

**City of Ramsey**  
**Agenda**  
**Regular Planning Commission**  
**Thursday, November 18, 2021**  
**7:00 pm**  
**Council Chambers, 7550 Sunwood Drive NW**

Remote Attendance available at [www.cityoframsey.com/meetings](http://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. **Pledge of Allegiance**
3. **Citizen Input**
4. **Approve Agenda**
5. **Consent Agenda**
  1. Approve the October 28, 2021 Planning Commission Work Session and Regular Meeting Minutes
  2. Consider Ordinance #21-15 Creating Additional Requirements for Driveways and Parking Pads
6. **Public Hearing**
  1. PUBLIC HEARING: Consider Resolution #21-313 Granting A Variance to 16501 Jarvis Street NW; Case of Allen and Alycia Skogquist
  2. Consider Ordinance #21-20 Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations
7. **Commission Business**
8. **Commission/Staff Input**
9. **Adjournment**

**Regular Planning Commission**

**5. 1.**

**Meeting Date:** 11/18/2021

**By:** Brian McCann, Community  
Development

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**Information**

**Title:**

Approve the October 28, 2021 Planning Commission Work Session and Regular Meeting Minutes

**Purpose/Background:**

The purpose of this case is to approve the October 28, 2021 Planning Commission Work Session and Regular Meeting Minutes.

**Notification:**

**Observations/Alternatives:**

**Funding Source:**

**Recommendation:**

**Action:**

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**Attachments**

Planning Commission Work Session Minutes

Planning Commission Meeting Minutes

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**Form Review**

**Inbox**

Bruce Westby

Brian Hagen

Form Started By: Brian McCann

Final Approval Date: 11/12/2021

**Reviewed By**

Bruce Westby

Brian Hagen

**Date**

11/12/2021 07:42 AM

11/12/2021 08:46 AM

Started On: 11/05/2021 02:26 PM

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

The Ramsey Planning Commission conducted a worksession meeting on Thursday, October 28, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:                   Chairperson Randy Bauer  
  Commissioner Bruce Anderson  
  Commissioner Andrew Dunaway (attending virtually)  
  Commissioner Cheri Gengler  
  Commissioner Eric Peters  
  Commissioner Gary VanScoy  
  Commissioner Brian Walker

Members Absent:                   None

Also Present:                       Senior Planner Chloe McGuire Brigl  
  Code Enforcement Officer Bria Raines  
  Planning Technician Brian McCann  
  City Council Liaison Matt Woestehoff  
  City Councilmember Debra Musgrove

**1.     CALL TO ORDER**

Chairperson Bauer called the regular meeting to order at 5:34 p.m.

**2.     TOPICS FOR DISCUSSION**

**2.01:   Review Ordinance Amending Digital Display Billboard Regulations**

Senior Planner McGuire Brigl reviewed the staff report.

Commissioner VanScoy asked if billboards are not currently allowed.

Senior Planner McGuire Brigl confirmed that to be true but noted that there are a few legal nonconforming which predate the existing ordinance.

Commissioner VanScoy commented that this change would then allow up to three billboards. He stated that it would seem one company is requesting this.

Senior Planner McGuire Brigl commented that the City is requesting this and put out an RFP.

Commissioner VanScoy asked if there would be a public hearing related to this change.

Senior Planner McGuire Brigl confirmed that the City Council would hold a public hearing at the first reading of the ordinance.

Commissioner VanScoy commented that he does not support allowing billboards. He stated that he is bothered that this change is being brought forward by a request from one company but understood that the City initiated the process.

Councilmember Woestehoff clarified that this is not a request by one company, as the City initiated the request. He stated the other two billboards could be through different companies.

Senior Planner McGuire Brigl commented that the sign previously discussed would be placed upon City property and the other two signs could be placed upon private properties.

Commissioner Walker asked the number of properties that would fit the necessary criteria.

Senior Planner McGuire Brigl commented that the vacant spaces along the highway would qualify, or a portion of the property could be split off for the billboard. She noted that signs would only be allowed within commercial or industrial areas.

Councilmember Woestehoff stated that the purpose of having the sign on a parcel without a building would ensure the existing company would not have advertising on the site as well.

Commissioner VanScoy asked if there would be an impact to the monument sign that exists or whether the billboard would be in addition.

Senior Planner McGuire Brigl confirmed that the monument signs of the City would not be impacted. She stated that a billboard would not be classified as a monument sign. She clarified that the City would maintain ownership of the land and lease it to the business that operates the sign.

Chairperson Bauer referenced pages four and five which provides additional background information. He stated that some of the language seems duplicative to the information found within the sign ordinance.

Senior Planner McGuire Brigl commented that an intent section of an ordinance is common to include. She stated that if there is pushback on the ordinance, it helps to have the intent.

Chairperson Bauer stated that on page five there is language related to the distance between signs and asked if the two miles would be exact or a minimum distance.

Senior Planner McGuire Brigl commented that it would be intended as a minimum distance and that language could be updated.

Commissioner Walker stated that he does not like this idea and finds billboards to be tacky. He noted that he would not support the ordinance.

Councilmember Musgrove asked if more research was completed related to the duration of messaging. She specifically asked for the message duration near the intersections of highways 10 and 65.

Senior Planner McGuire Brigl provided details on the minimum message durations allowed by different communities.

Councilmember Musgrove commented that she believes longer message durations are better in order to avoid driver distraction.

Chairperson Bauer agreed that messages that change too quickly become distracting and hard to read. He recognized that some members of the Commission are opposed to billboards and asked the Commission if there is consensus to continue working on this topic.

Commissioner Gengler stated that she would rather provide input on the restrictions rather than saying the Commission is opposed and losing the opportunity to have input.

Commissioner Peters agreed that he would rather be able to provide input as well. He stated that location and light pollution are important issues. He noted that not everyone uses social media and therefore the messages can be helpful.

Commissioner Dunaway commented that he believes the Council will move this forward and therefore he would agree that it would be better to provide input on the restrictions as well.

Councilmember Woestehoff stated that he was the only Councilmember opposed to the concept of billboards, therefore he would believe the item will move forward.

Councilmember Musgrove commented that there was consensus from the Council to pursue the RFP, based on the support from the EDA. She did not believe that the concept had returned to the Council again since that time.

Chairperson Bauer suggested that the Commission focus on the proposed regulations which the Council will be reviewing.

Senior Planner McGuire Brigl suggested that billboards be allowed through Conditional Use Permit (CUP), which would mean the Commission would still have the opportunity to review a request that comes forward and provide input.

Councilmember Woestehoff asked if the signs could perhaps only be allowed in a specific zoning district, meaning that the property would need to be rezoned and a public process would be required.

Chairperson Bauer noted that would become an issue of spot zoning and therefore would prefer to use the CUP tool.

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

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.

Chairperson Bauer noted that his son has a home occupation, and his vehicle is currently parked outdoors to allow space for his woodworking business.

Sneior Planner McGuire Brigl commented that in that instance as long as customers do not come to the property and the sales occur online, that would be allowed.

Chairperson Bauer stated that he would only require space for one vehicle. The Commission agreed.

Commissioner Walker commented that he cannot fit two vehicles in his garage no matter how hard he tries, therefore he would also support only requiring space for one vehicle.

Chairperson Bauer asked for clarification on the language related to the home being a secondary business location.

Code Enforcement Officer Raines explained that language is meant to address the situation in which there is a primary business location, but the home address is used to store business materials. She stated that in example, sometimes construction equipment is brought to the home to be stored.

Commissioner Walker asked how someone would know whether a bobcat is for personal or business use. He stated that there seems to be too much overreach as long as it is not creating a junky situation.

Commissioner VanScoy stated that the concern is not related to one piece of equipment but multiple things.

Code Enforcement Officer Raines explained that the language is meant to address when a home is used as a dispatch center for employees. She stated that technically the home or garage are not being used for operating the business, but the business equipment and materials are stored on the home property and dispatched for use daily.

Senior Planner McGuire Brigl stated that home occupation complaints are the largest generator of complaints each month. She stated that as the cost of business and commercial space increase in cost, people are moving those operations to their home property.

Commissioner Walker stated that he could support something based on lot size and the type of business. He stated that if he had two bobcats on ten acres, he did not believe that would be a problem but recognized it would be a problem to park trash trucks on an 80-foot lot.

Code Enforcement Officer Raines stated that the system is complaint based, staff is not going out looking for people in violation. She stated that under the current Code, one piece of commercial equipment is allowed as long as it is properly screened.

Senior Planner McGuire Brigl commented that most people with businesses are not an issue and are in contact with staff, attempting to do the right thing. She stated that this ordinance is meant

to address the situation where someone has 85 lawnmowers in their yard they are attempting to repair.

Commissioner Gengler commented that it appears there is a loophole in the language currently and the change would address this issue.

Councilmember Woestehoff agreed that if there was threat of pulling a Home Occupation Permit, that would tend to have more weight than a nuisance complaint.

Commissioner VanScoy commented that this would give staff more enforcement ability when dealing with a home occupation business where someone is running multiple large trucks down the residential road and disturbing neighbors.

Senior Planner McGuire Brigl confirmed the changes proposed by the Commission.

### **3. COMMISSION/STAFF INPUT**

No additional comments.

### **4. ADJOURNMENT**

The regular meeting of the Planning Commission adjourned at 6:45 p.m.

Respectfully submitted,

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Chloe McGuire Brigl  
Senior Planner

ATTEST:

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Brian McCann  
Planning Technician

Drafted by Amanda Staple  
*TimeSaver Off Site Secretarial, Inc.*

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, October 28, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:                   Chairperson Randy Bauer  
  Commissioner Bruce Anderson  
  Commissioner Andrew Dunaway  
  Commissioner Cheri Gengler  
  Commissioner Eric Peters  
  Commissioner Gary VanScoy  
  Commissioner Brian Walker

Members Absent:                   None

Also Present:                       Senior Planner Chloe McGuire Brigl  
  Zoning Code Enforcement Officer Bria Raines  
  Planning Technician Brian McCann  
  City Council Liaison Matt Woestehoff

**1.     CALL TO ORDER**

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

**2.     PLEDGE OF ALLEGIANCE**

Chairperson Bauer led the group in the Pledge of Allegiance.

**3.     CITIZEN INPUT**

None.

**4.     APPROVAL OF AGENDA**

Motion by Commissioner VanScoy, seconded by Commissioner Dunaway, to approve the agenda as presented.

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

**5.     CONSENT AGENDA**

- 5.01: Approve the September 23, 2021 Planning Commission Meeting Minutes**  
**5.02: ~~Consider Ordinance #21-15 Creating Additional Requirements for Driveways and Parking Pads~~**  
**5.03: Consider Allowing Accessory Dwelling Units on Single-Family Residential Properties**  
**5.04: ~~Review Ordinance Amending Digital Display Billboard Regulations~~**

Motion by Commissioner Gengler, seconded by Commissioner Peters, to table Item 5.02 and pull Item 5:04 to be considered as Item 7.01 and approve the consent agenda as amended.

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

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

- 6.01: Public Hearing: Consider Resolution #21-309 and Ordinance #21-23 Approving Preliminary Plat for Trott Brook Crossing; Case of Sotarra**

### **Public Hearing**

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

### **Presentation**

Senior Planner McGuire Brigl presented the staff report stating that staff recommends adoption of Resolution #21-309 and Ordinance #21-23 approving Preliminary Plat for Trott Brook Crossing.

Chairperson Bauer asked the current lot size for the different areas of the site.

Senior Planner McGuire Brigl provided details on the different lot sizes. She noted an area that was previously believed to be unbuildable but is actually buildable and zoned for 2.5 acre lots on well and septic.

Commissioner VanScoy commented that there seems to be something above parcel D on the west side identified as an exception and asked for clarification.

Senior Planner McGuire Brigl replied that is a single-family home and will not be platted as part of this project as it is not owned by the applicant.

Commissioner VanScoy asked the zoning of that property.

Senior Planner McGuire Brigl replied that property is zoned MUSA.

Commissioner Gengler asked for clarification on the term as-built.

Senior Planner McGuire Brigl explained that is an on the ground survey of what was actually built and is provided upon completion. She noted that as-builts are required in different areas, such as near wetlands or along the Mississippi River.

Commissioner VanScoy asked and received confirmation that because the exception property is zoned MUSA, transitioning would not be required.

### **Citizen Input**

Jon and Jake Packer, representing the Makowski family, stated that the land above parcel D is also owned by one of their family members and is choosing to stay in the home with the development being built. He commented that they are present to address any questions someone may have related to the family.

Ben Schmidt, Sotarra Development, stated that they started working on this more than two years ago with an idea for smaller lots and a more mixed community which was denied. He stated that as they went through the process, they were able to make changes and present a plan that fits in the area and is sensitive to existing uses while providing new homes in Ramsey.

Jeff Uecker, 17121 Variolite Street, stated that his family has lived in Ramsey since 1995 and there have been many changes. He believed that this project would be not so good for the neighborhood. He stated that there are ten acre lots that come up by quarter acre lots. He was unsure how the property can go from rural preserve to this type of development. He stated that he never received a letter or opportunity to provide input on the zoning. He believed that people should have had an opportunity to speak about the change in zoning. He did not understand why larger lots were not kept on the outside with smaller lots on the interior of the development. He stated that his neighbor is present but is not comfortable coming forward to speak but noted that his neighbor agrees with his comments.

Chairperson Bauer asked staff to provide details on the rezoning and those that were notified.

Senior Planner McGuire Brigl displayed a copy of the notice for the rezoning public hearing which was held on March 3, 2011 and advised that the topic was also discussed at two City Council meetings. She stated that everything was rezoned properly, although noted that perhaps staff would have done things differently now than they did in the past.

Chairperson Bauer stated that this is legally zoned R-1 for 80-foot lots and this proposal is in compliance with the zoning, therefore the Commission cannot deny the request simply because they do not want 80-foot lots.

Senior Planner McGuire Brigl confirmed that is correct. She noted that there are items in which the Commission has discretion and other times, such as this when the Commission has to determine if a request meets the requirements of the zoning code, ordinances, and Comprehensive Plan. She stated that if a request complies with the requirements, the request would be allowed. She stated that there are things the City can do to make it better, such as road upgrades, park facilities, and

trail connections. She stated that the Commission would have discretion related to the rezoning request tonight.

Senior Planner McGuire Brigl confirmed that could be done but was unsure that would be the best planning because of the way the site lays out.

Jeriann Palmer, 8250 154<sup>th</sup> Lane, stated that on Alpine there is a monstrosity of development where the developer has been allowed to load the outlet for the lake with dirt. She asked when the zoning was put into place for quarter acre lots and how people would remember a letter from ten years ago. She stated that Ramsey already has a lot of homes, overloaded roads and she did not see the purpose of adding more homes. She stated that she is concerned that the rural area she moved into 30 plus years ago has become a land of sirens, traffic, and construction noise. She suggested larger lots on the exterior with smaller lots in the interior of the development. She understands that people want to sell their land but believes there should be different opportunities.

Chairperson Bauer asked if staff is familiar with the project on Alpine.

Senior Planner McGuire Brigl clarified that could be the Riverstone project. She was not aware of any issues with the wetland. She noted that every project requires an approved delineation from the Lower Rum River Water Management Organization (LRRWMO), along with other permitting. She noted that she can have staff follow up on that comment.

Norm Novak, 7041 175<sup>th</sup> Avenue, stated that he is against this project. He commented that this is rural farmland and he moved to his property 18 years ago to be in farm area. He stated that there are already problems with traffic and the Hunt property development was just approved as well. He commented on the issues with traffic and safety in that area. He stated that he attempted to purchase five acres from his neighbor, but the request was denied by the City. He commented that there are a lot of people out there that are not aware of this request. He stated that he was never made aware of the 2011 request for rezoning. He stated that if the City would have provided letters to everyone in this area, the Chambers would be packed with residents. He stated that he was told that notice was only provided to those within 500 feet, which does not accurately inform residents in the area. He commented on the wetlands and his concern with disturbance. He stated that he opposes the request because this is rural area, and the development should go somewhere else.

Chairperson Bauer asked staff for details on notification for the public hearing.

Senior Planner McGuire Brigl commented that the City is required to send notification to properties within 700 feet of the subject properties, which were mailed. She stated that signage was posted on the site and notice was also published on the bulletin board and City website all of which are not required. She stated that the City meets the required legal public notices and attempts to go above those requirements. She stated that there will also be an open meeting the following week and notice will be sent for the City Council meeting as well. She commented that 195 notices were mailed to residents for this meeting.

Mr. Novak stated that he spoke with two of his neighbors that live directly next door to him, and they were not notified. He believed that several more notices should have been mailed. He stated that he was told by his neighbors about this meeting as he did not receive a letter.

Mr. Uecker stated that if he would have received a letter in 2011, he would have come in to speak as he has done tonight. He stated that there was not a sign placed on the property in 2011, as residents would have come to speak.

Debra Musgrove, 15247 Fluorine Street, commented that as a Councilmember she is also the City representative for the LRRWMO. She stated that she has concern with approval of new lots as it was stated that a full delineation would not be done until spring. She stated that the delineation may cause a difference to the plans.

Kris Nelson, 7630 166<sup>th</sup> Ave NW, stated that she is not directly in the area and did not receive notification or see a sign placed on the site. She stated that she was present in 2011 and was part of that discussion for the Comprehensive Plan but did not recall a discussion on this property. She commented that this area is rural and believes that this development would ruin the integrity of the area. She believed that more notification should be sent above the requirements. She commented that if she wanted to live in the suburbs, she would have.

Senior Planner McGuire Brigl commented that typically the City doubles the minimum required 350-foot notice area from the State to 700 feet. She stated that the notices are mailed in an envelope, and it is a four-page letter, not a postcard.

Ms. Nelson commented that she is stating that what was sent is not enough and believed the coverage area should be expanded. She stated that the people that will be impacted have not been notified.

Lonnie Gray, 17530 Nowthen Boulevard, stated that he was active one year ago when the Hunt property was mentioned. He commented on the need for traffic studies at that time and asked when it was completed.

Senior Planner McGuire Brigl replied that a traffic study was completed in July.

Mr. Gray asked if that study included this parcel.

Senior Planner McGuire Brigl replied that the study was done by this applicant for this project.

Mr. Gray commented that traffic is astronomical coming down CR 5. He stated that he spoke with residents north of him that were not aware of this project and were aghast when he showed them the letter. He stated that an additional 270 homes are added through this project, that would add more than 540 vehicles onto an already busy roadway. He stated that the City has not addressed what will be done to the roadway system to improve this situation. He invited anyone to visit his home and try to get out of his driveway. He stated that the traffic is fast moving, and it is not safe. He read a written letter from his 87-year-old neighbor at 17591 Nowthen Boulevard who is opposed to the development and submitted it into the record.

Carl Biederman, 7050 175<sup>th</sup> Avenue, stated that the comment that the notice was not provided well in the past is an understatement. He asked when the City is going to start listening to residents. He stated that the developer does not care what happens after they are done. He shamed staff and the Commission if this is allowed to pass. He believed the City should make the choice to start over and do things right rather than pass this. He stated that they never received a notice, and the City did something wrong.

Chairperson Bauer commented that he does not believe that the current Commission members and staff were in position in 2011 and therefore cannot provide those answers. He commented that the City has learned and continues to do more than is required. He stated that the property is zoned for 80-foot lots and the request is in compliance, therefore it is a legal request, and the City cannot deny something allowed.

Ms. Palmer asked if the City would be liable to a lawsuit from the developer if they deny the request because of the zoning change in 2011.

Chairperson Bauer commented that if an applicant proposes something that meets the zoning requirements it cannot be denied. He stated that there is an active request on the property.

Ms. Palmer asked what would happen if a second developer came forward with a plan for the property and whether only one plan is studied at a time.

Senior Planner McGuire Brigl replied that only one plan is reviewed at one time.

Ms. Palmer asked if the citizens could sue the City. She commented that if enough residents do not want a development, something should be allowed to be changed.

Chairperson Bauer commented that the Commission receives information from the country with planning related cases and there are numerous instances where cities are sued for denying requests that meet the ordinance requirements and, in those cases, the developer wins.

Councilmember Woestehoff stated that this is not the developer versus the residents. He stated that the current property owners still own the property and have the right to develop the property. He stated that if the zoning restrictions are changed on an active parcel attempting to be sold, the City could be liable. He commented that zoning can change with time, through the appropriate processes as it did on this property. He commented that there are three Councilmembers present tonight in Chambers and they are very cognizant that the rural character is changing in this area of the city and will keep that in mind when developing the next iteration of the Comprehensive Plan. He stated that the property owner has the right to sell their property with the appropriate price that this zoning provides. He stated that if that right is taken away, that is where the liability would come.

Ms. Palmer commented that instance takes away the opportunity for a regular person to come and purchase part of the property. She asked the distance 700 feet would be from the subject property.

Senior Planner McGuire Brigl provided a map identifying the properties that were mailed notice.

Matt Look, Anoka County Commissioner, thanked the Commission for their hard work and appreciated the hard decisions they have to make. He stated that each home has about 2.5 vehicles per household which would add 500 to 600 vehicles onto CR 5, which has already had an increase of traffic since the school was put in. He stated that CR 5 is becoming a road that will require a median. He stated that at that time 173<sup>rd</sup> would become a right-in/right-out. He stated that perhaps in combination between this property and the Hunt property there could be a solution such as directly traffic to 175<sup>th</sup> where perhaps a roundabout could be installed to slow traffic in the area. He stated that if 175<sup>th</sup> is already dysfunctional and a second dysfunctional intersection is placed at 173<sup>rd</sup> that will only make the problem worse and bring about the median. He stated that the last thing they want to do is see people get hurt from traffic accidents on CR 5. He stated that he did not see this ending well with the traffic that would be added from this development and the Hunt property.

Chairperson Bauer asked if the County has long range plans for improvements to CR 5.

County Commissioner Look commented that the long-range plans would be relative to traffic. He stated that if traffic increases to a certain level, the improvements would be triggered.

Commissioner Gengler asked if there is anything that could be done to the speed limit.

County Commissioner Look commented that the speed limit is established by MnDOT. He noted that sometimes after the required speed study, the speed limit can actually be raised. He commented that traffic is already moving fast and perhaps that would be an issue of enforcement.

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

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

Chairperson Bauer closed the public hearing closed at 8:06 p.m.

### **Commission Business**

Commissioner Walker asked why the traffic study was not included in the case file.

Senior Planner McGuire Brigl commented that it is linked on the website within the packet but acknowledged it was not listed as an attachment.

Commissioner Walker asked why the City allows the developer to choose the consultant that will complete the traffic study.

Senior Planner McGuire Brigl commented that the City is not allowed to recommend or require specific consultants to be used. She stated that the City could complete its own study and choose its own consultant for that.

Commissioner Walker commented that the consultant that completed the traffic study is now an inactive company as of October. He stated that this report was also used for the Hunt project, but specifically states it is for 270 single family homes. He stated that when you add both developments, there will be a 28 percent increase in homes. He stated that the study was done the week of July 25<sup>th</sup> during COVID when school is not in session and only during certain times. He stated that he spoke with other consultants that observe for two hours rather than one hour in order to obtain better information. He stated that these two developments will have an impact on an intersection that is already dangerous, CR 5 and Ramsey Boulevard. He stated that until that safety issue can be solved, he did not believe additional development should occur. He acknowledged that it has been said that the Commission does not have an option but to pass this, but the City Council should protect the residents of Ramsey. He stated that in 2020, at a public hearing, the developer was asked why he wanted smaller lots. It was stated that people want smaller lots. He provided statistics on home sales of one acre or larger lots in Ramsey. He stated that if over 300 lots one acre or larger in size have been sold in the last three years in Ramsey, that should show that people want larger lots. He stated that many residents spoke tonight that they were not noticed when the massive rezoning was completed in 2011. He stated that not one resident has come forward stating that they were notified of the zoning changes that occurred in 2011. He believed that the rezoning was done too fast and too recklessly. He stated that this current proposal does not meet the proper zoning on two parcels, which means that the request cannot go through. He commented that he believes that the Commission and Council should not rezone the two parcels and that an investigation should occur on the 2011 rezoning. He noted that anyone involved in the 2011 rezoning should be terminated from their position on staff and/or the Council.

Senior Planner McGuire Brigl commented that staff can verify with the City Attorney after the meeting. She stated that all the information was sent to the City Attorney and the map shows the property rezoned. She stated that the list of residents was notified and the minutes from the meeting shows residents that spoke at the meeting in 2011. She stated that staff has verified the information, which is public information.

Chairperson Bauer asked if the rezoning completed in 2011 was a blanket rezoning to match the Comprehensive Plan.

Senior Planner McGuire Brigl commented that each property was mentioned separately in the meeting minutes at the public hearing in 2011. She stated that according to the City Attorney and zoning map, the property is zoned appropriately. She stated that the land is also shown with that zoning in the 2030 and 2040 Comprehensive Plans.

Commissioner Walker provided additional details on the two parcels he believes were not rezoned appropriately.

Jon Packer provided clarity on the two PIDs that are now shown in the rezoning that occurred in 2011. He noted that in 2012 there was a lot split completed, dividing one lot into two parcels. It was noted that the land remained within the family.

Senior Planner McGuire Brigl commented that the new lots would retain the same zoning as the original lot.

Chairperson Bauer asked if Commissioner Walker also compared lot sales under one acre during that same three-year period.

Commissioner Walker commented that he did not.

Mr. Packer replied that he did that research and noted that in just 2020, 498 single family homes were sold in Ramsey on lots under one acre in size which is significantly more in that one year than the sales of three years that Commission Walker provided.

Chairperson Bauer commented that based on the comments of County Commissioner Look, this preliminary plat shows direct access onto Nowthen Boulevard and asked if the developer has been requested to provide access onto 175<sup>th</sup>. He noted that would provide the option to review traffic control for that intersection. He recognized that would change the layout of the development.

Senior Planner McGuire Brigl commented that the City has been actively working with Anoka County throughout this process. She noted that an additional condition could be added to review options for traffic control. She noted that the County has stated that a traffic light would not be appropriate, but staff could discuss whether a roundabout would be an option. She stated that the traffic count numbers from the traffic study showed the peak times. She noted that the full report showed the full two-hour periods during which the consultant observed but the second hour was not considered a peak hour and therefore was not marked as such in the report.

Chairperson Bauer suggest that the Commission first consider the rezoning request.

Commissioner VanScoy referenced the comment made related to the spring delineation and asked staff for input.

Senior Planner McGuire Brigl commented that typically when a fall delineation is completed, a spring delineation is also completed to verify that information. She noted that would be handled by the LRRWMO in its review and permitting.

Mr. Schmidt commented that the delineation was completed this summer and believes that is has been accepted by the LRRWMO this week.

Ms. Musgrove stated that the wetland delineation was approved conditionally with the clause that a spring delineation is completed. She noted that was her concern, as the lots could be impacted if there are changes that result from the spring delineation.

Motion by Commissioner Gengler, seconded by Commissioner VanScoy, to recommend that City Council adopt Ordinance #21-23 Amending Section 117-90 “Map” of Chapter 117 of the City Code of Ramsey, Minnesota.

### **Further discussion**

Commissioner VanScoy asked what would happen if the delineation changes in the spring. Senior Planner McGuire Brigl replied that it would depend what changes on the delineation and provided different examples but noted that the delineation is required as a contingency in the draft resolution related to the Preliminary Plat.

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

Chairperson Bauer stated that if there was a desire for this to have access from the north rather than CR 5, would the Commission recommend that as a condition of approval.

Senior Planner McGuire Brigl commented that if the Commission desired staff and the applicant to work together, that could be added as a contingency to work with the County to investigate whether access could be provided from 175<sup>th</sup>. She stated that CR 5 is a County road and therefore a roundabout cannot be required as that is under the control of the County.

Chairperson Bauer stated that he would not recommend approval with access onto CR 5.

Councilmember Woestehoff commented that as drawn on the Preliminary Plat, there is no access to 175<sup>th</sup>, only 173<sup>rd</sup>.

Chairperson Bauer confirmed that he meant 173<sup>rd</sup>.

Senior Planner McGuire Brigl commented that the other development which was approved shows access onto 175<sup>th</sup> and 173<sup>rd</sup>. She was unsure that access could be removed for the project but agreed that she could work to investigate whether a roundabout or other diversion could assist with traffic.

Commissioner VanScoy asked how the potential zoning issue addressed by Commissioner Walker could impact action tonight.

Chairperson Bauer noted that was a result of a lot split that occurred.

Commissioner VanScoy noted that was not confirmed.

Senior Planner McGuire Brigl commented that the motion could be made contingent upon City Attorney review.

Commissioner VanScoy commented that while he assumes that the information provided by the Packers is accurate, he would want to verify that is correct.

Councilmember Woestehoff commented that he searched on the Anoka County website and found record of the lot split in August of 2012 as mentioned by the Packers.

Motion by Commissioner Gengler, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #21-309 granting Preliminary Plat approval, amending the City's 2-4-Comprehensive Plan, and determining that an Environmental Impact Statement (EIS) is not necessary for Trott Brook North contingent on working with Anoka County related to traffic concerns at 173<sup>rd</sup> and Nowthen Boulevard and upon City Attorney review.

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

**6.02: Public Hearing: Consider Request for a Variance to Front Yard Setbacks for the Single Family Lots in Lynwood Subdivision, Located West and South of 15050 Armstrong Boulevard (Project No. 21-122); Case of Lennar**

**Public Hearing**

Chairperson Bauer called the public hearing to order at 8:46 p.m.

**Presentation**

Senior Planner McGuire Brigl presented the staff report stating that staff recommends approval of the variance for a 25-foot front yard setback for the single family lots in the Lynwood subdivision.

Commissioner Peters asked which side of the street the sidewalk is one.

Senior Planner McGuire Brigl commented that she was unsure but would verify on the plans.

Commissioner Peters commented that if the setback is lessened that leaves less room for driveways, parking, and yards.

Senior Planner McGuire Brigl replied that typically the sidewalk is on the north side of the street. She noted that the minimum driveway length of 25 feet would still have to be met.

**Citizen Input**

Paul Tabone, applicant, stated that the sidewalk loops around the multi-family homes and is not on the north side of the road which should alleviate that concern. He stated that a variance was received for lot sizes, and they would still like to have enough space in the front of the homes for the parking and driveways. He noted that this would be the last clean-up as they head into design.

Motion by Commissioner Peters, seconded by Commissioner VanScoy, to close the public hearing.

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

Chairperson Bauer closed the public hearing closed at 8:54 p.m.

### **Commission Business**

Motion by Commissioner Peters, seconded by Commissioner Walker, to Adopt Resolution #21-296 Approving a Variance to Front Yard Setbacks on Lots 1-12, Block 1, Lynwood Addition.

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

### **6.03: Public Hearing: Consider Resolution #21-287 Granting a Conditional Use Permit for Auto Sales at 6957 Highway 10 NW and Declaring Terms of Agreement; Case of Laws Auto Connection**

### **Public Hearing**

Chairperson Bauer called the public hearing to order at 8:56 p.m.

### **Presentation**

Planning Technician McCann presented the staff report stating that staff recommends adoption of Resolution #21-287 granting a Conditional Use Permit to Laws Auto Connection for auto sales at 6957 Highway 10 NW.

### **Citizen Input**

Jay Laws, applicant, appreciated the Commission hearing his request.

Rick Gordhammer, another business owner at 6957 Highway 10 NW, stated that Laws Auto Connection has been working under his company unlicensed for the last two years. He stated that he just learned about this request today and found out about the request to office out of his same building. He stated that he has held the required permits and licensing for all the years he has been in business. He stated that he is not happy to hear that this a similar business to his and found the information in the application to be false. He stated that consumers see one address and the only difference is the suite number. He noted that he has been operating his business for almost 20 years and is opposed to the request tonight.

Mr. Laws stated that he did not realize that his application stated that he had a license. He noted that he has operated under the license of Mr. Gordhammer for the past two years. He noted that Mr. Gordhammer has had similar partners in the past that have gained another office at the location to operate out of and was unsure why he was opposing the request. He stated that he has his auto broker license from the State and just needs the CUP.

Senior Planner McGuire Brigl commented that the Minnesota Dealers license requires the CUP. She noted that there is a lot of permitting related to selling government vehicles. She confirmed that the applicant does have his broker's license.

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

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

Chairperson Bauer closed the public hearing closed at 9:03 p.m.

### **Commission Business**

Commissioner Gengler stated that she would like clarification. She noted that there are multiple suites within the building, and it would appear that Mr. Laws was working with another business in the building but is now looking to start his own business.

Mr. Gordhammer explained that they are independent business owners. He stated that he has allowed Mr. Laws and others to work under his license, but they are all responsible for their own business. He likened this to having multiple car dealers at Mauer Main. He stated that it creates confusion from the consumer standpoint as the same address is used and only the suite number differs.

Commissioner Walker asked if Mr. Gordhammer keeps vehicles on the property.

Mr. Gordhammer confirmed that he can keep up to eight vehicles onsite but does not currently have that many.

Commissioner Walker asked the number of businesses within the building.

Mr. Gordhammer replied that there are 12 to 14 offices and he believed there was about 50 percent occupancy. He recognized that the property owner is trying to rent more space.

Commissioner Gengler asked if the tenants are all auto related businesses.

Mr. Gordhammer replied that they are different businesses. He noted that many people are working from home now because of COVID.

Commissioner Dunaway asked if there would be an adverse impact on his business if another auto broker operates out of that building.

Mr. Gordhammer commented that he has not had that problem and is unsure that a problem would be created.

Commissioner Dunaway stated that there is an auto dealership on Highway 10 that has multiple brokers that operate out of the same space.

Mr. Gordhammer noted that business is tight, and they would be vying for the same business. He stated that he used to go through 12 to 20 vehicles per month and now it is more like two to six because of the delays and slowdowns of COVID.

Commissioner Anderson asked if Mr. Laws has a business license.

Senior Planner McGuire Brigl noted that the CUP would be needed before the separate license could be obtained. She noted that it sounds like Mr. Laws has been working as an employee of another business.

Mr. Gordhammer clarified that Mr. Laws is not his employee but has been operating under his wing.

Senior Planner McGuire Brigl provided clarification on the steps that would be necessary to obtain the licensing.

Councilmember Woestehoff stated that a CUP is registered with the land and therefore if the property has a CUP for auto sales, he was unsure that another CUP would be necessary. He stated that notice was mailed and therefore asked if the notice was provided to the property owner or the individual suite tenants as well.

Senior Planner McGuire Brigl commented that notice is mailed to the property owner, and not tenants. She stated that the property owner has worked with the applicant to develop the site plan and approves of the application. She stated that the initial CUP was written for one dealer at this location. She stated that sites can have multiple dealers, but that must be specified in the CUP because of the requirements necessary from the State to support the use.

Councilmember Woestehoff asked if this were approved, and one dealer left, another dealer could come into the property under the CUP.

Commissioner VanScoy stated that there are multiple businesses in this location, one of which is an auto dealer. He asked if there is adequate parking for this additional use.

Senior Planner McGuire Brigl commented that the property owner has indicated the stalls that would be signed for this dealer to comply with the State regulations.

Commissioner Walker asked staff to display the property map in order to verify the parking available.

Senior Planner McGuire provided details on the parking that would be allocated for each dealer and additional parking spaces available to the other users and public.

Commissioner Dunaway stated that existing tenant noted that he has three stalls in the front and five in the back. He noted that the applicant stated that he would have one spot in the front and five in the back. He asked where the one front stall would be in the front.

Mr. Gordhammer stated that a customer could use one of the front stalls, but Mr. Laws would not be able to park one of his vehicles in that stall. He noted that Mr. Laws would have five dedicated spaces in the rear.

Motion by Commissioner Gengler, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #21-287 Granting a Conditional Use Permit for Auto Sales at 6957 Highway 10 NW.

### **Further discussion**

Commissioner Anderson stated that Mr. Laws does not yet have the applicable licensing and therefore he was unsure how this could be approved. Senior Planner McGuire Brigl noted that the licenses would not be granted without the CUP approval. Chairperson Bauer noted that this would be the first step. Commissioner Anderson stated that while competition is great, he would not approve the same type of business within a building. Commissioner Walker stated that he is stuck as 13 potential vehicles could be parked for sale along with customer parking. He stated that there are already many car dealers along Highway 10. He stated that while he wants to bring businesses to town, he is cautious. Commissioner Gengler stated that she can appreciate the interpersonal relationship dynamics in this case and noted that perhaps a conversation needs to be had between the two parties. She stated that putting that aside, while it is two similar businesses in the same building, there are multiple dealers in the corridor, and it is not the position of the Commission to determine where there is a market to support the business. She stated that the conditions of the CUP are met and therefore it should be granted.

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

### **6.04: Public Hearing: Consider Resolution #21-288 Granting a Conditional Use Permit for Auto Sales at 6740 Highway 10 NW and Declaring Terms of Agreement**

#### **Public Hearing**

Chairperson Bauer called the public hearing to order at 9:20 p.m.

#### **Presentation**

Planning Technician McCann presented the staff report stating that staff recommends that the Planning Commission recommend adoption of Resolution #21-288 granting a Conditional Use Permit for commercial auto sales and outdoor storage of vehicles and trucks at 6740 Highway 10 NW.

Commissioner Dunaway asked if there is a limitation on the number of vehicles that could be onsite listed for sale. He stated that he is attempting to find out where inventory would be held as there is customer parking identified along with the storage shed.

Planning Technician McCann replied that the State only requires a minimum number of stalls. He stated that as long as the minimum driveway aisle width is kept, the stalls are not required to be striped, and he was unsure there would be a maximum number.

Commissioner Walker asked what would be stored and how much could be stored outdoors.

Planning Technician McCann replied that one tow truck will be stored, and the business would office from that location but would not operate from that location.

Senior Planner McGuire Brigl commented that the applicant also wanted to store personal vehicles and allow friends to store vehicles on the property and potentially trailers. She stated that five other vehicles have been requested to allow truck driver friends to park on the property.

### **Citizen Input**

Toan Danh, applicant, stated that the outdoor storage would be trucks.

Commissioner Walker asked if someone could store a boat or RV on the property.

Mr. Danh replied that he was unsure.

Senior Planner McGuire Brigl commented staff had concerns with the number of additional items outside of the business use and therefore is only proposing outdoor storage related to the business. She stated that outdoor space could not be leased to a friend in this district.

Commissioner VanScoy asked if the applicant is requesting two dealer licenses.

Mr. Danh confirmed that they are requesting two licenses, one for his business and an allowance to bring in a second dealer.

Commissioner Dunaway asked if this would be approving two CUPs for the property with understanding of only one applicant.

Senior Planner McGuire Brigl commented that this would be a request to allow up to two auto dealers and storage for the tow truck. She noted that vehicles would not be towed to the site from the tow truck. She noted that the applicant requested additional outdoor storage space, but that request is not supported by staff.

Commissioner Dunaway asked for clarification on the truck mentioned for storage.

Mr. Danh replied that it would be a tow truck. He noted that the vehicle would be stored at the location, but they would not operate the business/tow vehicles to the site.

Commissioner Walker commented that the map shows a three-sided private fence and asked why that would not be four sided.

Senior Planner McGuire Brigl commented that is what was proposed by the applicant.

Mr. Danh replied that the intention is to make that private for security. He noted that the adjacent property already has a fence along that fourth property line.

Commissioner Gengler asked if the business is being relocated or whether this would be an additional location.

Mr. Danh replied that this would be an additional location.

Motion by Commissioner Peters, seconded by Commissioner VanScoy, to close the public hearing.

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

Chairperson Bauer closed the public hearing closed at 9:32 p.m.

### **Commission Business**

Commissioner Gengler referenced the fence and asked if this were to go forward to the Council, would the fence be included or would that be separate.

Senior Planner McGuire Brigl commented that a fence permit would be required but another hearing would not be required.

Motion by Commissioner VanScoy, seconded by Commissioner Peters, to recommend that City Council adopt Resolution #21-288 Granting a Conditional Use Permit for commercial auto sales at 6740 Highway 10 NW.

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

### **6.05: Public Hearing: Consider Resolution #21-219 Granting a Conditional Use Permit (CUP) and Declaring Terms Agreement at 7127 Highway 10 NW; Case of Ron Touchette**

### **Public Hearing**

Chairperson Bauer called the public hearing to order at 9:35 p.m.

### **Presentation**

Zoning Code Enforcement Officer Raines presented the staff report stating that staff recommends approval of the application for a Conditional Use Permit at 7127 Highway 10 NW with the conditions of a site plan review to prove adequate parking and State requirements are met. The property requires a CUP in accordance with City Code Section 117-120 for an expansion of lawful nonconforming uses. Contingent on approval from the City Council, the applicant will need to submit a full site plan review. The full site plan provides proof of adequate parking for all uses on the property, that State codes are met for the building and site requirements and demonstrates that improvements will not affect current grading.

Commissioner Gengler asked the location of the residential building.

Commissioner Anderson asked the zoning as well.

Zoning Code Enforcement Officer Raines replied that the property is part of the Highway 10 business district with some lawful nonconforming rights and uses.

Senior Planner McGuire Brigl noted that any expansion of a lawful nonconforming use requires a Conditional Use Permit, therefore conditions can be placed upon that. She noted that staff has concerns with the number of uses on the site. She reviewed the current uses on the property.

### **Citizen Input**

Ron Touchette, applicant, stated that this is a personal situation for him as this property has had challenges. He stated that the necessary improvements to Highway 10 have unfortunately caused he and his family a great deal of heartache and monetary losses. He stated that he first stood in this room 30 years ago when he started his business. He commented that legacy was nearly destroyed in 2011 when the predecessors at the City decided to put Highway 10 through his front door, causing a loss of tenants and nearly caused him to file bankruptcy. He stated that for 30 years he has operated the property with his business and the multiple tenants on the property. He stated that this City has used his body shop and continues to use that body shop to repair its vehicles. He stated that there was no such thing as a business registration license when he started his company. He stated that he personally built the building with his hands and was involved with the improvements. He stated that he worked at the site sometimes seven days per week to provide for his family. He recognized that none of these members were present in 2011 when the worst of this occurred and commented that it has been a long ten years of not being able to properly run his property because of the plans for Highway 10. He stated that he does not deny that Highway 10 needs improvement and he has worked with the City and watched the City purchase multiple properties around him. He requested that the Commission allow him to speak after they provide input on what they would like from him. He stated that he cannot live with option two that has been presented but can live with some changes. He stated that four days ago he was told that a site plan would be necessary, which he had completed by 5 p.m. tonight which he submitted to staff and has copies of tonight. He believed that the site plan would solve the concerns of the City, police and fire and would allow for a use of the property consistent with what other properties are able to do.

Zoning Code Enforcement Officer Raines clarified that the report states that the City does not have a business registration certificate on file and ask that one be provided in the future with the new CUP request. She stated that the request for the site plan review is related to the expansion of a nonconforming space.

Chairperson Bauer stated that the site plan shows a double row of parking rather than the triple row requested.

Mr. Touchette confirmed that change was made. He commented that the building and property line locations have been found to be in different places that originally believed. He stated that the neighboring property owners access their properties through his property, which is why he wants to maintain 24-foot drive aisles. He commented that the front parking has always been in that location. He provided background information on his use of the property and the businesses that have occupied the property. He stated that originally the Highway 10 plans came through his property but that has changed and therefore he needs to find something that will work for the site. He provided details on the status of his tenants. He disagreed on the classification of the retention pond and provided details. He provided details on the proposed uses. He stated that the storage containers are used for his own businesses at that location. He stated that he was not aware that storage containers could not be used. He stated that the storage containers will be moved in order to allow the paving.

Commissioner Gengler asked which items in option two would not be acceptable.

Mr. Touchette stated that it would move the fenced area into the parking area. He asked that the fence area remain where shown as he has the permit for that, along with two rows of parking in the back. He stated that he has also discussed proactive measures that would prevent parking where it should not occur. He noted that he would plan to dig a hole in that area which would prevent parking and would allow for an area to store snow.

Chairperson Bauer noted that this is zoned Highway 10 business and the only thing he would view as a lawful nonconforming use would be the residential which is not being used as such.

Senior Planner McGuire Brigl stated that an expansion would also fall into that category. She stated that there would be physical expansion of the lawful nonconforming use.

Chairperson Bauer asked what would be nonconforming as the property is zoned business and all the uses are business.

Mr. Touchette stated that in 2019 when the property was determined that it would not be taken by the Highway 10 project, he began cleanup of the property. He stated that there is a strip of asphalt near the railroad tracks that was added and noted that without permission that is an expansion of a lawful nonconforming use.

Senior Planner McGuire Brigl stated that motor vehicle related uses are conditional uses and not permitted uses. She explained that a CUP would be needed for motor vehicle sales and services

or expansion of a nonconforming use. She stated that the property currently has five dealers, and the request would be for ten dealers.

Chairperson Bauer stated that the report states that 29 spaces would be needed for Hirschfield's which are not provided on the site plan. He noted that he could not imagine Hirschfield's have 29 customers and employees at the same time, therefore that parking seems excessive.

Mr. Touchette stated that he has 37 stalls allocated for Hirschfield's.

Chairperson Bauer stated that with the double row of parking it would appear there is more than adequate parking for all the uses.

Senior Planner McGuire Brigl commented that dealers can be hard to keep track of. She stated that when there is an increase in the number of dealers, enforcement tends to increase from the City and State.

Chairperson Bauer asked if the enforcement would go against the property owner or dealer.

Senior Planner McGuire Brigl replied that it goes against the property owner.

Commissioner VanScoy noted that Mr. Touchette would then have a vested interest.

Mr. Touchette confirmed that he does and noted that the dealer that was causing problems is leaving the site this weekend.

Commissioner Anderson asked and received confirmation that the violations have been cleared with the exception of the containers.

Chairperson Bauer noted that the Interim Use Permit would allow the containers until December 2021, but it sounds like they will be gone before then. He stated that the parking looks adequate, and a permit has been received for the fence.

Senior Planner McGuire Brigl confirmed that the site plan would be acceptable. She stated that they would want a survey to ensure the gravel does not protrude into the railroad right-of-way.

Commissioner VanScoy stated that the basin was mentioned in return for not paying stormwater fees.

Mr. Touchette stated that in order to classify that as a stormwater pond he would have to go through engineering that would be more than the cost of the fees.

Commissioner Anderson asked if the Highway 10 project would impact this property.

Senior Planner McGuire Brigl confirmed that this property would no longer be impacted. She stated that there would be a frontage road but that would not impact this property.

Mr. Touchette commented that the decision cannot be based on whether or not land will be taken. He stated that while it has been stated that his property is not needed, he is unsure that a frontage road would fit.

Commissioner Anderson stated that he likes the site plan presented. He stated that he is not crazy about the street facing look of the residential property. He noted that it needs to be painted or sided.

Mr. Touchette agreed that the home needs attention or needs to be removed. He stated that he has had a tenant in the space for the last year that he was unable to remove even though they have not paid rent for 19 months. He hoped that they would be able to remove the tenant in the near future. He stated that he was hesitant to invest in the property during the last 10 years because the property was going to be taken.

Commissioner Gengler again referenced option two, noting that it appears the site plan addresses those conditions.

Mr. Touchette stated that he does not have landscaping as there has never been landscaping on the property.

Zoning Code Enforcement Officer Raines stated that the site plan review will be a separate step and that would include those elements such as landscaping.

Senior Planner McGuire Brigl noted a previous case that went through an administrative site plan process and stated that this would follow a similar path.

Chairperson Bauer noted that it would appear that alternative one could be chosen with the understanding that the site plan review would be required.

Senior Planner McGuire Brigl stated that it would appear that the conditions of staff from alternative two are met through the site plan and therefore options one and two would appear to be the same.

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

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

Chairperson Bauer closed the public hearing closed at 10:23 p.m.

### **Commission Business**

Motion by Commissioner Anderson, seconded by Commissioner Dunaway, to recommend that City Council adopt Resolution #21-219 Approving a Conditional Use Permit and Interim Use

Permit at 7127 Highway 10 NW and for the applicant and staff to work together on the site plan changing the number of dealers from nine to ten.

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

## **7. COMMISSION BUSINESS**

### **7.01: Review Ordinance Amending Digital Display Billboard Regulations**

Chairperson Bauer noted that the group thoroughly discussed this at the worksession earlier in the night.

Motion by Commissioner Gengler, seconded by Commissioner Peters, to recommend the City Council introduce the ordinance amending digital display billboard regulations with the changes proposed by the Commission.

#### **Further discussion**

Commissioner VanScoy commented that he does not approve of allowing billboards in the City of Ramsey. He stated that this would change the current restriction, as billboards are not currently allowed. He did not want to see billboards, even along Highway 10.

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

## **8. COMMISSION / STAFF INPUT**

Senior Planner McGuire Brigl stated that Joann Shaw, a long-term planning employee, is retiring on November 4<sup>th</sup> and advised of the Administrative Assistant that will be joining the team. She stated that the new Community Development Director/Deputy City Administrator will also be joining the team the following week.

Councilmember Woestehoff provided additional details on the experience of the new Community Development Director/Deputy City Administrator.

Commissioner VanScoy commented that there were many comments related to the lack of communication. He asked if placing public announcements in the newspaper is standard practice.

Senior Planner McGuire Brigl confirmed that is the standard practice. She confirmed that the notice in 2011 would have been published in the newspaper as required as well.

Commissioner Anderson referenced the small number of residents that read the public notice portion of the paper and/or read the City newsletter. He commented that the City website is difficult to navigate. He stated that perhaps there should be a banner with public announcements on the website. He acknowledged that communication is a tough issue, and the Council has to

figure out a better method. He stated that he was a part of the 2040 Comprehensive Plan process, which included input from the public and maps and diagrams but not many residents participate in that process.

Commissioner Walker commented that the City should spend the additional funds to have tracked delivery for notices as that would provide a record.

Commissioner Anderson commented that there is a communication issue with the residents that has to be fixed.

Councilmember Woestehoff noted that the website is updated every four years, which he believes is slated for perhaps 2023.

Mike Smith, resident of Chicago, stated that perhaps residents could provide their email address and be notified through email.

Councilmember Woestehoff stated that residents can subscribe to updates for any Board, Commission, or the City Council.

## **9. ADJOURNMENT**

Motion by Commissioner Dunaway, seconded by Commissioner Anderson, to adjourn the meeting.

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

The regular meeting of the Planning Commission adjourned at 10:37 p.m.

Respectfully submitted,

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Chloe McGuire Brigl  
Senior Planner

ATTEST:

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Brian McCann  
Planning Technician

Drafted by Amanda Staple  
*TimeSaver Off Site Secretarial, Inc.*

## Regular Planning Commission

5. 2.

**Meeting Date:** 11/18/2021

**By:** Brian McCann, Community  
Development

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### Information

**Title:**

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

**Purpose/Background:**

A proposed ordinance to regulate additional driveway space, and parking pads in the City of Ramsey. The City currently regulates driveway standards in regards to 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.

**Notification:**

Notification is not required at this time. A notice will be advertised in the Anoka County Union-Herald when it is introduced to the City Council.

**Observations/Alternatives:**

Summary:

At the June Planning Commission regular meeting, the Planning Commission had requested an ordinance update to create more requirements for parking pads and width of driveways in residential districts. The Commission had stated they would like to see a limited width 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. Planning Staff members have drafted Ordinance #21-15 for review by the Planning Commission to determine if it would meet their proposed requirements, and be sent to the City Council for formal adoption.

July Planning Commission 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
- Driveways: 15 foot extension requirement for the side yard of a primary garage exclusively
- Graphic included in the attachments to demonstrate proposed ordinance restrictions on driveways and parking pads

Staff have also included regulations from surrounding cities - although many surrounding cities did not have any additional standards for parking pads, just for driveways.

September Regular Meeting

The Planning Commission recommended changing the size limitation of parking pads based on acreage, and not the number of vehicles permitted by City Code. The proposed Ordinance would 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

Requested revisions included 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.

**Alternatives:**

Alternative 1: Recommend adoption of Ordinance #21-15 to the City Council. Staff supports this alternative.

Alternative 2: Recommend additional changes be made to Ordinance #21-15, and an updated draft be presented to the Planning Commission at their next regular meeting.

Alternative 3: Recommend denial of Ordinance #21-15 to the City Council. Staff does not support this alternative.

**Funding Source:**

This case is being handled as part of Staff's regular duties.

**Recommendation:**

Staff recommends forwarding Ordinance #21-15 to the City Council for adoption.

**Action:**

Motion to recommend City Council adopt Ordinance #21-15.

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**Attachments**

Ordinance 21-15

Example Drawings

Surrounding City Regulations

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**Form Review**

**Inbox**

Bruce Westby

Brian Hagen

Form Started By: Brian McCann

Final Approval Date: 11/12/2021

**Reviewed By**

Bruce Westby

Brian Hagen

**Date**

11/12/2021 07:50 AM

11/12/2021 08:46 AM

Started On: 11/01/2021 10:22 AM

**ORDINANCE #21-15**

**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.*

<sup>2</sup>A 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. Variances. Variances 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. Variances. Variances 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 #20-15 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 #20-15 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:

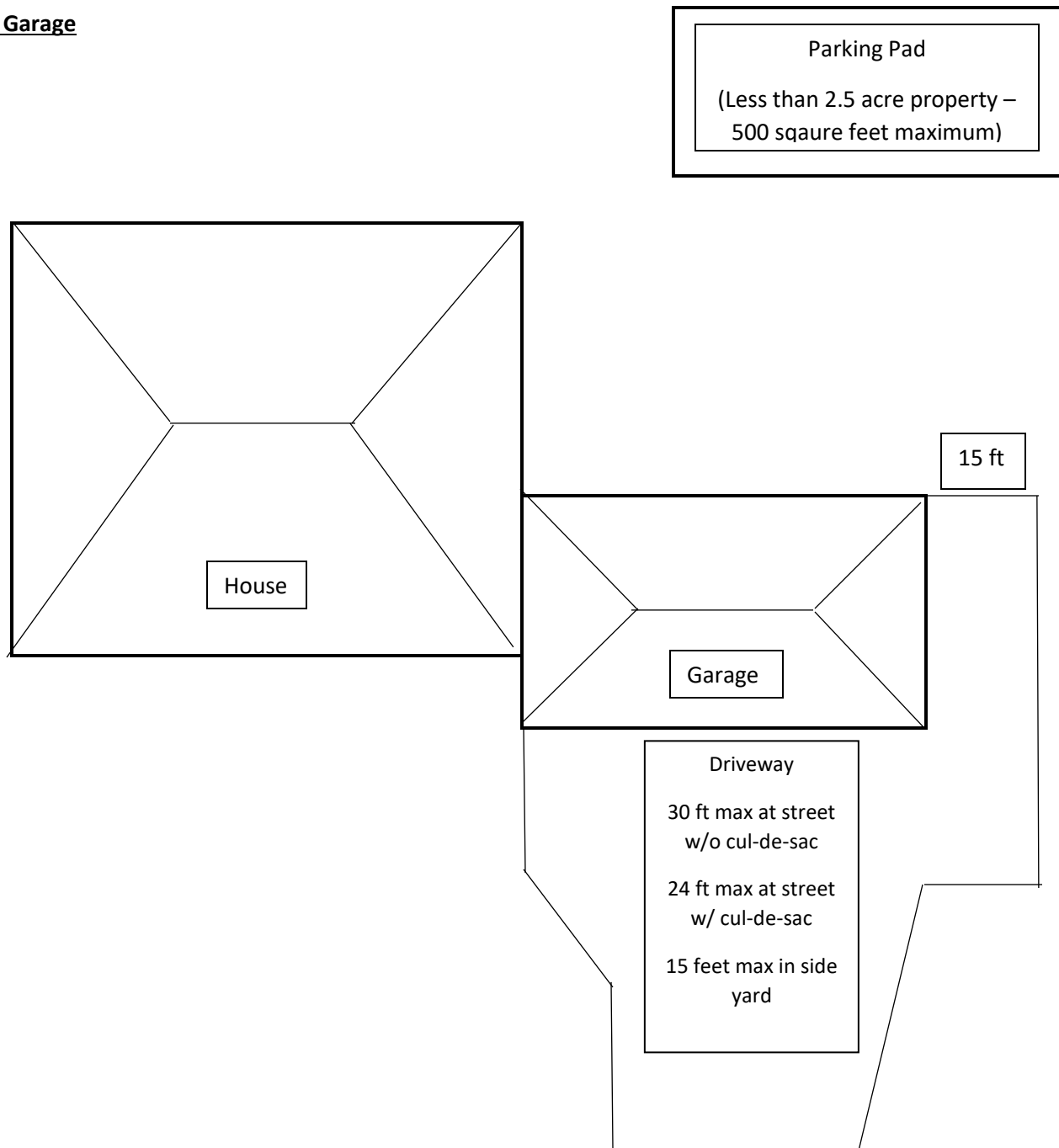
Posting dates:

Adoption date:

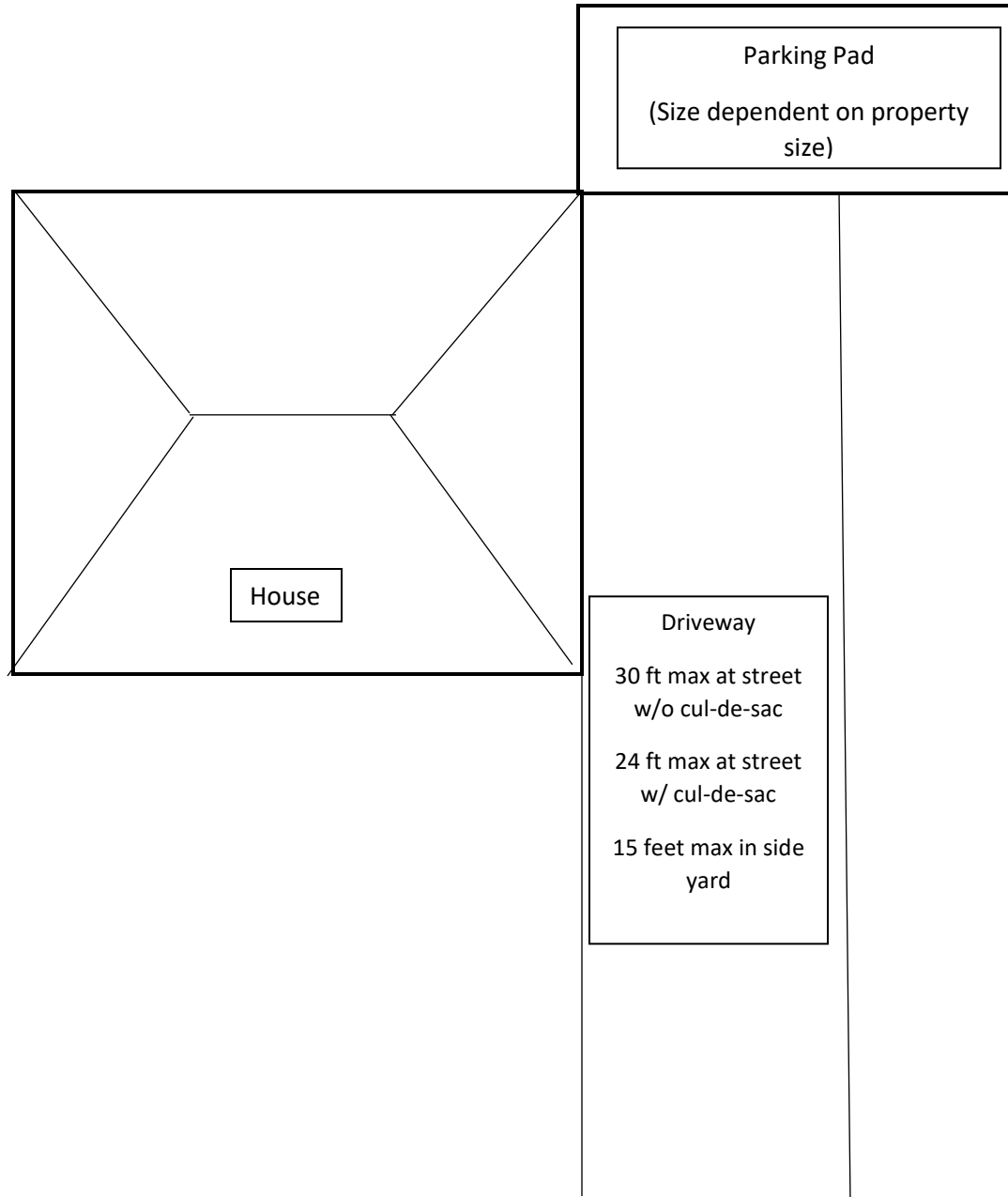
Publication date:

Effective date:

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

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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

## Regular Planning Commission

6. 1.

**Meeting Date:** 11/18/2021

**Submitted For:** Bria Raines, Community Development

**By:** Bria Raines, Community Development

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### Information

**Title:**

PUBLIC HEARING: Consider Resolution #21-313 Granting A Variance to 16501 Jarvis Street NW; Case of Allen and Alycia Skogquist

**Purpose/Background:**

The purpose of this case is to consider a request from Allen and Alycia Skogquist (the "Applicants") for a self-closing pool cover in place of a fence surrounding a ground pool at 16501 Jarvis Street NW (the "Subject Property"). The Subject Property is approximately 127.11 acres over three parcels. The parcel containing the principle structure and pool is approximately 43.44 acres. The property is R-1 Rural Developing Zoning District. The Subject Property abuts Trott Brook river and wetlands.

The Applicants were issued a Building Permit on September 16, 2021 for an accessory structure and swimming pool. The provided site plan showed that a fence would be installed per City Code. At this time, there is no fence surrounding the pool.

**Notification:**

The City attempted to send a mailing via Standard US Mail to property owners within 350 feet of the Subject Property, as noted in the Anoka County Property Records, notifying them of the public hearing. The notice was also published in the Anoka County UnionHerald.

**Observations/Alternatives:**

The Applicants were issued a Building Permit on September 16, 2021 for an accessory structure and swimming pool. The provided site plan showed that a fence would be installed per City Code. At this time, there is no fence surrounding the pool.

The Applicants are requesting a variance from the fencing requirement for a ground pool to allow for a self-closing pool cover to satisfy safety requirements. Existing Ramsey City Code, Section 105-55 (b2), requires "all in ground swimming pools shall require that the area be secured by a permanent fence at least four feet in height". The Applicants have an automatic swimming pool cover that has the following safety standards:

- The static load test for weight support. The cover should be able to hold a weight of at least 485 lbs (the estimated average weight of 2 adults and one child) to permit rescue operation.
- Perimeter Deflection Tests for entry or entrapment between the cover and the side of the pool. The cover must demonstrate that any opening is sufficiently small and strong enough to prevent the test object being passed through.
- The Surface Drainage Test that safeguards against a dangerous amount of water collecting on the cover's surface.
- Labeling requirements must include basic consumer information such as the warranty information, the appropriate warnings as described in the standard and acknowledge the product as a safety cover.

Peer communities, Minnetrista and Elk River, do allow a four (4) foot fence to be replaced with an American Society for Testing and Materials (ASTM) certified, F1346-91 safety cover. Andover and Blaine allow alternatives to a fence, if approved by the Building Official.

### Variance Considerations

When considering granting a variance, statute states that the Planning Commission should consider the following three questions, which is the three-pronged test to decide if there is a practical difficulty onsite:

- **Is the request reasonable?** A pool is a reasonable request and an allowed use. A Building Permit has been issued, but was contingent on the four (4) foot fence that was shown in the site plans. Other cities have allowed this specific pool cover type as an alternative to a permanent fence. The City Code requirement is in place for safety of all. According to the American Society for Testing and Materials (ASTM), the pool cover is safe.
- **Is the situation unique?** The Subject Property is over 120 acres. There are few properties of this size in the City of Ramsey. The pool is not within a close proximity to adjacent property dwellings.
- **Would the request alter the essential character of the neighborhood?** Staff does not feel that the request would alter the character of the neighborhood. The property and surrounding properties are part of the Rural Developing District with larger lot sizes.

Based on the three factor test above, Staff feels that the request meets the requirements to pass a variance.

**Funding Source:**

The Applicant is responsible for all costs associated with this project and review.

**Recommendation:**

**Action:**

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**Attachments**

[Application](#)

[Applicant's Site Plan](#)

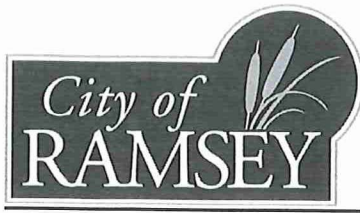
[Photos of Pool Cover](#)

[Research of Peer City Codes](#)

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Bruce Westby	Bruce Westby	11/12/2021 08:25 AM
Brian Hagen	Brian Hagen	11/12/2021 08:57 AM
Form Started By: Bria Raines		Started On: 10/22/2021 10:35 AM
Final Approval Date: 11/12/2021		



## Land Use Application

<input type="checkbox"/> Plat – Sketch Plan	<input type="checkbox"/> Plat – Preliminary Plat	<input type="checkbox"/> Plat – Final Plat
<input type="checkbox"/> Administrative Plat	<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Easement Encroachment
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Interim Use Permit	<input type="checkbox"/> Comprehensive Plan Amendment
<input type="checkbox"/> Zoning Amendment	<input type="checkbox"/> Home Occupation Permit	<input checked="" type="checkbox"/> Variance
<input type="checkbox"/> Dwelling Moving Permit	<input type="checkbox"/> Environmental Permit	<input type="checkbox"/> Registered Land Survey
<input type="checkbox"/> Non-Traditional Animal License	<input type="checkbox"/> ROW Vacation	<input type="checkbox"/> Private Kennel License

### Applicant Contact Information

*Please note: All official communication will be routed through this contact.*

Name:	ALLEN SKOGQUIST		
Street Address:	16501 JARVIS STREET NW		
City, State, ZIP:	RAMSEY, MN 55303		
Home Phone:	612-363-2974	Work Phone:	612-363-2974
Email:	ASKogquist@NORTHLANDCM.COM	Fax Number:	N/A
Name of Business (if applicable):	N/A		
Business Address (if applicable):	N/A		
Business City, State, ZIP:	N/A		
Business Phone:	N/A	Business Fax:	

### Subject Property Information

*(Location of Application)*

Address	16501 JARVIS STREET NW, RAMSEY, MN <sup>55303</sup>
PIN	
Legal Description	
Zoning District	

Contact the Planning Division at 763-433-9824 or [planning@cityoframsey.com](mailto:planning@cityoframsey.com) to request a Zoning Verification

## Property Owner Information

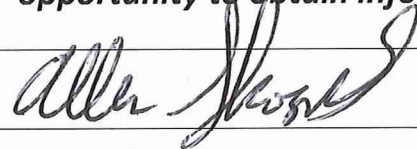
(If different than Applicant)

Name:	ALLEN SKOGQUIST		
Street Address:	16501 JARVIS STREET NW		
City, State, ZIP:	RAMSEY, MN 55303		
Home Phone:	612-363-2974	Work Phone:	N/A
Email:	ASKOGQUIST@NORTHLANDCM.COM	Fax Number:	N/A

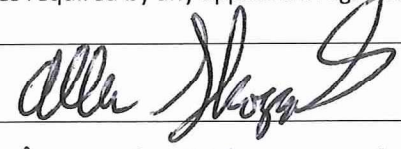
Please provide a detailed description of your request and attached a copy of a scaled site plan

I DON'T WANT TO INSTALL A POOL FENCE
BECAUSE I AM OUT ON 127 ACRES AND
THE POOL HAS AN AUTO COVER ON IT FOR SAFETY.

**A "Land Use Sign" will be placed on the Subject Property to allow Ramsey Residents the opportunity to obtain information about your request.**

Applicant Signature		Co-Applicant Signature	
Printed Name	ALLEN SKOGQUIST	Printed Name	
Title	OWNER	Title	
Date	10-22-21	Date	

I understand that the application fee is non-refundable. All costs associated with the processing of this application are the responsibility of the applicant whether this application is approved or denied. Any excess of escrow account deposits over expenditures will be refunded at the time of account closure. I also understand that as the applicant, it is my responsibility to obtain all other permits or licenses required by any applicable regulatory agencies for this Land Use Application.

Property Owner Signature		Property Owner Signature	
Printed Name	ALLEN SKOGQUIST	Printed Name	
Title	OWNER	Title	
Date	10-22-21	Date	

I hereby certify that I am the fee title owner/contract for deed vendee of record for the above-mentioned property. Failure to prove ownership may void any agreements entered into the City and I will be held liable for any and all costs incurred by the City.

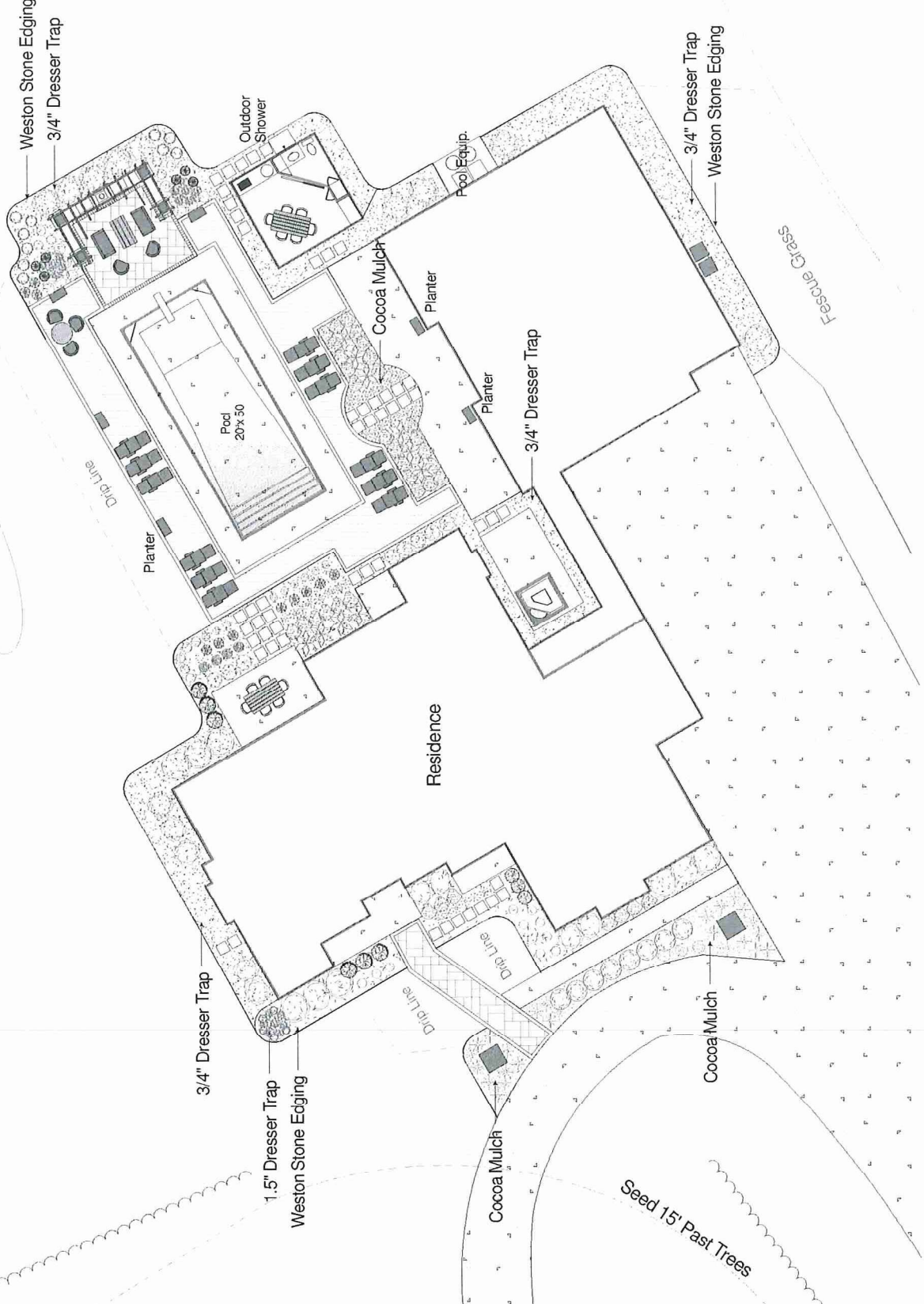
Drip Line Large Planting Beds

Common Name	Qty
Flower, Bulb	25
Allium	
Flower, Perennial	5
Aster, Woods Light Blue	32
Astilbe, Rheinland	6
Coneflower, Pow Wow Midberry	4
Daisy, Shasta Daisy May	10
Peony, Sarah Bernhardt	12
Phlox, Creeping Pink	22
Rudbeckia, Goldsturm	10
Salvia, May Night	11
Sedum, Dazzleberry	
Shrub, Deciduous	3
Barberry, Crimson Pygmy	8
Dogwood, Artic Fire	10
Hydrangea, Annabelle	9
Hydrangea, Bobo	10
Hydrangea, Limelight	6
Ninebark, Little Devil	9
Ninebark, Summer Wine	8
Shrub, Evergreen Broadleaf	35
Azalea Compact	
Boxwood, Chicagoland Green	
Tree, Deciduous	3
Hydrangea, Limelight Tree	
Lilac, Miss Kim	1



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Revision #	01/2021
Date	11/2021
Drawn by	Jesse Sappalich
Checked by	Jesse Sappalich
Scale	1" = 20'
Project	MT Carpenter Landscapes, Inc.



Burry Septic Lids

Weston Stone Edging  
3/4" Dresser Trap

3/4" Dresser Trap

1.5" Dresser Trap  
Weston Stone Edging

Cocoa Mulch

Seed 15' Past Trees

Cocoa Mulch

3/4" Dresser Trap  
Weston Stone Edging

Fescue Grass

Residence

Cocoa Mulch

Planter

Planter

3/4" Dresser Trap

Pool Equip.

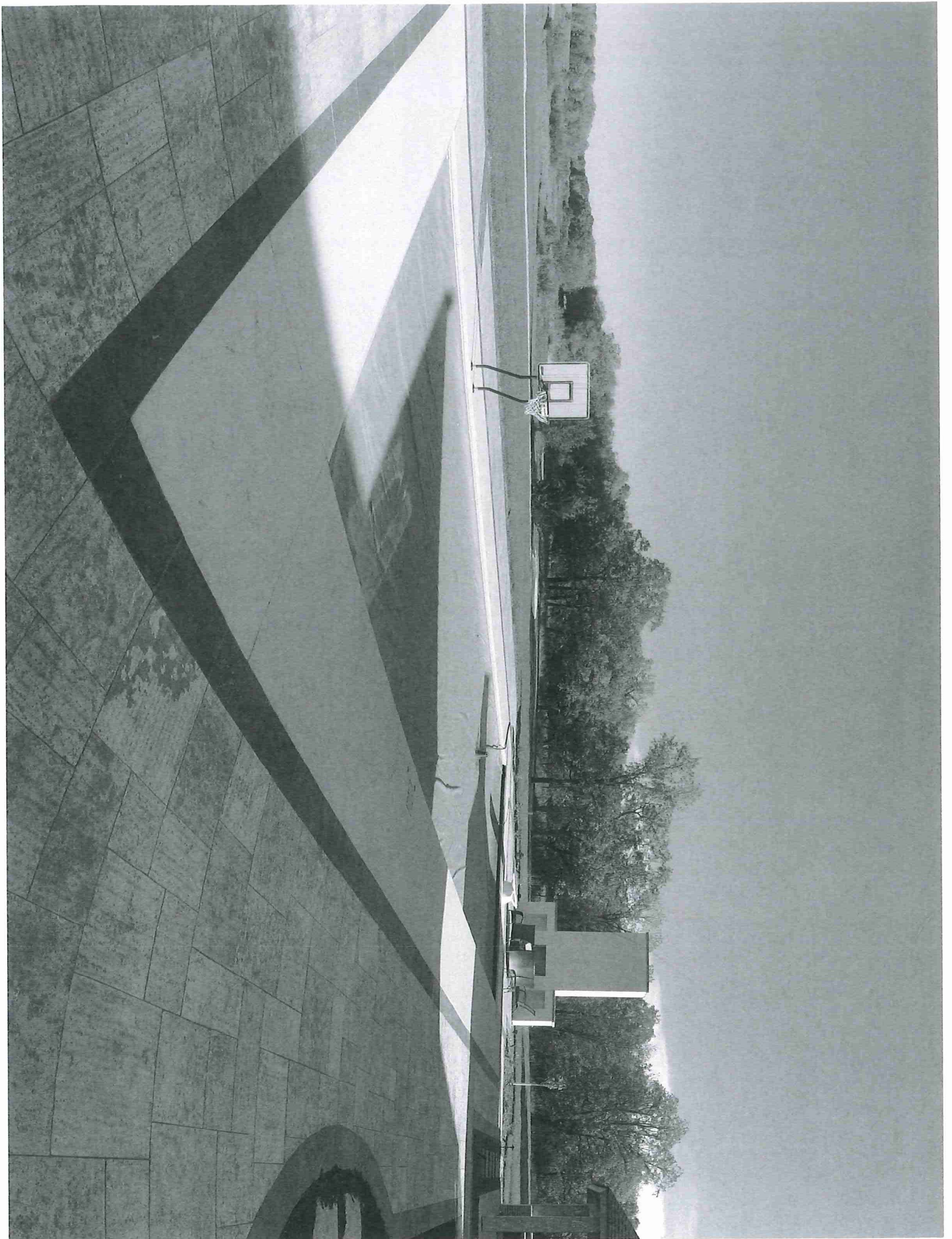
Outdoor Shower

Pool  
20x30

Planter

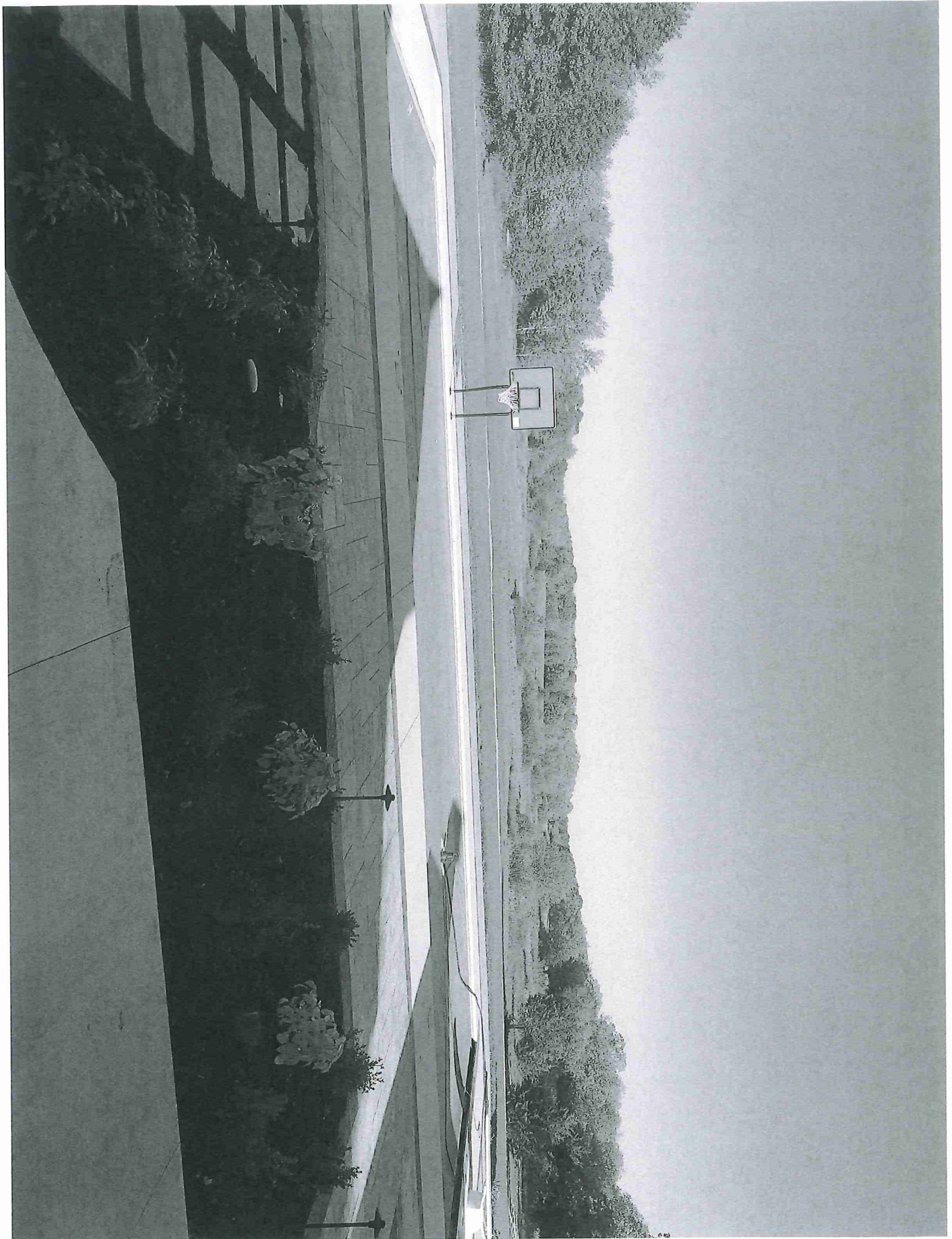
Drip Line

Drip Line











## Peer Community Pool Fencing Research

### [Anoka](#)

#### **Sec. 18-235. - Fences.**

Outdoor private residential swimming pools shall be protected by a fence, wall or building or other enclosure or any combination thereof. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence and gates shall be at least four feet in height. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children and provided with hardware for permanent locking devices. The openings between the bottom of the fence and the ground surface shall not be more than four inches.

### [Andover](#)

#### **9-4-5: Access Barrier Requirements**

##### A. Outdoor Swimming Pools:

- 1) All outdoor swimming pools constructed shall be completely enclosed by an access barrier consisting of, fence, wall, combination thereof, or equally protective barrier of the non-climbing type, so as to not be penetrable by toddlers. Such access barrier shall afford no external handholds or footholds and be a minimum of four feet (4') in height. An access barrier must be provided for aboveground pools except where the side wall height is entirely at least four feet (4'), and the only pool access is by removable steps, which must be removed when the swimming pool is unattended. (Amended Ord. 488, 3-5-19)
- 2) All outdoor points of entry through the access barrier or fence into the swimming pool area shall be equipped with self-closing and self latching devices. Openings through or below the access barrier shall not allow the passage of a 4-inch diameter sphere. (Amended Ord. 488, 3-5-19)
- 3) Alternative barrier/s to swimming pool fence may be allowed by the Building Official where determined that the alternative barrier is equally impenetrable and protective of public safety. Plans and specifications for any alternative barrier must be submitted to the Building Official and must substantially demonstrate equal protection of public safety. A retractable pool cover alone is hereby determined to not be equally protective.

### [Blaine](#)

#### **Section 18-424. – Standards.**

(b) Barrier/fencing and post materials shall be of substantial construction, decay or corrosion resistant, and capable of resisting a 200 pound lateral load applied in any direction at any point along the top. All fence posts shall be set in concrete bases or other suitable protection. Alternative barrier construction materials, climbing protection, and design must be approved by the building official.

### [Dayton](#)

#### **1001.14 General Regulations – Subd. 9 Swimming Pools**

##### (5) Safety fence required.

a. Fence required. A safety fence at least 4 feet in height shall completely enclose the pool. All openings or points of entry into the pool area shall be equipped with gates or doors. All gates and doors shall have a latch which shall be so constructed and so placed as to be inaccessible to small children. All

gates and doors shall be latched and locked to prevent access to the pool when the pool is not in use. Any opening between the bottom of the fence and the ground level shall not exceed 3 inches.

#### [Elk River](#)

##### **Section 30-796 – Fences; visibility at intersections and driveways.**

(e) General requirements for fences.

(4) Pools.

- a) All below ground swimming pools require a building permit and shall be enclosed with a fence or covered with an automatic pool cover when not supervised.
- b) The fencing or automatic pool cover must be installed prior to filling the pool.
- c) Fencing shall be chain link, vertical pickets or solid. Spaces between the bottom of the fence and the ground or between the pickets shall not exceed four inches.
- d) Fencing shall be a minimum of four feet in height and all gates shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children and provided with hardware for permanent locking devices.
- e) Automatic pool covers shall meet the standards of F1346-91 (reapproved 1996) of American Society of Testing and Materials (ASTM), as such standards may be modified, superseded or replaced by ASTM.
- f) All above ground pools that require a building permit shall have access controlled with a means to prevent access into the above ground pool when unoccupied. Failure to prevent access into an above ground pool when unoccupied is a misdemeanor.
- g) All pool related chemicals shall be stored inside the home or an accessory structure.

#### [Minnetrista](#)

##### **505.07 General Regulations - Subd. 9. Accessory Structures and Uses**

(d) Swimming Pools. Where noncommercial swimming pools are constructed as accessory structures in residence districts, a four-foot high safety fence with self-closing and self-latching gates or an automatic pool cover is required, except in the AP-agriculture preservation and A-agriculture zoning districts. The automatic pool cover shall meet the standards of F1346-91 of the American Society of Testing and Materials (ASTM), as such standards may be modified, superseded or replaced by ASTM. Fences shall be identified on the survey and submitted with the building permit application. It shall be the responsibility of the building permit applicant and property owner to submit materials ensuring compliance with the ASTM standards for an automatic pool cover prior to the issuance of a building permit. Compliance with the ASTM standards shall be shown with the building permit application for the pool. Any person violating this ordinance shall be guilty of a misdemeanor.

#### [Nowthen](#)

No mention of swimming pool ordinances regarding fences.

#### [Oak Grove](#)

No mention of swimming pool ordinances regarding fences.

**Regular Planning Commission**

6. 2.

**Meeting Date:** 11/18/2021

**Submitted For:** Bria Raines, Community Development

**By:** Bria Raines, Community Development

**Information**

**Title:**

Consider 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.

This change is very minor and more administrative in nature.

**Notification:**

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

**Action:**

Motion to recommend the City Council introduce Ordinance #21-20 Amending City Code Chapter 117, Sections 1 and 351 Regarding Home Occupations.

**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	Bruce Westby	11/12/2021 08:18 AM
Brian Hagen	Brian Hagen	11/12/2021 08:54 AM
Form Started By: Bria Raines		Started On: 10/28/2021 06:51 PM



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## 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.

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*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

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- 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.

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*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.

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*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

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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.

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*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.

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*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.

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*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).

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*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

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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,

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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.

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*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.

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*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 structure, ~~or~~ an accessory structure, or on the property that is zoned for residential use, by persons residing on the property.

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*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.

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*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

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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.

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*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

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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.

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*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.

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*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.

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*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.

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*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

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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.

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*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.

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*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.

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*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

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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.

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*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.

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*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."

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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.

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*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)

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## 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.

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(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

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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

<b><u>City</u></b>	<b><u>Prohibited Uses</u></b>	<b><u>Maximum Floor Area</u></b>	<b><u>HOP, CUP, or IUP</u></b>	<b><u>Nonresident Employees</u></b>
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"> <li>• Motor vehicle repair, service or painting, or any repair or servicing of vehicles or equipment with internal combustion engines.</li> <li>• A barber shop or beauty salon designed to serve more than one (1) client at a time.</li> <li>• 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.</li> <li>• Sexually oriented uses, as defined in Chapter 549, Downtown Districts.</li> <li>• Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.</li> <li>• Uses allowed in the Commercial or any industrial district.</li> </ul>	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.

~~j.i.~~ 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 18<sup>th</sup> day of November, 2021.

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Mayor

ATTEST:

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City Clerk

Introduction date:

Posting dates:

Adoption date:

Publication date:

Effective date: