Patrol Contract for adoption on January 11, 2022; or
- 2) decline the terms of the tentative agreement and proceed based on discussion.

Attachments

Statute

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Kurt Ulrich	12/09/2021 11:08 AM
Form Started By: Colleen Lasher		Started On: 12/06/2021 03:00 PM

13D.03 CLOSED MEETINGS FOR LABOR NEGOTIATIONS STRATEGY.

Subdivision 1. **Procedure.** (a) Section 13D.01, subdivisions 1, 2, 4, 5, and section 13D.02 do not apply to a meeting held pursuant to the procedure in this section.

(b) The governing body of a public employer may by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25.

(c) The time of commencement and place of the closed meeting shall be announced at the public meeting.

(d) A written roll of members and all other persons present at the closed meeting shall be made available to the public after the closed meeting.

Subd. 2. **Meeting must be recorded.** (a) The proceedings of a closed meeting to discuss negotiation strategies shall be tape-recorded at the expense of the governing body.

(b) The recording shall be preserved for two years after the contract is signed and shall be made available to the public after all labor contracts are signed by the governing body for the current budget period.

Subd. 3. **If violation claimed.** (a) If an action is brought claiming that public business other than discussions of labor negotiation strategies or developments or discussion and review of labor negotiation proposals was transacted at a closed meeting held pursuant to this section during the time when the tape is not available to the public, the court shall review the recording of the meeting in camera.

(b) If the court finds that this section was not violated, the action shall be dismissed and the recording shall be sealed and preserved in the records of the court until otherwise made available to the public pursuant to this section.

(c) If the court finds that this section was violated, the recording may be introduced at trial in its entirety subject to any protective orders as requested by either party and deemed appropriate by the court.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

Meeting Date: 12/14/2021

Information

Title:

Discuss Ordinance #21-11 Amending Chapter 10 of City Code: Animals

Purpose/Background:

Summary

In July, the City Council recommended the public hearing be postponed for the introduction of Ordinance 21-11 until the City has made recommended changes, and a committee was assigned during the regular meeting on November 9th. Members of Staff met with three (3) members of the City Council on two separate occasions in November to discuss and revise the drafted ordinance. The proposed Ordinance has been updated to include information received since the item was last discussed.

City Council Meetings

- May 11th Work Session:
 - Discussion of rooster restrictions currently implemented, and plans to revise in the future.
- July 27th Regular Meeting:
 - The City Council and discussed several aspects of the proposed ordinance which included updating requirements for roosters, cats, agricultural animals, and beekeeping. A motion was made to continue the public hearing at the August 10th meeting.
- August 10th Regular Meeting:
 - Staff recommended postponing the public hearing for 90 days to receive public comment and for further review. Motion was passed by the City Council to review again at their meeting on November 9th.
- November 9th Regular Meeting:
 - Review of updated ordinance and proposed questionnaire. A committee was designated to address concerns with staff, with timeframe of 30 days.

Committee Meetings

- November 19th:
 - Staff met with Councilmembers Howell, Musgrove, and Specht to review the draft proposed at the November 9th meeting.
- November 30th:
 - Staff revised the ordinance with comments received from the meeting on November 19th and presented to the Councilmembers for review. Additional revisions were requested which were incorporated into the draft attached to this case.

Key Ordinance Revisions

- Redacted Section 10.1 entirely and replace with subsections for prohibited, non-domestic, and domestic animals:
 - *Prohibited Animals*
 - Section 10-1. – Keeping of certain animals, livestock, and poultry.
 - (a) Prohibited animals
 - (1) The following animals are prohibited within the City:
 - a. Any animal or species prohibited by state or federal law;
 - b. All large cats of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.

- c. All members of the family Canidae, such as wolves, foxes, coyotes, dingoes and jackals, except domesticated dogs.
 - d. All poisonous animals, including snakes; that upon touch or bite may cause hallucinations, alter cardiopulmonary functions, or even death;
 - e. Dangerous farm type animals, including bison, emus, and ostrich, except with a non-traditional animal license.
 - f. All other animals which are not listed explicitly above, but which can be easily defined in this chapter as an exotic animal, including bears, wolverines, and badgers;
- (2) Persons keeping animals for a public zoo as volunteers, docents, or otherwise, any bona fide research institution or veterinary hospital are exempt from the provisions of this chapter, provided protective devices adequate to prevent such animals from escaping or injuring the public are provided.

- *Non-Domestic Animals*

- Addressing agricultural animals based on family and heads per unit with a minimum acreage requirement for some non-domestic animals
- Addressing Poultry/Fowl separately - with roosters allowed on parcels 2.5 acres in size or larger with an enclosure meeting the setbacks for barns/stables
- Addressing special requirements for cattle and swine families
- Horses section moved to non-domestic animals from Article II
- Non-Traditional Animal License section unchanged, just reorganized
- Beekeeping license as a zoning permit with hive standards (discuss proposed number with EPB Member Jared Little, who proposed the number of bee hives table)
- Miscellaneous maintenance standards for all non-domestic animals

- *Domestic Animals*

- List includes dogs, cats, rodents, rabbits, caged birds, non-venomous snakes and lizards, fish, domestic ferrets and pot-bellied pigs.
- Revised definition of "at large" in Section 10.2
- Clarify animals in the barns and stables requirements of Section 10.3
- Potential removal of the cats additions to the ordinance (based on Council comments)

Case Attachments

1. Draft Ordinance #21-11 (will need a revised 22-## title for introduction and adoption)
2. Research of surrounding cities' animal standards
3. City Council meeting minutes regarding Ordinance #21-11

Timeframe:

15 minutes

Funding Source:

Staff is handling this case as part of their regular duties.

Responsible Party(ies):

Brian McCann - Planning Technician

Brian Hagen - Deputy City Administrator/Community Development Director

Outcome:

Direct City Staff to introduce Ordinance #21-11 at a future City Council regular meeting.

Attachments

Draft Ordinance 22-00

Surrounding City Regulations

Form Review

Inbox

Brian McCann
Brian Hagen
Kurt Ulrich
Form Started By: Colleen Lasher
Final Approval Date: 12/09/2021

Reviewed By

Brian McCann
Brian Hagen
Kurt Ulrich

Date

12/08/2021 10:34 AM
12/08/2021 07:04 PM
12/09/2021 10:54 AM
Started On: 12/01/2021 02:25 PM

ORDINANCE #22-00

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

AN AMENDMENT TO CHAPTER 10 WHICH IS KNOWN AS THE ANIMALS CHAPTER OF THE CITY CODE OF RAMSEY, MINNESOTA.

AN ORDINANCE AMENDING ARTICLE I. IN GENERAL, REDACTING ARTICLE II. – HORSES, AND AMENDING ARTICLE III. – DOGS, OF CHAPTER 10 OF THE CITY CODE OF RAMSEY, MINNESOTA.

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

Article I. – In General, Sec. 10-1. – Keeping of certain animals, livestock, and poultry. shall be redacted in its entirety and replaced to read as follows:

Section 10-1. – Keeping of certain animals, livestock, and poultry.

(a) Prohibited animals

- (1) The following animals are prohibited within the City:
 - a. Any animal or species prohibited by state or federal law;
 - b. All large cats of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.
 - c. All members of the family Canidae, such as wolves, foxes, coyotes, dingoes and jackals, except domesticated dogs.
 - d. All poisonous animals, including snakes; that upon touch or bite may cause hallucinations, alter cardiopulmonary functions, or even death;
 - e. Dangerous farm type animals, including bison, emus, and ostrich, except with a non-traditional animal license.
 - f. All other animals which are not listed explicitly above, but which can be easily defined in this chapter as an exotic animal, including bears, wolverines, and badgers;
- (2) Persons keeping animals for a public zoo as volunteers, docents, or otherwise, any bona fide research institution or veterinary hospital are exempt from the provisions of this chapter, provided protective devices adequate to prevent such animals from escaping or injuring the public are provided.

(b) Non-Domestic Animals

1. The schedule referred to in subsection (b) (1) of this section shall be used in the following manner:
 - a. The types of non-domestic animals kept or maintained shall be limited to those listed on the schedule.
 - b. The maximum number of animal units allowed, excluding domestic animals, for a specific acreage of land shall be determined by the following formula:

Maximum number of animal units allowed = Number of acres rounded down to the nearest quarter (.25) acre(s):

<i>Permitted Animal Types</i>	<i>Assigned Animal Unit Values</i>	<i>Minimum Acreage Required</i>
Cattle family except Bison	1 head = 1 unit	2.5 acres
Llama/Alpaca family	1 head = 1 unit	2.5 acres
Swine family	2 head = 1 unit	2.5 acres
Sheep/Goat family	2 head = 1 unit	0.50 acres
Poultry/Fowl families (chicken, duck)	25 head = 1 unit	No minimum
Poultry/Fowl families (turkey, goose)	8 head = 1 unit	2.5 acres
Horse/Mule family	See section 10-1 3. (c?)	1.5 acres
Animal units not addressed in this table will be determined by the City at the time of Non-Traditional Animal License consideration.		

2. Poultry/Fowl shall be subject to the following:
 - a. Poultry/Fowl are defined as chickens, turkeys, geese, ducks, or similar.
 - b. Poultry/Fowl must be provided an enclosure in accordance with City Code chapter 117, article II (Zoning) and MN State Building Code. The enclosure shall be counted as an accessory building when calculating total number of permitted accessory buildings on a property. The enclosure and surrounding grounds shall be maintained in a clean and sanitary condition and in good repair. Flies, rodents, and noxious odors shall be controlled. Poultry/Fowl may not run at large.
 - c. Poultry/Fowl, including any shelters, coops and/or containment fencing, must be located in side or rear yards only.
 - d. All enclosures must maintain a minimum setback of ten feet from all property lines and must maintain a minimum setback of 30 feet from all adjacent inhabited structures.
 - i. The enclosure shall remain completely enclosed to prevent unwanted intrusion by outside animals and migratory birds.
 - ii. If 100 percent opaque fencing (privacy fencing) is utilized for the exercise area, said fencing is subject to the standard fence regulations and setbacks within City Code chapter 117. If alternative fencing is used (for example, chain link fencing), then said fencing shall be no closer than ten feet to a property line.
 - e. Roosters may be kept and maintained only on parcels of at least two and a half (2.5) acres in size. Said properties are allowed a total of two (2) roosters.

- i. Setbacks for rooster enclosure and exercise area shall be fifty (50) feet from any neighboring place of human habitation and seventy-five (75) feet from neighboring property lines.
- 3. Cattle, and Swine families shall be subject to the following:
 - a. Cattle, llama/alpaca, and swine families may be kept and maintained only on parcels of at least two and a half (2.5) acres in size.
 - b. Sheep/Goats may be kept and maintained on parcels of at least a half (.50) acre in size.
 - c. Barns and stables subject to Section 10.3
- 4. Horses
 - a. Intent and purpose of section provisions. The intent of this section is to establish regulations for maintaining horses as defined in subsection (b) of this section exclusively on property. Section 10-3 (barns and stables) also applies to this article. The purpose of this section is:
 - i. To prohibit the maintaining of horses on lots or parcels of record less than 1.5 acres in size;
 - ii. To require the filing with the city of a sketch drawing prior to maintaining a horse; and
 - iii. To ensure proper handling, treatment and maintenance of horses.
 - b. Horse defined. As used in this section, the term "horse" shall mean any stallion, mare, gelding, foal, pony, donkey, ass, burro, mule or animal of horse kind.
 - c. Acreage requirements. The following chart prescribes the number of horses that can be maintained on lots of record of sizes as shown. The lease of property contiguous to the lot of record is eligible to meet acreage requirements provided the lot of record is at least 1.50 acres in size and evidence of a current lease is provided to the city.

<i>Acreage</i>	<i>Number of Horses Permitted</i>	<i>Comments</i>
Less than 1.5 acres	0	Not permitted.
1.5-3.0 acres	2	Sketch drawing required in property file.
Over 3 acres	2+	One additional horse for each full acre over 3 acres.

- d. Sketch drawing required Prior to maintaining and boarding a horse or horses on any parcel of land three acres or more in size, the landowner shall provide a sketch drawing to the city.
 - i. Required sketch drawing information shall include:
 - i. Name and address of the fee owner of the subject property where the horses are to be maintained and the name and address of occupant of subject property.
 - ii. Legal description of subject property.
 - iii. Acreage of subject property and acreage of enclosed roaming area.
 - iv. Number of horses to be maintained on subject property.
 - v. Sketch drawing showing, to scale:
 - 1. Location of all buildings on subject property;

2. Fenced in horse pasture area;
 3. Location and distance from subject property of all adjacent property's buildings; and
 4. Area on subject property where manure will be stored if the number of horses exceeds one horse per one-half acre of enclosed roaming area.
- e. Rodent and insect control
- i. Manure shall be handled or treated in such a manner as not to create a public nuisance which shall mean at a minimum that manure will be properly disposed of weekly when the number of horses on any one parcel exceeds one horse per one-half acre of enclosed roaming area.
 - ii. Corrals, pens, stables or similar enclosures shall be maintained in a manner to minimize fly breeding.
 - iii. Accumulations of horse manure on the paved portion of a street, sidewalk or alley shall not be permitted, and the horse owner shall be responsible to abate such nuisance.'
- f. Care and maintenance of horses.
- i. No horse shall be treated cruelly or inhumanely by any person or in violation of Minn. Stats. ch. 343, which provisions relate to preventing cruelty to animals.
 - ii. Proper care and maintenance of each horse shall be the responsibility of the person, firm or corporation designated as the owner, caretaker or custodian of such horse.
 - iii. No person shall keep a horse in a manner creating a public or private nuisance.
 - iv. Horses shall be provided adequate shelter.
 - v. Fences for pens, corrals or similar enclosures must be of sufficient height and strength to retain the horses enclosed. Extra care must be taken to ensure the stallions are properly enclosed.
- g. Control, trespass roadways and impoundment.
1. No person shall permit any horse of which they are the owner, caretaker or custodian to run at large within the city. Such animal will be deemed to run at large when it is off the premises owned or rented by its owner and unaccompanied by the owner, or an agent or employee of the owner.
 2. The chief of police or any designated agent of the city may impound any horse found at large and shall provide proper sustenance for such impounded horse. The chief of police or designated agent shall, within 24 hours after any such horse has been impounded, post written notice at the city hall describing such horse and stating that it has been impounded. If the owner of the impounded horse is known to the person impounding, personal service of notice of such impounding shall be served within 24 hours after impounding upon such owner in the manner prescribed by state law for the service or process.
 3. Costs incurred by the city in impounding horses running at large shall be paid by the horse owner prior to releasing the horse. An impounded

horse shall be released only to a person providing proof of ownership and displaying a receipt from the city administrator showing payment of the reasonable costs of impounding, cost of feeding and veterinarian care.

4. Any person who, without authority of law, and without first paying the costs due, shall take an impounded horse out of the enclosure in which it is impounded, shall be guilty of a misdemeanor.
 5. In the event a horse impounded by the city is not redeemed within 14 days, after its impoundment, the chief of police or designated agent shall give three days' notice of the time and place where such horse will be sold by posting and serving notices as required for notice herein. If such horse cannot be sold on the day stated, it may be sold as soon as possible thereafter without notice. The city treasurer shall deposit said proceeds in the general fund.
 6. If the previous owner of the horse which was sold makes a claim for the sale proceeds within one year from the sale date, the city finance officer, on order from the council, shall pay the previous horse owner the difference between the sale price and the cost of impounding, feeding and sales charges; otherwise, the sale proceeds shall be forfeited to the city.
 7. No person may ride or drive a horse after sunset and before sunrise along or crossing any public way without appropriate lighting or reflectorized clothing.
 8. The council shall designate and properly post those areas in public lands and parks where horses may be ridden.
 9. No person may ride or drive a horse in any public park, beach, golf course or other public property except within the right-of-way of public streets and highways and areas duly designated by the city as a trail or hitching area.
 10. Persons riding a horse or driving a horse-drawn vehicle upon a public road way shall be subject to those provisions of this Code and state law applicable to the driver of motor vehicles, except those provisions which by their nature have no application.
 11. Horses shall not be ridden or driven in any manner that would cause undue damage to any hard-surfaced road.
 12. No person shall ride or drive a horse upon private property without the prior written permission of the owner or occupant thereof.
 13. No person shall interfere with any horse ridden or kept in a lawful manner, and owners of domestic animals shall restrain their animal so as to not interfere.
5. Beekeeping. Bee hives may be maintained on a parcel with the issuance of a zoning permit.
- a. Hives may only be located on lots with an existing use.
 - b. The number of allowed hives shall be based on property size:

<i>Lot Size</i>	<i>Number of Hives</i>
0.25 acres or less	Up to 4 hives
0.25-0.99 acres	Up to 8 hives
1.00-1.99 acres	Up to 20 hives
2.00-3.99 acres	Up to 40 hives
4 acres or larger	Up to 40+ hives
(Up to 5 frame Nucleus colonies do not have quantity limits)	

- c. No hive shall exceed 20 cubic feet in volume.
- d. No hive shall be located closer than three feet from any property line or within any easement, whichever is more restrictive.
- e. No hive shall be located closer than ten feet from a neighboring, inhabited structure.
- f. A constant supply of water shall be supplied or available to all hives.
- g. A flyway barrier at least six feet in height shall shield any part of a property line that is within 25 feet of a hive. The flyway barrier shall consist of 100 percent opaque fencing, dense, year-round (coniferous) vegetation, existing structures, or combination thereof, and shall extend at least 25 feet beyond the hive.
- h. Colonies shall be maintained in moveable frame hives with adequate space and management techniques to prevent overcrowding and swarming.
- i. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to requeen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.
- j. Beekeeping zoning permit process.
 - i. *Application.* The application for a zoning permit shall contain the following information; name, address, and telephone number of applicant; the address of the location, and a sketch plan of the premises where the bee hives will be maintained include how the owner will demonstrate compliance with the standards of this section.
 - ii. *Processing application.* The application must be filed with the zoning administrator together with the permit fee.
 - iii. *Term and transfer.* The zoning permit shall be valid without renewal provided that the applicant complies with the terms of the zoning permit. Zoning permits under this chapter may not be transferred from person to person or from place to place.
 - iv. *Revocation.* The council may revoke any license issued under this article upon adequate notice and a hearing before the council, if requested, on the following grounds: any violation of this Code; material misstatement or misrepresentation in application for permit or renewal thereof; failure to keep the permittee's premises in an orderly, aesthetically pleasing manner as prescribed by the council and/or its designated representative; failure to comply with the terms of the permit.

6. Non-Traditional Animal License
- a. Non-traditional or exotic animals are those that are not normally considered to be domesticated but are not wild animals as defined in section 10-119. A person may keep a non-traditional or exotic animal as defined herein only upon issuance of non-traditional animal license. In determining whether an animal is considered non-traditional or exotic, it shall be the responsibility of the applicant to supply the city with the necessary data and information to reasonably prove that the animal is not dangerous in captivity. This information shall be part of the public record and shall be discussed as part of the non-traditional animal license.
 - b. In reviewing a request to keep non-traditional or exotic animals, the city may impose conditions and restrictions as it finds necessary, including but not limited to the following:
 - i. Restrictions on the number and type of animals;
 - ii. Setbacks greater than those required in section 10-23 or the underlying zoning district for the property in question;
 - iii. Restrictions on the size, height, and type of enclosures;
 - iv. Screening or landscaping of the proposed use.
 - c. The applicant must also submit a copy of all permits required from any other regulatory agencies.
 - d. License process.
 - i. *Application.* The application for a license shall contain the following information; name, address, and telephone number of applicant; the address of the location, and a sketch plan of the premises where the animals will be maintained include how the owner will demonstrate compliance with the standards of this section.
 - ii. *Processing application.* The application must be filed with the zoning administrator together with the permit fee 30 days prior to a city council meeting. Following an inspection of the premises proposed to be licensed, the zoning administrator shall make a recommendation to the city council to approve or deny the application. The city council shall hold a public comment period and make the final decision on the application.
 - iii. *Term and transfer.* The license shall be valid without renewal provided that the applicant complies with the terms of the license. Licenses under this Chapter may not be transferred from person to person or from place to place.
 - iv. *Revocation.* The council may revoke any license issued under this article upon adequate notice and a hearing before the council, if requested, on the following grounds: any violation of this Code; material misstatement or misrepresentation in application for license or renewal thereof; failure to keep the licensee's premises in an orderly, aesthetically pleasing manner as prescribed by the council and/or its designated representative; failure to comply with the terms of the license.

7. Miscellaneous maintenance standards.
 - a. On all parcels of land maintaining non-domestic animals, there shall be a roofed or covered structure with walls to protect the animals from the elements.
 - b. A confined exercise area must be provided for the animals. The exercise area shall be fenced off to prevent the animals from roaming at large. Chickens are exempt from fencing requirements
 - c. Manure shall be handled and treated in such a manner so as not to create a public nuisance or impact the environment or groundwater. Corrals, pens, stables, and similar enclosures shall be maintained in a manner to minimize fly breeding. No person shall leave accumulations of manure on any street or sidewalk.
 - d. No non-domestic animal shall be treated cruelly or inhumanely by any person or in violation of state statutes preventing cruelty to animals.
 - e. No animals of any type may be maintained on any parcel within the city, no matter what size the parcel, if the maintenance of said animals creates a nuisance as defined in chapter 30.

(c) *Domestic Animals*

- (1) Domestic animals are classified as:
 - a. Domestic dogs (excluding hybrids with wolves, coyotes or jackals);
 - i. Domestic dogs are limited to four (4) without a Private Kennel License;
 - ii. Domestic dogs shall be provided an enclosure protected from inclement weather during the winter months (November-March);
 - b. Domestic cats (excluding hybrids with ocelots or margays);
 - c. Rodents, such as hamsters, mice, gerbils, white rats, guinea pigs, chinchillas or hedgehogs, capable of being maintained continuously in a cage;
 - d. Rabbits;
 - e. Captive-bred species of common cage birds
 - f. Small non-venomous snakes;
 - g. Non-poisonous lizards, iguanas, chameleons, salamanders and turtles or other similar small reptiles, unless prohibited by state or federal law;
 - h. Fish, unless prohibited by state or federal law;
 - i. Domestically raised ferrets (must be vaccinated yearly);
 - j. Domestically raised pot-bellied pigs; or
- (2) Domestic animals shall be up to date on vaccines.
- (3) Domestic animals are permitted in all residential districts.

Article I. – In General, Sec. 10-2. – Animals at large. shall be amended to read as follows (additions indicated by underline, deletions indicated by ~~strikethrough~~):

Sec. 10.2. – Animals at large.

No person shall allow any animal of any type, ~~or fowl belonging to them or in their care~~, to run at large ~~or to be picketed on public grounds; but this prohibition shall not apply to cats or dogs, except as are by this Code forbidden to be at large.~~

1. The term “at large” means an animal that is off the premises of the owner and is:
 - a. Not on a leash held by a responsible person; or
 - b. Not accompanied by and under the direct control of a responsible person so as to be effectively restrained by command.
2. An animal shall not be determined to be at large if it is:
 - a. Engaged in wild game or animal hunting and under the control of its owner or a responsible person;
 - b. Engaged in obedience training and under the control of its owner or a responsible person; or
 - c. Running loose on the owner’s property, or property under the owner’s control and under the control of a responsible party.
3. If the animal is running loose on the owner’s property and runs onto adjacent public or private properties and does not respond to a person, then the animal is considered at large.

Article I. – In General, Sec. 10-3. – Barns and stables. shall be amended to read as follows (additions indicated by underline, deletions indicated by ~~strikethrough~~):

Sec. 10.3. – Barns and stables.

- (a) No stable or barn in which ~~sheep~~, cows, horses, roosters, goats, or other animals are kept may be located within 50 feet of a place of human habitation and 75 feet from neighboring property lines. Such stables and barns, where lawful, shall be kept clean. Manure shall be removed with sufficient frequency to avoid nuisance from odors or from the breeding of flies at least once every two weeks.

Article II. – Horses shall be redacted entirely.

Article III (Dogs), Division I, Sections 10-52, 10-56, 10-59; and Division II, Section 10-95 shall be amended to read as follows (additions indicated by underline, deletions indicated by ~~strikethrough~~):

ARTICLE III.- DOGS AND CATS

Sec. 10-52. Definitions

Cat means a mammal that is wholly or in part of the species Felis domesticus.

Sec. 10-56. - Number of dogs permitted.

- (a) On a parcel or series of contiguous parcels under the same ownership or occupancy as the dog owner, no more than ~~three~~ four dogs are permitted. A private kennel license is required for ~~four~~ five or more dogs.

Sec. 10-59. – Rabies vaccination.

- (a) Every owner or keeper of a dog and/or cat shall cause the same to be vaccinated by a licensed veterinary with anti-rabies vaccine at least once every three years and prior to the time such dog and/or cat shall reach the age of six months.
- (b) No dog and/or cat need be vaccinated when a licensed veterinarian has examined the animal and certified that, at such time, vaccination would endanger its health because of its age, infirmity, debility, illness, or other medical consideration; and such exception certificate is presented to the animal control officer within five days of such examination. The animal shall be vaccinated against rabies as soon as its health and age permit. Unvaccinated animals must be confined to the owner's property or a veterinary facility.

DIVISION 2. - IMPOUNDMENT

Sec. 10-95. - Procedure; reclaiming.

- (a) Impoundment. All dogs or cats picked up by the animal control officer or any of their duly authorized assistants shall be immediately transported to the designated pound. If the owner is known, they shall be immediately notified by telephone or personal contact and by written notice to their last known address. If the owner is unknown, written notice containing a description of the animal shall be posted at the pound and the city hall. The notice shall advise the owner that they have five regular business days to claim the dog or cat. The term "regular business day" means any day during which the pound is open to the public not less than four consecutive hours between the hours of 8:00 a.m. and 7:00 p.m.
- (b) Reclaiming. An owner may reclaim an impounded dog:
 - (1) If the dog or cat has a current license: by paying to the pound master an impounding fee plus a boarding fee in an amount determined by agreement between the city and the designated pound, for each day the animal was confined. There shall also be an added impounding fee for any dog or cat impounded twice within 12 months. Such fees shall be set by ordinance.
- (c) Unclaimed animals. Any animal not claimed within the allotted time shall be disposed of in accordance with the provisions of Minn. Stats. § 35.71, subd. 3.

Commented [BM1]: Does the Council want to remove inclusion of cats based on Chief's comments?

SECTION 3. SUMMARY

The following official summary of Ordinance #22-00 has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

Ordinance #22-00 amends sections of Article I, such as Section 10-1 with the purpose of reorganizing components of Chapter 10, and combining all non-domestic animal requirements into one section. This also updates and revises standards for maintaining animals in the City of Ramsey. Roosters will be allowed on properties that are at least two and a half (2.5) acres in size, and creating other poultry are addressed with new standards. Beekeeping will require a zoning permit in replacement of a land use application with larger hive allowances based on property size. Prohibited animals and domesticated animals are specifically addressed, and clarification of “at large” and “animal units” have also been provided, with additional clarification of maintenance standards for all animals.

Article II has been redacted entirely, and the standards for horses have been moved to Section 10.1 Article III has become Article II, and includes cats under the same provisions as dogs.

Commented [BM2]: Included with comment above.

SECTION 4. 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 _____, 2022.

Mayor

ATTEST:

City Administrator

- Introduction date:
- Posting dates:
- Adoption date:
- Publication date:
- Effective date:

Animal Ordinance Review
 Research for Animal Code Amendment – Agricultural Animals
 By: Bria Raines, Brian McCann and Grady Timmerman

The purpose of this research is analysis of peer community codes for standards and regulations regarding the allowable number of agricultural animals. Neighboring communities had the following ordinances:

Andover

Andover regulates the number of allowable agricultural animals by acreage. The animals included in the proposed ordinance (llamas, cows, mini-cows, bison, emu, rabbit, goats, pigs, sheep, lambs, turkey, roosters, and geese) were cross-referenced with Andover’s city code and standards were found for roosters and equines. Their standards were found in Title 5 and 12 and can be found below.

Permitted, Permitted Accessory, Conditional, Interim and Prohibited Uses	Zoning Districts							
	RR	R-1	R-2	R-3	R-4 ³	R-5	M-1	M-2
Animals								
Animal Therapy Facility-on properties larger than five acres in size	C	C	C	C	X	X	X	X
Commercial animal training (2.5 acre minimum residential lot size)	C	C	C	C	X	X	X	X
Commercial riding stables	C	C	X	X	X	X	X	X
Dog kennel license - Private (2.5 acre minimum lot size required) in compliance with City Code 5-1A	C	C	C	C	C	C	C	C
Dog kennel license - Commercial (minimum 2.5 acre lot size) in compliance with City Code 5-1A	C	C	C	C	C	C	X	X
Domestic animals in compliance with City Code Title 5	PA	PA	PA	PA	PA	PA	PA	PA
Farm animals up to 5 per acre, plus one additional farm animal per acre above 5 acres on residential properties 5 acres or greater up to a maximum of 20 animals ⁸ and definition under City Code 12-2	P	P	P	P	X	X	X	X
Farm animals greater than allowed as a permitted use on residential properties 5 acres or greater in compliance with City Code Title 5 ⁸ and definition under City Code 12-2	C	C	C	C	X	X	X	X
Feedlots, except Anoka Independent Grain and Feed Inc. which is a permitted use that predates the adoption of this ordinance.	X	X	X	X	X	X	X	X
Pleasure/recreation animals on residential properties at least 2.5 acres in size in compliance with City Code Title 5 and definition under City Code 12-2	PA	PA	PA	PA	PA	X	X	X
Poultry on residential properties with neither municipal sewer or water in compliance with City Code Title 5 and definition under City Code 12-2	P	P	P	P	X	X	X	X
Roosters on residential properties 5 acres or greater in size with neither municipal sewer or water in compliance with City Code Title 5 and definition under City Code 12-12	P	P	P	P	X	X	X	X

5-1B-4: **MINIMUM ACREAGE:**

A. The following chart prescribes the number of equines that can be maintained on residentially zoned parcels of land as shown:

<u>Acreage</u>	<u>Number Of Equines Permitted</u>
Less than 2.5 acres	0 equines (none permitted)
2.5 acres but less than 3 acres	1 to 3 equines
3 acres but less than 3.5 acres	1 to 4 equines
3.5 acres but less than 4 acres	1 to 5 equines
4 acres but less than 4.5 acres	1 to 6 equines
4.5 acres but less than 5 acres	1 to 7 equines
5 acres or more (Ord. 207, 3-18-1997)	No more than 3 equines per acre

B. Any foal is not considered to be a permanent part of the equine count and does not affect the number of equines permitted as established in the chart above. (Ord. 207, 3-18-1997; amd. 2003 Code)

Anoka

Anoka’s city code states that, “no person shall keep, harbor, or maintain care, custody, or control over any non-domesticated or farm animal within the city limits.” Farm animals are defined as, “animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, and other animals associated with a farm.” So, because farm animals/agricultural animals are prohibited, no such regulations are in place in Anoka.

Blaine

Blaine regulates the number of allowable agricultural animals by animal unit per acre. “Raising of domestic farm animals, excluding hogs and fur bearing animals, not to exceed one (1) animal unit per acre. The following animals constitute one (1) animal unit equivalency: one (1) cow or steer, one (1) horse, donkey, or burro, one (1) bee hive consisting of one queen bee, three (3) sheep or goats, or one hundred (100) fowl, or an equivalent thereof.” Chickens are restricted to a maximum of six (6) hens.

Champlin

Champlin regulates the number of allowable agricultural animals by acreage. Section 10-12(b) states, “no person shall keep, harbor, or maintain care, custody, or control over any horse, cow, sheep, pig, goat, or any other hoofed animal, chicken, duck, goose or other agricultural animal or fowl any place in the city. This section shall not prohibit the keeping of such animals in a stable that complies with the zoning code. The maximum number shall not exceed one animal per one acre of land.”

Coon Rapids

Coon Rapids does not permit the keeping of non-domestic animals. Non-domestic animals are defined as, “cows, sheep, pigs, potbellied pigs, bees, goats, swine, llamas, mules, horses or other hoofed animal, ducks, or other agricultural animals or domestic fowl and any animal, reptile or fowl, which is not naturally tame or gentle but is of a wild nature or disposition or which, because of its vicious nature or other characteristics, would constitute a danger to human life or property.” So, because non-domestic animals/agricultural animals are prohibited, no such regulations are in place in Coon Rapids.

Dayton

Dayton regulates the number of allowable agricultural animals through zoning, acreage, and animal units. Their standards can be found below.

- a. Lots less than 25,000 sq. ft. are permitted 1.0 animal unit.

<i>Permitted Animal Types for Lots less than 25,000 sq. ft. in Agriculture and Large Lot Residential (A-1, A-2, S-A, R-E)</i>	<i>Assigned Animal Unit Values</i>
Poultry/fowl/bird families (of a size larger than the ordinary pigeon) except emu and ostrich	3 head = 1.0 unit
Poultry/fowl/bird families (of a size of the ordinary pigeon or smaller)	6 head = 1.0 unit
Small animals	6 head = 1.0 unit

- b. Lots greater than 25,001 sq. ft. but less than 90,000 sq. ft. are permitted 1.0 animal unit.

<i>Permitted Animal Types for Lots greater than 25,001 sq. ft. but less than 90,000 sq. ft. in Agriculture and Large Lot Residential (A-1, A-2, S-A, R-E)</i>	<i>Assigned Animal Unit Values</i>
Poultry/fowl/bird families (of a size larger than the ordinary pigeon) except emu and ostrich	12 head = 1.0 unit
Poultry/fowl/bird families (of a size of the ordinary pigeon or smaller)	25 head = 1.0 unit
Small animals	25 head = 1.0 unit

Lots greater than 90,001 sq. ft. are permitted animal units as follows:

- i. Lots greater than 90,001 sq. ft. but less than 5.0 acres are permitted 4.0 animal units.
- ii. Lots greater than 5.01 acres but less than 8.0 acres are permitted 6.0 animal units.

- iii. Lots greater than 8.01 acres but less than 12.0 acres are permitted 9.0 animal units.
- iv. Lots greater than 12.01 acres but less than 16.0 acres are permitted 12.0 animal units.
- v. Lots greater than 16.01 acres but less than 20.0 acres are permitted 16.0 animal units.
- vi. Lots greater than 20.01 acres of land shall have their animal units determined by the following formula:

Maximum animal unit value = Number of Acres (according to Hennepin County records) x 1.0

When added together the sum of the individual animal unit values as shown on the schedule shall not exceed the maximum animal value as determined by the formula.

<i>Permitted Animal Types for Lots Greater than 90,001 sq. ft. in Agriculture and Large Lot Residential (A-1, A-2, S-A, R-E)</i>	<i>Assigned Animal Unit Values</i>
Horse/mule families	1 head = 1.0 unit
Cattle family	1 head = 1.0 unit
Hog family, including nondomestic potbellied pigs	1 head = 1.0 unit
Sheep/goat families	2 head = 1.0 unit
Poultry/fowl/bird families (of a size larger than the ordinary pigeon) except emu and ostrich	25 head = 1.0 unit
Poultry/fowl/bird families (of a size of the ordinary pigeon or smaller)	50 head = 1.0 unit
Small animals	25 head = 1.0 unit

(3) Residential (R-O, R-1, R-2).

- a. R-1 and R-O zoned lots less than 50,000 sq. ft. are permitted 1.0 animal unit.

<i>Permitted Animal Types in R-1 and R-O Zoned Lots less than 50,000 sq. ft.</i>	<i>Assigned Animal Unit Values</i>
Poultry/fowl/bird families (of a size larger than the ordinary pigeon) except emu and ostrich	3 head = 1.0 unit
Poultry/fowl/bird families (of a size of the ordinary pigeon or smaller)	6 head = 1.0 unit
Small animals	6 head = 1.0 unit

- b. R-1 zoned lots greater than 50,000 sq. ft. and R-2 zoned lots are permitted 1.0 animal unit.

<i>Permitted Animal Types in R-1 Zoned Lots greater than 50,000 sq. ft. and R-2 Zoned Lots</i>	<i>Assigned Animal Unit Values</i>
Poultry/fowl/bird families (of a size larger than the ordinary pigeon) except emu and ostrich	25 head = 1.0 unit
Poultry/fowl/bird families (of a size of the ordinary pigeon or smaller)	50 head = 1.0 unit
Small animals	25 head = 1.0 unit

- c. R-E zoned district are permitted 4.0 animal units.

<i>Permitted Animal Types in R-E Zoned District</i>	<i>Assigned Animal Unit Values</i>
Horse/mule families	1 head = 1.0 unit
Cattle family	1 head = 1.0 unit
Hog family, including nondomestic potbellied pigs	1 head = 1.0 unit
Sheep/goat families	2 head = 1.0 unit
Poultry/fowl/bird families (of a size larger than the ordinary pigeon) except emu and ostrich	25 head = 1.0 unit
Poultry/fowl/bird families (of a size of the ordinary pigeon or smaller)	50 head = 1.0 unit
Small animals	25 head = 1.0 unit

Elk River

Elk River regulates the number of allowable agricultural animals by animal units per acre. “One animal unit per acre of fenced pasture land is allowed for properties 5 acres or larger, CUP required for properties less than 5 acres to have agricultural animals.” Animal type and their corresponding animal unit can be found below.

Animal	Animal Unit Value
Slaughter steer or heifer	1.0
Horse	1.0
Mature dairy cow	1.4
Swine under 55 pounds	0.5
Swine over 55 pounds	0.4
Sheep	0.1
Duck	0.2
Turkey	0.018
Chicken	0.01

Nowthen

Nowthen regulates the number of allowable agricultural animals by animal units per acre. Animal type and their corresponding animal unit can be found in Chapter 11 – Zoning – Section 11-4-15: Animals or below.

There is a three acre minimum requirement, three animal units allowed of agricultural animals (including ducks) with one additional unit per acre allowed. Chickens may be kept on properties less than three acres provided the number of chickens does not exceed ten chickens per acre.

Animal	Animal Units
Cow, Steer, Heifer, Horse, Buffalo, Donkey, Mule	1.0 (1 = 1 unit)
Swine, Llama, Emus, Ostrich	.5 (2 = 1 unit)
Goat, Sheep, Alpaca	.2 (5 = 1 unit)
Goose, Duck, Chicken, turkey or other types of fowl	.05 (20 = 1 unit)
For animals undefined, the animal unit factor as defined by the MN Pollution Control Agency shall apply.	

Ham Lake

Ham Lake regulates the number of allowable agricultural animals by acreage. Chapter 5-330– Animal Control states, “except domesticated pets, and as permitted under Chapter 5-200, no raising, breeding, keeping or occupancy of livestock, poultry or other animals shall be permitted on any lands other than those zoned R-A Rural Single Family Residential. In land zoned R-A such activities may be permitted on parcels in excess of three (3) contiguous acres, provided the occupant has obtained an Animal Permit. As many as three (3) such animals may be kept on a lot or parcel of land containing three (3) acres. One (1) additional such animal, per acre, may be kept upon lots or parcels of land containing more than three (3) acres.” No definition of livestock is provided for clarification on types of animals.

Osseo

Has no relevant agricultural animal ordinances.

Rogers

Rogers regulates the number of allowable agricultural animals by animal units and the zoning district’s maximum density. Sec. 125-326 – Animal, livestock, and farming operations states that animal units are dependent on a zoning district’s maximum density and that rural estate zoning districts (RE-2 and RE-5) require three acres for the first animal unit and one additional acre per each additional animal unit. Animal type and their corresponding animal unit can be found below.

	Animal Units
one mature dairy cow	1.4
one slaughter steer or heifer	1.0
one horse	1.0
one swine over 55 pounds	0.4
one goose or duck	0.02
one goat or sheep	0.1
one swine under 55 pounds	0.05
one turkey	0.018
one chicken	0.01
one llama	0.5

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

Animal Ordinance Review
Research for Animal Code Amendment – Cats
By: Bria Raines, Brian McCann and Grady Timmerman

The purpose of this research is analysis of peer community codes regarding standards for the number of cats allowed. Neighboring communities had the following ordinances:

Andover

Dependent on land size:

- The City’s code limits the number of cats to 3 for properties less than 2.5 acres; no mention for properties over 2.5 acres.
- Donkey, horse, pony, mule, and foal permitted on property over 5 acres.

Anoka

Chapter 14-31 – Restriction on number of animals

- “No person shall keep more than three cats, or a mixture of dogs and cats, not to exceed three pets in total, at one residence within the city, except that a fresh litter of pups or kittens may be kept for a period of three months.”

Blaine

Chapter 6 – Control of animals other than dogs

- No section on cats or limitations

Champlin

Chapter 10 – Animals

- No more than 3 cats or dogs, or any combination of

Coon Rapids

Chapter 6 – Animal Control and Licensing

- Cats must be registered, no limitation to number

Dayton

Chapter 94 – Animals

- No section on cats or limits
- Permitted:
 - House pets: dogs, cats, birds, rodents (maintained continuously in a cage)

Elk River

Chapter 30-803. – Animals

- No requirements for cats.

Ham Lake

Chapter 5-330– Animal Control

- No requirements for cats – domesticated animals.

Nowthen

Chapter 11 – Zoning – Section 11-4-15: Animals

- Only mention of dogs/cats is in regards to Conditional Use Permits for breeding.

Osseo

Chapter 94 – Animals

- No relevant cat ordinances

Rogers

Chapter 10-27 – Limit of dogs or cats on one premises

- Not more than three dogs or cats over six months of age shall be kept on any one premises except at a licensed commercial kennel or a licensed residential kennel.

The purpose of this research is analysis of peer community codes regarding standards for roosters. Neighboring communities had the following ordinances:

Andover

The City's code defines poultry without naming roosters specifically.

- Definition
 - Poultry: "Domestic fowls, such as chickens, turkeys, ducks or geese, raised for meat or eggs"
 - Permitted in Single Family rural, Suburban, Estate, and Rural Reserve.
 - Prohibited in urban and multiple dwelling zones.

Anoka

Chapter 14-31 – Restriction on number of animals

- "(146) "A person may keep, harbor, or maintain care, custody, or control over no more than four chickens, ducks, geese or other fowl or poultry or combination as defined by this article within city limits. No roosters shall be permitted."

Blaine

Chapter 6 – Control of animals other than dogs

- No section on cats or limitations
- Exotic animals require a permit
 - Permitted: any animal of the species of horse, mule, ass, cattle, sheep, goat, domesticated fowl and exotic animals (except domesticated fowl maintained in a residence), including but not limited to duck, chicken, goose, turkey or peafowl or swine of any kind

Champlin

Chapter 10 – Animals

- (b) Hoofed and agricultural animals. No person shall keep, harbor, or maintain care, custody, or control over any horse, cow, sheep, pig, goat, or any other hoofed animal, chicken, duck, goose or other agricultural animal or fowl any place in the city. This section shall not prohibit the keeping of such animals in a stable that complies with the zoning code. The maximum number shall not exceed one animal per one acre of land.
 - Not permitted if not house pets or livestock

Coon Rapids

Chapter 6 – Animal Control and Licensing

- (702 (2)) Keeping of roosters is prohibited.

Dayton

Chapter 94 – Animals

- (1) No owner shall allow any animal to commit acts defined or described in this section or Dayton City Code Chapter 130 as a nuisance.
...
(3) The owning, keeping, or harboring of any animal which does any of the following is hereby declared to be an act of nuisance committed by the person owning, keeping or harboring the animal:
 - (f) Excessively makes disturbing noises;

Elk River

Chapter 30-803. – Animals

- One animal unit per acre of fenced pasture land is allowed for properties 5 acres or larger, CUP required for properties less than 5 acres to have agricultural animals
 - Agricultural animals include slaughter/steer/heifer (1 unit), horses (1 unit), mature dairy cows (1.4 units), swine under 55 pounds (0.5 units), swine over 55 pounds (0.4 units), sheep (0.1 units), ducks (0.2 units), turkey (0.018 units) and chickens (0.01 units).
- “Roosters are not permitted on parcels two and one-half acres to five acres in size, unless a conditional use permit is granted.”

Ham Lake

Chapter 5-330– Animal Control

- The following conditions shall apply to every person who owns, controls, keeps, or maintains chickens on a residential city lot in areas zoned R-1 and RS-1:
 - (b) No roosters or other poultry shall be allowed.

Nowthen

Chapter 11 – Zoning – Section 11-4-15: Animals

- Roosters not permitted on properties three acres or less – no other mention in Code.

Osseo

Chapter 94 – Animals

- No relevant rooster ordinances

Rogers

Chapter 10-22 – Restrictions on keeping certain animals

- (1) Chickens and other domestic fowl.
- (2) Any combination of animals and/or fowl of any age kept in such numbers or under conditions that reasonably annoy, injure, or endanger the health, safety, comfort, repose, or welfare of the public or of the animals or fowl.

City Engineer Westby reviewed his staff report that was included in the case.

Councilmember Specht commented that he would be happy to be involved as part of that process.

Mayor Kuzma referenced the Jarvis intersection noting that previously a J hook was mentioned, but that has not been well received on 65 where it was constructed. He asked if that is still included in the plan or could be changed.

City Engineer Westby replied that they are currently looking at several alternatives in that area. He noted that there are three intersections close together in that section and they are reviewing which at grade improvement would be best for that area.

Mayor Kuzma commented that he does not support the J hook intersection.

2.03: Discuss Potential Ordinance to Clarify Rooster Restrictions

Deputy City Administrator Gladhill reviewed the staff report.

Councilmember Howell stated that she likes hobby farms and that type of activity. She stated that roosters are noisy and therefore one acre would seem small. She asked if there is a reason geese and ducks are not allowed in the same manner chickens are allowed. She asked if one goat could be allowed per half acre.

Deputy City Administrator Gladhill commented that the City has not received requests for ducks or geese. He stated that the City has received requests for racing pigeons but that generates a lot of complaints.

Councilmember Riley commented that he does not support roosters at this time as it would generate complaints. He stated that residents have supported the chicken ordinance and has not heard anyone complain that they could not have roosters. He stated that he supports the three-acre threshold.

Councilmember Woestehoff asked if it would make more sense to only allow these activities on rural developing zoned property, which begins at 2.5 acres, to simplify the language.

Deputy City Administrator Gladhill commented that could be done but there are parcels within that zoning district that are only one acre in size. He stated that could be done but more detailed thought would go into that review.

Councilmember Woestehoff stated that he would imagine there are more 2.5 acre lots compared to lots over three acres.

Deputy City Administrator Gladhill commented that the current lot minimum within the rural developing district is 2.5 acres but noted that there are thousands of lots within that district that were created before that minimum was set and therefore are one acre in size.

Councilmember Specht stated that he liked the idea of expanding this, with the general intent to be allow unless there is a reason not to. He stated that he understands the noise level of roosters and perhaps larger lot sizes could be specified for that use. He stated that he would also support allowing additional animals regulated to lot size. He stated that he would prefer staff have the ability to approve or disapprove a request, such as goats, without coming to the Council unless there is an issue of escalation.

Deputy City Administrator Gladhill noted that there would need to be specific language as to what would cause an escalation. He stated that the process would also need to be clear as it would not be appropriate for staff to approve something and then have the Council question why it was approved. He stated that the process has evolved over the years to streamline it. He noted that a public comment period would still be recommended, and if there are no comments and the request meets the criteria perhaps it could be approved by staff but if there are comments against the request, it should still follow the path to the Council.

Councilmember Musgrove commented that she advocated for a resident that lives on five acres of land who was informed that he could not have a rooster, but that was not clearly defined within City Code. She believed that this language would clarify the confusion. She stated that she would advocate to allow roosters on properties of five acres or more, perhaps through the CUP process. She stated that if this does move to an administrative approval process, she would want language included that allows a resident to request appeal to the Council. She recognized that a rooster makes noise, but so do vehicles and other things within the community.

Councilmember Heineman agreed that five acres would be a reasonable benchmark for roosters. He commented that roosters can be seen as a nuisance and therefore would not support the keeping of roosters on lots under five acres. He asked if there would be a reasonable limit on the number of roosters that could be kept.

Deputy City Administrator Gladhill commented that he is not a rooster expert and therefore staff would need to look into that. He stated that sometimes there is good intention when drafting an ordinance but there is then difficulty in enforcement and implementation. He stated that perhaps the language is kept at one rooster to begin with for parcels five acres or larger.

Councilmember Woestehoff commented that he believes that a request for roosters should include where the rooster will be located in order to minimize impacts to adjacent properties.

Councilmember Musgrove stated that she reviewed the ordinance used by Nowthen related to the keeping of chickens and roosters and read portions aloud.

Deputy City Administrator Gladhill commented that it seems there is majority consensus to allow roosters on parcels of five acres or more with additional language specifying location of the rooster enclosure on the lot.

Councilmember Howell commented that she would like to see ducks, geese, goats, and pigs allowed one per half acre for lots three acres or larger.

Deputy City Administrator Gladhill stated that staff can also bring forward a suggestion for an administrative approval process with the option to appeal to the Council.

The consensus of the Council was to direct staff to create a process for administrative approval as well and bring the proposed changes back to the Council for review.

Deputy City Administrator Gladhill commented that staff will draft a policy framework for the Council to review and if there were consensus, staff would draft an ordinance amendment.

2.04: Discuss Final Settlement Agreement for Retaining Wall Encroachment in Trott Brook Greenway Conservation and Trail Easement at 7349 18th Circle NW and Potentially Discuss a Broader Corridor Solution; Case of John and Jodell Seaman

Deputy City Administrator Gladhill reviewed the staff report.

Councilmember Musgrove thanked staff for their work on this case. She stated, “For the record I wanted to show that I specifically asked for this case to come and initially another case came which is a very needed conversation that we need to have about the broader corridor, but I’m glad that we have gotten to this point where the case is here before us. In the summer of 2020 I brought some concerns about this trail to Tim.” She noted that she photographed a rusty barrel located on the water side of the trail, which is still in that location. She asked who is responsible for monitoring the conditions of the trail.

Deputy City Administrator Gladhill replied that this has been a learning experience. He stated that because of the grant funding, each year the City is audited and provided details on that process. He stated that the code enforcement program has been tweaked to identify areas in which staff should be more proactive. He stated that if desired this could be included as one of those areas. He stated that he can follow up on the rusty barrel.

Councilmember Musgrove stated that her complaint about the barrel was ignored and more focus was put on the retaining wall. She stated that she is glad they are now at the point to say the City will assist with the cost but hoped that they could have come to this point sooner. She referenced the cost to vacate just the portion of the easement along the corridor would be between \$10,000 and \$20,000. She asked for clarification on which portion of the easement is referenced.

Deputy City Administrator Gladhill commented that would apply corridor wide on the south side of the trail as the area of contention on the properties is only on the backyard side of the trail. He explained what that cost would entail. He stated that as part of the settlement the Seaman’s paid \$1,500 as part of their CUP application. He stated that currently nothing has been charged towards that in attempt to reach a final settlement. He noted that cost would be applied to the purchase, floodplain modeling, or could be refunded.

Mayor Kuzma commented that one of the things that started this process was that the residents did not pull a permit for their retaining wall activity; therefore he does not tend to favor refunding that amount. He commented that if the City lets this go, he believes there could be additional problems to follow in the future.

5:17: Adopt Resolution #21-215 to Hire an Accounting Clerk and Reclassify the Accountant II

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Heineman, Howell, Musgrove, Riley, Specht, and Woestehoff. Voting No: None.

5. APPROVE AGENDA

Motion by Councilmember Woestehoff, seconded by Councilmember Musgrove, to approve the agenda as amended, with the addition of Agenda Item 7.8.

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Heineman, Howell, Musgrove, Riley, Specht, and Woestehoff. Voting No: None.

6. PUBLIC HEARING

6.01: Introduce Ordinance #21-11 Amending Chapter 10 of City Code to Include Requirements for Keeping Cats and Roosters, and to Amend Standards for Agricultural Animals and Beekeeping

City Administrator Ulrich reviewed a proposed Ordinance amending Chapter 10 of City Code to include cats and roosters and amend standards for agricultural animals and beekeeping. He stated this item has not been reviewed by the City Attorney. He added he would like to continue the public hearing until a date specific recommended on August 10, 2021.

Planning Technician Brian McCann stated the Ordinance contains proposed changes to the animal section of City Code, including a summary of changes, as well as the removal of mules, donkeys and burros. Roosters would be allowed on properties of 2.5 acres or more via administrative approval with a 2-rooster maximum, regulated under the City's existing noise ordinance. Beekeeping would be allowable via zoning permit. The number of cats is limited, similar to the number of dogs. Emu, bison and rabbits would be allowed on properties of 2.5 acres in the rural developing zoning district. Other animals can be addressed via special animal license or home occupation permit.

Councilmember Howell stated, under the section related to cats and dogs, a private kennel license is required for 4 or more dogs or cats. She added a bigger kennel would be required if there were puppies. She expressed concern about imposing overbearing regulations.

Planning Technician McCann stated he believes the definition of dogs and cats includes regulation after 6 months or older. He added he can verify that information.

Councilmember Howell asked how City Staff will enforce noise restrictions for properties with crowing hens, and how that will be measured. She expressed concern that this could become a waste of staff time.

Planning Technician McCann stated potential issues can be reviewed by Code Enforcement and addressed as necessary.

Councilmember Henneman stated it is wise to move forward and enact these changes. He asked whether it would be possible to add ducks, as requested by Liam Steinberg, which seems to be a reasonable request.

Senior Planner Chloe McGuire Brigl stated the section of City Code related to be chickens can be amended to include ducks.

Councilmember Musgrove thanked Liam Steinberg for coming in and sharing his comments about ducks. She stated there are a few inconsistencies between Section 2.5 and 3 that should be corrected, including allowing roosters on properties of 5 acres or less anywhere in the City rather than only R-1 districts. She noted she would support a reference to Homeowner's Associations' (HOA) animal regulations, which are more restrictive than City Code.

Councilmember Musgrove stated other cities' regulations could be listed for reference purposes; for instance, Nowthen has a policy on roosters. She added this was discussed by the City Council at a recent work session.

Mayor Kuzma expressed concern about HOA regulations, which could be in conflict with City regulations. He added the HOA policy should be the governing rule.

Councilmember Howell stated the City's goal in terms of strategic planning has been to simplify the City Code. She added she would support requirements based on property and unit size as well as the number of animals, rather than zoning districts. She noted she opposes the section on crowing hens, which would be a waste of staff time, and she would like to see less restrictions for some barnyard animals. She stressed the importance of simplifying the requirements.

Councilmember Specht asked why there is a limit of 3 domesticated animals allowed. He added it is unreasonable if animals are well-kept and this does not harm the City.

Planning Technician McCann stated that regulation arose due to a Code Enforcement case involving a resident who had approximately 100 cats. He added this restriction is to provide support for regulating those types of extreme situations.

Councilmember Specht asked whether the limit can be increased to 10 or more. He added he knows people who have more than 4 animals. He noted raising the limit to 10 would cover more extreme cases.

Senior Planner McGuire Brigl stated existing regulations are just for dogs only. She added a resident who owns more than 3 dogs must obtain a private kennel license. She asked whether Councilmember Specht would like to change the existing Code or the proposed changes.

Councilmember Specht stated his preference would be to change them both to at least 10 animals. He added this could otherwise be a problem for many residents.

Mayor Kunza asked whether a resident could obtain a variance if they wanted to have more animals. Senior Planner McGuire Brigl stated a Conditional Use Permit for a private kennel license is required, with formal hearing before the Planning Commission and City Council.

Councilmember Riley stated there have been Code compliance cases where residents have had more than 3 dogs that were harder to care for, and there was too much noise. He added this will give the City a way to make sure that residents have the ability and space to take care of multiple dogs.

Councilmember Specht asked what the process is for getting a kennel license, and whether there are requirements and fees. Senior Planner McGuire Brigl stated the resident would submit a formal land use application to the City and public notice is sent to adjacent residents. She added a public hearing will be held before the Planning Commission and formally approved by the City Council via Resolution.

Councilmember Specht asked whether there are State regulations for domestic animals. Senior Planner McGuire Brigl stated she is not aware of any State regulations, and most enforcement falls on the City Code.

Mayor Kuzma stated the City should have an adequate process if someone wants to have more pets. He added situations can be addressed individually. He noted he would not be in favor of changing that policy.

Councilmember Musgrove stated, as part of this discussion, the process could be shortened so that not every case would be required to come to the City for an appeal. She added she would support that process.

Senior Planner McGuire Brigl stated City Staff is open to the appeal option. She added the City will be put in a difficult position if residents already have animals and then bring their appeal to the City Council. She noted it would be preferable for residents to apply before they get their animals.

Motion by Councilmember Musgrove, seconded by Councilmember Heineman, to continue the Public Hearing introducing Ordinance 21-11 amending Chapter 10 of the City Code including Requirements for Keeping of Cats and Roosters to the Regular Council Meeting on August 10, 2021.

Further discussion: Councilmember Musgrove requested that this issue be reviewed at a work session. Councilmember Howell agreed. City Administrator Ulrich stated this item can be added to the August 10 work session, although there are already items on that agenda.

Jared Little, 7590 149th Lane NW, stated he has been a beekeeper for over 10 years. He added he has taught beekeeping classes for many years and is in the process of getting his Master Beekeeper certification. He added he is in favor of adding beekeeping to this Ordinance to make it easier for beekeepers to obtain a license. He noted this Ordinance is a step in the right direction to provide

encouragement and support for beekeepers. He offered to answer any questions the City Council may have about beekeeping.

Sarah Grubner, 9431 176th Avenue, stated she and her family live on a 6-acre homestead in Ramsey, which has been a lifelong dream for her. She added her family has chickens and a rooster, and today a baby chick was born. She noted her family has cats and wants to have several dogs. She noted the number of dogs and cats should be separate, and the size of cows should be considered.

Motion carried. Voting Yes: Mayor Kuzma, Councilmembers Heineman, Howell, Musgrove, Riley, Specht, and Woestehoff. Voting No: None.

7. COUNCIL BUSINESS

7.01: Adopt Ordinance #21-16 Repealing Ordinances #20-11, #20-12, and #20-13 in regard to Franchise Fees on Centerpoint Energy, Connexus Energy and City of Anoka Electric

City Administrator Ulrich reviewed the second reading and proposed adoption of an Ordinance repealing Ordinances 20-11, 20-12 and 20-13 regarding franchise fees on Centerpoint Energy, Connexus Energy and City of Anoka Electric. He stated this Ordinance would eliminate franchise fees adopted for 2021, as well as part of 2020. He noted the franchise fees would be repealed and revenues would be replaced through tax levy.

Mayor Kuzma stated he is opposed to this Ordinance being repealed as the City does not, in his opinion, have a good path moving forward. He added there have been very few complaints from residents about the franchise fee, and the program has been working. He noted the 2022 budget process has not been completed, and union contracts are not negotiated, and he does not support repealing a process before there is a working plan in place to replace it.

Mayor Kuzma stated a levy increase of 20-27% could be anticipated to replace the franchise fees, while the proposed budget was a 12% increase. He added the City could lose its bond rating if it becomes necessary to tap into reserves. He noted, without a plan in place, it is the wrong time to do this, and he will not be supporting it.

Councilmember Howell stated the tax increase would have been 17% if the previous City Council had added the franchise fee to the levy, but instead, the percentage was distributed inequitably across home values, and some people paid heavily. She added, for instance, a home with a value of \$172,000 had a tax increase of 40%, while a home with a value of \$450,000 increased 6.6%. She noted the franchise fee simply disguised the tax increase, and she does not support that, as it is not fair for some neighbors to pay higher taxes. She noted she will be supporting the Ordinance.

Councilmember Heineman stated, at the Council's last meeting, he commented that the franchise fee is a regressive tax. He added residents should pay taxes that are proportional to their home value, which is a regressive tax. He noted \$300,000 is the breaking point, and homes with a value of \$336,000 would pay the same as the franchise fee, if a 15% tax levy is added. He noted the vast

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to introduce Ordinance #21-17 Amending Rental Licensing Requirements to Explicitly Include Requirements for Short-Term Rentals to Receive a Rental License.

Motion carried. Voting Yes: Acting Mayor Riley, Councilmembers Musgrove, Woestehoff, Heineman, Howell, and Specht. Voting No: None. Absent: Mayor Kuzma.

6.02: Introduce Ordinance #21-11 Amending Chapter 10 of City Code to Include Requirements for Keeping Cats and Roosters, and to Amend Standards for Agricultural Animals and Beekeeping

Presentation

City Administrator Ulrich stated, based on discussion and feedback over the past few weeks, City Staff is recommending that a public hearing be held, and public comment taken on this issue but that the Ordinance should not be introduced until further review can be done. He added City Staff will revise the Ordinance to reflect comments received from the City Council and the public at the City Council's last meeting. He noted a follow-up review will be scheduled for the City Council's November 9, 2021 meeting.

Planning Technician Brian McCann reviewed the proposed Ordinance related to the keeping of cats and roosters as discussed at the City Council's July 27, 2021 meeting. He added, after receiving public comment, City Staff have revised the Ordinance to include ducks on all properties, similar to chickens, and to include animal family classifications, including mini-cows, and to limit the number of dogs and cats not to exceed 10. He noted a kennel license will still be required for 4 or more dogs.

Planning Technician McCann stated City Staff recommends postponing action on this item for 90 days to provide additional time for City Staff and public input.

Public Hearing

Acting Mayor Riley opened the public hearing.

Citizen Input

There was none.

Motion by Councilmember Musgrove, seconded by Councilmember Woestehoff, to close the public hearing.

Motion carried. Voting Yes: Acting Mayor Riley, Councilmembers Musgrove, Woestehoff, Heineman, Howell, and Specht. Voting No: None. Absent: Mayor Kuzma.

Council Business

Motion by Councilmember Howell, seconded by Councilmember Heineman, to postpone City Council action on proposed Ordinance #21-11 Amending Chapter 10 of City Code to the City Council's Tuesday, November 9, 2021 Regular Meeting.

Motion carried. Voting Yes: Acting Mayor Riley, Councilmembers Howell, Heineman, Musgrove, Specht, and Woestehoff. Voting No: None. Absent: Mayor Kuzma.

7. COUNCIL BUSINESS

7.01: Consider Request for Comprehensive Plan Amendment to Re-Guide PID #20-32-25-44-0003 from High Density Residential (HDR) to Medium Density Residential (MDR) (Project No. 21-122); Case of Lennar

Senior Planner McGuire Brigl reviewed a request from Lennar for a Comprehensive Plan amendment for a residential subdivision near the Fire Station site. She added the 35-acre site is zoned "split zoning", which is unique for Ramsey. She noted 80-foot-wide lots are proposed on City utilities adjacent to existing residential areas with smaller rural developing lots and high-density residential areas, as well as industrial and commercial uses.

Senior Planner McGuire Brigl stated the Comprehensive Plan guides this area as high-density residential with 8 units per acre. She added, under Met Council guidance, anything over 8 units per acre counts as affordable housing, regardless of whether it is an affordable housing development. She noted the site is adjacent to low-density residential of less than 4 units per acre.

Senior Planner McGuire Brigl stated the applicant is proposing to reduce density from high to medium residential with 4-8 units per acre and an average density of 5.5 units per acre. She added City Staff is supportive of this proposal as it matches the adjacent residential areas and provides a nice buffer. She noted, however, there would be funding impacts.

Senior Planner McGuire Brigl stated the City of Ramsey is a member of the Livable Communities Act (LCA) Program, with funding eligibility, of which the City is the net recipient. She added the City has received \$6 million in project funding over the past 20 years, including \$1 million in 2019 for Riverwalk Village. She noted overall density cannot be reduced, and affordability must be maintained, for the City to maintain its membership in the LCA Program.

Senior Planner McGuire Brigl stated the City passed a Resolution in November 2020 expressing support for and participation in the LCA Program.

Senior Planner McGuire Brigl provided alternatives for City Council consideration. She stated the Comprehensive Plan could be amended through the approval process; funding mechanisms could be changed; or the development could be approved with no changes, which would mean the end of the City's participation in the LCA Program.

Senior Planner McGuire Brigl stated the City Council could approve the Comprehensive Plan amendment but direct City Staff to research alternative sites to re-guide at 8 units per acre. She added there are other potential sites in the City guided for low to medium density. She noted another option would be to direct the applicant to revise the plan to maintain 8 units per acre.

7.06: Update on Proposed Amendments to Chapter 10: Animals

Planning Technician McCann gave an update on the animal ordinance and reviewed the Staff report. He presented an updated ordinance for the Council's review along with alternatives.

Councilmember Howell referenced language that states the animals allowed by the ordinance must be listed in the ordinance or the animal is not allowed. She gave the example of a goldfish.

City Attorney Knaak replied yes, there are two different kinds of ordinances. One ordinance enumerates items and anything not enumerated is prohibited. The other type is more general and this ordinance is one that enumerates items.

Councilmember Howell questioned the regulation of rabbits, finding it is an odd requirement and noting that bison, which are dangerous, are treated like a cow, roosters have more requirements than either. She suggested a few Councilmembers review the language with Staff and simplify it, similar to the City of Oak Grove ordinance, which she felt was more readable. She felt the Council didn't need more public input but, rather, Staff who will put the time in to work through it. She expressed concern about the public's reaction as stated.

Councilmember Heineman commented that initially he was against the idea of having a small committee on the City Council but this is a complex issue that is taking up a lot of time so he is in support of a committee.

Councilmember Musgrove also expressed support. She questioned if other changes to City code had surveys and questionnaires sent to residents, which she felt was odd. She would like to see some simplification and liked the examples used by the cities of Oak Grove and Nowthen. She would like to see fewer items enumerated and a committee would be a better option. She questioned the lack of a limiting requirement on cats in the code.

Senior Planner McGuire Brigl confirmed this.

Councilmember Musgrove questioned if there is a Department of Public Health statutes regarding cats.

Mayor Kuzma agreed with Councilmember Howell that this is a complex issue that could warrant a committee.

Councilmember Woestehoff commented there is some work to be done on this. The issue needed is a defining factor of what is allowed on the property versus in the house. He supported putting together a committee, and referenced the resident that requested ducks and is waiting for the Council's decision.

Mayor Kuzma asked Councilmember Howell if she would like to take the lead on the committee.

Councilmember Howell confirmed this.

Councilmembers Musgrove and Specht also agreed to be a part of the committee.

Senior Planner McGuire Brigl explained there is a way to allow ducks for the young resident that requested them under the non-traditional animal license and asked if the Council would be interested in getting the license.

City Administrator stated there is consensus that the committee will be comprised of Councilmembers Howell, Musgrove and Specht who will report back in 30 days.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich introduced the new City Attorney Fritz Knaak and the new Deputy City Administrator/Community Development Director Brian Hagen who both started on November 1, 2021. He stated they are great additions to the City of Ramsey and welcomed them.

City Administrator Ulrich stated the joint work session scheduled for November 16, 201 was canceled and will be rescheduled during the first quarter of 2022. The next regular City Council meeting will be Tuesday, November 23, 2021. He noted City Hall is closed Thursday November 11, 2021 in honor of Veterans Day.

Councilmember Musgrove asked about information sharing between the Staff and Councilmembers. She questioned if there were email exchanges of information between certain Councilmembers and Staff that weren't being shared with the whole Council. She wondered if this information might aid in the Council's understanding and make for better decision making during meetings.

Councilmember Woestehoff replied that he has asked questions of the Staff but often it is in response to a resident request. He couldn't remember a time when he asked a question related to a case that didn't get shared with the whole Council.

Councilmember Howell agreed with Councilmember Musgrove that some information from Councilmembers gets shared selectively.

Councilmember Musgrove asked for input on the information sharing.

Mayor Kuzma replied that he felt information is being shared.

City Administrator Ulrich replied that is the case if it is of broader interest, if it is related to a case, budget questions, or CIP questions that are of interest of everyone. He stated some Councilmembers ask more questions via email overall, but the goal is to be consistent.

Councilmember Riley commented if a question is raised maybe the Council would all enjoy the information. He wasn't aware of an issue with information sharing.

Councilmember Howell asked about the phone bill that was shared with everyone.

Meeting Date: 12/14/2021

Information

Title:

Review Comprehensive Plan Amendment Options for MUSA Areas North of Trott Brook

Purpose/Background:

The purpose of this case is to review an item related to the Trott Brook Crossing case, but more largely, for this Planning area in general. The net density of the project is coming in well below 3.0 units per acre, which is the minimum allowable density in the City's 2040 Comprehensive Plan. This item came out of the EAW analysis by the Metropolitan Council.

In this situation, the City has two options:

- Allow smaller lots on the properties to reach the minimum 3 unit per acre threshold (Comprehensive Plan requirement)
- Revise the City's Comprehensive Plan to allow for this lower density under certain circumstances

Based on previous direction, Staff is recommending item #2.

There are ramifications on if the City allows the overall density within the MUSA to go below 3 units per acre. If this happened, the Metropolitan Council could hold sewer extension permits until the City reaches 3 units per acre overall. This would have a real impact on the City's goals for commercial/retail growth. The City must maintain a minimum of 3 units per acre to stay on the regional wastewater system. This is important to note because lowering the allowable densities in too many areas of the City could essentially prevent sewer growth and the Metropolitan Council could deny sewer extension permits.

The Metropolitan Council did a high level calculation of allowing this project to come in below 3 units per acre, and it does not appear that it would impact the City as a whole, as we would still be over 3 units per acre. But, additional developments within the MUSA need to meet the minimum density because the City is just at 3.0 units/acre. Any lower density developments could swing us under that threshold, which would have a major impact on the City's growth, including commercial, industrial, and retail growth.

Staff is proposing implementing a new tool, "Urban Residential Low" (name can be changed) to allow for developments (specifically Trott Brook Crossing and North Brook Meadows) to go below 3 units per acre if certain conditions are met. The conditions include character of the neighborhood, environmental considerations, and other physical constraints.

The proposed comprehensive plan amendment could run in tandem with the Preliminary Plat, and after, there would be a 60 day window for adjacent jurisdiction review, and after that approximately 60 days for Metropolitan Council review.

Timeframe:

15 minutes

Funding Source:

The Applicant is responsible for all costs associated with development.

Responsible Party(ies):

Community Development
Chloe McGuire, Senior Planner
Brian Hagen, Deputy City Administrator

Outcome:

Direct Staff to work with the Metropolitan Council and bring forward a Comprehensive Plan Amendment to a future meeting with/without additional properties or items.

Attachments

Background Information from Metropolitan Council

Draft New Comprehensive Plan Area

Future Land Use Map (MUSA)

Proposed Areas

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	12/08/2021 07:15 PM
Kurt Ulrich	Kurt Ulrich	12/09/2021 11:22 AM
Form Started By: Chloe McGuire Brigl		Started On: 12/07/2021 08:40 AM
Final Approval Date: 12/09/2021		

Information from the Metropolitan Council:

I wanted to provide you with the Andover example of reduced density in specific circumstances (typically for infill developments in the MUSA). Please bear in mind that we required these areas **to be mapped**, and we needed **associated acreages** to determine the affect on overall community density. **If the City adds acreage or needs to amend the map to show new locations, this will require an amendment so that we can ascertain the affect on overall community density.**

Andover Example

Urban Residential Low (URL) district and the Transitional Residential (TR) district at the time of preliminary plat application may qualify for a reduction in minimum density requirements. If a property meets three (3) or more of the criteria listed below, the City Council may approve a decrease in the minimum density requirements provided the proposed density does not fall below 1.75 units per acre:

- A. Adequate sanitary sewer or water capacity does not exist to develop the property at the minimum density.
- B. Previous subdivision of adjacent properties has provided limited access which restricts development potential.
- C. Meeting the minimum density would not be feasible due to the existence of poor soils, wetlands, floodplain, topography, hydrology or other limiting environmental condition.
- D. Property is located within a Shoreland District, Scenic River District, Wellhead Protection Area, or Drinking Water Supply Management Area due to State requirements towards limiting impacts to the above noted items.
- E. For infill type developments, the characteristics of the surrounding neighborhood would not support development of the property at the minimum density.

The City is aware of several properties that may meet three of the five criteria above and has identified these areas on Figure 2.4A. Figure 2.4A is for planning purposes only to illustrate the potential applicability of these criteria. Ultimate determination of applicability of these criteria will be at the City Council's discretion and upon site plan review.

I will try to find some more examples. Basically, the City can opt for a reduction in the current LDR land use category, but these acreages will need to be provided and mapped in the Future Land Use map or similar to be included in the 2040 Plan. The criteria above are by no means required, but we will need to have the acreages and area(s) mapped. Another approach would be the creation of a new land use category to allow for these lower densities. My advice would be that the Council should consider mechanisms (as above) to limit the use of these reductions to ensure that developments come in at or above 3.0dua on average.

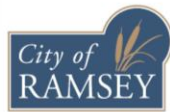
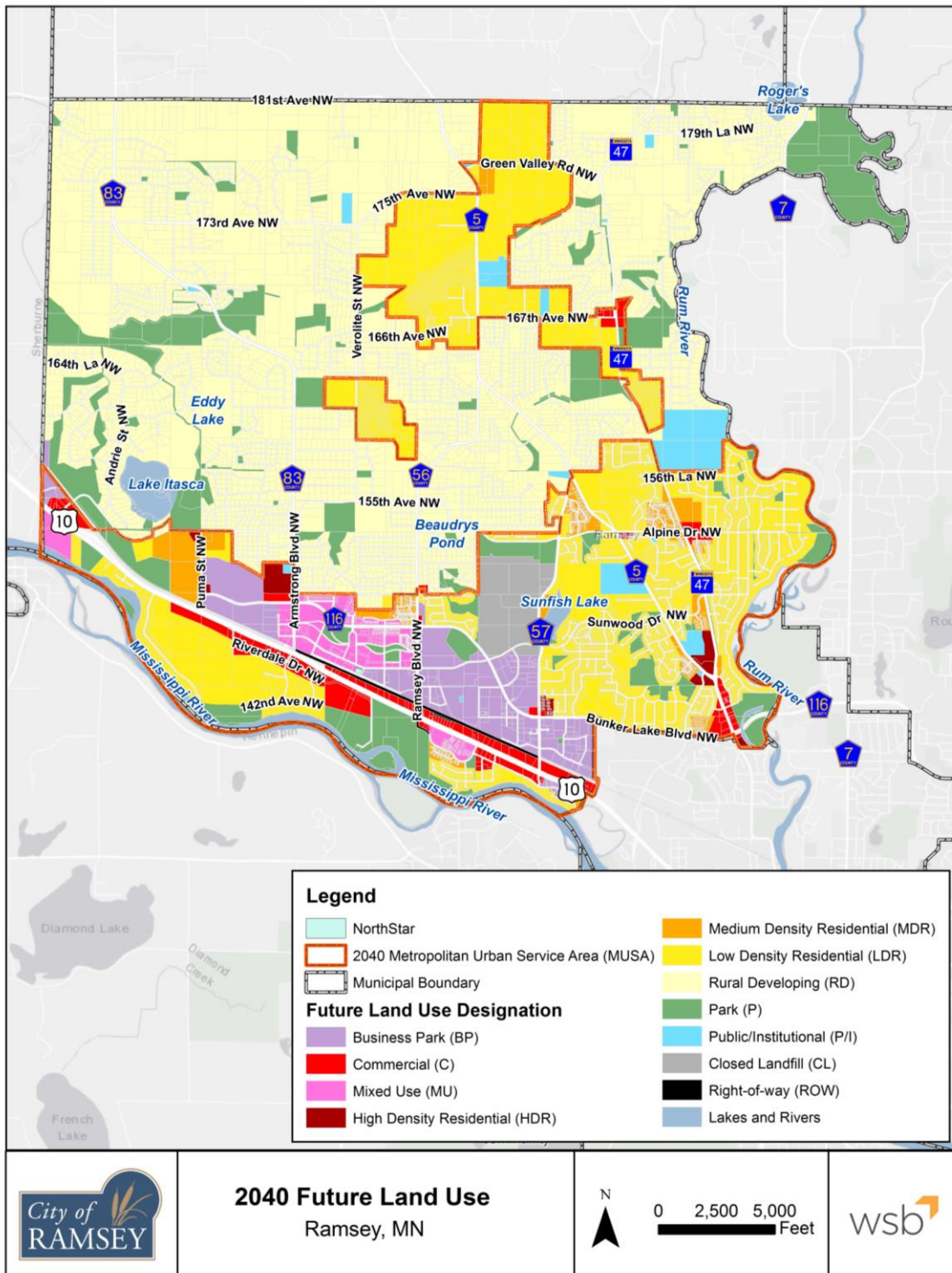
Urban Residential Low (URL) district at the time of preliminary plat application may qualify for a reduction in minimum density requirements. If a property meets two (2) or more of the criteria listed below, the City Council may approve a decrease in the minimum density requirements provided the proposed density does not fall below 1.5 units per acre:

- A. Adequate sanitary sewer or water capacity does not exist to develop the property at the minimum density. [From Andover]
- B. Previous subdivision of adjacent properties has provided limited access which restricts development potential. [From Andover]
- C. Meeting the minimum density would not be feasible due to the existence of poor soils, wetlands, floodplain, topography, hydrology or other limiting environmental condition. [From Andover]
- D. Property is located within a Shoreland District, Scenic River District, Wellhead Protection Area, or Drinking Water Supply Management Area due to State requirements towards limiting impacts to the above noted items. [From Andover]
- E. For infill type developments, the characteristics of the surrounding neighborhood would not support development of the property at the minimum density. [From Andover]
- F. The property is adjacent to existing rural residential, large lot development, and development at 3+ units per acre would not meet the character of the neighborhood. [Added]

The City is aware of several properties that may meet two of the criteria above and has identified these areas on attachment A. Attachment A is for planning purposes only to illustrate the potential applicability of these criteria. Ultimate determination of applicability of these criteria will be at the City Council's discretion and upon site plan review.

Future Land Uses

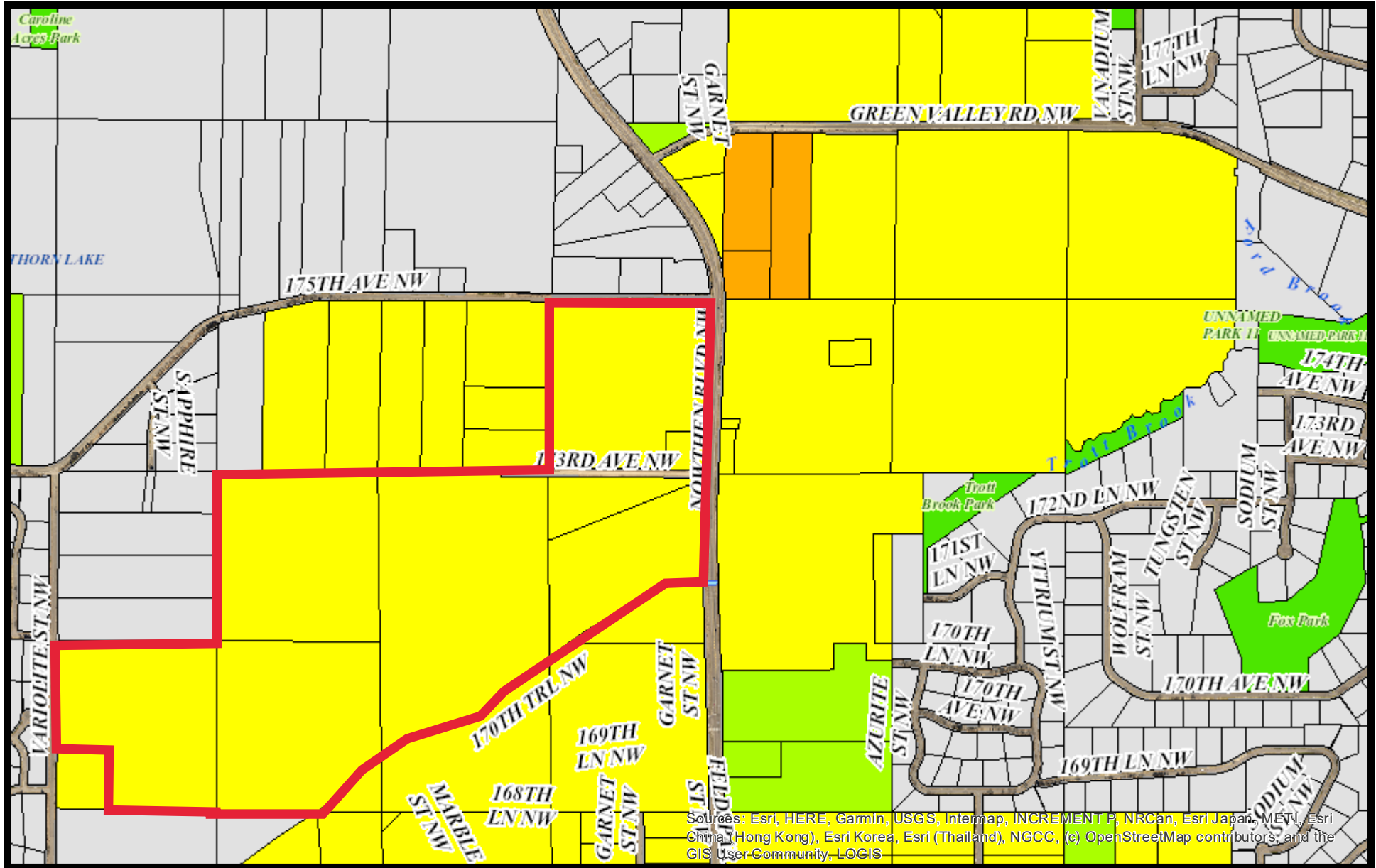
Figure 4: Future Land Use Map



2040 Future Land Use
Ramsey, MN



Proposed Amendment Areas



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User-Community, LOGIS

12/8/2021, 1:55:15 PM

0 0.075 0.15 0.3 0.45 0.6 mi

Other areas that meet criteria could also be <3 units/acre. Would be determined at time of proposal.

Meeting Date: 12/14/2021

Information

Title:

Discuss Ordinance #21-18 Amending Section 117-349 of City Code to Allow Accessory Dwelling Units (ADU's)

Purpose/Background:

Summary

At least once a month, Planning Staff receive calls from residents requesting information about mother-in-law suites, or some other form of an Accessory Dwelling Unit. Planning Staff have a proposed ordinance to allow attached, and detached, Accessory Dwelling Units (commonly known as ADUs) in the City of Ramsey for single-family residential properties only, at the request of the Planning Commission during their regular meeting on July 22, 2021.

Planning Commission Meetings (July - October)

The Planning Commission recommended City Staff pursue an accessory dwelling unit ordinance, after discussion of Council Business during their July regular meeting. Since then, City Staff have worked with the Planning Commission over the last few months to create an ordinance that would be recommended for introduction by the Planning Commission. Minutes from the various meetings are attached to this case.

Planning Staff researched surrounding city requirements for ADU's, discussed multiple aspects of the case, and prepared a draft ordinance - which was reviewed and recommended for introduction by the Planning Commission during their regular meeting on October 28, 2021. The proposed ordinance reflects some of the most recent additions requested by the Planning Commission:

- Modeled after Dayton's ADU ordinance
- No minimum lot size for attached, but minimum lot width
- Minimum lot size of 2.5 acres for detached ADU's
- No options for Interim Use Permits

Types of ADU's

- Attached– e.g. mother in law suite above garage, two separate entrances to the home, essentially a home addition but it's a suite. Requested occasionally from callers, but not as often as detached.
- Detached– converted garage, tiny home on a foundation etc. most often requested from callers.
- Internal– suite within the existing home, our code already allows this so long as the entire home (suite + existing home) is accessible via the front door. These are typically converted basements. Our code doesn't limit # of kitchens, bathrooms, etc. so this has not been a request from residents.

Proposed Regulations

General requirements from Cities that have ADU's that were incorporated into the ordinance include:

- One (1) ADU per residential lot;
- Allowed on existing single-family residential properties only;
- Principal dwelling and/or ADU must be owner occupied;
- Compliant with all other city, local, regional, state, and federal regulations;
- Building code standards and permits (utilities, stairways, equipment, etc.);
- Match primary residence (siding, material, roof pitch, trim, windows, projecting eave, etc.);
- Maximum size of 800 sf – Attached and Detached
 - Conversion of portion of detached garage is allowed (800 sf max);
- Cannot create a new tax parcel or be sold separately from the primary residence;
- Cannot be utilized for Home Occupations;

- Additional parking not required if off-street parking regulations are met;
- Counts towards accessory structure size and lot coverage requirements;
- Must meet setbacks for dwellings in the applicable zoning district (MUSA or Rural Developing);
 - Rural Developing:
 - Front -
 - Side - 10 feet
 - Rear - 40 feet
 - Side Corner - 40 feet
 - MUSA (if property is 2.5+ acres):
 - Front - N/A, not allowed in front yard
 - Side - 6 feet
 - Rear - 30 feet
 - Side Corner - 30 feet
- Minimum lot size requirement of 2.5 acres;
- ADU must share utilities with the principal dwelling;
- Cannot exceed 22 feet in height (detached only), or height of the principal structure, whichever is less;
- Share address with the principal dwelling;
- Conversion of a lawful, nonconforming garage requires a Conditional Use Permit;
- Foundation and Certificate of Occupancy required; and
- Conversion above a lawful garage or detached structure allowed.

Researched cities include:

- Andover - research attached to this case
- Anoka - no ordinance
- Blaine - no ordinance
- Coon Rapids - no ordinance
- Dayton - research attached to this case
- Elk River - research attached to this case
- Ham Lake - no ordinance
- Maple Grove - no ordinance
- Minneapolis - research attached to this case
- Minnetrista - research attached to this case
- Nowthen - no ordinance
- Oak Grove - no ordinance
- Otsego - no ordinance
- Rogers - no ordinance
- Roseville - research attached to this case
- St. Paul - research attached to this case

The attached case has the research of surrounding cities - including a website link for information on ADU's from the American Planning Association (APA) on the last page as well as other resources, and a copy of Dayton's ADU ordinance.

Timeframe:

15 minutes

Funding Source:

Staff is handling this case as part of their regular duties.

Responsible Party(ies):

Brian McCann - Planning Technician
 Chloe McGuire Brigl - Senior Planner

Outcome:

Direct City Staff to introduce Ordinance #21-18 at a future City Council regular meeting.

Attachments

Draft Ordinance

ADU Research

Dayton ADU Ordinance

Planning Commission ADU Minutes (July - October)

Form Review

Inbox

Brian McCann (Originator)
Brian Hagen
Kurt Ulrich
Form Started By: Brian McCann
Final Approval Date: 12/09/2021

Reviewed By

Brian McCann
Brian Hagen
Kurt Ulrich

Date

12/02/2021 10:13 AM
12/08/2021 12:07 PM
12/09/2021 09:32 AM
Started On: 11/04/2021 09:56 AM

ORDINANCE #22-00

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

AN AMENDMENT TO SECTION 117 WHICH IS KNOWN AS THE ZONING SECTION OF THE CITY CODE OF RAMSEY, MINNESOTA.

AN ORDINANCE AMENDING SECTION 117-349 (ACCESSORY USES AND BUILDINGS) OF THE CITY CODE OF RAMSEY, MINNESOTA.

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

Sec. 117-1 shall be amended to read as follows (additions indicated by underline)

Accessory dwelling unit (ADU) means a permanent residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in an accessory building

Habitable space means a space in a building for living, sleeping, eating or cooking.

Sec. 117-111 shall be amended to read as follows (additions indicated by underline)

(b) *Permitted uses.*

(10) Accessory dwelling units

(c) *Uses permitted by conditional use permit.*

(11) Conversion of a lawful-nonconforming garage to an accessory dwelling unit.

Sec. 117-349 shall be amended to read as follows (additions indicated by underline, deletions indicated by ~~strikethrough~~)

(d) *Accessory buildings.*

(5) ~~Reserved~~ Accessory Dwelling Units (ADU's)

a. General Requirements. Attached and detached accessory dwelling units are permitted with the following requirements:

1. *Number.* No more than one (1) ADU shall be allowed per one (1) existing single-family residential property.
2. *Owner Occupancy.* The principal dwelling or the ADU must be owner-occupied.
3. *Accessory Buildings.* The ADU must comply with all other accessory building requirements set forth in this section.
4. *Maximum Size.* The maximum size of an ADU cannot exceed 800 square feet of habitable space.
5. *Home Occupations.* The ADU cannot be used for any portion of a home occupation.
6. *Setbacks.* The ADU setbacks must meet the setback requirements for a dwelling in the R-1 Residential Zoning District.
7. *Minimum Lot Size.* Detached ADU's are allowed on properties with a minimum of one (1) acre in size. Attached ADU's are allowed on properties with a minimum of 80-foot lot width.
8. *Height.* The ADU may not exceed a height of 22 feet, or the height of the principal structure, whichever is less.
9. *Address.* The ADU must retain the same address as the principal structure.
10. *Parking.* Additional parking for the ADU is not required if off-street parking requirements for the principal structure are met.
11. *Regulations.* An accessory dwelling unit must comply with all other city, local, regional, state, and federal regulations.
12. *Utilities.* Accessory dwelling units must share utilities with the principal structure.
13. *Foundation.* Accessory dwelling units must have a permanent foundation.
14. *Certificate of Occupancy.* Accessory dwelling units must have a Certificate of Occupancy and a building permit.
15. *Ownership.* Accessory dwelling units may not be sold separately from the primary residence, and cannot be created with a new tax parcel.
16. *Garage Conversion.* ADU's are permitted above existing lawful detached garages. A conditional use permit (CUP) is required for the conversion of a lawful, nonconforming garage to an ADU. Exterior finish updates and additional landscaping or screening may be required from the City as a condition.

(15) Reserved

SECTION 3. SUMMARY

The following official summary of Ordinance #22-00 has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

Ordinance #22-00 amends Section 117-1, 117-111, 117-349 to create requirements for accessory dwelling units in the City of Ramsey.

SECTION 4. 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 _____, 2021.

Mayor

ATTEST:

City Administrator

Introduction date:

Posting dates:

Adoption date:

Publication date:

Effective date:

Accessory Dwelling Unit Ordinance (21-18) Research
Research for Introductions of ADU's in the City of Ramsey
By: Brian McCann

The purpose of this research is analysis of peer community codes regarding standards for accessory dwelling units (commonly known as ADU's). Researched cities that do not have ADU ordinances include Anoka, Blaine, Coon Rapids, Ham Lake, Maple Grove, Nowthen, Oak Grove, Otsego, and Rogers. Additional links for information on ADU's can be found at the end of the document. Nearby metropolitan communities that regulated ADU's had the following ordinances:

[Andover](#) (pg. 65 – 12-8-5: Accessory Dwelling Unit (ADU))

- Conditional Use Permit required
- Single-family lots in the R-1 District only
- One (1) ADU per single-family lot
- ADU or principal structure must be owner-occupied, and ADU must be on the same parcel as the principal structure. The parcel cannot be split to separate the ADU.
- 400 – 900 sf allowed for total size of ADU
- 20 foot separation from the principal structure
- Must meet the setback requirements for an accessory structure
- Must meet architectural requirements of a single-family residence
- Two (2) off-street parking spaces required in addition to the home's parking spaces
- ADU must have a permanent foundation
- Must adhere to all state laws, state building, plumbing, electrical, mechanical, and fire code regulations, property maintenance regulations, and City Code requirements.
- Rental license required for rental
- Unlawful to construct or allow occupancy of an ADU that does not meet the above-listed requirements

[Dayton](#) (Section 1001.36. Accessory Dwelling Units):

- Attached or internal are permitted
 - o One (1) ADU permitted per residential lot
 - o Principal structure must be owner-occupied
 - o Cannot be utilized as a home occupation or rental (short or long-term)
 - o 2 occupants/bedroom maximum
 - o Size range of 300 – 960 square feet, or 35% maximum of principal structure livable square footage – whichever is less.
 - o Inspections and building permit required
 - o Match the primary residence
- Detached with Interim Use Permit
 - o IUP expires when property transfers ownership, or use ceases for one (1) year
 - o One (1) ADU per residential property
 - o Cannot have wheels/chassis/axels, and must be placed on concrete foundation
 - o Familial-relation occupation only
 - o Minimum lot size of two (2) acres

- Ceiling height of at least seven (7) feet, cannot exceed height of principal structure
- Cannot be utilized as a home occupation or rental (short or long-term)
- Must have a building permit, inspections, utility connections, necessary equipment (toilet, bath, shower, light, ventilation, heating, carbon monoxide alarm, smoke alarm, radon control system, emergency escape and rescue openings).
- Meet setback requirements
- May require landscaping/screening as required by the City Council

Elk River (Sec. 30-1. – Definitions)

- R-1 districts only
- One (1) ADU per single-family lot
- Building permit required, must be after or during construction of principal structure
- Counts toward accessory structure total allowable square footage
- If being utilized as a rental, must meet appropriate rental requirements including a license
- 250 – 1,000 sf size range, cannot be utilized as the principal structure
- 2 bedroom maximum
- Entrance cannot be located in the front yard of the principal structure
- Must meet the appropriate siding regulations, dependent on lot size
- Must conform to all City Code requirements for single-family dwellings
- One (1) off-street parking space must accompany the parking standards for the principal structure
- ADU or principal structure must be owner-occupied, and ADU must be on the same parcel as the principal structure. The parcel cannot be split to separate the ADU. Must also share the same address.
- ADU must have cooking, sleeping, and sanitary facilities; and be serviced with appropriate utilities
- Must meet all current state building, plumbing, electrical, mechanical, and fire codes

Minneapolis (537.110. – Allowed uses and structures.):

- General requirements
 - One (1) ADU per lot, cannot create a new parcel
 - Residential properties only
 - Balconies/decks cannot face an interior side yard, rooftop decks not allowed
- Additional requirements for internal ADU's
 - 800 square feet maximum size, cannot exceed first floor of structure
 - Additional entrances cannot face the street
 - If applicable, stairways leading to the above-ground ADU must be enclosed or entirely in the rear yard.
 - Must be owner-occupied. If not, the ADU is in violation and components must be removed to convert to a non-livable space.
 - Covenant with the County recorder must be provided to alert future owner of restrictions. Covenant will run with the land and is binding to any future owner. Evidence of recording must be provided before building permit is issued.

- Removal of the accessory structure will result in an inspection and release of covenant.
- Additional requirements for attached ADU's
 - 800 square feet maximum size
 - Additional entrances cannot face the street
 - If applicable, stairways leading to the above-ground ADU must be enclosed or entirely in the rear yard.
 - Must match the principal structure
 - Subsequent covenant and recording of covenant required.
- Additional requirements for detached ADU's
 - 21-foot height maximum, unless granted by variance
 - Gross floor area cannot exceed 1,300 square feet, or 16% of lot area, whichever is greater. In cases of larger lot areas, absolute maximum gross floor area of 1,600 square feet, or the gross floor area of the principal structure, whichever is less.
 - Parking area footprint cannot exceed 676 square feet or 10% of the lot area, whichever is greater. Absolute maximum of 1,000 square feet.
 - Minimum side yard requirement of three (3) feet. Rear yard requirement may be reduced to three (3) feet, unless vehicle access doors face the rear lot line, in which case no reduction of the required yard is permitted.
 - Detached ADU's on corner lots cannot be closer to side property lines than two-thirds (2/3) of the depth of the required front yard specified in the yard requirements table of the district of the adjacent property to the rear. Cannot be located within five (5) feet of a rear lot line of a property or office residence district.
 - 20-foot distance requirement from principal structure.
 - Primary exterior materials of the ADU must be durable.
 - More than 5% of the façade facing the street must consist of windows.
 - Exterior stairways are allowed if the railings match the trim or finish of the detached ADU.
 - Subsequent covenant and recording of covenant required.

Minnetrista (Page 129 – 505.07, Subd. 9 (g-h) - “Guest Home” and “Guest Apartment”):

- Guest homes.
 - Accessory to principal structure
 - Detached only
 - Conform to setbacks, lot coverage, and other City Code requirements
 - Height cannot exceed 25 feet
 - Roof pitch, architectural design, and exterior materials/colors must match principal structure
 - Same driveway access for the home must be used for the guest home
 - Allowed an attached garage, square footage counts towards allowed space
 - Separate address required
 - Same utilities as the primary residence (electric/gas/water). Separate ISTS is permitted if required
 - Riparian rights belong to the primary residence
 - Cannot be sold separate from the primary residence

- CUP required for homes over 1,000 square feet, or 30% or more of the principal structure's footprint – whichever is less.
- Guest apartments.
 - One (1) primary apartment access door required
 - Same driveway as principal structure
 - Riparian rights belong to the principal structure
 - Rental is prohibited
 - Same address required

Roseville (Page 148 – 1011.12 (B)):

- One (1) ADU per single-family lot
- Owner-occupied principal or accessory dwelling
- Maximum occupancy of two (2) individuals
- Separate address in some form, i.e. “Unit A” following primary address
- Detached ADU may be located above a garage or in a separate accessory building that meets accessory building section of City Code, including setbacks.
- One (1) additional off-street parking space required.
- Home occupations are not permitted in ADU's
- Maximum height, including above-garage, cannot exceed principal structure or accessory structure standards, as applicable.
- 300-650 square feet of livable space allowed, ADU cannot exceed 75% square footage of principal dwelling's livable area. “Living area” includes kitchen, bathroom, living room, bedroom, other rooms excluding utility rooms, hallways, entryways, storage areas, and garages.
- One (1) bedroom maximum
- Entryway to a detached ADU must be connected to a street frontage with a paved walkway
- Appearance of the attached ADU cannot alter the appearance of the principal dwelling
- Appearance of the detached ADU:
 - Match finish material of principal structure in relation to size, type, placement. Trim, windows (proportion-wise and orientation-wise), and projecting eave included.
 - Roof pitch shall match the predominant roof pitch of the principal dwelling.
- ADU Occupancy Permit required that is non-transferrable, for rental.

St. Paul (Section 65.913. – Dwelling unit, accessory):

- Internal, attached, and detached allowed
 - Minimum lot size of 5,000 square feet
 - One (1) ADU per lot
 - Compliant with all other city, local, regional, state, and federal regulations.
 - Occupancy:
 - Occupancy of principal dwelling and ADU cannot exceed the definition of household in section [60.209](#) – six (6) adults and children or fewer.
 - Land use restrictive covenant required for use, and recording with the County.
 - Annual affidavit verifying continued owner-occupancy, with a fee.

- Maximum unit size of 800 square feet. Internal ADU cannot exceed one-third (1/3) of the principal structure floor space.
- Access and entrances
 - Walkway required from abutting public street to the primary entrance of the ADU
 - Internal stairways are permitted for access to upper floor ADU's, but external stairways must be placed on the side or rear of the structure for exterior access points.
 - Exterior stairways must be constructed with durable materials and match the finish of the structure they are attached to.
- Additional parking is not required if off-street parking requirements for the principal structure are met.
- Shall not be sold separately or made a separate tax parcel.

City	Type of ADU (Internal, attached, detached)	Minimum Lot Size for ADU's
Andover	All types	R-1 min. lot size – 2.5 acres
Anoka	<i>ADU's not allowed</i>	<i>ADU's not allowed</i>
Blaine	<i>ADU's not allowed</i>	<i>ADU's not allowed</i>
Coon Rapids	<i>ADU's not allowed</i>	<i>ADU's not allowed</i>
Dayton	Internal, attached	R-1 min. lot size - 10,890 sf (0.25 acres)
	Detached	Two (2) acres with IUP
Elk River	All types	R-1 min. lot size – 6,000 sf (0.13 acres)
Ham Lake	<i>ADU's not allowed</i>	<i>ADU's not allowed</i>
Maple Grove	<i>ADU's not allowed</i>	<i>ADU's not allowed</i>
Minneapolis	All types	No requirement
Minnetrissa	All types	No requirement
Nowthen	<i>ADU's not allowed</i>	<i>ADU's not allowed</i>
Oak Grove	<i>ADU's not allowed</i>	<i>ADU's not allowed</i>
Otsego	<i>ADU's not allowed</i>	<i>ADU's not allowed</i>
Rogers	<i>ADU's not allowed</i>	<i>ADU's not allowed</i>
Roseville	All types	No requirement
St. Paul	All types	5,000 sf (0.11 acres)

Additional Information/Resources on ADU's

- [AARP](#): partner of ADU's as it relates to senior living
- [American Planning Association](#)
- [City of St. Paul's Case Study on ADU's](#)
- [ADU by City Research](#)
- [Family Housing Fund](#)
 - [Handout](#)

1001.36 ACCESSORY DWELLING UNITS

Subd. 1 Purpose

The purpose of this chapter is to provide performance standards for the erection, siting, and use of Accessory Dwellings that may be allowed within the various zoning districts to ensure compatibility with the principal use and with surrounding properties, as well as to protect the general health, safety, and welfare of the community.

(1) Attached or internal Accessory Dwelling Units (ADUs) are permitted administratively through a building permit in residential and agricultural lots as long as the following conditions are met:

- a. *Minimum lot size.* The lot must meet the minimum lot size of the Residential district or be legally conforming or legally nonconforming in the Agriculture District in which the ADU is proposed.
- b. *Post frame.* No post frame construction is allowed.
- c. *Parking.* ADUs are not permitted on residential sites that do not meet the minimum parking standards for a single-family dwelling unit (four off-street spaces, two enclosed spaces and two surfaced spaces, see Subsection 1001.19). No on-street parking can be utilized for parking for the ADU. Parking shall be on an approved surface.
- d. *Location.* ADUs can be attached to the single-family dwelling living space or located within the single-family dwelling.
- e. *Number.* No more than one ADU is permitted per residential lot. Owner occupancy is required in either the primary unit or ADU.
- f. *Bedrooms.* No more than two bedrooms are permitted in the ADU.
- g. *Occupants.* Occupancy is limited to not more than two persons in the ADU.
- h. *Rental license.* The ADU shall not be allowed a short- or long-term rental license.
- i. *Home occupations.* Home occupations are not allowed within an ADU. No extended home businesses are allowed in the unit.
- j. *Ownership.* The owner of the ADU must also be the owner of the primary single-family residential dwelling.
- k. *Size.* Attached or Internal ADUs must be at least 300 square feet in floor area and cannot exceed 960 square feet in floor area or 35% of the four-season living gross floor area of the associated single-family dwelling unit (exclusive of the ADU) whichever is less. The associated single-family dwelling unit must continue to meet minimum floor area requirements.
- l. *Inspections.* The structure shall meet Minnesota State Building Code, accessibility standards, and inspections, as well as appropriately connect to utilities.
- m. *Appearance.* The ADU must appear similar, or be compatible with the primary residence. No entrance shall be established along the building front of an existing dwelling to serve an ADU.
- n. *Application requirements.* Any application for an ADU must be accompanied by:
 1. An existing conditions survey showing property lines, existing and proposed structure, existing and proposed impervious surface areas, setbacks, and required off-street parking;
 2. A letter narrative describing the proposed ADU;
 3. Elevation plans depicting both the existing and proposed structure from all four elevations including entry into the ADU.
 4. Floor plan of both the single-family dwelling and the associated ADU indicating points of entrance and total floor areas;
 5. For sites with private septic systems an inspection and report from a certified inspector that the capacity of the system can serve the additional unit shall be provided for review and approval by the City's Building and Zoning Inspectors.

(2) Detached Accessory Dwelling Units (DADU) are permitted with an interim use permit in Single-Family Residential Districts or Agricultural Districts as long as the following conditions are met:

- a. *Standards.* Must be a secondary detached dwelling unit. The structure cannot have wheels, chassis, or axles and must be placed on a concrete pad or foundation.
- b. *Occupancy.* The primary single-family dwelling in which the DADU is proposed is owner occupied. The DADU is occupied by a family member or extended family member of the single-family dwelling. Occupancy is limited to two individuals.
- c. *Rental.* DADUs shall not be permitted a short- or long-term rental license.
- d. *Minimum lot size.* The lot shall be a minimum of two acres.
- e. *Size.* Be at least 300 square feet in floor area and cannot exceed 600 square feet in floor area or 35% of the four-season living gross floor area of the associated single-family dwelling unit whichever is less. The associated single-family

dwelling unit must continue to meet minimum floor area requirements.

- f. *Interim use permit.* An interim use permit must be applied for and approved by City Council before construction.
- g. *Height.* Shall not exceed the height of the principal structure. Ceiling height must be at least seven feet.
- h. *Home occupations.* Home occupations are not allowed within the DADU. No extended home businesses are allowed in the unit.
- i. *Inspections.* The structure must comply with Minnesota State Building Code, Mechanical Code, Energy Code, Electrical Code, Plumbing Code, accessibility standards, and inspections, as well as appropriately connect to utilities and be considered a year-round dwelling.
- j. *Utilities.* The structure shall have access to water fby means of connection to the home, well or municipal services). The structure shall connect to a sewer treatment system (by means of connection to the home, an existing septic system, or municipal services). City Council may approve the use of a holding tank through a variance, provided the new holding tank/septic system meets the minimal environmental protection outcomes in Minn. Rules Chapter 7081.0080. subparts 2 to 5 and meets the requirements of Minn. Rules 7080.2290. Holding Tanks, and City Code (design of the holding tank shall be approved by the Building Official).
- k. *Equipment.* Required equipment in the residence includes toilet, bath, shower, light, ventilation, heating. Carbon monoxide alarms, smoke alarms, active radon control systems, emergency escape and rescue openings;
- l. *Rooms.* The dwelling unit must have at least one inhabitable room of 120 square feet;
- m. *Appearance.* The dwelling must appear similar, or be compatible with the primary residence. The entrance door must be on the rear or side of the structure, facing away from the front yard.
- n. *Parking.* One off-street parking space shall be provided per individual residing in the dwelling in addition to off-street parking required for the primary dwelling.
- o. *Placement.* The DADU must be placed further from the right-of-way than the primary structure, behind the back wall of the home and the DADU shall be placed so as to be closer to the principal home than neighboring homes.
- p. *Number.* No more than one DADU unit is permitted per residential site. The DADU may be allowed in addition to the existing accessory buildings provided impervious surface maximum of the zoning district in which the structure will be placed is not exceeded and the size limitations for accessory buildings is not exceeded (per Subsection 1001.35).
- q. *Screening.* The City Council may require landscape screening of the tiny home from neighboring property as a condition of the interim use permit approval.
- r. *Application requirements.* Any application for a DADU must be accompanied by:
 - 1. An existing conditions survey showing property lines, existing and proposed structure, existing and proposed impervious surface areas, setbacks, and required off-street parking;
 - 2. A letter narrative describing the proposed DADU;
 - 3. Elevation plans depicting both the existing and proposed structure from all four elevations including entry into the DADU.
 - 4. Floor plan of both the single-family dwelling and the associate DADU indicating points of entrance and total floor areas;
 - 5. For sites with private septic systems an inspection and report from a certified inspector that the capacity of the system can serve the additional unit shall be provided for review and approval by the City's Building and Zoning Inspectors.
- s. *Council discretion for IUP approvals.* The Council may approve the remodel of one existing detached garage (existing prior to the effective date of this Subsection on December 10, 2019) to accommodate a DADU provided the structure does not increase in peak height and the size limitations are still met.

(1) Accessory Dwellings must also follow the regulations established in Subsection1001.35 of this Code however, where contradictions exist, the stricter requirements shall apply.

(2) Attached or Internal Accessory Dwelling Units (ADUs) must be attached or internal to the primary residence and meet the principal structure setbacks of the applicable zoning district.

(3) Performance Standards for Detached Accessory Dwelling Units (DADUs) are as outlined in the below table:

Performance Standards for Detached Accessory Dwellings in Residential or Agricultural Districts (two acres or more)	
Setbacks	
Front, side or rear to a street	30 feet ^{1*}
Front, side or rear to an arterial street	50 feet

Side yard	20 feet*
Rear yard	20 feet*
Height	18 feet ²
Size limit (floor area")	300 to 600 square feet or 35% of the four-season living area of the associated single-family dwelling unit, whichever is less.
<p>1 Cannot be placed in a front yard, and shall be placed behind the back wall of the principal home.</p> <p>2 The DADU shall be a maximum of 18 feet tall, measured at the mean gable, or shall be no taller than the existing home, whichever is stricter.</p> <p>* Council may approve setbacks which differ from the minimum required through the IUP approval on a case by case basis if existing site conditions create practical difficulties.</p>	

Subd. 4 Conditional and Interim Use Permits

(1) Application for an Interim Use Permit (IUP) under this chapter shall be regulated by Subsection 1001.23 of this Code.

(2) *Time limits and IUP Expiration for Detached ADUs.* The Detached ADU IUP shall automatically expire when ownership of the parcel in which the Detached ADU is permitted changes hands, or shall expire when a relative or primary caregiver ceases occupancy for a period of one year, whichever comes first. The holder of the IUP shall be responsible for notifying the City when the property is for sale or when the occupant of the Detached ADU changes.

(3) *IUP Conditions.* Conditions for approval shall be applied as deemed appropriate at the time of application to meet the intent of this ordinance and/or the intent of Subsection 1001.23 of this Code.

a. Accessory Dwellings must also follow the regulations established in Subsection 1001.35 of this Code however, where contradictions exist, the stricter requirements shall apply.

b. Attached or Internal Accessory Dwelling Units (ADUs) must be attached or internal to the primary residence and meet the principal structure setbacks of the applicable zoning district.

(Ord. 2019-22, passed 12-10-2019)

stated that he is always concerned with a brand-new development making the existing homes that were constructed in 1987. He believed that the berm would help to provide a separation between the new and older homes. He stated that he would prefer to have single family homes on the exterior of the development. He again stressed that he would like to see a transition berm as that would help to buffer noise and sight between the developments. He stated that perhaps there can be a maintenance agreement to ensure the ponds are continually maintained as well.

Motion by Commissioner Anderson, seconded by Commissioner Dunaway, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Dunaway, Peters, VanScoy, and Walker. Voting No: None. Absent: Commissioner Gengler.

Chairperson Bauer closed the public hearing closed at 9:16 p.m.

Commission Business

Chairperson Bauer noted that there has been input to the developer on their proposal. He noted that the first action that would be necessary would be related to the Comprehensive Plan amendment.

Motion by Commissioner VanScoy, seconded by Commissioner Peters, to recommend that City Council approval of the Comprehensive Plan Amendment and forward the request to the Metropolitan Council for consideration.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Peters, Anderson, Dunaway, and Walker. Voting No: None. Absent: Commissioner Gengler.

7. COMMISSION BUSINESS

7.01: Interpretation of Regulations Pertaining to Detached Garages and Accessory Apartments

Presentation

City Planner Anderson presented the Staff Report and asked for feedback on this specific building proposal relating to accessory apartment criteria and clarification on the four criteria that City Code outlines in terms of what is considered an accessory apartment.

Commission Business

Chairperson Bauer stated that in the past he recalled issues with the backyard cottage or mother in-law apartment, which is currently not permitted.

City Planner Anderson confirmed that those types of dwelling units are not currently allowed but there are several existing units previously approved under Conditional Use Permit.

Chairperson Bauer stated that from a practical standpoint, his mother in-law has moved in with he and his wife. He noted that his brother in-law has college children that have moved back home as well. He stated that perhaps accessory dwelling units are brought back to the Commission for additional discussion. He noted that the proposed application would have the potential to use as a dwelling unit.

City Planner Anderson stated that often times the intentions of the original applicant are very straightforward and they do not have intention as using it as living space but when the property changes hands or circumstances change, that opportunity arises without the understanding that the area was not intended to be used in that fashion.

Commissioner Walker commented that in terms of sanitation he would consider a half bathroom which does not have a shower or bathroom as acceptable. He noted that living space would require a way to bathe or shower. He asked for clarification on why this ordinance prohibition exists.

City Planner Anderson commented that the concern in the past has been in creating a multi-family setting in a single-family residential area.

Chairperson Bauer noted that as proposed the application would include a full bathroom.

Commissioner Anderson stated that as described it would appear that would be considered a home. He stated that it is not currently allowed as it would create a multi-family home in a single-family area. He noted that the Commission previously considered an application for an art studio that would include a shower that would allow them to clean-up before going into the house. He noted that previous request missed some of the other elements that define a dwelling unit or living space. He noted that as described this could be used as a house and he does not support multiple family living on a single property.

Commissioner VanScoy stated that this appears to be a house with a tuck under garage. He stated that he looks at living space as a finished area that is insulated with lighting and heat which makes it livable. He stated that when he moved into his home, he had an office which was then converted to a bedroom for grandkids. He stated that this would be living space and noted that how someone uses it does not define the character. He stated that while he would love to have this garage himself, he does not believe it would be appropriate because of the number of proposed uses. He stated that regardless of whether the Commission wants to discuss whether the ordinance should be changed, he believes the interpretation of staff to be correct in that this would be defined as living space and would not be allowed.

City Planner Anderson referenced the comment made related to sanitation and a half bath or three quarters bath and asked if the Commission has consensus on that interpretation. He noted that two of the four things could be included, and the space would not be defined as living space. He stated that most likely the applicant will want to modify their request to eliminate at least one of the criteria that defines an accessory dwelling.

Chairperson Bauer commented that if there is a home occupation someone is likely to have an office which would make sense to have a half bath. He stated that this request would include almost a full kitchen on the second floor and asked what would occur in that space.

City Planner Anderson commented that if a full kitchen is installed that would be creating habitable space, per the input of the City Attorney.

Chairperson Bauer commented that inclusion of a half bath would make sense dependent on the use. He stated that in the case of the art studio, it made sense to include the shower. He stated that perhaps a half bath would be allowed but a three quarters bath could be considered as a conditional use.

Commissioner VanScoy stated that he would equate sanitation to a restroom, even though that could be expanded to include a shower.

Commissioner Walker commented that he would find a half bath acceptable. He stated that having a microwave and refrigerator would also be okay if this were used for a business. He believed that it would be better to limit the size of said spaces rather than muddling through definitions.

Commissioner Anderson commented that a 40 by 60 square feet building would not be considered a typical office.

Commissioner Walker stated that he does not mind the size of the building as long as the usable office space is limited.

City Planner Anderson commented that this would be a 40 by 60 building but the bulk of that would be garage space with the office area 16 by 40. He asked if there is consensus of the Commission for staff to research accessory dwelling units and bring that back for future discussion.

The Commission agreed they would like to review the topic in the future.

Senior Planner McGuire Brigl commented that staff has the necessary feedback to proceed.

Commissioner Walker provided comments on his experience with Airbnb and noted that creates the situation where two families may be using the same living space.

Commissioner Peters stated that sometimes large pole barns have campers inside that people can rent for a week.

7.02: Select Planning Representative to Participate on the Interview Panel for the Deputy City Administrator/Community Development Director Position

Presentation

Motion by Commissioner Anderson, seconded by Commissioner Gengler, to recommend that City Council adopt Resolution #21-248 Approving Preliminary Plat for North Brook Meadows.

Further discussion

Commissioner Peters commented that a lot of the debate that happened tonight is reserved for the City Council. He stated that the job of the Planning Commission is to review the criteria and if those criteria are met, the application must be approved. He explained that there is more leeway for this type of debate with the City Council.

A roll call vote was performed:

Commissioner Anderson	aye
Commissioner Peters	aye
Commissioner VanScoy	aye
Commissioner Walker	nay
Commissioner Gengler	aye
Chairperson Bauer	aye

Motion Carried.

7. COMMISSION BUSINESS

7.01: Consider Allowing Accessory Dwelling Units on Single-Family Residential Properties

Presentation

Planning Technician McCann presented the Staff Report stating that staff recommends that the Commission direct City staff to draft an ordinance to be presented at the regular September 23, 2021 meeting with edits as discussed during the meeting.

Commission Business

Commissioner VanScoy commented that this would be a potential ordinance and noted that he believed this discussion was meant to determine if the Commission would like to consider an ordinance. He believed that a step was skipped.

Planning Technician McCann stated that there is not official ordinance drafting at this time.

Senior Planner McGuire Brigl commented that this was meant to be a discussion and determine if the Commission would like to move forward. She noted that the City Council is interested in looking at an ordinance. She stated that staff continues to receive at least one request per month of this nature. She noted that the cost of senior housing is high, and the housing market also has high pricing, which is making more people think about living with a family member, or on the same property. She welcomed input from the Commission on whether they are interested in exploring this further and any other input they may have.

Commissioner Gengler asked why a basement conversion would not be allowed.

Planning Technician McCann stated that if someone wanted to convert a basement there would not be a way for the City to monitor that.

Senior Planner McGuire Brigl stated that some people are doing that already. She noted that if there is access to that basement area from the front door, a kitchenette could be added and a secondary living space for a family member could be created.

Commissioner VanScoy stated that he called some other communities to gather information. He stated that he spoke with Andover city staff and that city stated that they receive inquiries while they do not see many of those requests move forward. He noted that Nowthen and Anoka do not allow this type of activity and asked how many other communities actually allow this activity.

Senior Planner McGuire Brigl provided information on the cities that were selected, noting that most were chosen because there was a connection to the city staff and the ordinances were known to work well.

Commissioner VanScoy asked if there is a minimum lot size specified for other communities, noting that Andover requires 2.5 acres.

Commissioner Peters stated that if his neighbor were putting up a yurt or tiny home on his property, which is an 80-foot-wide lot, he would be opposed to that as he would believe the lot is too small. He stated that if the property is larger and meets the criteria, he would not be opposed.

Commissioner VanScoy asked what would be considered a reasonable sized lot.

Commissioner Gengler stated that she does not believe a lot would need to be huge to have an accessory building. She stated that sheds are already allowed and therefore she does not believe it would need to be a huge property. She stated that she would be comfortable allowing it on an 80-foot-wide lot in the R-1 zone.

Commissioner Walker stated that he would support a one-acre size, but also does not like excluding people from an opportunity to telling them to do on their own property.

Chairperson Bauer stated that perhaps more information could be gained on what is allowed by other communities, such as minimum lot size and any issues they have experienced.

Commissioner Walker commented that parking would be an issue on an 80-foot lot if there is an accessory dwelling structure. He stated that at least a half-acre or full acre lot would be needed in order to accommodate an accessory dwelling unit and parking.

Senior Planner McGuire Brigl commented that in order to maintain the character of a rural community, you would not want additional parking structures or driveways. She stated that staff believes that the property should still look like a single-family home. She noted that if there are

problems with a parking, the parking standards would be able to regulate that activity. She stated that if a family member were at your home, they would park in the driveway. She noted that the intent would be to have the property remain looking like one home or single-family home property.

Chairperson Bauer asked if the Commission would like to continue to study this issue and what additional information, they would like staff to gather.

Commissioner Peters stated that he would be open to additional discussion. He noted that if people have sufficient space, he does not see a problem allowing this activity. He stated that he would be concerned with allowing a camper in the backyard of an 80-foot lot. He stated that residents should be provided direction.

Commissioner Gengler stated that she supports this and agree it bears further discussion. She stated that the majority of requests are not going to be for an Airbnb activity but to allow an older family member to live on the property and spend time with their loved ones. She stated that some people will view it as a way to make money, but noted that could be included in the regulations, specifying that rental could not be done. She stated that additional regulation could also be added that would prevent a camper on wheels from being used.

Commissioner Anderson stated that he is not strongly in favor of this, noting that he would want a lot more information on the maximum square footage, minimum lot size, whether there would be inspection of the structures, and the type of neighborhoods where this would be allowed. He stated that if someone has 20 acres of land and wants to build a tiny house next to their home, that would be different than that same structure on a one-acre lot.

Commissioner VanScoy stated that he did not think he would support this but as discussion continues, he is more interested in continuing the discussion. He stated that this could have value for the community, especially related to care for aging parents. He stated that he would like to see more information on surrounding communities and their requirements along with any issues they may have experienced. He believed this would be worth the time necessary to complete additional study.

Senior Planner McGuire Brigl commented that people are already doing this to some extent and therefore having a way to permit the activity and make it safe would be great. She stated that they are attempting to streamline the ordinances and make the process more efficient and easier to use.

7.02: Review Ordinance Amending Digital Display Billboard Regulations

Presentation

Senior Planner McGuire Brigl presented the Staff Report stating that the Planning Commission should provide feedback on the draft ordinance and direct staff to bring the ordinance forward to City Council for final approval.

Commission Business

requirements in conjunction with the lot sizes in the different zoning districts. He summarized that the proposed ordinance is too restrictive, and the Commission would favor regulation of lots 2.5 acres and smaller with no restriction on lots larger than 2.5 acres at this time.

Commissioner Walker asked how many vehicles could be parked on a 2.5-acre lot or less.

Senior Planner McGuire Brigl replied that six vehicles could be parked outdoors and no limit on indoors.

Commissioner Walker commented that he did not believe a 300 square feet would be enough to cover that. It was noted that some of those six vehicles would be parked in the driveway.

Senior Planner McGuire Brigl stated that four vehicles parked on a pad would be 1,000 square feet which would be 1/10 of the lot.

Commissioner Walker stated that he would like to see 500 square feet.

Commissioner VanScoy stated that a standard parking space is nine feet by 18 feet.

Senior Planner McGuire Brigl commented that 500 square feet could be a nice round number to start with and see if that works for what people need. She stated that they would still intend to review this in one year to determine if the changes work.

Chairperson Bauer summarized the direction of the Commission to allow one pad of 500 square feet on lots of 2.5 acres or less. He stated that staff will bring back the proposed ordinance for review again at the next meeting.

Commissioner Dunaway asked if there would be anything regulating the distance from the property line.

Senior Planner McGuire Brigl stated that currently parking pads following setbacks for accessory use.

7.02: Consider Allowing Accessory Dwelling Units on Single-Family Residential Properties

Presentation

Planning Technician McCann presented the Staff Report stating that staff recommends directing City staff to draft an ordinance to be presented to the Planning Commission during its regular meeting on October 28, 2021 with edits as discussed during the meeting.

Commission Business

Commissioner VanScoy commented that he is a little uncomfortable with the concept of allowing rental of these units. He noted that many regulations require a familial connection. He stated that

it seems to make sense to allow these units in those instances where a family member needs additional care but was unsure of allowing these to be used as rentals.

Chairperson Bauer commented that he has a 97-year-old mother-in-law that lives with them. He stated that he could see the benefit of having this type of structure for her but asked what would happen with that structure when she is no longer using it, or when they sell the home.

Senior Planner McGuire Brigl stated that staff considered that as well, noting that there have been concerns with rentals. She noted that they are attempting to be generous with the ordinance and there is a regulation that requires the property owner to live in the main home or accessory dwelling unit, which should ensure there are not problems. She agreed that in most instance a family member is using the unit and used the example of a college student whose parents perhaps charge rent in order to prepare them for the world.

Commissioner Walker stated that he likes the regulation Dayton has on attached versus detached and the required lot sizes. He stated that he is in favor of this action as people will do it anyways and the City would be able to capture license revenue.

Commissioner VanScoy stated that in addition to revenue this also provides quality control to ensure the structures are safe.

Commissioner Anderson stated that he started in favor of this action, and commended staff on the research completed. He stated that after reading the research, he is against this action as it would create two houses on a single-family lot. He asked what would happen when the people are gone that needed the accessory dwelling structure, noting that the next owner could use it for purposes not intended. He did not believe Ramsey should do this at this time and he felt it would open the City up to having more buildings. He asked if the accessory dwelling unit would be taxed as another home.

Commissioner Peters stated that a person is taxed on livable space, and therefore this would increase the taxes paid on the property as the property value would increase.

Chairperson Bauer commented that when looking at the demographics and the increase in the aging population, there is and will continue to be, a need for people to care for their aging family members. He noted that not everyone has space for that in their home and this would create another opportunity to care for an elderly parent or family member.

Senior Planner McGuire Brigl commented that this would bring more people to Ramsey and allow people to age in Ramsey without increasing density. She noted that accessory dwelling units can also be an opportunity for a fun Airbnb experience which opens more people to the beauty of Ramsey. She stated that they are attempting to make it easy for people to do as typically these units are expensive to build. She noted that this will be an investment in properties for those that choose to do so.

Commissioner Gengler stated that she is very much in favor of having this ordinance in place as more requests will most likely come forward for this type of unit. She also believed that this makes

sense. She commented that it is expensive to build these units and therefore she did not believe there would be a rush of applications.

Commissioner VanScoy stated that he also liked the Dayton ordinance which separated detached and attached units and would like to see that in the Ramsey ordinance.

Chairperson Bauer stated that he was a bit concerned with the clause that the Dayton ordinance included related to an expiration as the building would still remain.

Commissioner Walker stated that he thinks the idea would be that if he built the unit and obtained the proper license, that would expire when the property is sold, but the new property owner would be able to apply with the City to obtain their own license.

Chairperson Bauer noted that Dayton uses an Interim Use Permit, which he does not favor using. He believed that an ordinance should address subsequent ownership.

Commissioner VanScoy noted that the Dayton ordinance only allows familial occupation. He stated that Ramsey would allow rental and therefore that would be irrelevant.

Senior Planner McGuire Brigl stated that a lot of cities in Iowa were previously challenged on the definition of family and did not believe that is something Ramsey wants to get in the business of; regulating who is or is not family. She stated that if the units are desired, she would suggest they be allowed and not dictate who lives in the unit.

Commissioner Walker commented that he would like to see a draft following the Dayton model, without the IUP. He stated that for attached units he would like to limit the lot size that it could be on.

Commissioner Gengler stated that she believed that internal units are already allowed without permitting.

Senior Planner McGuire Brigl confirmed that as long as the unit can access the front door from the interior, it is currently allowed.

Senior Planner McGuire Brigl summarized the input from the Commission and noted that staff will prepare a draft ordinance for the Commission to review at its October meeting.

Commissioner Gengler asked if the Commission would support these units on lots under 2.5 acres.

Commissioner Walker commented that he believed the direction was to allow attached on lots under 2.5 acres and detached would be allowed on lots over 2.5 acres.

Senior Planner McGuire Brigl commented that she did not believe there would be many requests on smaller lots because of the required setbacks and maximum lot coverage requirements.

8. COMMISSION / STAFF INPUT

Commissioner Anderson stated that his concern is related to safety. He noted that if drivers are taking their eyes off the road to look at a sign, it causes a safety concern. He did not see the need for additional distractions until the stoplights are taken off Highway 10.

Commissioner Gengler commented that there are digital billboards throughout the metro and therefore she is unable to make the connection that the sign is responsible for accidents. She stated that perhaps fewer signs be allowed within The COR if these larger signs are going to be allowed.

Commissioner VanScoy commented that The COR Framework is specific to what is allowed, but the City continues to issue variances outside of that framework. He stated that the monuments were meant to communicate what is within The COR. He expects that this ordinance will pass even though he does not like the idea of allowing billboards in Ramsey. He commented that billboards are a distraction and, in his opinion, are not worth looking at and detract from the look of the community. He stated that he does like using a CUP as that would allow additional review of each proposed location. He commented that perhaps eight seconds is too low for message duration.

Senior Planner McGuire Brigl commented that she would recommend ten seconds.

Commissioner Walker commented that people are often caught up on how short eight or ten seconds is when it is longer than it seems. He noted that by the time a driver sees the sign, they would only see one or two messages before they pass the sign.

Chairperson Bauer reviewed the consensus items from the Commission related to this ordinance.

Councilmember Woestehoff stated that based on the comments he would suggest taking this item off the Consent Agenda for the regular meeting to allow those opposed to vote against the request.

2.02: Consider Ordinance #21-18 Allowing Accessory Dwelling Units on Single-Family Residential Properties

Planning Technician McCann reviewed the staff report.

Senior Planner McGuire Brigl noted that staff attempted to make this as simple as possible.

Chairperson Bauer suggested a language change.

Commissioner Dunaway stated that the ordinance states that an accessory dwelling unit would be allowed for properties over 2.5 acres. He noted that there is also language related to a garage conversion and found that confusing as to whether properties under 2.5 acres would qualify.

Chairperson Bauer replied that only properties 2.5 acres or larger would be eligible.

Commissioner Dunaway commented that in the previous discussion he recalls discussion about elderly family members that may require direct care and whether the regulations would be too restrictive.

Chairperson Bauer asked for input on whether Commissioner Dunaway would support garage conversion for an accessory dwelling unit on a property under 2.5 acres.

Commissioner Dunaway commented that he would support an allowance for a garage unit but not a detached accessory dwelling unit on smaller properties.

Commissioner Walker used the example of an 80-foot lot, noting that those garages do not have much room above the vehicles and therefore there would not be space to create living space in that area. He stated that he would support one acre lots for detached units and garage conversions.

Commissioner VanScoy asked if the garages mentioned are attached or detached, or whether that is not specified.

Chairperson Bauer commented that the way the language reads, it would apply to any garage.

Commissioner Walker commented that he would not want an accessory dwelling in an attached garage.

Senior Planner McGuire Brigl commented that the existing code already provides for an attached unit, which would address an attached garage.

Commissioner Anderson commented that there are height restrictions that he believes would limit the ability to add that space above a garage. He asked if tiny houses would be addressed.

Senior Planner McGuire Brigl commented that the structure would need to be on a foundation and built to Code.

Commissioner Gengler stated that she would also support the one-acre size. She stated that restricting this to 2.5 acres and above would take out a large number of properties. She believed that one acre would be sufficient.

Chairperson Bauer confirmed the consensus of the Commission to support the change to one acre.

2.03: Consider Ordinance #21-15 Creating Additional Requirements for Driveways and Parking Pads

Planning Technician McCann reviewed the staff report.

Chairperson Bauer asked for clarification on a specific example and whether it would be allowed.

Senior Planner McGuire Brigl provided clarification.

Chairperson Bauer noted that there are a number of homes that have a parking pad on the side of the driveway in front of the home. He noted that it would appear that those would become

CC Work Session

2. 5.

Meeting Date: 12/14/2021

Submitted For: Bria Raines, Community Development

By: Bria Raines, Community Development

Information

Title:

Discuss Ordinance #21-20 Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations

Purpose/Background:

Ordinance #21-20 Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations. The revised sections regarding Home Occupations will address all business types conducted on a residential property.

The changes are proposed to be minor and more administrative in nature, based on City Attorney recommendations from a recent case.

Notification:

No notification is required for this work session meeting.

The Public Hearing Notice for the November 18, 2021 Planning Commission meeting was advertised in the Anoka County Union-Herald, the City's Official Newsletter.

Observations/Alternatives:

The existing definition does not address all types of home occupations that are seen in the City of Ramsey. This revision to the Ramsey City Code will help Staff enforce standards for all types of home occupations.

Funding Source:

Staff is handling this as part of normal duties.

Recommendation:

Staff is presenting the Ordinance Amendment for feedback from the City Council.

Action:

Provide Staff direction.

Attachments

Revision to Section 117-1 (Full)

Revision to Section 117-351 (Full)

Research of Peer City Codes

Ordinance #21-20

Form Review

Inbox

Reviewed By

Date

Bruce Westby
Brian Hagen
Form Started By: Bria Raines
Final Approval Date: 12/08/2021

Bruce Westby
Brian Hagen

12/02/2021 09:58 AM
12/08/2021 08:55 AM
Started On: 11/19/2021 09:19 AM

Sec. 117-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign which no longer identifies or advertises a bona fide business, lesser, service, owner, product, or activity, and/or for which no legal owner can be found.

Abuse means any action that does not follow good arboricultural practices. The term "abuse" also includes damage inflicted upon roots by machinery, changing the natural grade above the root system or around the trunk, changing drainage patterns around the tree, destruction of the natural shape of the tree or any action which causes infection, infestation or decay.

Abutting means making contact with or separated only by public thoroughfare, railroad, public utility right-of-way or navigable waters.

Accessory farm building means an accessory building used to shelter farm animals (excluding household pets).

Accessory structure means any subordinate building located on the same lot as the principal building containing a use which is incidental to that of the principal building.

Accessory use means a use naturally and normally incidental to, subordinate to, and auxiliary to the principal permitted use of the premises.

Addition means a physical enlargement of an existing structure.

Address sign means identification numbers only, whether written or in numerical form.

Adult use — body painting studio means an establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of specified anatomical areas.

Adult use — bookstore means a building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film or any other audio or visual media if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult use — cabaret means a building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by reason of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas.

Adult use — companionship establishment means a companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — conversation/rap parlor means a conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — health/sport club means a health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — hotel or motel means adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult use — massage parlor, health club means a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — mini-motion picture theater means a building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age, or if such material is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult use — modeling studio means an establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

Adult use — motion picture arcade means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult use — motion picture theater means a building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult use — novelty business means a business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

Adult use — sauna means a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — steam room/bathhouse facility means a building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult uses includes adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas which are capable of being seen by members of the public.

(1) *Specified anatomical areas.*

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast below a point immediately above the top of the areola; and

-
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (2) *Specified sexual activities.* Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct:
- a. Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty;
 - b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence;
 - c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
 - d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast;
 - e. Situations involving a person, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons;
 - f. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being;
 - g. Human excretion, urination, menstruation, vaginal or anal irrigation.

Adult uses — accessory means a use, business, or establishment having ten percent of its stock in trade or floor area allocated to, or 20 percent of its gross receipts derived from movie rentals or magazine sales.

Adult uses — principal means a use, business, or establishment having more than ten percent of its stock in trade or floor area allocated to, or more than 20 percent of its gross receipts derived from, any adult use.

Advertising device sign means a sign that has as its purpose to promote, advertise, or sell a product or service obtainable on the premises upon which the sign is located, and not to identify the premises.

Agricultural use means the use of land for the production of food or fiber, their storage on the area, and/or the raising thereon of domestic pets and domestic farm animals.

Agricultural uses means those uses commonly associated with the growing of produce on farms. These include: Field crop farming, pasture for hay, fruit growing, tree, plant, shrub or flower nursery without building, truck gardening, and livestock raising and feeding, but not including fur farms, commercial animal feedlots and kennels.

Alley means a public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

Alter means to change the appearance or function.

Alternative energy system means a wind energy conversion system (WECS), a solar energy system, or a ground source heat pump system.

Amortization means the establishment of a time schedule over which the cost of an investment is depreciated.

Animals, domestic farm, means horses, cattle, sheep, ducks, chickens, geese, rabbits, pigeons, goats, hogs, bees, turkeys.

Animals, domestic pets, means dogs, cats, birds and other commonly known house pets.

Antenna means any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Apartment means a room or suite of rooms which is designed for, intended for, or occupied as a housekeeping unit and is equipped with cooking facilities.

Applicant means a person who is applying for a license, certification or permit as required by this chapter. The term "applicant" also means that person's agents, employees, and others acting under this person's direction.

Approval means written approval pursuant to a duly executed application for approval made on a form promulgated by the city.

Area identification sign means a freestanding or wall sign which identifies a single-family or multifamily residential subdivision, a commercial development or an industrial park or office park and which is located on the same parcel as the development it identifies.

Armstrong Boulevard Interchange Overlay District means a district for purposes of allowing additional signage in a specified area, described as all commercially zoned property located within 750 feet of the Centerline of Highway 10 and extending to the Centerline of Traprock Street and extending to the Centerline of Llama Street. Parcels located within The COR District are exempted from this overlay district, as sign regulations for that district are located in a separate section of City Code.

Ash means the incombustible material that remains after a fuel or solid waste is incinerated.

Attached townhouse means structures housing three or more dwelling units contiguous to each other only by the sharing of one or more common walls; such structures are of the back-to-back or row-house type as contrasted to multiple dwelling apartment structures.

Attraction board manual (changeable copy sign) means a sign on which the copy is changed manually.

Auto salvage. See *Vehicle wrecking yard*.

Awning means a hood or cover which projects from the wall of a building.

Banner means a sign made of fabric or non-rigid material with no enclosing framework.

Base flood elevation means the elevation of the "regional flood". The term "base flood elevation" is used in the flood insurance study.

Basement means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Bay means cantilevered area of room.

Bench sign means a sign which is affixed to a bench.

Berm means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Best management practices (BMPs) means erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies. (Refer to the current versions of the Minnesota Pollution Control Agency's publications, "Protecting Water Quality in Urban Areas," and, "Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands," the United States Environmental Protection Agency's, "Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices," and the state department of transportation's, "Erosion Control Design Manual" for suitable BMPs.)

Billboard means a sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered or existing elsewhere than upon the same lot or parcel where such sign is displayed.

Block means a tract of land bounded by streets, or a combination of streets, parks, cemeteries, railroad right-of-way, shorelines, waterways, or corporate boundary lines of the city.

Bluff means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

- (1) Part or all of the feature is located in a shoreland area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the water body;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above ordinary high water level average 30 percent or greater; and
- (4) The slope must drain toward the waterbody.

Bluff impact zone means a bluff and land located within 20 feet from the top of a bluff.

Bluff line means:

- (1) A line along the top of a slope connecting the points at which the slope of land becomes more than 12 percent. This applies to those slopes within the land use district which are beyond the setback provisions from the ordinary high water level; or
- (2) The line which generally follows the river bank where the slope changes from steep (more than 12 percent) to less than 12 percent).

Board means the board of adjustment established by this chapter.

Boathouse means a structure designed or used solely for the storage of boats or boating equipment.

Boulevard means that part of the property not covered by sidewalk or other paving, lying between the property line and the curblines of any street. In the absence of a curb, the curblines of a street shall be deemed to be the edge of that portion of the public right-of-way maintained and open to the use of the public for purposes of public travel.

Buffer means a protective vegetated zone located adjacent to a natural resource, such as a water of the state, that is subject to direct or indirect human alteration. The width of a buffer strip is the width along each bank of a stream. Therefore a 30-foot-wide stream with 100-foot buffer strips has a total width of 230 feet. Acceptable buffer vegetation includes preserving existing predevelopment vegetation and/or planting locally distributed native Minnesota trees, shrubs and grassy vegetation. Alteration of such areas is strictly limited. Buffer areas are designated with permanent signs. Refer to the Ramsey Tree Book and Minn. Rules ch. 6216 for a list of exotic, prohibited, regulated, unlisted and unregulated plant species. Buffer widths in the city are defined in the Wetland Buffer, Shoreland Protection and River Corridor ordinances found in this Code.

Buffer area means the outer area of a site where the site activity is screened, distanced, or muffled from adjacent land uses. At a minimum the buffer area must be consistent with the intent of Minn. Stats. § 473.823, subd. 3.

Buildable area means the area of a lot remaining after minimum yard, open space requirements have been met and after lowland, wetland, or steep slopes are taken into account.

Building means any structure, with the exception of enclosed trailers with or without axles, having a roof which may provide shelter, support, protection or enclosure of persons, animals or property of any kind.

Building height means a distance to be measured from the mean ground level to the highest point of a flat roof, or average height of the highest gable of a pitched or hip roof.

Building-integrated solar energy system means a solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or

structural component of the building including, but not limited to, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights and awnings.

Building line means:

- (1) The line measured across the width of the lot at the point where the principal structure is placed in accordance with setback provisions; or
- (2) A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Business means any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

Business directory sign means a sign which identifies the names of the specific businesses located in a shopping center or business or industrial park and which is located on the parcel of the center so identified.

Business incubator/multitenant facility means a commercial or industrial development consisting of two or more separate units or suites sharing a common building and/or parking area.

Business sign means a sign relating in its subject matter to the parcel on which it is located, or to products, accommodations, services or activities on the parcel on which it is located.

Butt lot means a lot at the end of a block and located between two corner lots.

Caliper means the diameter, in inches, of the trunk of a tree taken six inches above the ground up to and including four-inch caliper size, and 12 inches above the ground for larger sizes.

Campground means an area accessible by vehicles and containing campsites or camping spots for tents and trailer camping.

Canopy means a permanent roof-like structure of rigid materials.

Canopy coverage means the horizontal extension of a tree's branches in all directions from its trunk.

Carport means an automobile shelter open on one or more sides, and shall be considered an accessory building.

Cellar means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Certified arborist means any person holding a valid and current arborist certification as issued by the International Society of Arboriculture (ISA).

Certified forester means any person holding a valid and current forester certification as issued by the Society of American Foresters (SAF).

CFR means the Code of Federal Regulations.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

City plan means a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the city and its environs.

City tree policy means a manual, developed and maintained by the city, which contains the standards and specifications for sound arboricultural practices, techniques and procedures which shall be applicable to all public trees in the city. This includes but is not limited to tree selection, planting, pruning, alteration, treatment, protection, and removal.

Clear-cutting means the removal of an entire stand of vegetation or trees.

Clearing means the removal of vegetation from a property, whether by cutting or other means.

Clinic means any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

Closed loop ground source heat pump system means a system that circulates a heat transfer fluid, through pipes or coils buried beneath the land surface or anchored to the bottom of a body of water.

Club means any establishment operated for social, recreational or educational purposes but open only to members and not the general public.

Commercial use means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commercial wireless telecommunication services means licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Communication antenna or tower, height, means the height of a freestanding communication antenna or tower is determined as the distance from ground level to the highest point on the tower, including the antenna.

Communication antenna or tower, roof- or wall-mounted height, means the height of a communication antenna that is mounted on a roof or wall shall be measured from the point where the base of the antenna and its supporting structure appends to the roof or wall to the highest point of the supporting structure, including the antenna.

Communication tower, guyed, means a tower that is supported, in whole or in part by wires and ground anchors.

Communication tower, lattice or self-support, means a tower that has three or four sides of open-framed steel supports.

Communication tower, monopole, means a tower consisting of a single pole, constructed without guyed wires and anchors.

Community forest means the collection of trees, shrubs, other vegetation and associated natural features that make up the city tree canopy and its growing zone.

Community forestry means the ecology of native and non-indigenous plantings creating a forest in the human living environment, and emphasizing the practice of wise professional planned management of all tree resources within an urban area. This would include trees in public streets, public areas, and on private property to provide for multiple use benefits for the general well-being of the entire community.

Community forestry program means all of those city resources, time and efforts directed toward the development and maintenance of a safe, healthy, aesthetically pleasing and fully stocked population of public trees.

Comprehensive plan means a computation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development, both public and private, as defined in Minn. Stats. § 462.352, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

Construction equipment trailer/field office means a mobile trailer or structure used for equipment storage or as a field office for contractors and subcontractors, which is not open to the general public.

Contaminated means containing a harmful quantity of any substance.

Contamination means the presence of or entry of any substance which may be deleterious to the public health and/or the quality of the water into the public storm water system, waters of the state, or waters of the United States.

Cosmetic cleaning means cleaning done for cosmetic purposes to the exterior of buildings, motorized vehicles, parking lots, recreational vehicles or similar activity. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or any cleaning otherwise regulated under federal, state, or local laws.

Covenant means a contract between two individuals which constitutes a restriction of a particular use of land.

Coverage means that portion of a lot covered by principal and accessory use structures, and may include impervious surfaces if it is so indicated in the individual zoning districts.

Crown means the leaves and branches of a tree or shrub; the upper portion of a tree from the lowest branch on the trunk to the top.

Crown cover means the ratio between the amount of land shaded by the vertical protection of the branches and foliage area of standing trees to the total area of land, usually expressed as percentage.

Deck means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

Density means a number expressing the ratio of dwelling units to an acre of land.

Design standards means the specifications to landowners or subdividers for the preparation of subdivisions, preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

Designated haul road means shall mean any public road or street which has been officially designated (as hereinafter provided) as a "haul road," and over which materials from any source are hauled, of the kinds and for the purposes listed in this definition, to points within geographic limits of the site or to points outside those limits if use of the material outside such limits is required.

- (1) Soil or other material for embankment construction;
- (2) Sand, gravel or other material for backfill;
- (3) Sand, gravel, or crushed rock for base or surfacing courses;
- (4) Aggregates for bituminous surfacing, including the hauling of bituminous mixtures from the mixing plant;
- (5) Aggregates for concrete base or pavement, including the hauling of concrete batches from batch plants; and
- (6) Bituminous materials and Portland cement for paving mixtures.

Designee means the person designated by the city to carry out specific duties outlined in this chapter.

Detached townhouse means a townhouse that does not share any common walls with the neighboring unit. Detached townhouses are also referred to as villas, cottage homes, or bungalows and are defined by their association-maintained status and commonly-held yards.

Developer means the owner of the land or person who is the applicant for alteration of the land and includes a person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

Development means the construction, installation or alteration of any structure, the extraction, grading or filling, clearing or other alteration of terrestrial or aquatic vegetation, land or the course current or cross section of any water body or watercourse or the division of land into two or more parcels.

Development activity means any alteration of the natural environment that requires the approval of a development or site plan and issuance of a development permit. Development activity shall also include the thinning or removal of trees from any undeveloped land, including that carried out in conjunction with a forest management program, and the removal of trees incidental to the development of land or to the marketing of land for development.

Development agreement means an agreement between the subdivider and the city that clearly establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities, and improvements and any other mutually agreed to terms and requirements.

Development regulations means the adopted regulations provided for the subdivision and development of real property within the city, as amended from time to time by the city.

Diameter at breast height (DBH) means the diameter of a tree at a height of 54 inches above the ground.

Directional or instructional sign means a sign providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to those signs identifying restrooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility but not including those signs accessory to parking areas.

Discharge means the conveyance, channeling, runoff, or drainage, of stormwater, including snowmelt, from a construction site.

Disposal facility has the meaning given it in Minn. Stats. § 115A.03, subd. 10.

District means:

- (1) A section of the city for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein; or
- (2) A specific zoning district as defined in the zoning ordinance.

Domestic sewage means sewage that might be generated by a dwelling; a toilet facility at an establishment open to the public; rental units, such as motels and resort cabins, or showers and toilet facilities for schools or campgrounds.

Domestic wastewater means any water generated by a use used for personal hygiene such as lavatories and related sinks. This definition shall apply only to sections 117-118 and 117-120.

Draining means the removal of surface water or groundwater from land.

Dripline means an imaginary vertical line which extends from the outermost branches of a tree's canopy to the ground.

Drive-in establishment means an establishment which provides a service or commodity to the occupants of a motor vehicle.

Driveway means an onsite prepared surface traffic lane, which shall be the traffic lane leading directly from a public street to the primary garage on the subject parcel; the width of which cannot exceed the primary garage width by more than 15 feet, or in the absence of a garage, a traffic lane to a parking pad that cannot exceed 20 feet in width. Driveway parking may not extend beyond the front of the primary garage without meeting the performance standards for side or rear yard parking. (Cannot exceed maximum width at roadway under zoning district bulk standards).

Duplex, triplex, and quad means a dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling site means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling unit means:

- (1) A residential building or portion thereof intended for occupancy by one family including apartments but not including hotels, motels, nursing homes, seasonal cabins, boarding or roominghouses, tourist homes or trailers; or
- (2) Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

Dwelling, attached, means a dwelling which is joined to another at one or more sides by a party wall.

Dwelling, detached, means a dwelling unit not attached to another dwelling or structure.

Dwelling, duplex, means a dwelling designed exclusively for occupancy by two families having separate kitchen, bathroom, and living spaces.

Dwelling, guest cottage or accessory apartment, means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Dwelling, manufactured home, means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designated to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification pursuant to Minn. Stats. §§ 327.31—327.36. The term "dwelling, manufactured home," does not include "recreational vehicle" as defined herein.

Dwelling, multiple (apartment or condominium), means a building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other but sharing hallways and main entrances and exits.

Dwelling, single-family, means a dwelling unit designed exclusively for occupancy by one family.

Dwelling, townhouse, means structures that are designed for single household habitation, but have outdoor areas and/or indoor centers that are commonly owned and maintained by a homeowners' association. Townhouses have a minimum of one individual entrance/exit per unit.

Dwelling, twinhome or quad, means a building containing two or four attached dwelling units, side-by-side, that share common walls at the lot lines and that are on separate lots and do not utilize a homeowners' association.

Dynamic display means any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating

panels, LED lights manipulated through digital input or any other method of technology that allows the sign face to present a series of images or displays.

Earth material means any rock, material, soil or fill and/or any combination thereof.

Easement means a grant by a property owner for use of a strip of land by the public or any person for any specific purpose, or purposes of construction and maintaining utilities and/or roadways.

Emergency landing means an unplanned and unanticipated landing of an aircraft made to prevent personal injury or loss of life.

Emergency work means work that is necessary to save life or property.

Energy dissipation refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to; aprons, rip-rap, splash pads, and gabions that are designed to prevent erosion.

Engineer means the city engineer.

Equal degree of encroachment means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Equipment, commercial use, means a variety of heavy machines, either specifically designed or used for commercial purposes, which perform specific construction or demolition functions, such as hoisting, excavating, hauling, grading, paving, drilling, or pile driving, under power. Trailers, either enclosed or flatbed, 6×12 or smaller are exempt unless they have a department of transportation certificate or number; trailers used for transport of recreational vehicles and not used for any commercial use are exempt.

A licensed, self-propelled vehicle which:

- (1) Has a gross vehicle weight rating (GVWR) OF 10,001 pounds or more and contains print or logos which advertise a business; or
- (2) Has external modifications to the structure or body, where external modifications are defined as both dealer and non-dealer modifications which result in pick-up trucks that do not have the traditional pick-up truck bed and side walls, and vans that have an expanded cargo area that is taller or wider than a passenger van, except those modified for use as either a recreational vehicle or to accommodate handicapped passengers and which are currently being utilized for this purpose. Motorized vehicles that have racks, storage boxes, or shells added to the traditional pick-up bed are exempt from this definition.

Equipment, private use, means any motorized or non-motorized apparatus whose primary use is for personal activities not related to generating revenue or profit.

Erosion means the wearing away of the ground surface as a result of the movement of wind, water and/or ice or any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

Erosion and sediment practice specifications or practice means the management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the city, county or local watershed group, whichever is more stringent.

Erosion control refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Essential services means:

- (1) Underground or overhead gas, electrical, steam or water distribution systems, collection communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes,

conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in conjunction therewith, but not including buildings or transmission services; or

- (2) The erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies.

Excavation means the mechanical removal of earth material below finish grade and shall be limited to only those areas needing soil correction, and shall not include the exporting of earth material from the work site.

Existing grade means the grade prior to grading.

Exposed soil areas means all areas of the construction site where the vegetation (trees, shrubs, brush, etc.) has been removed. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include stockpiles or surcharge areas of sand, gravel, concrete or bituminous.

Exterior solid fuel-fired heating device means an external device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, fireplaces, solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired fireplace logs.

External illumination means illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.

Extractive use means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minn. Stats. §§ 93.44—93.51.

Farm means a tract of land used for agricultural uses which is under cultivation or is fenced and utilized as pasture.

Farm fence means an open type fence of posts and wire, which is permitted to accommodate agricultural activities and the raising of livestock and animals in certain zoning districts, and is not considered to be a structure with regard to floodplain regulations.

Farming means process of operating a farm for the growing and harvesting of crops which shall include those necessary accessory buildings, related to operating a farm, and the keeping of domestic farm animals.

Fence means any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure.

Fill means a deposit of earth material placed by artificial means so as to elevate the grade of a work site.

Filling means the act of depositing any rock, soil, gravel, sand or any other material.

Filter strips means a vegetated section of land designed to treat runoff as overland sheet flow. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.

Final stabilization means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 75 percent of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been employed. Acceptable vegetative cover practices can be found in the current version of the state department of transportation's publication, "Supplemental Specifications to the (Year) Standard Specifications for Construction." Simply sowing grass seed is not considered stabilization.

Finish grade means the final grade of the work site which conforms to the approved plan.

Flashing or scrolling signs or lights means a sign or lighting, other than a manual changeable copy sign, including dynamic display, which contains an intermittent or sequential flashing light source used primarily to attract attention.

Flood means a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood frequency means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood fringe means that portion of the floodplain outside of the floodway. The term "flood fringe" is synonymous with the term "floodway fringe" used in the flood insurance study for the city.

Floodplain means:

- (1) The beds proper and the areas adjoining a wetland, lake or watercourse which have been, or hereafter may be, covered by the regional flood; or
- (2) Lands adjacent to rivers, lakes, creeks, drainageways, marshes and other lowland areas which are subject to inundation by runoff from the 100-year regional storm or the 100-year snow-snow-melt runoff event.

Floodproofing means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway means the channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood.

Floor area means the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls.

Floor area ratio means the total floor area on a zoning lot divided by the total site area of the lot or parcel being developed.

Forest land conversion means the clear-cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Forestry means the use and management, including logging, of a forest, woodland or plantation, and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, and fences.

Garage, primary residential, means a garage attached to the principal building or dwelling, or a detached garage where an attached garage does not exist, intended for the storage of vehicles and items accessory to the principal use of the property. Primary residential garages, attached or detached, shall be considered accessory structures.

Governmental sign means a sign which is erected by a governmental unit.

Grade means the vertical rise or drop from any fixed horizontal line or point.

Grading means:

- (1) Changing the natural or existing topography of land; or
- (2) The placement, removal or movement of earth by use of mechanical equipment on a property.

Ground sign means a sign supported by structures or supports or upon the ground and not attached or dependent for support from any building.

Ground source heat pump system means a system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils, or plates; fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system.

Grubbing means removal of all structures, vegetation, utilities, facilities, and other material from a site.

Hardship means:

- (1) The property in question cannot be put to reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to their property, not created by the landowner; and then if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the official controls; or
- (2) As used in connection with a variance under this section, means the property in question cannot be put to a reasonable use under the conditions allowed by this section. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of this section.

Harmful quantity means the amount of any substance that will cause pollution of waters of the city, state or nation that will cause lethal or sub-lethal adverse effects on the representative, sensitive aquatic monitoring organisms residing in waters.

Hazard or nuisance tree means any tree with an infectious disease or insect problem; dead or dying trees; a tree or limb that obstruct street lights, traffic signs, the free passage of pedestrians or vehicles; a tree that poses a threat to safety.

Hazardous waste.

- (1) The term "hazardous waste" means any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may:
 - a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
 - b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives.

- (2) The term "hazardous waste" does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Hazardous waste incinerator means an enclosed device using controlled flame combustion, a purpose of which is to thermally break down hazardous waste and that neither meets the criteria for classification as a boiler nor is listed or can be classified as an industrial boiler.

Hedge means a row of closely planted shrubs or low growing trees forming a fence or boundary.

Height of a communication antenna or tower means the height of a freestanding communication antenna or tower is determined as the distance from ground level to the highest point on the tower, including the antenna.

Height of a roof- or wall-mounted antenna or tower means the height of a communication antenna that is mounted on a roof or wall shall be measured from the point where the base of the antenna and its supporting structure appends to the roof or wall to the highest point of the supporting structure, including the antenna.

Helicopter means an aircraft supported in the air by rotors.

Heliport means an area of land that is used or intended to be used for the landing and takeoff of helicopters, and includes its buildings and facilities.

Home occupation means any business or commercial activity that is conducted or petitioned to be conducted ~~from the principal or an accessory structure~~ on the property that is zoned for residential use, ~~by persons residing on the property.~~

Homeowners' association (HOA) means an organization comprising neighbors concerned with managing the common areas of a subdivision, governed by a board, that create a set of bylaws, in addition to city regulation, to govern themselves. These boards own and maintain commonly-held land within a townhouse or single-family development, and are responsible for private street maintenance, snow removal, landscaping, and/or building maintenance. Each homeowners' association varies in its scope and responsibilities. The homeowners' association is responsible for enforcing any covenants, conditions, and restrictions that apply to the property.

Horse boarding, commercial, means the housing or keeping of horses for profit. Horse boarding will be considered to be commercial when horse care is offered to the general public through any form of advertising.

Horse boarding, noncommercial, means the housing or keeping of horses for friends, neighbors, and relatives when the charge for such boarding is limited to the actual costs incurred and the person providing the service has not attempted to solicit business through any form of advertising.

Hydric soils means soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Hydrophytic vegetation means macrophytic (large enough to be observed by the naked eye) plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Illicit discharge means any direct or indirect non-stormwater discharge to the storm sewer system except as exempted in section 117-414(b)(2).

Illuminated sign means any sign which is illuminated by an artificial light source.

Impervious surface means:

- (1) A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads; or
- (2) A properly maintained artificial surface through which water cannot easily penetrate or a constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Improvements means the construction or installation of public or private utilities, including but not limited to, potable water, sanitary sewer systems, storm sewers, roads and other thoroughfares, sidewalks, curbs and gutters, paving barricades, trees and other plantings, lighting, fuel or energy and the transmission thereof, transportation systems or facilities connected therewith and communication systems which are necessary, desirable or convenient in the maintenance of the health, safety and the general welfare.

Incinerator means any furnace or other device used in the process of burning solid waste, hazardous waste, medical waste or special waste for the purpose of reducing the volume of the waste by removing combustible material.

Industrial solid waste.

- (1) The term "industrial solid waste" means all solid waste generated from an industrial or manufacturing process and solid waste generated from non-manufacturing process and solid waste generated from non-manufacturing activities such as service and commercial establishments.
- (2) The term "industrial solid waste" does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse.

Industrial solid waste land disposal facility means a site used to dispose of industrial solid waste in or on the land.

Industrial use means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Institution means any building housing any civic, philanthropic, educational, public, religious or public service organization.

Intensive vegetation clearing means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Junkyard means land or buildings where waste, discarded or salvaged materials are bought, sold, stored, exchanged, cleared, packaged, disassembled or handled.

Key means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

Land disposal facility means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.

Land disturbance activity means any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including clearing and grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:

- (1) Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.
- (2) Construction, installation, and maintenance of electric, telephone, and cable television, utility lines or individual service connection to these utilities, which result in creating under 500 square feet of exposed soil.
- (3) Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural crops.
- (4) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles which result in creating under 500 square feet of exposed soil.
- (5) Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the city's requirements as soon as possible.

Land pollution means the presence in or on the land of any waste or waste byproduct in such quantity, of such nature and duration, and under such condition as would affect any waters of the state, create air contaminants, cause air pollution or contaminate soils at the site making the site unacceptable for further use.

Land reclamation means the process of the reestablishment of acceptable topography (i.e., slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.

Landfill activity means the process of land disposal, including but not limited to dumping of waste or processed waste, excavating cover material, storage and servicing of equipment, placing cover material, or stockpiling of materials for landfill requirements.

Landfill activity area means the area where landfill activity takes place.

Landmark tree means any tree which is determined by the city council to be of unique and intrinsic value to the general public. This could be the result of its size, age, historic association or ecological value or any tree

designated a Minnesota State Champion, United States Champion or World Champion by the American Forestry Association. The city shall keep a record of all specimen trees so designated and their location.

Landscape plan means the design and specifications for the placement of any live plant materials such as trees, shrubs, ground cover and grasses as well as humanmade structures such as walls, fences, and berms. This also includes the retention of existing vegetation for the purposes of enhancing property value and aesthetics, protecting the community's environment, and minimizing negative impacts on visual order of the community.

Landscaping means the use of natural plant materials including but not limited to, ground covers, shrubs, and trees (deciduous and evergreen). Landscaping also involves the placement, preservation, and maintenance of such plant materials and includes such elements as fences, walls, lighting, and earth mounding.

Large tree means any tree expected to reach a height in excess of 30 feet at maturity.

Leachate means liquid that has percolated through solid or processed waste and has extracted, dissolved, or suspended materials from it.

License fee means the annual charge for a permit as required herein. The term "license," "conditional use permit" and "permit" as used herein may be used interchangeably.

Light manufacturing means the processing and fabrication of certain materials and products where no process involved will produce noise, vibrations, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties.

Litter means slightly decomposed organic material on the floor of a wooded area.

Lot means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Lot, depth of, means a mean horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot, frontage, means the front of a lot shall be, for purposes of complying with this Code, that boundary abutting a public right-of-way having the least width.

Lot, interior, means a lot, other than a corner lot, including through lots.

Lot, minimum area of, means the surface of a lot computed exclusive of any portion of the right-of-way of any public street or thoroughfare for all commercial and industrial lots and all residential lots. In the event of more than one street frontage, the measurement will be taken at the street where driveway access is gained unless otherwise approved by the city.

Lot, through, means a lot fronting on two parallel streets.

Lot line means a property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

Lot of record means any lot which individually, or as part of a subdivision, was a separate parcel of record on April 28, 1972.

Lot width means the uniform width measured at the property line abutting the street at the minimum building setback line of the underlying zoning district. In the case of a lot abutting a cul-de-sac, the lot width is the width measured at right angles to the depth at the building setback requirement.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

Mansard means a sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee means a permanent roof-like structure of rigid materials supported by and extending from the facade of a building.

Medical waste means all segregated, non-recycled wastes other than kitchen or office wastes produced by hospitals, clinics, doctors' and dentists' offices, funeral homes, veterinary clinics, and other medical and research facilities. These wastes include infectious wastes as defined by Minn. Rules pt. 7035.0300, subpt. 48, or other relevant rule or statute defining infectious wastes, pathological waste, and laboratory wastes.

Mining means all or any part of the process involved in the extraction of sand, gravel, rock, soil or other material from the ground by removing the overburden and extracting directly from the material thereby exposed.

Mining operation means the removal of stone, sand and gravel, coal, salt, iron, copper, nickel, petroleum or other material from the land for commercial, industrial, or governmental purposes.

Mixed municipal solid waste has the meaning given it in Minn. Stats. § 115A.03, subd. 21.

Mixed municipal solid waste land disposal facility means a site used for the disposal of mixed municipal solid waste.

Mobile commercial cosmetic cleaning means power washing, steam cleaning and any other mobile cosmetic cleaning operation of vehicles and/or exterior surfaces engaged for commercial purposes.

Mobile home park means any premises which has facilities to accommodate two or more occupied mobile homes.

Model home means a dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.

Moderately are soils having percolation rates of 30 minutes per inch to 60 minutes per inch.

Motel/motor hotel means a building or group of detached, semi-detached or attached buildings containing guestrooms or units, each of which has a separate entrance directly from the outside of the building or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests.

Motion sign means any sign which revolves, rotates or has any moving parts.

Motor freight terminal (truck terminal) means a building in which freight brought by a motor truck is assembled and sorted for routing in intrastate and interstate shipment.

Motor fuel station means a place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises and including minor accessories and services for automobiles but not including automobile major repairs and rebuilding.

Motor vehicle, commercial use, means any device designed to be self-propelled that is eligible for legal operation on the public roads and highways and whose primary use is to facilitate the generation of revenue. This shall not include standard passenger automobiles, pick-up trucks and vans displaying company logos and/or advertisements.

Motor vehicle, private use, means any device which is designed to be self-propelled, and not deriving its power from overhead wires. This shall also include standard passenger automobiles, pickup trucks and vans displaying company logos and/or advertisements.

MS4 permit means the Minnesota Pollution Control Agency (MPCA) permit issued to the City of Ramsey for monitoring and maintaining water quality in its MS4. The Environmental Protection Agency (EPA) has promulgated the National Pollution Discharge Elimination System (NPDES), Phase II storm water rules. The MPCA has delegated

the responsibility to administer the National Pollution Discharge Elimination System, Phase II storm water permit system to MS4 communities.

Municipal forestry program shall be synonymous with "City Tree Planting Program" and shall include, but not be limited to:

- (1) Tree planting, maintenance, removal and replacement;
- (2) Leaf collection and disposal;
- (3) Community relations activities including information on tree plantings, seedling distributions, and Arbor Day observations; and
- (4) Any enforcement of city ordinances relating to the city's tree planting program.

Municipal separate storm sewer system (MS4) means the system of conveyances, including sidewalks, municipal streets, driveways, curb and gutter, ditches, channels, retention basins, catch basins or similar storm water inlets, and/or any other conveyance delivering water to the public storm sewer collection and delivery system.

Nameplate/identification sign means a sign which bears the name and/or address of the occupants of the building.

Native species means any species of plant considered to be indigenous to the county sand plain.

Natural area means an area that does not include noxious weeds that is purposely left to grow in a natural state and contains vegetation that can maintain itself in a stable condition.

Natural drainage system means all land surface areas which by nature of their contour configuration, collect, store and channel surface water runoff.

Natural obstruction means any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a water body, watercourse, or wetland by a non-human cause.

NOI means notice of intent.

Nonconforming sign, illegal, means a sign which unlawfully existed prior to the adoption of the ordinance from which this chapter is derived.

Nonconforming sign, legal, means a sign which lawfully existed prior to the adoption of the ordinance from which this chapter is derived, but does not conform to the newly enacted requirements of this chapter.

Nonconforming use means any use of land established before the effective date of the ordinance from which this chapter is derived which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

Nonconforming use, illegal, means a building, structure, premises, or use which at the time of its establishment did not comply or conform with the applicable conditions or provisions of this Code which were in effect at such date, and which continues such noncompliance and nonconformance with the present Code.

Nonconforming use, legal, means a building, structure, premises, or use which at the time of its establishment was in compliance and conformance with the applicable conditions and provisions of this Code which were in effect at such date, but which does not now comply or conform to conditions and provisions of the current Code.

Non-domestic sewage (process wastewater) means sewage discharges generated from such uses as restaurants, laundromats, barbershops and beauty shops, carwashes, and other types of commercial or industrial establishments.

Normal high-water mark means a continuous mark of reference at an elevation where land and water meet for some period of record; is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Notice of intent (NOI) means a written notice to the Minnesota Pollution Control Agency that the city plans on meeting the MS4 permit requirements.

NPDES means National Pollutant Discharge Elimination System (NPDES) as established pursuant to 33 USC 1342(b) to regulate discharges of Pollutants to the waters of the United States.

NPDES permit means an NPDES stormwater discharge permit that is issued by the Minnesota Pollution Control Agency (MPCA) to regulate discharges of pollutants to waters of the United States, whether the permit is applicable to an individual, group or general area-wide basis.

Nuisance or public nuisance. See chapter 10, Animals, for specific definition.

Nursing home, rest home or convalescent home means a building having accommodations where care is provided for two or more invalids, infirmed, aged, convalescent, or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, sanitariums or similar institutions.

Obstruction means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Official map means a map adopted in accordance with the ordinance from which this chapter is derived showing existing streets, proposed future streets and the area needed for widening of existing streets of the city. An official map may also show the location of existing and future land and facilities within the city. An official map may cover the entire city or any portion of the city.

Off-street loading space means a space accessible from the street, alley or way, in a building or on the lot for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one truck of the type typically used in the particular business and shall be exclusive of general public and employee parking spaces.

On site means any location within the boundaries of a site.

One hundred-year floodplain means lands inundated by the regional flood.

Opacity means the degree to which a structure, use or view is screened from adjacent properties.

Open sales lot means any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.

Open space means an area set aside for the preservation of natural open spaces to counteract the effects of urban congestion and monotony.

Open space recreation uses means recreation use particularly oriented to and utilizing the outdoor character of any area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreational areas.

Operable motor vehicle means a vehicle that can be presented in a self-propelled condition within seven days of the city's request for such action.

Operator means any person, any partnership, limited partnership or corporation, or any association of persons, engaged in surface mining operations and issued a permit therefor pursuant to this Code or the pilot of an aircraft.

Ordinary high-water mark means either of the following:

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- (1) The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high-water level is the operating elevation of the normal summer pool.
 - (2) Generally the boundary elevation where the vegetation changes from predominately aquatic (where "aquatic" broadly means that the vegetation can survive moist conditions) to terrestrial. This elevation delineates the highest water level, which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. Water often reaches this elevation in spring. For rivers and streams the ordinary high water mark is usually the top of the bank. It is less well defined for lakes and wetlands. The definition in Minn. Stats. § 103G.005, subd. 14 provides that the "... "Ordinary high water level" means the boundary of water basins, watercourses, public waters, and public waters wetlands, and:
 - a. The ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
 - b. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
 - c. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool. The term "ordinary high water mark" is further defined in Minn. Rules pt. 6120.2500, subpt. 11. Ordinary high-water marks are determined by the state department of natural resources' area hydrologist.

Organic matter means decayed plant materials that are no longer identifiable or recognizable as the original plant and have been biologically transformed into a humus-like material.

Outlot means a parcel that is not a developable piece of property unless re-platted in accordance with city ordinances.

Owner means any person, firm or corporation, or any other legal entity, or a combination of any of them, having sufficient legal proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

Parcel means an individual lot or tract of land.

Park includes any city public spaces designated for recreation and/or conservation.

Parking pad means any on-site area used for storage or parking of motor vehicles, equipment, or items listed in section 117-355, Residential off-street parking. A parking pad does not include a driveway as defined by City Code. A parking pad shall have a prepared surface as required by this chapter. The parking pad area shall not exceed those area restrictions as prescribed by this chapter.

Parking node means a parking area with two or more parking spaces that are usually for common parking in medium and high density developments. Examples include private parking lots for tenant/visitors of apartments and parking areas along private streets for townhomes.

Parking space means an area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

Parking surface, residential, means the entire area under a vehicle or piece of equipment plus a one-foot extended perimeter.

Passive solar energy system means a system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Paved surface means a constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots.

Pedestrian way means a public or private right-of-way within or across a block to provide access for pedestrians and which may be used for utilities.

Pennants means attention-getting devices which resemble flags and are of non-permanent paper, cloth or plastic-like consistency.

Permanent cover means final stabilization. Examples include grass, gravel, asphalt, and concrete.

Permanent sign means any sign which is not defined as a temporary sign.

Permitted use means a use which may be lawfully established in a particular district, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

Person means an individual, firm, partnership, association, corporation or organization of any kind.

Personal use heliport means restricted to use by one person.

Pervious surface means a surface that permits the entry of water into the soil. Examples include lawns, planting beds and paving brick surfaces designed to infiltrate water into the underlying soils.

Pest means any injurious plant, animal, disease, insect or other organism that harms trees or other woody vegetation or humans.

Photovoltaic system means a solar energy system that converts solar energy directly into electricity.

Planned cluster development means a pattern of subdivision development which places dwelling units into compact groupings while providing a commonly owned or dedicated open space.

Planting means vegetative installations and related improvements, retained or introduced for the purpose of beautifying or enhancing property, buffering adjoining uses, control soil erosion, etc.

Plat, final, means a drawing or map of a subdivision which meets all of the requirements of the city and is in such form as meets the requirements under the state law for purposes of recording.

Plat, major, means the subdivision of parcels that exceed three parcels and/or requires the construction of public streets or utilities. A major plat requires sketch plan review by the planning commission, preliminary plat review by the planning commission and city council and final plat review by the city council.

Plat, minor, means a subdivision of three or less parcels and does not require the construction of public streets or utilities.

Plat, preliminary, means the initial drawing indicating the proposed layout of the subdivisions to be submitted hereunder in compliance with the regulations, including required supporting data.

Point source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Political sign means a temporary sign used in connection with any local, state or national election or referendum.

Pollutant means:

- (1) Toxic or hazardous substances, wastes or contaminants (including, without limitation, asbestos, urea formaldehyde, the group of organic compounds known as polychlorinated biphenyls, petroleum products including gasoline, fuel oil, crude oil and various constituents of such products, and any hazardous substance as defined in Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 USC 9601—9657, as amended);
- (2) Substances that would require a permit for their discharge into any water source or system or the air under the Federal Water Pollution Control Act, 33 USC 1251 et seq., or the Clean Air Act, 42 USC 7401 et seq.;
- (3) Hazardous substances, pollutants or contaminants defined in Minn. Stats. ch. 115B;
- (4) Litter, yard waste, garbage, liquid and solid wastes, fertilizers, pesticides, herbicides, paints, solvents, automotive fluids, wastes and residues that result from constructing a building or structure; and
- (5) As in any other similar state law or ordinance.

Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any waters of the state or the MS4, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Portable sign means any sign designed to be removed and not permanently affixed to the ground or a structure or a building.

Primitive campsites means an area that consists of individual remote campsites accessible only by foot or water.

Principal use or structure means all uses or structures that are not accessory uses or structures.

Private use heliport means for use by multiple persons at the invitation of the owner (an example would be a heliport at a hospital).

Projecting sign means any sign, all or any part of which extends beyond the surface of the building or wall by more than 16 inches.

Property line means the boundary between two distinct properties.

Property owner means the person owning such property as shown by the county auditor's plat of the City of Ramsey, Minnesota.

Protected waters means any public waters as defined in Minn. Stats. § 103G.005. However, no lake, pond or flowage of less than ten acres in size and no river or stream having a total drainage area less than two square miles shall be regulated for the purposes of these regulations.

Protective covenants means contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of a given area.

Pruning means the judicious removal of plant parts to increase usefulness, beauty, or vigor.

Pruning standard means the standard established by the International Society of Arboriculture for use in the pruning of plant material located on public property.

Public area means property within the city limits, and:

- (1) Owned by the city in fee simple absolute; or
- (2) Implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic, or for public easements.

Public event means any event that is authorized by the city, whether funded in part, total or not at all by the city.

Public sewer means municipal sanitary sewerage facilities connected to an interceptor sewer or sewage treatment facility provided by the Metropolitan Waste Control Commission.

Public tree means all trees now, or hereafter, growing along any street, in any park, or any other public place.

Public use heliport means unrestricted and open to the public.

Public uses means uses owned or operated by municipal, school districts, county, state or other governmental units.

Public waters means any waters as defined in Minn. Stats. § 103G.005, subds. 15 and 15a.

Raising means the removal of lower branches or the removal of smaller branches from larger branches to increase the clearance height of the limbs over streets, alleys, or buildings.

Rapidly are soils having percolation of less than 30 minutes per inch.

Reach means a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Recreation field or building means an area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this Code.

Recreational vehicle means a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of subdivision III (floodplain overlay districts), the term recreational vehicle is synonymous with the term 'travel trailer/travel vehicle'.

Regional flood means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. The term "regional flood" is synonymous with the term "base flood" used in the Flood Insurance Study.

Regulatory flood protection elevation means an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into groundwater, subsurface soils, surface soils, the municipal separate storm sewer system (MS4) or the waters of the state.

Replacement planting means the replacement of trees and landscape materials into the minimum required landscape areas, as determined by the zoning ordinance, conditions of zoning approval, or the provisions of this chapter.

Required public improvements means those improvements in any proposed subdivision, including streets, water and sewer systems and stormwater drainage systems, which are required in connection with the approval of any plat or other subdivision.

Residential planned unit development means a use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership

residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Restaurant (Class I) means traditional restaurant where food is served by a waiter or waitress to a customer and consumed while seated at a counter or table. Food is served on non-disposable containers.

Restaurant (Class II) means fast food restaurants in which a majority of the customers are served food at a counter and take it to a table to eat at or may take food outside to consume in a vehicle or off the premises.

Retention basin means a temporary or permanent natural or man made structure, facility or basin that provides a permanent pool of water for storage of stormwater where water is allowed to empty through infiltration or evaporation, including but not limited to wet or NURP ponds.

Right-of-way means the area within the limits of a street, alley, pedestrian way, thoroughfare or easement.

Roof sign means any sign erected upon the roof of a structure to which it is affixed.

Roofline means the top line of the coping; or, when the building has a pitched roof, as the intersection of the outside wall with the roof.

Rough grade means the stage at which the grade approximately conforms to the approved plan.

Runoff means any liquid that drains over land from any part of a facility.

Runoff coefficient means the average annual fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls that will appear at the conveyance as runoff.

Screening means a method of reducing the impact of noise and visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences or any appropriate combination thereof.

- (1) *75-percent screening*: Screening would be required on all common lot lines at 100 percent, excluding from along roadway, except on a corner lot, in which case the secondary frontage would still require screening. This means, screening is required on three sides of the vehicle at 100 percent.
- (2) *50-percent screening*: Screening would be required on lot lines adjoining subject property along the length of the vehicle/equipment at 100 percent. This means screening is required on at least two sides of the vehicle at 100 percent.

Sediment means the product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, air, or ice, and has come to rest on the earth's surface either above or below water level.

Sediment control means the methods employed to prevent sediment from leaving the development site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Sedimentation means the process or action of depositing sediment caused by erosion.

Selective cutting means the removal of single scattered trees.

Semi-public use means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive resource management means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback means the minimum horizontal distance between a use and lot line or other distinguished area. Distances are to be measured from ground level except as provided hereinafter.

Sewage disposal regulations means the regulations found in chapter 113, article II, and any subsequent amendments.

Sewage treatment system means:

- (1) Any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems and drain fields; or
- (2) Septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in this chapter.

Sewer system means the pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shopping center means a commercial development consisting of three or more separate commercial establishments sharing a common building, entranceway or parking area.

Shore impact zone means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland means the land within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Sign means any letter, word or symbol, device, poster, picture, statuary, reading matter, or representation in the nature of an advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed outdoors for informational or communicative purposes.

Sign area means that area within the marginal lines of the surface which bears the advertisement, or in the case of messages, figures or symbols attached directly to any part of a building, that area which is included in the smallest geometric shape which can be made to circumscribe the message, figure or symbol displayed thereon. The stipulated maximum sign area for a free standing or ground sign refers to a single facing.

Sign, advertising, means a sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

Significant historic site means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stats. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Slope means the degree of deviation of a surface from the horizontal, usually expressed in percent, degrees, or ratio.

Slowly are soils having percolation rates in excess of 60 minutes per inch.

Soil means either:

- (1) Naturally occurring superficial deposits overlying bedrock.

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- (2) The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this chapter stockpiles of sand, gravel, aggregate, concrete or bituminous materials are not considered "soil" stockpiles.

Soil absorption system means a system constructed in conformance to the city's sewage disposal regulations in chapter 113 for the purpose of the disposal of septic tank effluent by soil absorption.

Soil permeability means the quality of the soil that permits water or air to pass through it; it is expressed as the time in minutes required to pass one inch of water through a saturated cross section of soil; it is determined by field test procedures outlined in the city's sewage disposal regulations in chapter 113.

Soil permeability — moderately are soils having percolation rates of 30 minutes per inch to 60 minutes per inch.

Soil permeability — rapidly are soils having percolation of less than 30 minutes per inch.

Soil permeability — slowly are soils having percolation rates in excess of 60 minutes per inch.

Soil survey means the systemized study of soils, including the study of morphological soil characteristics, soil behavior and the classification of soils into defined types and other classification units, soil mapping to show the boundaries of soils and their geographic distribution and the prediction of their behavior for specific uses or management systems as defined by Standard Soil Survey, USDA.

Soils.

- (1) *Class I lands* are lands on which the water table remains greater than six feet below the surface through the year, and:
- a. The soil is moderately permeable with slopes not exceeding 12 percent.
 - b. The soil is rapidly permeable with slopes not exceeding 18 percent.
- (2) *Class II lands* are lands on which the water table remains at two to six feet below the ground surface throughout the year, and:
- a. Soils are moderately permeable with slopes ranging between 12 percent and 18 percent.
 - b. Soils are slowly permeable with slopes not exceeding 12 percent.
- (3) *Class III lands* are lands on which the water table remains greater than six feet below the surface throughout the year; and:
- a. Soils are moderately permeable and slopes exceed 18 percent;
 - b. Soils are rapidly permeable and slopes exceed 18 percent;
 - c. Soils are slowly permeable and slopes exceed 12 percent.
- (4) *Class IV lands* are lands on which the water table does not remain greater than six feet below the surface throughout the year or lands considered to be floodplain and subject to flooding.
- (5) *Class V lands* are lands which have steep slopes, over 12 percent.

Solar access means that access between the solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes the effective operation.

Solar energy means radiant energy that is direct, diffused, and reflected energy received from the sun.

Solar energy system means a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

Solid waste means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Solid waste land disposal facility means a facility used to dispose of solid waste in or on the land.

Solid waste management facility means a facility for the storage, collection, transportation, processing or reuse, conversion or disposal of solid waste.

Special flood hazard area is a term used for flood insurance purposes synonymous with "one hundred-year floodplain."

Special waste means any waste material not considered hazardous or solid waste which has been determined by the Minnesota Pollution Control Agency or Environmental Protection Agency to require special handling or treatment prior to disposal.

Stabilized means the exposed ground surface after it has been covered by sod, erosion control blanket, rip-rap, or other material that prevents erosion from occurring. Simply sowing grass seed is not considered stabilization.

Standard use means any use of shorelands existing prior to the date of enactment of the ordinance from which this chapter is derived which is permitted within the applicable zoning district but does not meet the minimum lot area and length or water frontage, structure setbacks, or other dimensional standards of this Code.

Steep slope means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Stormwater, under Minn. Rules pt. 7077.0105, subpt. 41b, "means precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage." (According to the Federal Code of Regulations under 40 CFR 122.26[b][13], "Stormwater means stormwater runoff, snow melt runoff and surface and drainage."). Stormwater does not include construction site dewatering.

Storm water pollution control plan(also known as storm water pollution prevention plan) means a joint stormwater and erosion and sediment plan that is a document containing the requirements of article II, division 6, subdivision II of this chapter, that when implemented will decrease soil erosion on a parcel of land and off-site nonpoint pollution.

Story means that portion of a building including beneath the upper surface of a floor and upper surface of floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered a story.

Street frontage means the proximity of a parcel of land to one or more streets. An interior lot has one street frontage and a corner lot has two such frontages.

Street frontage/lot width means the measurement of distance of an entire property width, as measured at the property line or the front yard setback line.

Street trees means trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

Streets.

- (1) *Street* means a public right-of-way affording primary access by pedestrians and vehicles abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue or however otherwise designated.
- (2) *Collector street* means a street which carries traffic from minor streets to arterials. It includes the principal entrance streets of a residential development and streets for circulation within such a development.
- (3) *Cul-de-sac* means a street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (4) *Minor street* means a street used primarily for access to the abutting properties and the local needs of a neighborhood.
- (5) *Service street, lane or road* means a street which is adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
- (6) *Street width* means the shortest distance between the lot lines delineating the right-of-way of a street.
- (7) *Minor arterial* means a street primarily designated to carry large volumes of traffic and serves as an intra-thoroughfare between various districts of the city.
- (8) *Major arterial* means a thoroughfare (inter-community travel) which is a major vehicle transportation corridor throughout the region.
- (9) *Urban streets* means those streets located within the 2000 Urban Area and the Urban Reserve Area.
- (10) *Rural streets* means those streets located outside the 2000 Urban Area and the Urban Reserve Area.

Structure means either:

- (1) Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character, including towers, poles and other supporting appurtenances.
- (2) Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.
- (3) Any building, sign, or appurtenance thereto, except aerial or underground utility lines, such as sewer, electrical, telephone, telegraph, or gas lines, including towers, poles, and other supporting appurtenances, and fences used to control livestock or delineate boundaries.

Structure, principal, means anything that houses or facilitates the principal use of a property.

Subdivider means a person, firm or corporation having sufficient proprietary interest in land in order to subdivide the same under this chapter.

Subdivision means improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five-year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

Substandard use means any use within the land use district existing prior to the date of enactment of the ordinance from which this chapter is derived which is permitted within the applicable land use district but does not

meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of this chapter.

Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction", as defined in 44 Code of Federal Regulations 59.1, of the improvement. This term includes structures that have incurred Substantial Damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a "historic structure", as defined in 44 Code of Federal Regulations 59.1, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Surface water-oriented commercial use means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

SWPPP means storm water pollution prevention plan.

Temporary protection means short-term methods employed to prevent erosion. Examples of such protection include; mulch, erosion control blankets, wood chips, and erosion netting.

Temporary real estate office means a structure with or without a foundation or footings, used only as a temporary real estate office, which is open to the general public.

Temporary sign means a sign which is erected or displayed for a limited period of time and not affixed to a Minnesota State Building Code approved structure.

Toe of the bluff means the lower point of a 50-foot segment with an average slope exceeding 18 percent.

Top of the bluff means the higher point of a 50-foot segment with an average slope exceeding 18 percent.

Topping means cutting back a tree to buds, stubs, or laterals not large enough to assume the terminal role.

Topsoil means black dirt composed of unconsolidated material, largely undecomposed organic matter that is a suitable foundation for vegetative growth. The composition of topsoil should contain no more than 35 percent sand content.

Tower means any ground or roof-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Tree means any woody plant that has at least one trunk whose diameter four feet above ground is four inches or greater.

Tree diameter, wherever this term is used in reference to the measurement of a tree, means a tree's trunk as measured 4.5 feet (54 inches) above the ground.

Tree owner means the owner of the real property upon which 51 percent or more of the trunk is located at ground level.

Tree preservation plan means a plan identifying and showing the location, type, size and health of trees, stating the ultimate disposition of the trees, showing the type, size and location of any trees to be planted and setting forth measures to protect trees before, during and after construction.

Tree protection area means any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements of this chapter. The tree protection area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.

Tree service means any person, firm, or corporation engaged in the business of cutting, trimming, pruning, spraying, injecting chemicals, or removing trees or shrubs for compensation.

Trees, shrubs, and natural vegetation means all vegetation, woody or otherwise, except grass and flowers less than 24 inches in height.

Urban means of, relating to, characteristic of, constituting a city.

Usable open space means a required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and useable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways, parking areas and drainage or ponding areas shall not constitute useable open space.

Use, principal, means the purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this chapter.

Vegetated or grassed swales means a vegetated earthen channel that conveys stormwater, while treating the stormwater by biofiltration. Such swales remove pollutants by both filtration and infiltration.

Vegetation means the sum total of plant life in some area; or a plant community with distinguishable characteristics.

Vehicle repair, major, means general repair, rebuilding or reconditioning engines, motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, overall painting or paint job.

Vehicle repair, minor, means minor repairs, replacement of parts and motor services to passenger automobiles and trucks not exceeding 9,000 pounds gross weight, but not including any operation specified under *Vehicle repair, major*.

Vehicle wrecking yard means any place where vehicle not in running condition and/or not licensed, or parts thereof, are stored in the open or any land used for wrecking or storing of such motor vehicles or parts thereof, and including any commercial salvaging and scavenging of any other goods, articles or merchandise.

Wall sign means any sign which is affixed to a wall of any building. This definition includes individual letter signs and signs on mansards.

Water body means a body of water (lake, pond) in a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

Water table means:

- (1) The surface of the groundwater at which the pressure is atmospheric. Generally, this is the top of the saturated zone; or
- (2) The uppermost part of the soil that is wholly saturated with water.

Watercourse means a channel or depression through which water flows, such as rivers, streams, ditches or creeks and may flow year-round or intermittently.

Water-oriented accessory structure or facility means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Waters of the state, as defined in Minn. Stats. § 115.01, subd. 22, means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof." Disposal systems or treatment works operated under permit or certificate of compliance of the Minnesota Pollution Control Agency are not "waters of the state."

Watershed means the area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage area.

Wet detention facility means a permanent manmade structure for the temporary storage of runoff that contains a permanent pool of water.

Wetlands means either:

- (1) An area where water stands near, at or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation and which may have the following characteristics:
 - a. Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrubland, southern lowland forest (lowland hardwood) and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 6, 7 and 8 described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S., 1956").
 - b. Mineral soils with gley horizons or organic soils belonging to the Histosol order (peat and mulch).
 - c. Soil which is water logged or covered with water at least three months of the year.
 - d. Swamps, bogs, marches, potholes, wet meadows and sloughs are wetlands, and property may be shallow waterbodies, the waters of which are stagnant or actuated by very feeble currents and may at times be sufficiently dry to permit tillage but would require drainage to be made arable.

The edge of a wetland is commonly that point where the natural vegetation changes from aquatic to predominantly terrestrial.

- (2) Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:
 - a. A predominance of hydric soils;
 - b. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
 - c. Under normal circumstances support a prevalence of such vegetation."

The National Wetlands Inventory Maps distributed by the U.S. Department of the Interior Fish and Wildlife Service and Maps of Protected Waters distributed by the state department of natural resources are incorporated by reference in this definition.

- (3) Wetland as defined in Minn. Stats. § 103G.005, subd. 19.

The wetland inventory performed by the city as part of article II, division 4, subdivision VI of this chapter is also incorporated by reference. Field delineation and a report are required prior to any construction.

Wind energy conversion system (WECS) means any device such as a wind charger, wind mill, or wind turbine and associated facilities that converts wind energy to electrical energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, or other component used in the system.

- (1) *WECS, blade.* A component of a WECS mounted to the rotor, causing the rotor to rotate under wind conditions.
- (2) *WECS, medium-scale.* A WECS with a height between 101 feet and 200 feet tall, including the blade.
- (2) *WECS, micro-scale.* A WECS mounted to an existing Structure.
- (3) *WECS, small-scale.* A WECS with a height no greater than 50 feet tall, including the blade.
- (4) *WECS, utility-scale.* A WECS with a height greater than 200 feet, including the blade.

Window sign means a sign installed inside a window, or any sign placed within a building for the purpose of being visible from the public right-of-way. This does not include merchandise on display.

Woodland means a group of trees at least one-half acre in area and with a crown cover of 50 percent or greater.

Work site means any lot or parcel of land under the same ownership, where grading is performed or permitted.

Xeriscape means an integrated approach to landscape water conservation. Xeriscape means dryscape or low water use landscaping. Xeriscapes are designed through wise planning, plant and construction materials selection, and proper installation to provide beautiful, water efficient, low maintenance landscapes.

Yard means an open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Yard, front, means that area extending along the full length of a front lot line between side lot lines and to the depth required in the yard regulations for the district in which it is located. In the case of a corner lot abutting one or more major roads, both yards shall be considered front yards. A major road is any road that is of a collector designation or greater.

Yard, rear, means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Yard, side, means a yard between the side line of the lot and the nearest line of the principal building and extending from the front line of the structure to the rear property line.

Zoning administrator means the community development department.

Zoning amendment means a change of the zoning map or zoning text authorized by the city, either in the allowed use within a district, or in the boundaries of a district.

Zoning buffer means a buffer, as defined and required by the zoning ordinance or as a condition of zoning approval for a specific property.

Zoning district means an area within the limits of the city for which the regulations and requirements governing use are uniform.

Zoning district, overlay, means a zoning district containing regulations superimposed upon other zoning district regulations and may supersede the underlying zoning district if more restrictive than the underlying zoning district regulations.

Zoning district, underlying, means all zoning districts except overlay zoning districts.

Zoning map means the map incorporated into this chapter as a part thereof, designating the zoning districts.

Zoning ordinance means the zoning ordinance of the city, as amended from time to time by the city.

(Code 1978, §§ 9.02.01, 9.11.03, subd. 1, 9.11.06, 9.11.12, subd. 3, 9.11.14, 9.12.02, 9.13.02, 9.14.03, 9.15.01, 9.16.01, 9.21.03, 9.22.02, subd. 8, 9.23.03, subd. 5, 9.24.01, subd. 4, 9.25.02, subd. 3, 9.27.03, 9.30.32, subd. 2, 9.50.02, subd. 2; Ord. No. 73-05, 5-21-1973; Ord. No. 75-05, 6-22-1975; Ord. No. 75-08, 6-27-1975; Ord. No. 79-04, 4-9-1979; Ord. No. 79-13, 10-29-1979; Ord. No. 79-15, 2-25-1980; Ord. No. 81-04, 8-18-1981; Ord. No. 82-02, 3-21-1982; Ord. No. 82-12, 8-30-1982; Ord. No. 85-02, 8-12-1985; Ord. No. 86-2, 8-25-1986; Ord. No. 87-9, 1-11-1988; Ord. No. 89-26, 11-13-1989; Ord. No. 90-05, 3-27-1990; Ord. No. 92-07, 7-13-1992; Ord. No. 93-06, 4-23-1993; Ord. No. 94-02, 2-28-1994; Ord. No. 96-22, 1-13-1997; Ord. No. 97-08, 7-14-1997; Ord. No. 97-09, 7-28-1997; Ord. No. 99-05, 5-31-1999; Ord. No. 99-17, 12-23-1999; Ord. No. 01-15, 7-30-2001; Ord. No. 02-28, 9-30-2002; Ord. No. 03-20, 8-25-2003; Ord. No. 03-21, 8-25-2003; Ord. No. 03-30, 9-15-2003; Ord. No. 03-31, 9-15-2003; Ord. No. 03-33, 9-15-2003; Ord. No. 03-39, 9-29-2003; Ord. No. 04-15, 6-1-2004; Ord. No. 04-35, 10-25-2004; Ord. No. 04-43, 12-27-2004; Ord. No. 05-01, 2-14-2005; Ord. No. 04-32, 5-30-2005; Ord. No. 05-32, 1-16-2006; Ord. No. 06-24, § 2, 8-8-2006; Ord. No. 06-25, § 2, 8-8-2006; Ord. No. 06-32, § 1, 11-28-2006; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008; Ord. No. 09-04, § 2, 2-24-2009; Ord. No. 09-06, § 2, 2-24-2009; Ord. No. 09-12, § 2, 9-8-2009; Ord. No. 10-01, § 2, 1-12-2010; Ord. No. 10-05, § 1, 4-13-2010; Ord. No. 13-01, § 2, 2-26-2013; Ord. No. 13-15, § 2, 8-27-2013; Ord. No. 14-04, § 2, 5-27-2014; Ord. No. 15-15, § 2, 11-24-2015; Ord. No. 19-03, § 2, 3-12-2019)

Sec. 117-351. Home occupations.

Home occupations shall be allowed to exist in the residential zoning districts in accordance with certain criteria established to protect the peace, quiet, and domestic tranquility in all residential neighborhoods within the city, and in order to guarantee all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of said home occupation uses. It is the intent of this section that the property owner shall have a vested interest in the business, as the city does not desire to create business incubators for lease within the residential districts. Applications for a home occupation permit shall be processed administratively by the zoning administrator; or when circumstances necessitate, in accordance with the processing procedure established for conditional use permits in section 117-51. Home occupation permits may be suspended or revoked pursuant to the procedure established in section 117-51.

- (1) *Requirements.* Home occupations that operate under the following parameters shall be exempt from a permit. If a home occupation operates beyond the conditions below or if the home occupation creates conditions described in subsection (2), a permit shall be required.
 - a. The home occupation shall be clearly incidental and secondary to the residential use of the premises, and shall result in no incompatibility with or disturbance to the surrounding area.
 - b. A home occupation can either have clients or customers coming to the residence or employ a nonresident of the dwelling at the home occupation.
 - ~~b.c.~~ The owner of the home occupation shall occupy the dwelling unit on the site of the home occupation.
 - ~~c.d.~~ Home occupation operations are restricted to the ~~dwelling unit, attached or detached garages or accessory buildings~~ property where the owner resides and has fee title. If the owner of a home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.
 - ~~d.e.~~ The area set aside for the home occupation in the dwelling unit shall not exceed 20 percent of the gross living area of the dwelling unit.
 1. If the owner of a home occupation is conducting operations outside of the principle and accessory structure, the area set aside for the home occupation shall not exceed 20 percent of the subject property.
 - ~~e.f.~~ The area set aside for the home occupation in attached or detached accessory buildings or garages shall not exceed total accessory building space or height allowed on the site of the home occupation, as established in section 117-349.
 - ~~f.g.~~ A minimum of ~~400~~ 200 square feet of garage or accessory building space shall be maintained as a primary residential garage for indoor parking of vehicles and equipment.
 - ~~g.h.~~ There shall not be any exterior evidence of the existence of said home occupation such as displays, exterior storage of home occupation equipment and vehicles, materials, supplies, inventory or merchandise, with the following exceptions:
 1. One motor vehicle affiliated with the home occupation, either meeting the definition of a commercial vehicle or any vehicle having lettering or advertising for said home occupation, shall be allowed to be stored or parked outside on the site of the home occupation in accordance with section 117-355.

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2. One piece of commercial equipment affiliated with the home occupation shall be allowed to be stored or parked on the site of the home occupation in accordance with section 117-355.
- ~~h~~.i. There shall be no interior signs or display which are visible from outside the dwelling unit or accessory building where the home occupation is operated nor any exterior business signs or displays unless otherwise permitted in article II, division 8 of this chapter, with the following exception:
 1. A sign not exceeding two square feet in size may be displayed if affixed flat against the wall of either the home or accessory building where the home occupation is being conducted. The sign shall be non-illuminated and shall not have dynamic display capabilities.
 - ~~h~~.j. The home occupation shall not generate excessive vehicular traffic (customers, employees, deliveries, etc.) in the residential neighborhood. Excessive vehicular traffic for purposes of this section is defined as in excess of any combination of eight round-trip customer/client visits and/or deliveries per standard eight hour day and no more than one on the premises at any given time. For the purposes of this section, one customer/client visit shall be considered to include any number of persons arriving in a single vehicle. One round-trip visit per eligible employee shall also be allowed and is not counted toward the customer/client visits. An increase at a rate of 25 percent is permitted if the subject property has access from a county, state, or MSA street.
 - ~~j~~.k. The home occupation does not serve as headquarters or as a dispatch center where employees come to the site and are then dispatched to other locations.
 - ~~k~~.l. The receipt or shipment of deliveries shall be limited to those made by the USPS and/or an express shipping service that is characteristic of service to a residential neighborhood.
 - ~~l~~.m. The home occupation shall not constitute a fire hazard to neighboring residences, or a nuisance to neighbors because of excessive traffic, light glare, noise, odors, vibration or other circumstances, as determined by the fire marshal or zoning administrator.
 - ~~m~~.n. The home occupation shall not include operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sale, or any other objectionable uses as determined by the zoning administrator.
 - ~~n~~.o. The home occupation shall not change the fire rating of a structure nor require exterior alterations or modifications that change the residential character or appearance of the dwelling unit or accessory building to a commercial nature.
- [p. The subject property shall not be used as a secondary location for business operations with a primary location.](#)
- [q. No one is transported from the premises to a job site who does not reside on the premises.](#)
- (2) *Administrative home occupation permit required.* Home occupations that include one or more of the following practices or operational methods shall require a home occupation permit that is subject to the review and approval of the zoning administrator.
 - a. The home occupation employs persons, which includes but is not limited to co-owners, partners, and employees), that do not live in the dwelling unit on the property but conduct work on the property.
 1. The owner of a home occupation on a parcel less than three acres in size may employ a maximum of one person that does not reside in the dwelling unit on the property but come to the property for purposes related to the occupation, or to ~~does~~ conduct work on the property. The owner of a home occupation on a parcel three acres or greater in size may

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- employ a maximum of three persons that do not reside in the dwelling unit on the property but do conduct work on the property.
2. Off-street parking for the dwelling unit occupants and any nonresident employees is provided in accordance with section 117-355.
 - b. The home occupation involves operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the site of the home occupation. The number of persons permitted on the site at any given time shall be limited so as not to create a parking demand in excess of that which can be accommodated on driveway on the site of the home occupation.
 - c. Retail sales are conducted on the site. Retail sales at the site shall be limited to products that are ancillary to the home occupation and shall be displayed or stored indoors.
 - (3) *Conditional use.* Home occupations that propose to operate beyond the scope of the parameters in subsection (1) and/or (2) of this section shall be processed in accordance with the procedures established for conditional use permits in section 117-51, with the exception of recording the home occupation permit should it be approved by city council.
 - (4) *Nuisance prevention.* In order to guarantee that a home occupation, once authorized, will not become a nuisance to the neighbors or otherwise violate these guidelines, the city staff or city council may impose reasonable conditions necessary to protect the public health, safety, and welfare of residents of the city.
 - (5) *Inspections.* There may be one or more inspections each year by the zoning administrator or ~~his~~ designee of any property covered by a home occupation permit. In addition, the zoning administrator and/or ~~his~~ designee, shall have the right at any time, upon reasonable request, 48 hours' notice shall be considered reasonable, to enter and inspect the premises covered by said permit for safety and compliance purposes.
 - (6) *Term of home occupation permits.* Home occupation permits granted by this section shall be temporary in nature and shall be granted to a designated person who resides in the dwelling unit on the subject property. Permits are not transferable from person to person or from address to address, unless the transfer is in accordance with the provisions of subsection (7) of this section.
 - (7) *Death or move of permit holder; suspension or revocation; businesses existing before adoption of article provisions.*
 - a. Should a home occupation permit holder die or move to a new location, the existing permit shall be automatically terminated. Except that in the case of death, should a surviving spouse or child, residing at the same address or receiving title to the property desire to continue the home occupation, written notice to that effect shall be given to the zoning administrator and the council may authorize continuation of that permit without further hearing.
 - b. A home occupation permit, once granted, may be suspended or revoked prior to its original revocation date by the council for cause after hearing before the council. Citizen complaints seeking the revocation of such permit shall be filed with the zoning administrator. All such revocation hearings, publication, and notice requirements shall be the same as for conditional use permits in accordance with section 117-51.
 - c. Persons conducting a business from property zoned for residential use on the effective date of the ordinance from which this section is derived shall be required to obtain a home occupation permit as required herein. The business may continue pending final determination of the application. Should the zoning administrator or council deny the application for a home occupation permit the use shall immediately cease at such residential premises.

(Code 1978, § 9.11.04; Ord. No. 73-05, 5-21-1973; Ord. No. 03-30, 9-15-2003; Ord. No. 03-54, 1-19-2004; Ord. No. 08-14, § 2, 5-13-2008; Ord. No. 15-03, § 2, 2-24-2015)

Home Occupation Ordinance (21-20) Research
Research for Home Occupation Amendment in the City of Ramsey
By: Bria Raines

This research is an analysis of peer community codes regarding the definition and standards of a home occupation. Staff discovered that the City's existing definition of a home occupation does not reference secondary uses on residential properties that occurs outside of structures. The following home occupation definition and ordinances recommendations were made from analyzing peer city Codes.

Definition Recommendation

Recent code enforcement cases, have identified that the Ramsey City Code does not have a definition that encumbers all home occupations that are seen on Ramsey properties. The purpose of revising the Home Occupation definition is to clarify that all business or commercial activities on a residential property is a home occupation.

The existing Ramsey City Code defines a home occupation in Section 117-1, stating a "Home occupation means any business or commercial activity that is conducted or petitioned to be conducted from the principal or an accessory structure on the property that is zoned for residential use, by persons residing on the property".

The definition in the proposed ordinance determines that a home occupation can occur anywhere on the property, are required to be operated by a resident of the property, and that the home occupation is secondary to the primary residential use. These criteria have not changed, but is meant to be clearly defined in the revised definition.

City Codes Comparison Chart

<u>City</u>	<u>Prohibited Uses</u>	<u>Maximum Floor Area</u>	<u>HOP, CUP, or IUP</u>	<u>Nonresident Employees</u>
Andover*	Prohibited uses are no explicitly listed	20% of gross floor area	Admin HOP	1
		800 square feet	CUP	Not defined
Anoka*	Retail, auto repair and painting, including repair of engines, motor vehicles, motorcycles, and heavy equipment.	25% of gross floor area	Admin HOP	1
			IUP	1
Blaine*	Use of mechanical equipment other than domestic or hobby	20% of gross floor area	Admin HOP	0
			CUP	Not defined
Coon Rapids	repair of internal combustion engines of more than 12 horsepower, body shops; machine shops; welding; ammunition manufacturing; flea markets; motor vehicle repair, maintenance, service or sale; firearm sales; tattoo parlors or other objectionable uses	25% of gross living area or 400 square feet; whichever is smaller	IUP	0
Dayton	Prohibited uses are no explicitly listed	25% of home floor area (excluding garage)	Admin HOP	0
		30% of home floor area (excluding garage)	IUP	2
Elk River	Involves the use of hazardous materials or activities, and/or any of the following: body shops, machine shops, ammunition manufacturing, flea markets, motor vehicle repairs within the Urban Service District, motor vehicle sales, escort businesses, sexually oriented land uses, gun repair and/or sales, or other	Not Defined	HOP	1

	objectionable uses as determined by the city council.			
Minneapolis	<ul style="list-style-type: none"> • Motor vehicle repair, service or painting, or any repair or servicing of vehicles or equipment with internal combustion engines. • A barber shop or beauty salon designed to serve more than one (1) client at a time. • The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer. Firearms dealers existing on or before October 7, 1995, and in all other respects in conformance with the provisions of this ordinance, shall be permitted to continue as nonconforming uses in accordance with the provisions of Chapter 531, Nonconforming Uses and Structures. • Sexually oriented uses, as defined in Chapter 549, Downtown Districts. • Headquarters or dispatch centers where persons come to the site and are dispatched to other locations. • Uses allowed in the Commercial or any industrial district. 	Not Defined	HOP	1
Nowthen		Wholly interior	HOP	0

	Prohibited uses are no explicitly listed	Outside storage with setback and screening requirements	IUP	Gravel road access: 1 FT or 2 PT Bituminous road access: 2 FT or 4 PT
Oak Grove	Prohibited uses are no explicitly listed	50% of the total floor area	HOP	0
			IUP	3
Ramsey	Internal combustion engines, body shops, repair, dispatch centers	20% of gross area (min. 400 sq. ft. garage space for residence)	HOP	1 < 3 Acres 3 > 3 Acres
		Not defined	CUP	Not defined

* Cities with multiple types of Permits for a Home Occupation are listed in order of conformity.
Ex. Andover's HOP is a lower level than the CUP which is meant for the nonconforming uses that are not permitted in the City's HOP.

Home Occupation Research by City

[Andover](#) (Title 12, Chapter 9: -8-5: Home Occupation)

Definition: Any gainful occupation or profession clearly secondary to the main use of the dwelling as a residence that is conducted entirely within the dwelling or as allowed by Conditional Use Permit and which meets the requirements of Chapter 10 of this title.

- **Permitted Home Occupations:** Permitted home occupations include, and are limited to: art or photo studio, dressmaking, secretarial services, professional offices, repair services, or teaching services limited to three (3) students at any one time and similar uses.
 - **Number of Employees:** “one person on site in addition to family members”
 - **Amount of Building Space Used:** shall not exceed 20% of the dwelling’s livable floor area.
 - **Dwelling Changes:** prohibited, except those customarily found in a dwelling
 - **Vehicles:** in accordance with performance standards
 - **Signs:** in accordance with signs chapter
 - No effects of light, noise, odor, or vibration on adjacent or neighboring properties
- **Conditional Use Home Occupation:** located in accessory structures or detached garage and/or require exterior storage
 - Cabinet making, woodworking, repair services, and similar uses.
 - **Lot size:** three (3) acres or greater
 - **Amount of Area Used:** combined accessory structure and outdoor storage square footage shall not exceed eight hundred (800) square feet.
 - Shall be fenced and screened from being visible “at any time of the year from road right-of-way, public properties and surrounding properties”.
- **Special Use Home Occupation:** Nonconforming home occupations.

[Anoka](#) (Section 78-237. – Special requirements for residence districts.

Definition: Home occupation means any occupation or profession carried on by a member of the family residing on the premises, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling, and does not utilize more than 25 percent of the building's gross floor area.

- **Permitted home occupations**
 - Home Occupation is prohibited in accessory structures.
 - **Number of Employees:** “one person on site in addition to family members”
 - **Amount of Building Space used:** No more than 25% of gross living area
 - **Dwelling Changes:** prohibited, except those customarily found in a dwelling
 - **Vehicles:** No on-street parking related to the occupation.
 - **Signs:** in accordance with signs chapter
 - No effects of light, noise, odor, or vibration on adjacent or neighboring properties
 - No outdoor storage
 - No more than one client or customer at the dwelling at one time.
- **Interim Use Permit Required**
 - **Number of Employees:** Maximum one outside employee.
 - **Vehicles:** Maximum one outdoor commercial type vehicle identified for business.

- Ceramic classes with kiln up to 6 cubic feet, domestic animal grooming, similar in character to permitted home occupations
- **Prohibited Home Occupations**
 - Antique shops, boutiques, dress shops, gift shops, photo studios, processing labs, portrait studios, restaurants, coffee shops, tearooms, medical offices (including massage therapy), animal hospitals or kennels, dancing schools and studios, dispatching of transfer and moving vans at the site, furniture repair and refinishing, palm reading or fortune telling, preparation of food for sale (unless specifically permitted in this section), radio or television or appliance repair shops, raising of animals for sale, shops for contractors and tradesmen, sign painting, boarding houses and lodgings, tattoo businesses, tanning salons, and any occupation that requires a federal firearms license (unless continued lawful nonconforming).
 - Auto repair and painting, including repair of engines, motor vehicles, motorcycles, and heavy equipment.

[Blaine \(Section 33.10- Home Occupations.\)](#)

Definition: A home occupation is defined as any business, occupation, profession, or commercial activity that is conducted or petitioned to be conducted from property that is zoned for residential use. General farming and gardening activities are not considered home occupations and are not regulated by this ordinance.

- **Permitted Home Occupations**
 - **Number of Employees:** No persons not residing on the premises
 - **Amount of Building Space Used:** Shall not exceed 20% of total floor area
 - **Vehicle:** Motor vehicle used for home occupation must be stored indoors. No exterior evidence, outside storage storage, or accessory structure storage/use for the home occupation.
 - **Sign:** One 2.5 square foot sign
 - **Customers:** Fewer than four (4) customers entering daily.
 - Shall not constitute as a nuisance to neighboring properties.
- **Conditional Use Permit**
 - All home occupations that do not conform to the standards provided.
- **Prohibited Home Occupations:** Use of mechanical equipment other than domestic or hobby

[Coon Rapids \(Section 11-304.2 – Home Occupation Permits\)](#)

Definition: A gainful occupation engaged in on residential property by a resident of that property. Home Based Retail Sales is not considered a home occupation. Neither are the activities of a foster parent, a live-in child care provider, a live-in domestic worker or attendant, or similar caregiver be considered a home occupation.

- **Permitted Home Occupations**
 - Valid for two (2) years before required to resubmit application
 - Shall not constitute as a nuisance to neighboring properties.
 - **Number of Employees:** No one who does not reside at the property

- **Amount of Building Space Used:** No more than 25% of gross living area or 400 square feet; whichever is smaller.
- **Dwelling changes:** prohibited, except those customarily found in a dwelling
- **Vehicle:** No larger than 26,00 pounds gross vehicle weight
- **Sign:** No outdoor storage or signage, no evidence of home occupation.
- **Hours of Operation:** 9am to 8pm, not to exceed 30 hours a week
- Storage of hazardous or flammable materials in excess of consumer quantities
- **Prohibited Home Occupations**
 - “repair of internal combustion engines of more than 12 horsepower, body shops; machine shops; welding; ammunition manufacturing; flea markets; motor vehicle repair, maintenance, service or sale; firearm sales; tattoo parlors or other objectionable uses as determined by the City Council. Machine shops are defined as places where raw metal is fabricated, using machines that operate on more than 110 volts of current.”

Dayton (Section 1001.36. Accessory Dwelling Units):

Home businesses shall fall into 2 categories.

(1) Administrative Home Occupations are those Home Occupations that have no effect on the surrounding neighborhood. This accessory use may be allowed with an administrative permit in all agricultural and residential neighborhoods when the occupation conforms to the standards of Subdivisions 3 and 4(1) below.

(2) Home Extended Businesses are those Home Occupations that typically involve more significant element of commercial-type activity that may have a minimal effect on the surrounding neighbors. This accessory use may be allowed if the use meets all the criteria of Subdivisions 3 and 4(2) below, and requires the issuance of an interim use permit. The Council may require compliance with any reasonable conditions, restrictions or limitations necessary to protect the residential or agricultural character of the area.

- **Permitted Home Occupations (Administrative)**
 - The application shall reside at the dwelling where the home occupation is located
 - Shall not constitute as a nuisance to neighboring properties.
 - No more than eight (8) trips in an standard eight (8) hour day
 - **Amount of Building Space Used:** No more than 25% of floor area of the home (excluding the garage)
 - **Customers:** No direct sale of goods to the consumer, no more than one customer or client visit at any given time.
 - **Dwelling Changes:** prohibited, except those customarily found in a dwelling
 - **Sign:** No exterior evidence of the home occupation except a sign not to exceed two (2) square feet in area
 - **Hours of Operation:** Shall not be conducted from 10pm to 7am unless no on-street parking is required, during which time no vehicles or machinery shall be idling or running outdoors.
 - **Parking:** All parking associated with the home occupation shall occur onsite.
- **Interim Use Permit (Home extended Business) –** Requires Planning Commission and City Council review

- **Amount of Building Space Used:** No more than 30% of floor area of the home (excluding the garage)
- **Number of Employees:** No more than two (2) nonresident employees
- **Outdoor Storage:** No outdoor storage if under 2.5 acres; allowed over 2.5 acres with significant screening and shall not exceed 20% of the lot.
- **Accessory or Detached Garage:** One (1) shall be used provided there is still a garage space to park a vehicle.

[Elk River](#) (Sec. 30-801. – Home Occupations)

Definitions:

- i. Home occupation, **conditional** means any gainful occupation or profession, not meeting the criteria of subsection 30-801(c), customarily conducted entirely within a dwelling principally by members of a family residing therein, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Conditional home occupations require a public hearing pursuant to the procedures and standards for a conditional use permit.
- ii. Home occupation, **permitted** means any gainful occupation or profession, meeting the criteria of subsection 30-801(c), customarily conducted entirely within a dwelling principally by members of a family residing therein, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Permitted home occupations are processed administratively following the set of criteria in subsection 30-801(c).
 - **Permitted Home Occupations:**
 - The owner shall reside at the dwelling where the home occupation is located
 - Shall not constitute as a nuisance to neighboring properties.
 - **Amount of Building Space Used:** No limit listed.
 - **Numbers of Employees:** Maximum one (1) nonresident employee
 - **Dwelling changes:** prohibited, except those customarily found in a dwelling
 - **Vehicles:** Shall not create excessive parking beyond what the existing driveway can accommodate.
 - **Sign:** No exterior evidence of the home occupation
 - **Hours of Operation:** Shall have no outside employee or clients between 9pm and 7am.
 - **Deliveries:** Shall not be serviced by vehicles larger than 26,00 pounds gross vehicle weight
 - **Prohibited Home Occupations:**
 - “Constitute a fire hazard to neighboring residences, adversely affect neighboring property values, or constitute a nuisance or otherwise be detrimental to the neighbors”.
 - Involve the use of hazardous materials or activities.
 - Involve any of the following: body shops, machine shops, ammunition manufacturing, flea markets, motor vehicle repairs within the Urban Service District, motor vehicle sales, escort businesses, sexually oriented land uses, gun repair and/or sales, or other objectionable uses as determined by the city council.

[Minneapolis](#) (537.110. – Allowed uses and structures.):

Definition: An occupation or profession carried on by a member of the household residing on the premises, conducted as a customary, incidental and accessory use of a dwelling. Also referred to as live-work.

- **Permitted Home Occupations:**

- The application shall reside at the dwelling where the home occupation is located
- Shall not constitute as a nuisance to neighboring properties.
- The home occupation must be entirely enclosed, unless growing food or crops outdoors.
- **Amount of Building Space Used:** No limit listed.
- **Number of Employees:** No more than one (1) nonresident employees
- **Customers:** No more than five (5) customers per day
- **Dwelling Changes:** prohibited, except those customarily found in a dwelling. No interior alterations removing the kitchen, living room, bed rooms and/or bathrooms is allowed.
- **Signs:** one (1) non-illuminated, flat wall, identification sign not to exceed one (1) square foot in area. On a corner zoning lot, two (2) such signs, one (1) facing each street, shall be allowed.
- **No retail or sales of items accessory to the home occupation.** (i.e. hair supplies for hair salon home occupation)
- **Hours of Operation:** 8am to 8pm
- **Deliveries:** Limited to between 9am and 6pm and shall only occur in single rear axle straight trucks or smaller vehicles normally used to service residential neighborhoods.

- **Prohibited Home Occupations:**

- Motor vehicle repair, service or painting, or any repair or servicing of vehicles or equipment with internal combustion engines (such as snowmobiles, lawnmowers, chain saws and other small engines).
- A barber shop or beauty salon designed to serve more than one (1) client at a time.
- The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer. Firearms dealers existing on or before October 7, 1995, and in all other respects in conformance with the provisions of this ordinance, shall be permitted to continue as nonconforming uses in accordance with the provisions of [Chapter 531](#), Nonconforming Uses and Structures.
- Sexually oriented uses, as defined in [Chapter 549](#), Downtown Districts.
- Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.
- Uses allowed in the C4 General Commercial District or any industrial district.

[Nowthen](#) (Section 11-4-3: Home Occupations)

Definition: Home occupations are defined and described either as Permitted Home Occupation under subpart A of this section, or as Extended Home Occupations under subpart B. The Permitted Home occupations are permitted within all zoning districts so long as all requirements

are met. There are no variances from requirements for Permitted Home Occupations. Extended Home Occupations are only permitted as Interim Uses. Any home occupation that does not fully comply with Permitted Home Occupation requirements shall be reviewed as an Extended Home Occupation.

- **Permitted Home Occupation**
 - Shall not constitute as a nuisance to neighboring properties.
 - No retail is allowed on the premises.
 - **Number of Employees:** No outside employees, other than residents of the dwelling.
 - **Amount of Building Space Used:** The Home Occupation shall be wholly within the principle structure, no accessory dwellings.
 - **Signs:** one sign, without lights or illumination, and of maximum six (6) square foot size. There shall be no exterior display or evidence, except sign.
 - A home occupation shall not create an increase in vehicular traffic within the neighborhood.
- **Interim Use Permit** (Extended Home Business) – length determined by City Council
 - Shall not constitute as a nuisance to neighboring properties and shall not create an increase in vehicular traffic within the neighborhood.
 - **Number of Employees:** No more than one (1) full-time employee or two (2) part-time employees. If property is fully accessed on bituminous road, two (2) full-time employees or four (4) part-time employees are allowed.
 - **Amount of Building Space Used:** The home occupation is allowed in the principle or accessory structures. Outdoor storage shall be setback one hundred (100) feet from a property line or one hundred twenty (12) feet from any current or potential abutting property residence; and screened by opaque fencing.
 - **Signs:** one sign, without lights or illumination and of maximum six (6) square foot size.
 - **Storage:** The leasing or rental of space for storing boats, vehicles, etc.
 - Sales accessory to the home occupation (i.e. hair care products in a hair salon home occupation).

[Oak Grove](#) (Section 109-195. – Home Occupations.)

Definition: any gainful occupation or profession conducted on a lot zoned for residential or agricultural use; engaged in only by the occupant of a dwelling that is located on the lot; for which no signs other than those normally utilized in a residential district are present, limited stock in trade is stored on the premises, and over-the-counter retail sales are not involved.

- **Permitted Home Occupations**
 - Shall not constitute as a nuisance to neighboring properties.
 - **Number of Employees:** No outside employees, other than residents of the dwelling.
 - **Amount of Building Space Used:** No restriction to size, but is restricted to the principle structure where the dwelling occurs. Shall not be more than 50% of the total floor area.
 - **Customers:** No more than eight (8) or fewer customers daily.
 - **Signs:** One (1) sign per dwelling, which shall comply with sign ordinance.

- **Vehicles:** No exterior evidence or garage storage of items related to the home occupation, except one (1) light commercial vehicle not to exceed twenty-eight (28) feet in length or a gross vehicle weight rating of 16,000 pounds.
- **Interim Use Permit** – Home Occupations that do not conform to permitted standards
 - On-site sales, wholesale or retail, shall not be the primary objective of the business. Limited on-site sales may be permitted, provided that the effect on traffic levels shall not be judged unacceptable by the city council. Upon report of objectionable traffic, the city council may restrict or rescind on-site sales approval.
 - A public hearing is required at a planning commission and authorization from the City Council; an IUP is valid for two (2) years after a public hearing, and then can be renewed for periods of one (1) to five (5) years administratively.
 - **Number of Employees:** No more than three (3) nonresident employees.
 - **Signs:** Shall comply with sign ordinance.
 - Storage or sales of hazardous substances as defined in Minn. Stats. § 182.651, subd. 14, bulk chemicals, or petroleum products shall be specifically prohibited unless done so in compliance with the requirements of the county community health and environmental services department. Requirements may include additional licensing. Storage of agricultural chemicals as allowed by state statutes is not prohibited.

[Ramsey](#) (Section 117-351 – Home occupations.)

Definition: Home occupation means any business or commercial activity that is conducted or petitioned to be conducted from the principal or an accessory structure on the property that is zoned for residential use, by persons residing on the property.

- **Permitted Home Occupations**
 - The home occupation shall not constitute a public nuisance affecting neighboring properties or the character of the neighborhood
 - **Number of Employees:** One (1) nonresident employee for properties less than three (3) acres, and a maximum three (3) nonresident employees if property is over three (3) acres.
 - **Amount of Building Space Used:** shall not exceed 20% of the gross living area of the dwelling unit. A minimum 400 square feet of garage or accessory space must be maintained for the primary residential use.
 - **Dwelling Changes:** prohibited, except those customarily found in a dwelling
 - **Vehicles:** One vehicle associated with the home occupation in accordance with off-street parking ordinances
 - **Signs:** No exterior evidence of the home occupation, except a sign no larger than two (2) square feet in area
- **Conditional Use Permit** – Home Occupations operating outside of the permitted uses.
- **Prohibited Home Occupations**
 - The home occupation shall not include operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sale, or any other objectionable uses as determined by the zoning administrator.
 - Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.

ORDINANCE #21-20

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

AN AMENDMENT TO SECTION 117 WHICH IS KNOWN AS THE ZONING SECTION OF THE CITY CODE OF RAMSEY, MINNESOTA.

AN ORDINANCE AMENDING SECTION 117-1 (DEFINITIONS) AND SECTION 117-351 (HOME OCCUPATIONS) OF THE CITY CODE OF RAMSEY, MINNESOTA.

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. AMENDMENT TO CITY CODE SECTION 105-142

The current City Code Section 117-1 is revised as follows (additions indicated by underline, deletions indicated by strikethrough):

Sec. 117-1. – Definitions.

Home occupation means any business or commercial activity that is conducted or petitioned to be conducted ~~from the principal structure or an accessory structure~~ on the property that is zoned for residential use, ~~by persons residing on the property.~~

The current City Code Section 117-351 is revised as follows (additions indicated by underline, deletions indicated by strikethrough):

Section 117-351. – Home Occupations

Home occupations shall be allowed to exist in the residential zoning districts in accordance with certain criteria established to protect the peace, quiet, and domestic tranquility in all residential neighborhoods within the city, and in order to guarantee all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of said home occupation uses. It is the intent of this section that the property owner shall have a vested interest in the business, as the city does not desire to create business incubators for lease within the residential districts. Applications for a home occupation permit shall be processed administratively by the zoning administrator; or when circumstances necessitate, in accordance with the processing procedure established for conditional use permits in section 117-51. Home

occupation permits may be suspended or revoked pursuant to the procedure established in section 117-51.

- (1) *Requirements.* Home occupations that operate under the following parameters shall be exempt from a permit. If a home occupation operates beyond the conditions below or if the home occupation creates conditions described in subsection (2), a permit shall be required.
 - a. The home occupation shall be clearly incidental and secondary to the residential use of the premises, and shall result in no incompatibility with or disturbance to the surrounding area.
 - b. A home occupation cannot include both clients or customers coming to the residence and someone not residing at the residence employed at the residence.
 - ~~b.c.~~ The owner of the home occupation shall occupy the dwelling unit on the site of the home occupation.
 - ~~e.d.~~ Home occupation operations are restricted to the ~~dwelling unit, attached or detached garages or accessory buildings~~ property where the owner resides and has fee title. If the owner of a home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.
 1. If the owner of a home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.
 - ~~d.e.~~ The area set aside for the home occupation in the dwelling unit shall not exceed 20 percent of the gross living area of the dwelling unit.
 1. If the owner of a home occupation is conducting operations outside of the principle and accessory structure, the area set aside for the home occupation shall not exceed 20 percent of the subject property.
 - ~~e.f.~~ The area set aside for the home occupation in attached or detached accessory buildings or garages shall not exceed total accessory building space or height allowed on the site of the home occupation, as established in section 117-349.
 - ~~f.g.~~ A minimum of 200 square feet of garage or accessory building space shall be maintained as a primary residential garage for indoor parking of vehicles and equipment.
 - ~~g.h.~~ There shall not be any exterior evidence of the existence of said home occupation such as displays, exterior storage of home occupation equipment and vehicles, materials, supplies, inventory or merchandise, with the following exceptions:
 1. One motor vehicle affiliated with the home occupation, either meeting the definition of a commercial vehicle or any vehicle having lettering or advertising for said home occupation, shall be allowed to be stored or parked

outside on the site of the home occupation in accordance with section 117-355.

2. One piece of commercial equipment affiliated with the home occupation shall be allowed to be stored or parked on the site of the home occupation in accordance with section 117-355.

~~h.i.~~ There shall be no interior signs or display which are visible from outside the dwelling unit or accessory building where the home occupation is operated nor any exterior business signs or displays unless otherwise permitted in article II, division 8 of this chapter, with the following exception:

1. A sign not exceeding two square feet in size may be displayed if affixed flat against the wall of either the home or accessory building where the home occupation is being conducted. The sign shall be non-illuminated and shall not have dynamic display capabilities.

~~h.j.~~ The home occupation shall not generate excessive vehicular traffic (customers, employees, deliveries, etc.) in the residential neighborhood. Excessive vehicular traffic for purposes of this section is defined as in excess of any combination of eight round-trip customer/client visits and/or deliveries per standard eight hour day and no more than one on the premises at any given time. For the purposes of this section, one customer/client visit shall be considered to include any number of persons arriving in a single vehicle. One round-trip visit per eligible employee shall also be allowed and is not counted toward the customer/client visits. An increase at a rate of 25 percent is permitted if the subject property has access from a county, state, or MSA street.

~~j.k.~~ The home occupation does not serve as headquarters or as a dispatch center where employees come to the site and are then ~~dispatched~~ transported to other locations.

~~k.l.~~ The receipt or shipment of deliveries shall be limited to those made by the USPS and/or an express shipping service that is characteristic of service to a residential neighborhood.

~~l.m.~~ The home occupation shall not constitute a fire hazard to neighboring residences, or a nuisance to neighbors because of excessive traffic, light glare, noise, odors, vibration or other circumstances, as determined by the fire marshal or zoning administrator.

~~m.n.~~ The home occupation shall not include operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sale, or any other objectionable uses as determined by the zoning administrator.

~~n.o.~~ The home occupation shall not change the fire rating of a structure nor require exterior alterations or modifications that change the residential character or appearance of the dwelling unit or accessory building to a commercial nature.

p. The subject property shall not be used as a secondary location for off-site business operations.

g. No one is transported from the premises to a job site who does not reside on the premises.

- (2) *Administrative home occupation permit required.* Home occupations that include one or more of the following practices or operational methods shall require a home occupation permit that is subject to the review and approval of the zoning administrator.
- a. The home occupation employs persons, which includes but is not limited to co-owners, partners, and employees), that do not live in the dwelling unit on the property but come to the property for purposes related to the occupation, or to conduct work on the property.
 1. The owner of a home occupation on a parcel less than three acres in size may employ a maximum of one person that does not reside in the dwelling unit on the property but does conduct work on the property. The owner of a home occupation on a parcel three acres or greater in size may employ a maximum of three persons that do not reside in the dwelling unit on the property but do conduct work on the property.
 2. Off-street parking for the dwelling unit occupants and any nonresident employees is provided in accordance with section 117-355.
 - b. The home occupation involves operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the site of the home occupation. The number of persons permitted on the site at any given time shall be limited so as not to create a parking demand in excess of that which can be accommodated on driveway on the site of the home occupation.
 - c. Retail sales are conducted on the site. Retail sales at the site shall be limited to products that are ancillary to the home occupation and shall be displayed or stored indoors.
- (3) *Conditional use.* Home occupations that propose to operate beyond the scope of the parameters in subsection (1) and/or (2) of this section shall be processed in accordance with the procedures established for conditional use permits in section 117-51, with the exception of recording the home occupation permit should it be approved by city council.
- (4) *Nuisance prevention.* In order to guarantee that a home occupation, once authorized, will not become a nuisance to the neighbors or otherwise violate these guidelines, the city staff or city council may impose reasonable conditions necessary to protect the public health, safety, and welfare of residents of the city.
- (5) *Inspections.* There may be one or more inspections each year by the zoning administrator or designee of any property covered by a home occupation permit. In addition, the zoning administrator and/or designee, shall have the right at any time, upon reasonable request, 48 hours' notice shall be considered reasonable, to enter and inspect the premises covered by said permit for safety and compliance purposes.
- (6) *Term of home occupation permits.* Home occupation permits granted by this section shall be temporary in nature and shall be granted to a designated person who resides in

the dwelling unit on the subject property. Permits are not transferable from person to person or from address to address, unless the transfer is in accordance with the provisions of subsection (7) of this section.

(7) *Death or move of permit holder; suspension or revocation; businesses existing before adoption of article provisions.*

- a. Should a home occupation permit holder die or move to a new location, the existing permit shall be automatically terminated. Except that in the case of death, should a surviving spouse or child, residing at the same address or receiving title to the property desire to continue the home occupation, written notice to that effect shall be given to the zoning administrator and the council may authorize continuation of that permit without further hearing.
- b. A home occupation permit, once granted, may be suspended or revoked prior to its original revocation date by the council for cause after hearing before the council. Citizen complaints seeking the revocation of such permit shall be filed with the zoning administrator. All such revocation hearings, publication, and notice requirements shall be the same as for conditional use permits in accordance with section 117-51.
- c. Persons conducting a business from property zoned for residential use on the effective date of the ordinance from which this section is derived shall be required to obtain a home occupation permit as required herein. The business may continue pending final determination of the application. Should the zoning administrator or council deny the application for a home occupation permit the use shall immediately cease at such residential premises.

SECTION 4. EFFECTIVE DATE

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

SECTION 5. SUMMARY

The following official summary of Ordinance #21-20 has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

Ordinance #21-20 amends Chapter 117, Sections 1 (Definitions) and 351 (Home Occupations) to revise the existing City of Ramsey Zoning Code. The revised sections regarding Home Occupations will address all business types conducted on a residential property.

PASSED by the City Council of the City of Ramsey, Minnesota the 11th day of January, 2022.

Mayor

ATTEST:

City Clerk

Introduction date:

Posting dates:

Adoption date:

Publication date:

Effective date:

Meeting Date: 12/14/2021

Information

Title:

Discuss Ordinance Amending Sections 117-111, 117-349, and 117-355 of the City Code Creating Additional Requirements for Driveways and Parking Pads.

Purpose/Background:

Purpose:

The purpose of this case is to receive direction from City Council prior to Staff's introduction of the ordinance at a future City Council regular meeting.

Background:

The Planning Commission requested that the City revise their parking pad and driveway ordinance. Attached is a draft ordinance that creates additional requirements for driveways and parking pads within the City of Ramsey for single-family residential properties. The City currently regulates driveway standards in regard to the type of material, width at street, and distance from neighboring property lines. Additional driveway and parking pad requirements would help City Staff and residents with future impervious surface expansions.

The proposed ordinance would regulate additional driveway space and parking pads by limiting driveway widths to 15 foot expansions outward from the garage; allowing parking pads on properties 2.5 acres or larger without a size regulation and allowing parking pads on parcels less than 2.5 acres in size with a maximum pad size of 500 square feet; variances allowed to any proposed expansion outside of City Code; and adjacent, same-ownership, properties will be considered one property for driveway/parking pad additions and expansions. Ordinance #21-15 has been forwarded to the City Attorney, but no comments have been received as of the time of writing this case.

Planning Commission Meetings

June Regular Meeting

During their regular meeting on June 3, 2021, the Planning Commission requested an ordinance update to create additional requirements for parking pads and limitations to driveway widths in residential districts. The Commission stated they would like to see limited widths for driveways, a limited number of parking pads per property, and a way to ensure the parking capacity isn't expanded as set in City Code Section 117-355 - Residential Development Off-Street Parking.

July Regular Meeting

Proposed changes as recommended by the Planning Commission at their regular meeting on July 22, 2021 include:

- Variance information to exceed standards set in the ordinance
- Limiting driveway widths to 15 foot expansions outward from the garage
- Graphic be included in the attachments to demonstrate proposed ordinance restrictions on driveways and parking pads

September Regular Meeting

During their regular meeting on September 23, 2021, the Planning Commission recommended the following changes be made to the proposed ordinance. First, change the size limitation of parking pads based on acreage and not the number of vehicles permitted by City Code. Second, change the proposed ordinance to allow parking pads of no more than 500 square feet on properties less than 2.5 acres in size. There would not be a size requirement for properties 2.5 acres or larger.

October Work Session

During their October 28, 2021 work session, the Planning Commission requested the following revisions:

clarification of the 15' side yard width requirement - including drawings representing this and research into Item E regarding what types of vehicles are considered for the item count (i.e. motor vehicles, boats, go-carts, motorbikes, fish houses, etc.). Staff have made the requested changes in the attachments.

November Regular Meeting

The Planning Commission recommended introduction of the ordinance by the City Council at their regular meeting in November, based on comments at the October Work Session.

Meeting minutes have been attached to this case for review.

Timeframe:

Staff anticipates 15 minutes will be needed to present this case and respond to questions.

Funding Source:

Staff is handling this case as part of their regular duties.

Responsible Party(ies):

Grady Timmerman - Planning Intern
Brian McCann - Planning Technician
Chloe McGuire Brigl - Senior Planner

Outcome:

Direct City Staff to introduce the Ordinance at a future City Council regular meeting with/without revisions.

Attachments

Example Drawings

Surrounding City Regulations

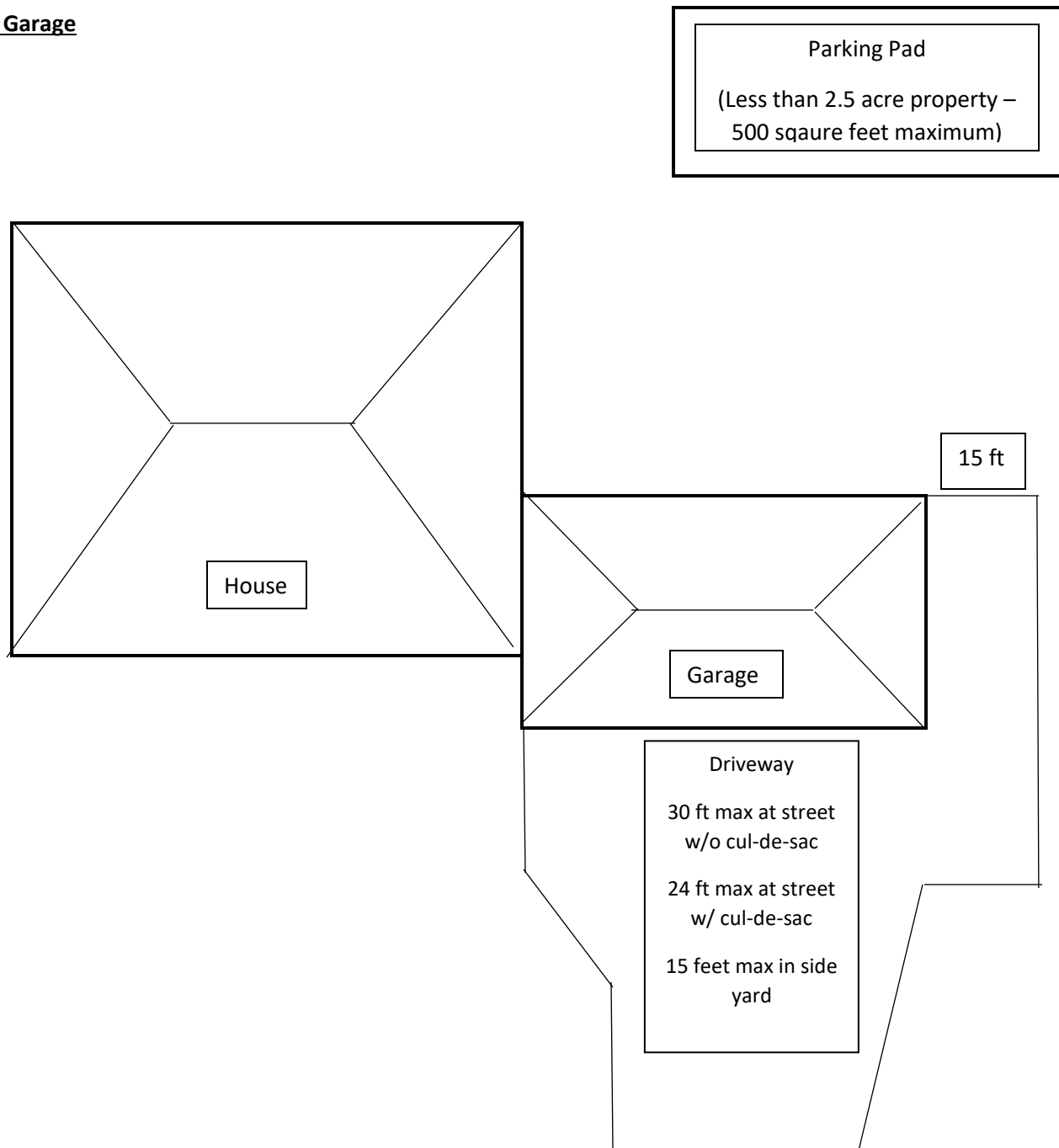
Draft Ordinance

Planning Commission Meeting Minutes

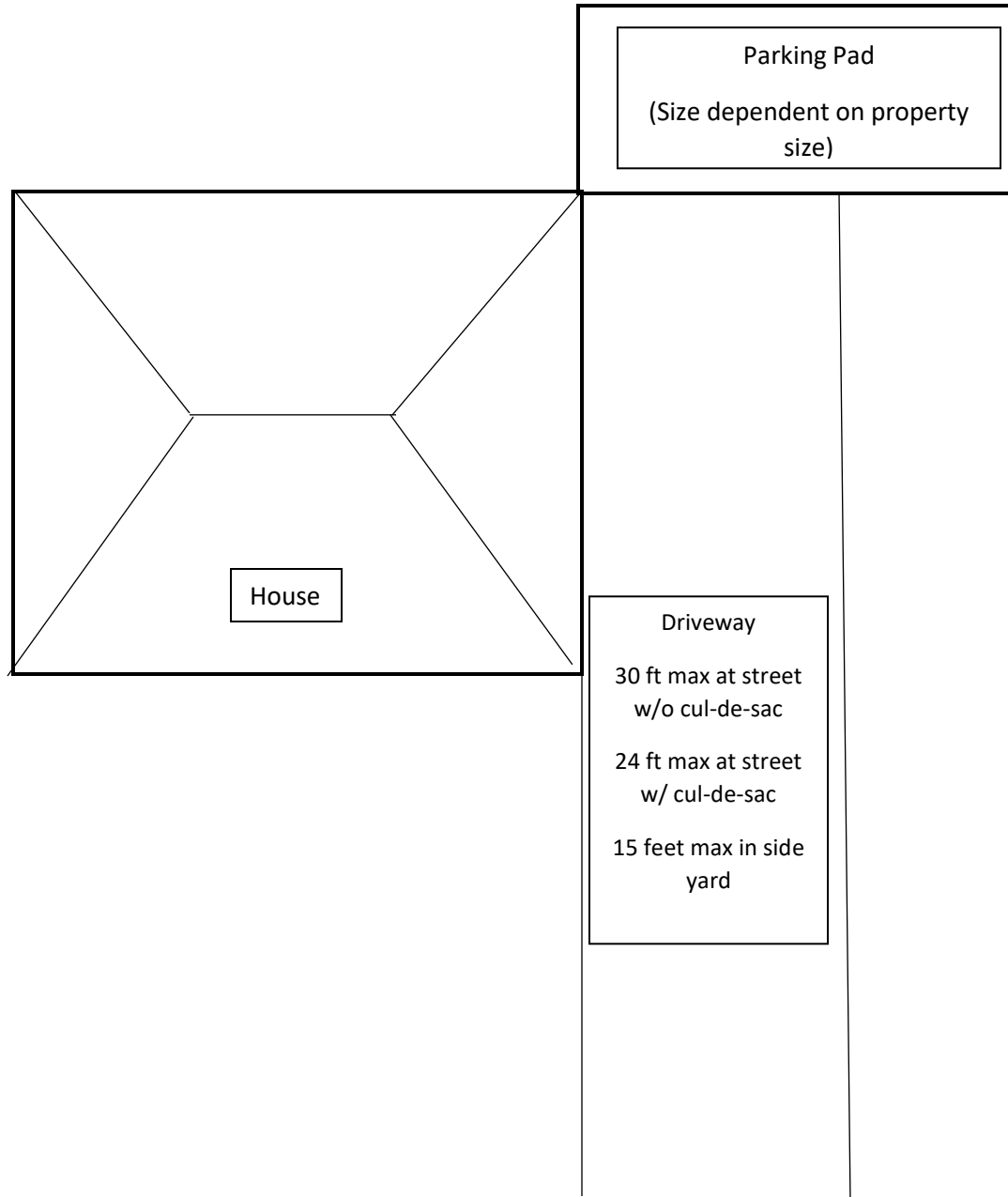
Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	12/08/2021 08:33 AM
Kurt Ulrich	Kurt Ulrich	12/09/2021 11:01 AM
Form Started By: Brian McCann		Started On: 12/02/2021 09:56 AM
Final Approval Date: 12/09/2021		

Example Property with Garage



Example Property without Garage



Parking Pad and Driveways (Ordinance 21-15) Research
Research for Further Regulations of Parking Pads and Driveways in the City of Ramsey
By: Brian McCann

The purpose of this research is analysis of peer community codes regarding standards for driveways and parking pads. Nearby communities' requirements for parking pads, driveways, and items that are considered "outdoor storage" are as follows:

Andover (12-13-8. Off Street Parking Requirements):

- Driveways and parking spaces included in impervious surface requirements: 75% maximum of lot size in 25% of landscaped areas
- Off-street parking spaces regulated by size of the home
- Must have 2.5 acres minimum for additional parking spaces
- Asphalt, concrete, or other surface (water sealed) allowed
- Maximum width of 24 feet at street on cul-de-sac, 30 feet for others
- 10 feet from property lines of commercial, industrial, and multi-family. 5 feet for single-family residential.

Anoka (Sec. 78-612. – Driveway and parking area standards for single-family and two-family residences):

- Class V allowed as base only
- Driveways only, no parking pads

Blaine (Sec. 33-13. – Parking):

- 3 feet from property lines abutting single-family residential districts
- No parking pads allowed
- No additional requirements

Coon Rapids (11-602.1 (7) Parking and Drives):

- 24 feet maximum width
- Concrete, bituminous, brick pavers, or similar hard surfacing
- Additional requirements within 100 feet of right-of-way including:
 - o Must be within 5 feet of the side of the garage and attached to the driveway
 - o Cannot extend more than 45 feet from the front of the garage to the rear
 - o Cannot extend more than 20 feet from the front of the garage towards the street
 - o Driveway total width cannot exceed 40 feet, or 50% of lot width

Dayton (Sec. 1001.14 Subd. 9 – Driveways):

- 10 feet from Agricultural property lines, 5 feet from residential property lines
- Permit required with site plan
- Class V allowed in Agricultural districts only

Elk River (30-124. Exterior of premises, parking facilities):

- Asphalt or concrete required
- 5 foot side/rear setbacks in single-family residential districts

Ham Lake (Article 11 – General Activity Regulations)

- 30 feet wide at street, 24 feet wide for cul-de-sacs
- 10 feet from property lines
- Class V is an approved surface

Nowthen

- 15 feet from lot lines

Oak Grove (Sec. 109-468. – Driveways)

- 28 or 32 foot width depending on zoning district
- Minimum of 5 foot setback, depending on district
- Second driveways are permitted

Otsego (11-21-4 E Residential Use Parking)

- Asphalt, concrete, or paver bricks

<u>City</u>	<u>Size Requirements</u>	<u>Width Requirements</u>	<u># of Pads Allowed</u>	<u>Setbacks</u>	<u>Lot Coverage and/or Impervious</u>
Andover	Impervious surface requirement of 75% of lot	24 feet on cul-de-sac 30 feet on street	N/A	5 feet from single-family residential, 10 feet for all others	20-30% lot cover max based on zoning district
Anoka	Driveways only	Width of driveway plus 10 feet, 20 feet max if no garage, 24 feet at street	N/A	5 feet from neighboring property lines, cannot be in front yard	30% impervious surface max for residential districts
Blaine	Driveways only	N/A	N/A	3 feet from neighboring single-family properties	No requirement found
Coon Rapids	Driveways only	24 feet max width	N/A	No setback, as long as it doesn't interfere with traffic	30-50% lot cover max based on zoning district
Dayton	Driveways only	24 feet max width on cul-de-sacs 30 feet max width at street	N/A	10 feet for agricultural properties, 5 for residential	25-30% lot cover max based on zoning district
Elk River	Driveways only	N/A	N/A	5 feet for single-family residential properties	25-30% lot cover max based on zoning district
Ham Lake	Driveways only	30 feet at street, 24 on cul-de-sacs	N/A	10 feet from all property lines	No requirement found
Nowthen	Driveways only	N/A	N/A	15 feet from all property lines	35% impervious surface max
Oak Grove	Driveways only	Dependent on zoning district, but generally 28 feet or 32 feet	N/A	Dependent on zoning district, but 5 feet minimum	40% lot coverage for buildings only
Otsego	Driveways only	N/A	N/A	N/A	5%-30% lot coverage for buildings only

What items count toward off-street parking regulations?

Andover (Title 12 – Zoning Regulations, and definitions of Motor Vehicle and Recreational Vehicle)

- Items include: passenger vehicles, trucks, travel trailers, truck campers, camping trailers, self-propelled motor homes and converted buses licensed as an RV, boats, snowmobiles, all-terrain vehicles, and other similar vehicular portable structures without permanent foundations.
- Must be placed on a driveway, or a maximum of two (2) items stored in the rear yard. This rule applies for all properties regardless of size.
- Rear storage of recreational vehicles exceeding 45 feet in length is allowed if the parcel, or shared parcels between a single owner, is at least 2.5 acres in size.

Anoka (Sections 50-135 and 50-136)

Sec. 50-135. – Causes of blight or blighting factors.

- b. For the purpose of this subsection (1), the term "junk motor vehicle" shall include any automobile, snowmobile, truck, motorcycle, or any motor vehicle as defined in M.S.A. § 169.011, subd. 42, part of a motor vehicle or former motor vehicle stored in the open which is:
 1. Unusable or inoperable because of lack of or defects in component parts;
 2. Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized;
 3. Beyond repair, and, therefore, not intended for future use as a motor vehicle;
 4. Being retained on the property for possible use of salvageable parts; or
 5. Not properly and currently licensed within the state.

Sec. 50-136. – Outdoor Storage

In any area zoned as a residential district (R-1, R-2, R-3, R-4, R-5) or in any other zone on a lot which is occupied by a dwelling unit, all personal property shall be stored within a building, or if within a rear yard, shall be screened with vegetation or a fence to serve as a buffer between adjoining properties and public streets.

- 1) For the purpose of this section, the term "outdoor storage" shall include, but not be limited to, the following items: toys, bikes, bike/skate ramps, canoes, paddleboats, fishing boats, truck toppers, snowmobiles, fish houses, lawn mowers, snow blowers, lawn/garden equipment, hunting blinds/stands, four-wheelers and ATVs.
- 5) The following items are exempt from the foregoing outdoor storage prohibitions:
 - d. Permanent recreational equipment;

Blaine (33.13. – Parking (j) Residential on-site parking requirements)

- Limited to operable vehicles registered and licensed to the occupants and guests
- Front and side yards require paved surfacing
- Rear yard parking allows for:
 - o Passenger vehicles on paved surfaces
 - o Recreational vehicles, boats, truck toppers, and trailers on paved or unpaved surfaces in the rear yard, must meet setbacks
 - o Collector vehicles on paved or unpaved surfaces, if in operable condition, the collector's license is within two (2) years, and it is screened with a

Coon Rapids (11-601.2 and .3)

- Two (2) major recreational equipment items per residential dwelling unit, whether stored inside or outside
- No trucks, trailers, exceeding 9,000 lbs of gross vehicle weight

Dayton (1001.19 Parking Regulations, Subd. 3)

- There is not a number requirement or list of items associated with outdoor storage or off-street parking standards.
- No outdoor storage of any vehicle over 12,000 pounds and/or 9 feet tall, unless on a parcel 5 acres or larger or if a temporary instance.

Elk River (Various sections: [Sec 30-124](#), [Sec 30-900](#), [Sec. 46-34](#))

- There is not a number requirement or list of items associated with outdoor storage or off-street parking standards.
- Boats must be on trailers
- Unlicensed or inoperable vehicles prohibited
- Outdoor storage of miscellaneous items not allowed
- Parking must be on asphalt, concrete, pavers, or class V, except for agricultural uses or a paved area presents a hardship or uniqueness to a business.

Ham Lake ([6-800. Parking of Personal Vehicles in Residential Areas](#), and [6-820. Prohibited Parking](#))

- Personal vehicle: is a vehicle or vehicle device intended for the personal usage of an occupant of a residential dwelling in any Residential Area, including, without limitation, passenger vehicles, pickup trucks, collector cars, vans, recreational vehicles, motorcycles, motorbikes, motor scooters, go-karts, boats, snowmobiles, all-terrain vehicles, other trailers (empty or occupied), campers, camper trailers, camper tops, truck tops, riding lawn mowers, tractors (including garden tractors) farm implements, construction equipment and sport utility vehicles.
- 8 maximum personal vehicles if within view from the street
- No requirement if the vehicles are screened from other parcels
- One inoperable vehicle allowed per property

Nowthen ([11-4-16 Exterior Storage, D, 3. Number of Vehicles](#))

- Two (2) passenger vehicles maximum, unless there are additional licensed drivers residing on the property. Exemptions include:
 - o Temporary visitor parking
 - o Major recreational vehicles (travel trailers,
 - o converted busses, coaches, pickup campers, campers, motorized dwellings, race cars,
 - o and dune buggies)
 - o Collector vehicles stored inside
 - o Trailers, trucks, or other vehicles used for loading/unloading/maintenance/construction on premises
 - o Two, three, or four-wheeled recreational vehicles (a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use)

Oak Grove

- There is not a number requirement or list of items associated with outdoor storage or off-street parking standards.

Otsego ([11-18-3: Outdoor Storage](#))

- Not more than two (2) licensed recreational vehicles, trailers, and equipment (not including race cars) if the following are met:
 - o Front yard – on a driveway, out of right-of-way

- Side yard - when abutting an attached or detached garage if it's further than 5' from the lot line, or it's properly surfaced in the appropriate residential district, or out of the setback on a corner lot – except for a side yard when abutting a major collector or arterial street.
- Rear yard – further than 10' from rear lot line, and 5' from side lot line
- Recreational Vehicle: all-terrain vehicles, utility task vehicles, neighborhood electric vehicles, motorized golf carts, and off-road motorcycles

ORDINANCE #22-00

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

AN AMENDMENT TO SECTION 117 WHICH IS KNOWN AS THE ZONING SECTION OF THE CITY CODE OF RAMSEY, MINNESOTA.

AN ORDINANCE AMENDING SECTIONS 117-111 (R-1 RESIDENTIAL DISTRICT), 117-349 (ACCESSORY USES AND BUILDINGS), AND 117-355 (RESIDENTIAL OFF-STREET PARKING) OF THE CITY CODE OF RAMSEY, MINNESOTA.

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

Section 117-1. – Definitions shall be amended to read as follows:

Driveway means an onsite prepared surface traffic lane, which shall be the traffic lane leading directly from a public street to the primary garage on the subject parcel; ~~the width of which cannot exceed the primary garage width by more than 15 feet, or in the absence of a garage, a traffic lane to a parking pad that cannot exceed 20 feet in width. Driveway parking may not extend beyond the front of the primary garage without meeting the performance standards for side or rear yard parking. (Cannot exceed maximum width at roadway under zoning district bulk standards).~~

Section 117-111 shall be amended to read as follows:

(d) *R-1 bulk standards.*

²A zoning permit is required to install any driveway that is not associated with work requiring a building permit. [Driveways and parking pads are an allowed accessory use in any R-1 Residential District and require a zoning permit.](#)

(g) *General R-1 residential performance standards*

[\(4\) Driveways](#)

- a. Driveway width cannot exceed the primary garage by more than 15 feet in the side yard. The driveway may be angled towards the side yard, but the width at the street must not exceed the standard set in the applicable zoning district.
 - i. In the absence of a garage, a traffic lane to a parking pad cannot exceed 20 feet in width.
- b. Driveway parking may not extend beyond the front of the primary garage without meeting the performance standards for parking pads and side or rear yard parking.
- c. Variiances. Variiances from the strict enforcement of this section may be granted in accordance with the procedures and requirements of Section 117-51.

Sec. 117-349 *Accessory uses and buildings* (d) (7) shall be amended to read as follows:

(7) *Driveways and Parking Pads.*

- c. Parking pads. A parking pad may be installed on a residential property with a zoning permit. The parking pad may not exceed standards set in Section 117-355 regarding residential development off-street parking including but not limited to:
 - i. Number of vehicles and items allowed
 - ii. Surfacing requirements of the residential zoning districts
 - iii. Parking pad must be in the side or rear yard.
- d. Parking pad size and number. Properties less than 2.5 acres in size cannot have more than one (1) parking pad with a maximum size of 500 square feet.
- e. Setbacks. Parking pads must meet setbacks for accessory structures set in Section 117-111.
- f. Principal building required. No accessory parking pads or driveways shall be constructed on any lot prior to the time of construction of the principal building.
- g. Variiances. Variiances from the strict enforcement of this section may be granted in accordance with the procedures and requirements of Section 117-51.

Section 117-355 *Residential development off-street parking* (b) shall be amended to read as follows:

(b) In any residential district, outside parking of any motor vehicle(s) and/or recreational equipment is subject to the following conditions:

(1) *Number of items.*

- a. Six items ~~allows~~ allowed for outdoor storage and parking on parcels less than two acres in size.
- b. Eight items allowed for outdoor storage and parking on parcels between two and 4.99 acres in size.
- c. Ten items allowed for outdoor storage and parking on parcels five acres or greater in size.
- d. Items stored or parked separate from other items shall count as one item each; multiple items stored or parked on a trailer, for instance, count as one item.

(Example: two snowmobiles and an empty trailer on the ground are three items; two snowmobiles on a trailer are one item).

- e. Items that will count towards the number restriction include, but are not limited to, the following examples: motor vehicles, recreational vehicles, campers, boats, canoes, snowmobiles, jet-skis, all terrain vehicles, go-carts, motocross bikes, motorcycles, fish houses, and other recreational equipment and self-propelled vehicles.
- f. Exceptions: Items that will not count towards the number restriction include those items typically seen as accessory to a residential use. Examples would be lawnmowers, garden tractors and attachments, bicycles, wheelbarrows, play structures, stepladders, and other items used for routine home and lawn maintenance.
- g. Increase in the number of items will be allowed through an administrative zoning permit at the discretion of the zoning administrator if the applicant can demonstrate a higher number of drivers, topographical issues on the lot or other practical difficulties.
- h. [Adjacent parcels under single ownership shall be treated as one property to determine the number of allowed outdoor storage items based on the total size of the property.](#)

SECTION 3. SUMMARY

The following official summary of Ordinance #22-00 has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

Ordinance #22-00 amends Sections 117-111, 117-349, and 117-355 to create additional requirements for parking pads, driveways, and number of outdoor storage items in the City of Ramsey.

SECTION 4. 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 _____, 2021.

Mayor

ATTEST:

City Administrator

Introduction date:

Posting dates:

Adoption date:

Publication date:

Effective date:

8. COMMISSION / STAFF INPUT

Chairperson Bauer noted that this will be the last meeting for Deputy City Administrator Gladhill as he is leaving Ramsey to work for the City of Stillwater. He thanked him for all that he has done in the years he has been with the City and the leadership, dedication, and commitment. He wished him well in the future.

Deputy City Administrator Gladhill commented that he has enjoyed his time in Ramsey and appreciated the visionary approach of the Planning Commission. He commented that it was a hard decision, and he is excited to try something new. He stated that his last day is June 22nd, but this will be his last Planning Commission meeting.

Commissioner VanScoy commented that although he and Deputy City Administrator Gladhill have disagreed at times, they have always respected each other's opinions and wished him well in the future.

Senior Planner McGuire Brigl commented that it appears the fourth Thursday of the month works for everyone, which would allow things to move forward to the City Council on a faster schedule. She stated that she will speak with the City Clerk to determine when the new date could become effective and noted that they would most likely try it for a one-year period to ensure it is working as desired. She commented that there are more code enforcement issues, with many of the violations related to off-street parking and provided different examples. She asked if the Commission would like to look into possible changes to the ordinance to prevent those situations.

Chairperson Bauer agreed that the intent is not to have paved sections of front yards and confirmed the consensus of the Commission to bring that subject back for further consideration and discussion.

Senior Planner McGuire Brigl stated that staff is also looking into a short-term rental license, that would apply to Airbnb and VRBO type rentals.

9. ADJOURNMENT

Motion by Commissioner VanScoy, seconded by Commissioner Anderson, to adjourn the meeting.

A roll call vote was performed:

Commissioner Dunaway	aye
Commissioner Anderson	aye
Commissioner VanScoy	aye
Commissioner Gengler	aye
Commissioner Peters	aye
Chairperson Bauer	aye

Motion Carried.

Commissioner Anderson confirmed that he would envision that corner to be retail as shown in the sketch provided by staff.

Commissioner Dunaway commented that the sketch shows the entire western portion as retail and asked for clarification if the retail would only be kept to the southern corner.

Senior Planner McGuire Brigl confirmed that the previous direction from the Council and Commission would only be to have the southwest corner as retail because of limited access to the northwest area.

Commissioner Anderson stated that he could not support the plan proposed for entirely residential.

Chairperson Bauer noted that the staff report did not support that use either. He confirmed the consensus of the Commission to support the comments from staff.

7.04: Consider Ordinance #21-15 Creating Additional Requirements for Driveways and Parking Pads

Presentation

Senior Planner McGuire Brigl presented the Staff Report stated that this was developed as a high-level draft in order to receive input from the Commission and noting that this would be intended to come back to the Commission for a second review.

Commissioner Anderson commented that he believes the width of the driveway should be regulated or there should be a stipulation that it not protrude into the front yard of the home.

Commissioner VanScoy commented that if an extra lane is allowed for parking, would it be defined as to which side that should be on.

Senior Planner McGuire Brigl confirmed that additional language could be added stipulating that additional lane could be added to the side yard and a graphic could be included.

Commissioner Anderson stated that he would like to see consistent driveway standard within The COR. He stated that if someone has ten- or 20-acres people are not going to care where someone parks because they do not see it. He commented that many vehicles parked in a front yard within The COR is not the image he would want Ramsey to project.

Commissioner Dunaway commented that in certain areas of the city there are high traffic areas with people having to back onto a high-speed roadway. He noted that some people install a backup area in the front yard to allow that turning maneuver and therefore there would be rationale to support that movement.

Commissioner Anderson noted that typically homes on those roads have larger lot widths and more space.

Commissioner Dunaway stated that he would not want to take that option away from property owners.

Commissioner Walker stated that he likes the idea of not having a drive or turnaround in the front yard and would prefer that be provided on the side. He stated that there is a point in time the City will hit a slippery slope of telling people what they can or cannot do on their property.

Senior Planner McGuire Brigl commented that she has sufficient input to bring this back to the Commission in the future.

8. COMMISSION / STAFF INPUT

8.01: Receive Staff Update

Chairperson Bauer commented that the economy is ramping back up with help wanted signs all over. He stated that there is retailer interest and activity within The COR which is encouraging to see.

Commissioner Walker commented that a business reached out to him that received a letter regarding a commercial and industrial development off-street parking violation. He stated that he visited the business and noted other businesses in that area that have similar gravel parking of materials. He asked if staff is treating everyone fairly.

Chairperson Bauer stated that code enforcement is complaint driven and noted that staff does not proactively drive around and look for violations.

Senior Planner McGuire Brigl stated that she would be happy to provide background information to Commissioner Walker as the property has had code violations for over ten years. She noted that violations have been mailed to four or five businesses along Highway 10 in the last few weeks. She stated that staff would be open to a full Highway 10 corridor sweep for code enforcement but noted that would require City Council direction.

9. ADJOURNMENT

Motion by Commissioner VanScoy, seconded by Commissioner Anderson, to adjourn the meeting.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Anderson, Dunaway, Peters, and Walker. Voting No: None. Absent: Commissioner Gengler.

The regular meeting of the Planning Commission adjourned at 10:11 p.m.

variance, but the Commission ultimately approved those requests. Commissioner Anderson stated that the density transitioning area provides protection to the existing homeowners and therefore he would rather have the 45-foot corridor protected rather than having the new homeowners have the land to the property line. He believed that the protected corridor provides more protection to the existing property owners. Commissioner Walker stated that he agrees that the protected corridor would provide more benefit to existing property owners. He stated that if the transitioning area is to be done through outlot, perhaps an amendment is made to the ordinance to prevent the situation where a variance continues to be requested. Senior Planner McGuire Brigl agreed that the ordinance does need review and staff can bring something back to the Commission. Commissioner Gengler stated that the density transitioning area done through outlot also protects the new homeowners as they are aware from the beginning that the area is not part of their lot. Chairperson Bauer noted that easements are not always disclosed at the time of sale and that is why he asked the developer how the outlot would be recorded. Commissioner Walker stated that perhaps markers could be placed prior to the sale of the home to identify the property/outlot line. Mr. Tabone stated that typically the lot lines are staked so that it is clear in the field where the boundaries are. He stated that there are thorough HOA documents disclosed to buyers that must be signed but acknowledged that not all homeowners choose to read the documents. He described the process they follow to inform homeowners of the lot size and all other details. Councilmember Woestehoff stated that as someone that purchased a Lennar home, he was provided that information but did not pay attention to that. He stated that he does favor the outlot being owned by the HOA as that same information is not disclosed to the second property owner.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Gengler, Anderson, Dunaway, Peters, and Walker. Voting No: None. Absent: None.

7. COMMISSION BUSINESS

7.01: Consider Ordinance #21-15 Creating Additional Requirements for Driveways and Parking Pads

Presentation

Planning Technician McCann presented the Staff Report stating that staff recommends forwarding Ordinance #21-15 to the City Council for adoption.

Commission Business

Commissioner Walker stated that he agrees with parcels under two acres, but is unsure on the two to 4.99 acres, and does not support the requirements for five acres or more. He stated that he has ten acres and does not believe the proposed regulation would be appropriate for large lots. He stated that this would be a slippery slope where the City dictates what can be done on large properties. He understood the need to have this type of regulation on smaller lots in neighborhoods, as there should be requirements on where parking can occur in those situations. He noted that once a lot is over two acres, he did not believe the same regulation would need to exist.

Chairperson Bauer asked if there could be restriction on smaller lots without restriction on larger lots.

Planning Technician McCann stated that the current proposal could be altered to be more accommodating for larger lots, should the Commission desire. He noted that any changes could be made.

Senior Planner McGuire Brigl stated that distinction could be made, but it would need to state there is no restriction on larger lots if that is the desire.

Chairperson Bauer stated that perhaps there is language stating the restriction for lots under 2.5 acres but then language stating no restriction for lots over 2.5 acres.

Senior Planner McGuire Brigl confirmed that could be done. She stated that the larger lots could also be based on the 35 percent building coverage restriction, noting that larger lots will not typically exceed the 35 percent building coverage.

Commissioner Anderson referenced the requirements shown for Andover. He believed that a line should not be drawn on lots over 2.5 acres as long as the parking is not occurring in the front yard. He agreed that there should be limited or no restrictions for lots over 2.5 acres.

Commissioner Gengler commented that even if a property is a large space, there are still neighboring properties. She believed the 35 percent building restriction would provide adequate guidance.

Commissioner VanScoy stated that in reviewing the regulations of other cities, Andover is the only city that mentioned lot size whereas other cities only allowed driveway parking. He stated that Ramsey would then be accommodating in allowing additional parking on a parking pad.

Senior Planner McGuire Brigl confirmed that Ramsey is generous in its parking allowances and accessory building sizes.

Commissioner Anderson stated that there are cases where people park nine or ten vehicles in their backyard and turn it into a salvage lot.

Senior Planner McGuire Brigl confirmed that those types of complaints are often received by City staff from neighboring property owners. She stated that it would be nice to have this concrete direction to provide to property owners.

Commissioner Walker stated that he looks at this different than other members because he has ten acres on which he has three large trucks, a horse trailer, and another large trailer. He stated that he parks his items in an orderly manner. He stated that all the properties in his area are five to ten acres in size, many of which have tractors and other equipment. He did not feel that the City should tell him he would have to get rid of a trailer because his maximum square footage for parking is exceeded.

Commissioner VanScoy was unsure the City would dictate that would have to be removed.

Senior Planner McGuire Brigl commented that if there were a complaint, staff would tell him that pavers are needed along with a \$25 permit. She stated that if the parking regulation, as proposed, were exceeded, a conditional use permit or variance would be needed.

Commissioner Walker stated that he did not see the reason to make homeowners go through that process.

Commissioner VanScoy stated that perhaps additional space is allowed through conditional use permit. He stated that when it gets out of hand and complaints are generated, it becomes an issue.

Commissioner Walker referenced a case the Commission recently reviewed related to code enforcement where a neighbor received a violation and then turned in other neighbors because they were mad. He stated that is what he is worried about. He stated that if someone has a junkyard, he supports making that person clean it up. He stated that on the other hand, he has multiple vehicles to complete the work that is necessary on his property and to support his horses. He noted that is not unique when you are in rural Ramsey. He stated that he does support the regulation on smaller lots but would not want the same regulation on larger lots.

Commissioner Anderson asked if a pad is designed as a shed or building. He asked if a lean-to shed that vehicles are parked under considered a pad.

Senior Planner McGuire Brigl stated that a lean-to would count as a structure. She stated that this would apply to parking pads. She stated that perhaps they start with the regulation on lots under 2.5 acres and then complete a review in one year.

Commissioner VanScoy asked the parking guidelines currently and whether they are by acre.

Senior Planner McGuire Brigl reviewed the current parking regulations.

Commissioner Walker asked the lot sizes that are creating the current issues.

Senior Planner McGuire Brigl replied that there are issues on all sized lots. She stated that there are parking issues on tiny lots, huge lots, and everything between.

Commissioner Walker stated that if small lots of account for 75 percent of the problem, it would make sense to deal with that now and leave the larger lots.

Commissioner Anderson agreed that they should start small and work their way up.

Senior Planner McGuire Brigl stated that the Code currently does not have a limit on parking pads and therefore people are paving and putting down a lot of gravel.

Chairperson Bauer stated that when looking at the zoning districts there are districts with 2.5 acre lots but not two acres. He suggested that the regulations apply to 2.5 acre lots and lower, placing

requirements in conjunction with the lot sizes in the different zoning districts. He summarized that the proposed ordinance is too restrictive, and the Commission would favor regulation of lots 2.5 acres and smaller with no restriction on lots larger than 2.5 acres at this time.

Commissioner Walker asked how many vehicles could be parked on a 2.5-acre lot or less.

Senior Planner McGuire Brigl replied that six vehicles could be parked outdoors and no limit on indoors.

Commissioner Walker commented that he did not believe a 300 square feet would be enough to cover that. It was noted that some of those six vehicles would be parked in the driveway.

Senior Planner McGuire Brigl stated that four vehicles parked on a pad would be 1,000 square feet which would be 1/10 of the lot.

Commissioner Walker stated that he would like to see 500 square feet.

Commissioner VanScoy stated that a standard parking space is nine feet by 18 feet.

Senior Planner McGuire Brigl commented that 500 square feet could be a nice round number to start with and see if that works for what people need. She stated that they would still intend to review this in one year to determine if the changes work.

Chairperson Bauer summarized the direction of the Commission to allow one pad of 500 square feet on lots of 2.5 acres or less. He stated that staff will bring back the proposed ordinance for review again at the next meeting.

Commissioner Dunaway asked if there would be anything regulating the distance from the property line.

Senior Planner McGuire Brigl stated that currently parking pads following setbacks for accessory use.

7.02: Consider Allowing Accessory Dwelling Units on Single-Family Residential Properties

Presentation

Planning Technician McCann presented the Staff Report stating that staff recommends directing City staff to draft an ordinance to be presented to the Planning Commission during its regular meeting on October 28, 2021 with edits as discussed during the meeting.

Commission Business

Commissioner VanScoy commented that he is a little uncomfortable with the concept of allowing rental of these units. He noted that many regulations require a familial connection. He stated that

Chairperson Bauer asked for input on whether Commissioner Dunaway would support garage conversion for an accessory dwelling unit on a property under 2.5 acres.

Commissioner Dunaway commented that he would support an allowance for a garage unit but not a detached accessory dwelling unit on smaller properties.

Commissioner Walker used the example of an 80-foot lot, noting that those garages do not have much room above the vehicles and therefore there would not be space to create living space in that area. He stated that he would support one acre lots for detached units and garage conversions.

Commissioner VanScoy asked if the garages mentioned are attached or detached, or whether that is not specified.

Chairperson Bauer commented that the way the language reads, it would apply to any garage.

Commissioner Walker commented that he would not want an accessory dwelling in an attached garage.

Senior Planner McGuire Brigl commented that the existing code already provides for an attached unit, which would address an attached garage.

Commissioner Anderson commented that there are height restrictions that he believes would limit the ability to add that space above a garage. He asked if tiny houses would be addressed.

Senior Planner McGuire Brigl commented that the structure would need to be on a foundation and built to Code.

Commissioner Gengler stated that she would also support the one-acre size. She stated that restricting this to 2.5 acres and above would take out a large number of properties. She believed that one acre would be sufficient.

Chairperson Bauer confirmed the consensus of the Commission to support the change to one acre.

2.03: Consider Ordinance #21-15 Creating Additional Requirements for Driveways and Parking Pads

Planning Technician McCann reviewed the staff report.

Chairperson Bauer asked for clarification on a specific example and whether it would be allowed.

Senior Planner McGuire Brigl provided clarification.

Chairperson Bauer noted that there are a number of homes that have a parking pad on the side of the driveway in front of the home. He noted that it would appear that those would become

nonconforming with this change. He commented that he does not have a problem with a wider driveway.

Commissioner Anderson noted that 30 feet of street access is allowed.

Chairperson Bauer stated that his example would have that width at the driveway but then the driveway would widen to the third stall garage and then an additional bump out on the side. He noted that it would give the equivalent of a three-car garage driveway to homes with two car garages.

Commissioner VanScoy stated that perhaps the width of the driveway at the garage could go 15 feet past the garage to provide that additional space.

Senior Planner McGuire Brigl commented that would be allowed under the language as proposed. She provided additional clarification.

Commissioner Walker stated that he would have an issue restricting motorbikes, go-karts, or snowmobiles. He stated that it is more of a property size issue. He stated that there could be a family with four children that race motorbikes or snowmobiles, and they should be allowed to store those items. He noted that if those families are on five or ten acres, they should not be limited on those items.

Senior Planner McGuire Brigl noted that section of the ordinance was not included in the update. She stated that if desired, staff could review that section and bring it back for additional review.

Code Enforcement Officer Raines noted that this language only applies to outdoor storage. She noted that typically people with large lots keep those items indoors.

Commissioner Gengler asked if there are complaints received for those types of items.

Code Enforcement Officer Raines commented that the complaint that brings staff to the property is not related to those items, but those items are noticed when staff visits the property.

It was determined that this item would be pulled from the Consent Agenda and would come back to the Commission with additional detail to review.

2.04: Discuss Ordinance #21-20 Home Occupation Revisions

Code Enforcement Officer Raines reviewed the staff report.

Chairperson Bauer asked the square footage needed for a vehicle.

Senior Planner McGuire Brigl replied that a standard two car garage is 400 square feet. She stated that there have been a lot of Home Occupation Permits and this has not been an issue as people tend to have a lot of storage.

CC Work Session

3. 1.

Meeting Date: 12/14/2021

By: Katie Schmidt, Administrative Services

Information

Title:

Review Future Topics/Calendar

Purpose/Background:

Attached is the current list of future topics for work session discussion. Items are drawn from Council requests at meetings, or are related to topics that have been identified in the City's strategic plan. Tentative dates have been assigned.

Recommendation:

N/A

Outcome/Action:

For Council review - no formal action necessary.

Attachments

Future Topics List

Form Review

Inbox	Reviewed By	Date
Colleen Lasher	Colleen Lasher	12/09/2021 08:54 AM
Kurt Ulrich	Kurt Ulrich	12/09/2021 09:46 AM
Form Started By: Katie Schmidt		Started On: 11/30/2021 11:29 AM
Final Approval Date: 12/09/2021		

	<u>Tentative City Council Future Work Session Topics</u>	
Proposed Date	Topic	Minutes (Estimate)
2022		
Jan. 2022	Update on Anoka County CSAH 5/Nowthen Blvd. Corridor Study-Westby	30
Feb. 2022	Review Draft Stormwater Pond Maintenance Policy – Westby/Riemer	30
Feb. 2022	Discuss Intern Wages – Lasher	10
Feb. 2022	Draft Trail Maintenance Policy – Westby/Riemer	30
TBD	Discuss Remote Meetings Attendance Policy - Lasher	15
TBD	Discussion Regarding Possible Redistricting - Lasher	10
TBD	Conclude Discussions Regarding Updating the Employee Telecommuting Policy Lasher	20
TBD	Review procedure/policy/best practice for introduction of resolutions/proclamations – Ulrich	20
TBD	Discuss the General Topic of Holding Joint Meeting(s) with the Council and Commissions & Other Cities. Based on discussion, future work sessions - TBD.	20
TBD	Discuss Historic Town Hall – Ulrich	30
TBD	City Branding Presentation - Ulrich	40
TBD	Park System Plan – Riemer/Riverblood	60