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- 1 Green Text = Existing language verbatim.
 - 2 Gold Text=Partially verbatim, paraphrased, or combined carried over paragraphs.
 - 3 ~~Red Text~~ = Text deleted from a carried over paragraph
 - 4 Blue Text = New text
 - 5 Purple Text = Text added based on Planning Commission Comments
 - 6 Maroon Text = City Council input

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9 100 Title

10 This chapter may be known, cited, and referred to as the “Ramsey Zoning Code” or “Zoning Code,” except
11 as referred to herein where it may be known as “this chapter.”

12
13 101 Authority

14 This chapter is enacted pursuant to the authority granted by the Municipal Planning Act, M.S. §§ 462.351
15 to 462.364, as amended from time to time.

16
17 102 Purpose

18 The following zoning provisions and the zoning map established hereby have been enacted in accordance
19 with an adopted Comprehensive Plan of land use for the purpose of: promoting the health, safety, morals,
20 comfort, convenience, prosperity, and general welfare of the residents of the city; dividing the city into
21 zones or districts restricting and regulating therein the location, erection, construction, reconstruction,
22 alteration, and use of buildings, structures, and land for specified uses; regulating the intensity of the use
23 of land; regulating and determining the area of open spaces surrounding buildings in order to prevent the
24 overcrowding of land and to ensure adequate light and air; protecting waterways and natural resources;
25 establishing building lines and the location of buildings designed for specified industrial, commercial,
26 residential and other uses within such areas and fixing standards to which buildings or structures shall
27 conform therein; prohibiting uses, buildings, or structures incompatible with the character of the specified
28 districts; preventing additions to and alterations or remodeling of existing buildings or structures in such
29 a way as to avoid the restrictions and limitations imposed hereunder; limiting congestion in the public
30 streets by providing for off-street parking and loading and unloading of vehicles; providing for the gradual
31 elimination of nonconforming uses of land, buildings and structures; and conserving the economic value
32 of land and buildings throughout the city.

33
34 103 Coordination with other Codes

35 This chapter is intended to work in tandem with the adopted state Building Codes and state Fire Codes
36 and any locally-adopted optional chapters as amended from time to time. It is also intended to work in
37 tandem with the regulations set forth from the local watershed management organization. Nothing in
38 this chapter is intended to preclude or supersede any requirements in those Codes or regulations.

39
40 104 Rules of Construction and Interpretation

- 41 (A) *Conflicting conditions.* Where the conditions imposed by any provision of this chapter are either
42 more or less restrictive than comparable conditions by another provision of this chapter or by other
43 chapters of this Code, rule or regulation of the City, the provision which imposes the more restrictive
44 condition, standard, or requirement shall prevail.
- 45 (B) *Language rules of construction.* The language set forth in the text of this chapter shall be interpreted
46 in accordance with the following rules of construction:
 - 47 (1) All measured distances expressed in feet shall be the nearest tenth of a foot. All distances
48 unless otherwise specified shall be measured horizontally.

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- 1 (2) The present tense includes the past and future tenses; and the future tense includes the
2 present tense.
- 3 (3) The singular number includes the plural; and the plural number includes the singular.
- 4 (4) The words “shall” and “must” are mandatory and the words “should” and “may” are
5 permissive.
6

7 105 Definitions

8 If a word or term defined in this chapter appears in the text, its meaning may be construed as set forth in
9 the definition of the word or term as found this section, except where the context clearly indicates a
10 different meaning. If a word is not defined herein, a term is defined by commonly used English language
11 dictionaries.
12

13 Several definitions are identified by (*MRCCA*) and (*Shoreland*) representing the meanings used in their
14 respective overlay district regulations.
15

16 *Access path.* An area designated to provide ingress and egress to public waters.

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

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

21 *Addition* means a physical enlargement of an existing structure.

22 *Adjacent.* Having a boundary that physically touches or adjoins.

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

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

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

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

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

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

48 *Adult use — hotel or motel* means adult hotel or motel means a hotel or motel from which minors are
49 specifically excluded from patronage and wherein material is presented which is distinguished or

1 characterized by an emphasis on matter depicting, describing or relating to specified sexual activities
2 or specified anatomical areas.

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

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

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

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

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

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

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

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

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

46 (1) *Specified anatomical areas.*

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

49 b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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- 1 (2) *Specified sexual activities.* Actual or simulated sexual intercourse, oral copulation, anal
2 intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals,
3 flagellation or torture in the context of a sexual relationship, or the use of excretory functions in
4 the context of a sexual relationship, and any of the following sexually oriented acts or conduct:
- 5 a. Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty,
6 pedophilia, piquerism, sapphism, zooerasty;
 - 7 b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence;
 - 8 c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
 - 9 d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast;
 - 10 e. Situations involving a person, any of whom are nude, clad in undergarments or in sexually
11 revealing costumes, and who are engaged in activities involving the flagellation, torture,
12 fettering, binding or other physical restraint of any such persons;
 - 13 f. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human
14 being;
 - 15 g. Human excretion, urination, menstruation, vaginal or anal irrigation.
- 16 *Adult uses — accessory* means a use, business, or establishment having ten percent of its stock in trade
17 or floor area allocated to, or 20 percent of its gross receipts derived from movie rentals or magazine
18 sales.
- 19 *Adult uses — principal* means a use, business, or establishment having more than ten percent of its stock
20 in trade or floor area allocated to, or more than 20 percent of its gross receipts derived from, any
21 adult use.
- 22 *Agricultural use* means the raising, cultivation, drying, or storage of agricultural products for sale, or the
23 storage of machinery or equipment currently used in support of agricultural production by the same
24 farm entity in addition to the production for sale of livestock, dairy animals, dairy products, poultry or
25 poultry products, fur bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains,
26 or bees and apiary products. Wetlands, pasture, and woodlands accompanying land in agricultural use
27 shall be deemed to be in agricultural use.
- 28 *Alternative design.* Subdivision design methods such as conservation design, transfer of development
29 density, or similar zoning and site design techniques that protect open space and natural areas.
- 30 *Amortization* means the establishment of a time schedule over which the cost of an investment is
31 depreciated.
- 32 *Animal Service Business* means a business that provides veterinary care, grooming, training, and/or
33 boarding to pets and animals.
- 34 *Applicant* means a person who is applying for a *land use application approval* as required by this chapter.
35 The term "applicant" also means that person's agents, employees, and others acting under this
36 person's direction.
- 37 *Assisted Living, Memory Care, and Nursing Home Facilities* means a state-licensed residential structure
38 where varying levels of medical care are provided for its residents.
- 39 *Attached (structures)* means structures physically sharing foundations and walls.
- 40 *Auto salvage.* See *Vehicle wrecking yard*.
- 41 *Barge fleeting.* Temporarily parking and securing barges on the river, on or off channel, while tows are
42 assembled or broken up.
- 43 *Base flood elevation* means the elevation of the "regional flood". The term "base flood elevation" is used
44 in the flood insurance study.
- 45 *Basement* means any area of a structure, including crawl spaces, having its floor or base subgrade
46 (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- 47 *Berm* means an earthen mound designed to provide visual interest, screen undesirable views, and/or
48 decrease noise.

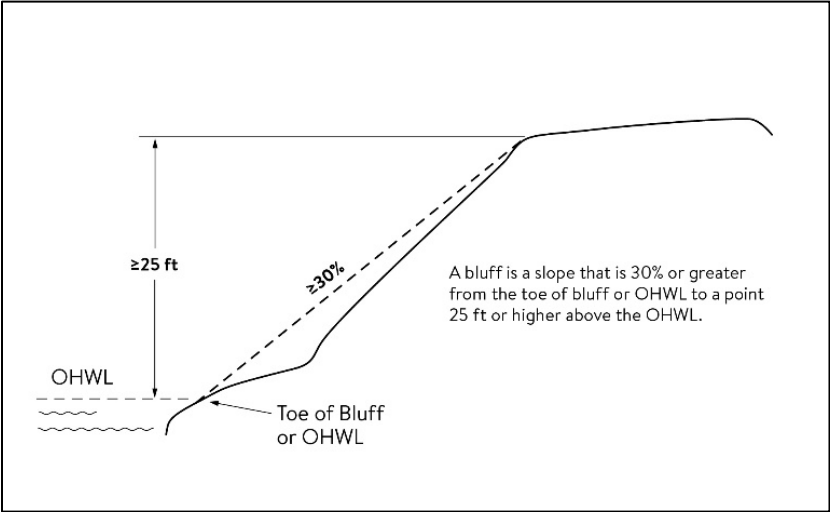
1 *Best management practices (BMPs)* means erosion and sediment control and water quality management
2 practices that are the most effective and practicable means of controlling, preventing, and minimizing
3 degradation of surface water, including construction-phasing, minimizing the length of time soil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

12 *Biological and ecological functions.* The functions of vegetation in stabilizing soils and slopes, retaining
13 and filtering runoff, providing habitat, and recharging groundwater.

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

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

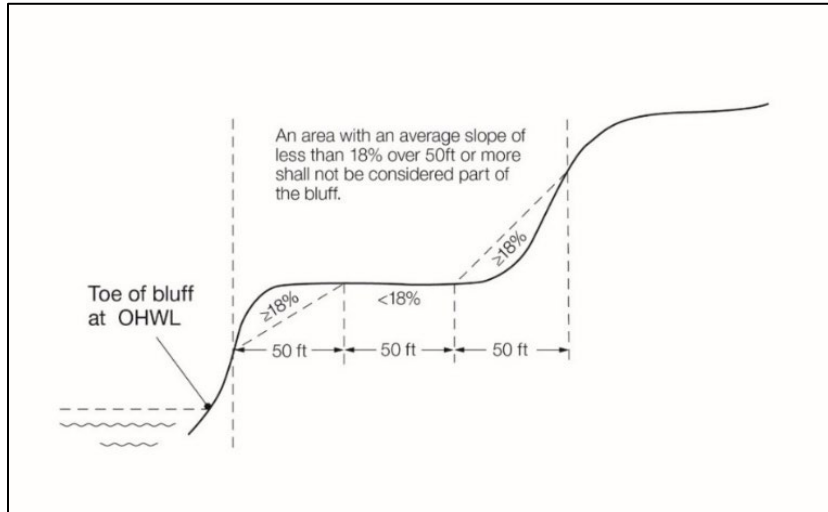
22 **Figure 1. Illustration of Bluff (Shoreland)**



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Figure 2. Exception to Bluff (Shoreland)

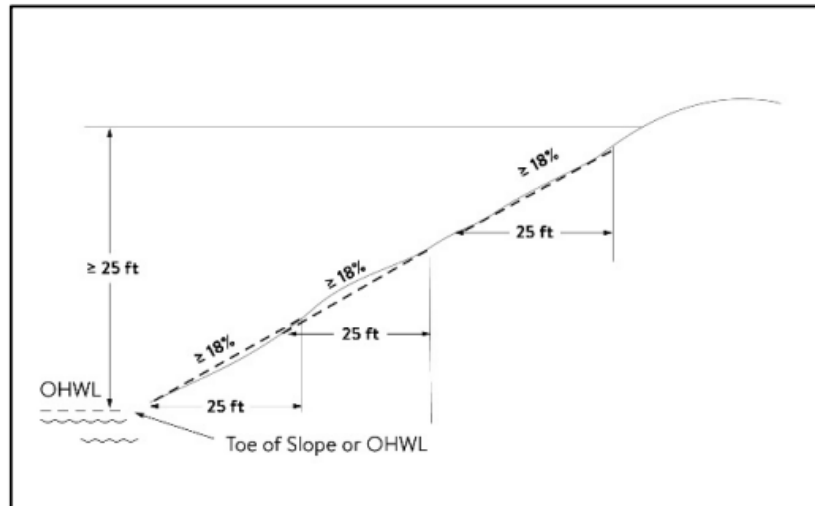


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Bluff (MRCCA). A natural topographic feature having:

- (A) A slope that rises at least 25 feet and where the grade of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet, from the toe of the slope to the top of the slope. Where the slope begins below the ordinary high water level, the ordinary high water level is the toe of the slope. See Figure 1; or

Figure 1. Bluff (MRCCA)



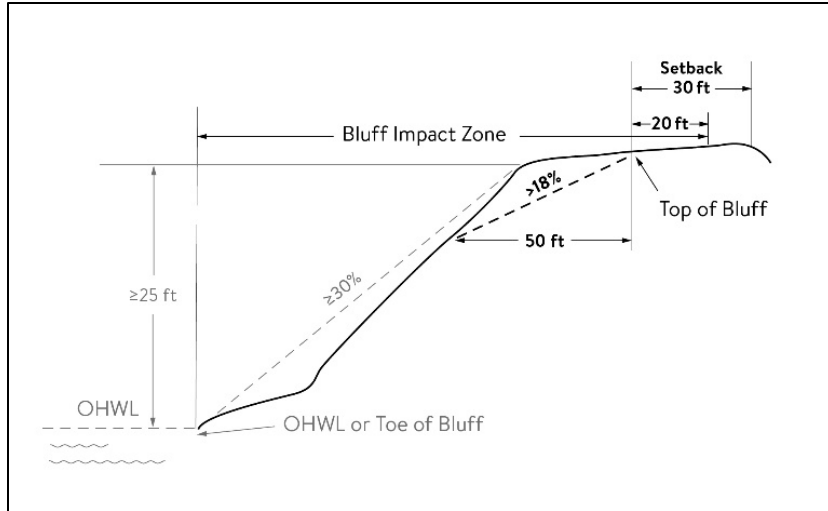
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- (B) A natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with a slope of 75 degrees or greater. See Figure 2.

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

Figure 1. Bluff Impact Zone and Top of Bluff (Shoreland)

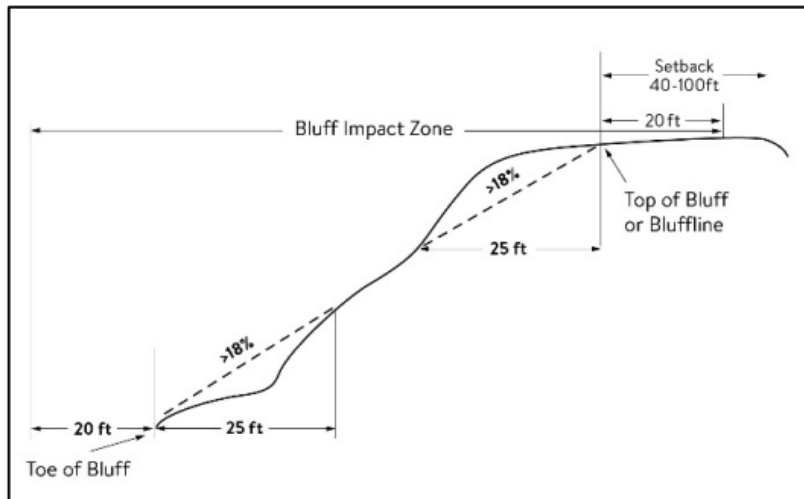
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Bluff impact zone (MRCCA) means A bluff and land located within 20 feet of the bluff. See Figures 1 and 2.

Figure 1. Bluff Impact Zone, Bluffline, Toe of Bluff, and Top of Bluff (MRCCA)



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Bluffline (MRCCA). A line delineating the top of the bluff. More than one bluffline may be encountered proceeding landward from the river. See Figure 1 – Bluff impact zone (MRCCA) Figures 1 and 2.

Bluffline (Wild and Scenic) means:

- (1) A line along the top of a slope connecting the points at which the slope of land becomes more than 13 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).

Bluff, toe of (MRCCA). A line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds 18 percent and the slope below the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figure 1 – Bluff impact zone (MRCCA) Figures 1 and 2.

Bluff, top of (MRCCA). A line along the top of a bluff, requiring field verification, such that the slope below the line exceeds 18 percent and the slope above the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figure 1 – Bluff impact zone (MRCCA) Figures 1 and 2.

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

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

6 *Brewpub* means a business operating as defined and regulated by Minn. Stats. Chapter 340A.

7 *Buffer area* means the outer area of a site where the site activity is screened, distanced, or muffled from adjacent
8 land uses. At a minimum the buffer area must be consistent with the intent of Minn. Stats. § 473.823, subd.
9 3.

10 *Buildable area*. The area upon which structures may be placed on a lot or parcel of land and excludes
11 areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic
12 properties, wetlands, designated floodways, land below the ordinary high water level of public
13 waters, and other unbuildable areas.

14 *Building (MRCCA)*. A structure with two or more outside rigid walls and a fully secured roof and affixed to
15 a permanent site.

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

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

21 *Carport* means an automobile shelter open on two ~~one~~ or more sides and shall be considered an accessory
22 structure.

23 *Certificate of compliance*. A document written after a compliance inspection, certifying that the
24 development is in compliance with applicable requirements at the time of the inspection.

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

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

29 *CFR* means the Code of Federal Regulations.

30 *Club* means a business operating as defined and regulated by Minn. Stats. Chapter 340A.

31 *Commercial recreation – indoor means private* recreational facilities that are inside a building operated
32 for profit and open to members and/or the general public including tennis and racquetball clubs,
33 indoor swimming pools, video arcades (amusement centers), indoor batting cages, pool halls, and
34 the like, excluding health and fitness clubs.

35 *Commercial recreation – outdoor* means private recreational facilities primarily occurring outside of a
36 building operated for profit or not and open to members and/or the general public including golf
37 courses and driving ranges, miniature golf, riding stables, skating rinks, outdoor swimming pools,
38 archery or trapshooting ranges, batting cages, softball, baseball, volleyball, soccer, or football
39 facilities, and the like.

40 *Commissioner*. The commissioner of the ~~Minnesota Department of Natural Resources~~ applicable state
41 agency.

42 *Community Amenity Building* means a structure or use that is accessory to a multi-family building,
43 townhome association, or single-family homeowners’ association that is intended for the
44 enjoyment of its residents such as a swimming pool with or without restrooms, gazebo, clubhouse,
45 or fitness facilities.

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

1 *Conservation design.* A pattern of subdivision that is characterized by grouping lots within a portion of a
2 parcel, where the remaining portion of the parcel is permanently protected as open space.

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

5 *Covenant* means a contract between two individuals which constitutes a restriction of a particular use of
6 land that is not enforced by the City, County, State, or Federal government.

7 *Conventional subdivision.* A pattern of subdivision that is characterized by lots that are spread regularly
8 throughout a parcel in a lot and block design.

9 *Data Center* means a facility that houses information technology (IT) infrastructure for building, running,
10 and delivering applications and services and for storing and managing the data associated with
11 those applications and services.

12 *Daycare Centers* means a licensed business that provides supervision of and care for children, physically
13 or mentally disabled adults, or the elderly for a portion of the day or night.

14 *Deck.* A horizontal, unenclosed, aboveground level structure open to the sky, with or without attached
15 railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

16 *Density* means a number expressing the ratio of dwelling units to an acre of land. *Net Density* deducts
17 waterbodies and wetlands.

18 *Detailing services* means a business that provide comprehensive cleaning and reconditioning of both a
19 vehicle's interior and exterior.

20 *Developer.* Having the meaning given under Minn. Stats. § 116G.03.

21 *Development.* Having the meaning given under Minn. Stats. § 116G.03.

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

24 *Discretionary action.* An action under this chapter related to land use that requires a public hearing by
25 local ordinance or statute, such as preliminary plats, final subdivision plats, planned unit
26 developments, conditional use permits, interim use permits, variances, appeals, and rezonings.

27 *Distribution Facility* means an establishment where shipments of tangible personal property are
28 processed for delivery to customers.

29 *Dock.* Having the meaning given under Minnesota Rules, chapter 6115.

30 *Driveway* means an onsite prepared surface traffic lane, which shall be the traffic lane leading directly
31 from a public street to the primary garage or a parking pad or lot on the subject parcel;

32 *Dustless Surface* consists of compacted bituminous millings or crushed rock. The crushed rock must all be
33 similar in size with no fine particles. Aggregate material similar to state DOT class 5 is not considered
34 dustless.

35 *Dwelling, manufactured home,* means a structure, transportable in one or more sections, which in the
36 traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when
37 erected on site, is 320 or more square feet, and which is built on a permanent chassis and designated
38 to be used as a dwelling with or without a permanent foundation when connected to the required
39 utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained
40 therein; except that the term includes any structure which meets all the requirements and with
41 respect to which the manufacturer voluntarily files a certification pursuant to Minn. Stats. §§
42 327.31—327.36. The term "dwelling, manufactured home," does not include "recreational vehicle"
43 as defined herein.

44 *Dwelling, multiple-family,* means a building designed with three or more dwelling units exclusively for
45 occupancy by three or more families living independently of each other but sharing hallways and
46 main entrances and exits.

47 *Dwelling, senior living,* means a building designed with three or more dwelling units exclusively for
48 occupancy where at least one of the residents in each unit is aged 55 or greater living independently
49 of each other but sharing hallways and main entrances and exits.

1 *Dwelling, single-family detached*, means a dwelling unit designed exclusively for occupancy by one family.
2 ~~*Dwelling, townhouse*, means structures that are designed for single household habitation, but have~~
3 ~~outdoor areas and/or indoor centers that are commonly owned and maintained by a homeowners'~~
4 ~~association. Townhouses have a minimum of one individual entrance/exit per unit.~~
5 *Dwelling, Townhomes (Attached)* means structures housing two three or more dwelling units contiguous
6 to each other only by the sharing of one or more common walls; such structures are of the back-to-
7 back or row-house type as contrasted to multiple dwelling apartment structures.
8 *Dwelling, Townhomes (Detached)* means a dwelling unit not attached to another dwelling or structure
9 and have outdoor areas and/or indoor centers that are commonly owned or maintained by a
10 homeowners' association.
11 *Dwelling, Two-family attached*, means a structure designed exclusively for occupancy by two families
12 having separate kitchen, bathroom, and living spaces.
13 *Easement* means a grant by a property owner for use of a strip of land by the public or any person for any
14 specific purpose, or purposes of construction and maintaining utilities and/or roadways.
15 *EIFS means* Exterior Insulation and Finish System.
16 *Electric power facilities.* Equipment and associated facilities for generating electric power or devices for
17 converting wind energy to electrical energy as identified and defined under Minn. Stats. § 216E.
18 *Equal degree of encroachment* means a method of determining the location of floodway boundaries so
19 that floodplain lands on both sides of a stream are capable of conveying a proportionate share of
20 flood flows.
21 *Equipment, commercial use*, means a variety of heavy machines, either specifically designed or used for
22 commercial purposes, which perform specific construction or demolition functions, such as
23 hoisting, excavating, hauling, grading, paving, drilling, or pile driving, under power. Trailers, either
24 enclosed or flatbed, 6×12 or smaller, are exempt unless they have a department of transportation
25 certificate or number; trailers used for transport of recreational vehicles and not used for any
26 commercial use are exempt.
27 A licensed, self-propelled vehicle which:
28 (1) Has a gross vehicle weight rating (GVWR) OF 10,001 pounds or more and contains print or
29 logos which advertise a business; or
30 (2) Has external modifications to the structure or body, where external modifications are defined
31 as both dealer and non-dealer modifications which result in pick-up trucks that do not have
32 the traditional pick-up truck bed and side walls, and vans that have an expanded cargo area
33 that is taller or wider than a passenger van, except those modified for use as either a
34 recreational vehicle or to accommodate handicapped passengers and which are currently
35 being utilized for this purpose. Motorized vehicles that have racks, storage boxes, or shells
36 added to the traditional pick-up bed are exempt from this definition.
37 *Equipment, private use*, means any motorized or non-motorized apparatus whose primary use is for
38 personal activities not related to generating revenue or profit.
39 *Erosion* means the wearing away of the ground surface as a result of the movement of wind, water and/or
40 ice or any process that wears away the surface of the land by the action of water, wind, ice, or
41 gravity. Erosion can be accelerated by the activities of people and nature.
42 *Erosion and sediment practice specifications or practice* means the management procedures, techniques,
43 and methods to control soil erosion and sedimentation as officially adopted by either the city,
44 county or local watershed group, whichever is more stringent.
45 *Essential services.* Underground or overhead gas, electrical, communications, steam, or water distribution,
46 collection, supply, or disposal systems, including storm water. Essential services include poles,
47 wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, navigational
48 structures, aviation safety facilities or other similar equipment and accessories in conjunction with

1 the systems. Essential services does not include buildings, treatment works as defined in Minn.
2 Stats. § 115.01, electric power facilities or transmission services.

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

7 *Family* means an individual; two or more persons related by blood, marriage, adoption, or foster care; or
8 not more than four persons not related by blood, marriage, adoption, or foster care occupying a
9 dwelling unit as an individual housekeeping organization.

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

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

15 *Farming* means process of operating a farm for the growing and harvesting of crops which shall include
16 those necessary accessory buildings, related to operating a farm, and the keeping of domestic farm
17 animals. See also *Agriculture*.

18 *Feedlot*. Having the meaning given for animal feedlots under Minnesota Rules chapter 7020.

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

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

21 *Fitness Center* means a gym, health club, or exercise business and auxiliary uses customary to them such
22 as locker rooms, swimming pools, and the like.

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

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

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

29 *Floodplain*. Having the meaning given the meaning given under Minnesota Rules chapter 6120.

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

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

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

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

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

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

43 *Fully reconstructs*. The reconstruction of an existing impervious surface that involves site grading and
44 subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are
45 not considered fully reconstructed.

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

1 *Glare* means direct light emitting from a luminaire that causes reduced vision or momentary blindness.

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

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

8 *Grading* means:

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

12 *Groundcover* means turf grass or natural native landscaping.

13 *Hard-surface trail*. A trail surfaced in asphalt, crushed aggregate, or other hard surface, for multi-purpose
14 use, as determined by local, regional, or state agency plans.

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

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

18 *Historic property*. An archaeological site, standing structure, site, district, or other property that is:

19 1. Listed in the National Register of Historic Places or the state register of historic places or
20 locally designated as a historic site under Minn. Stats. ch. 471;
21 2. Determined to meet the criteria for eligibility to the National Register of Historic Places or the
22 State register of historic places as determined by the director of the Minnesota Historical
23 Society; or
24 3. An unplatted cemetery that falls under the provisions of Minn. Stats. ch. 307, in consultation
25 with the office of the state archaeologist.

26 *Home Occupation* means any occupation or profession engaged in by the occupant of a residential
27 dwelling unit which is clearly incidental and secondary to the residential use of the premises, does
28 not change the character of said premises, and satisfies the requirement of this Code.

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

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

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

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

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

1 *Impervious surface.* A constructed hard surface that either prevents or retards the entry of water into the
2 soil and causes water to run off the surface in greater quantities and at an increased rate of flow
3 than prior to development. Examples include rooftops, decks, sidewalks, patios, parking lots,
4 storage areas, and driveways, including those with concrete, asphalt, or gravel surfaces.

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

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

14 *Intensive vegetation clearing.* The removal of all or a majority of the trees or shrubs in a contiguous patch,
15 strip, row, or block.

16 *Interim use.* A use having the meaning given under Minn. Stats. §§ 394 and 462.

17 *Land alteration.* An activity that exposes the soil or changes the topography, drainage, or cross section of
18 the land, excluding gardening or similar minor soil disturbances.

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

23 (1) Minor land disturbance activities such as home gardens and an individual's home landscaping,
24 repairs, and maintenance work.

25 (2) Construction, installation, and maintenance of electric, telephone, and cable television, utility
26 lines or individual service connection to these utilities, which result in creating under 500
27 square feet of exposed soil.

28 (3) Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural crops.

29 (4) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles
30 which result in creating under 500 square feet of exposed soil.

31 (5) Emergency work to protect life, limb, or property and emergency repairs, unless the land
32 disturbing activity would have otherwise required an approved erosion and sediment control
33 plan, except for the emergency. If such a plan would have been required, then the disturbed
34 land area shall be shaped and stabilized in accordance with the city's requirements as soon as
35 possible.

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

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

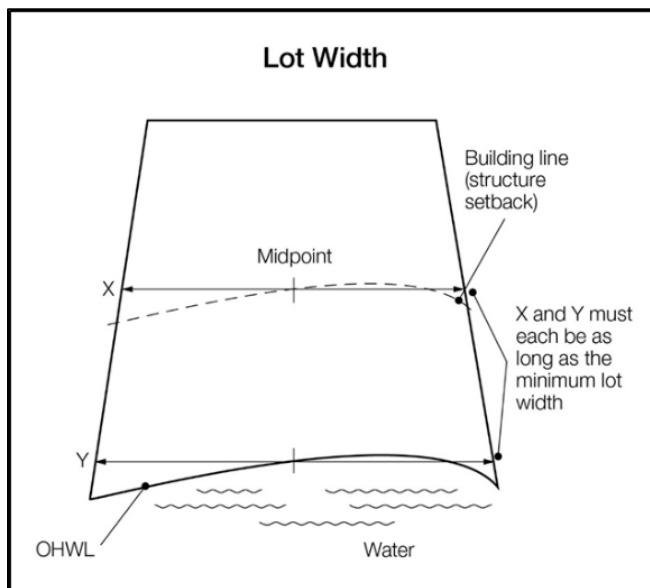
45 *Licensed Residential Facilities* means a state-licensed 24-hour supervised residential care facility housing
46 up to six unrelated individuals.

47 *Local government.* Counties, cities, and townships.

48 ~~*Local park agencies.* Intentionally deleted. Anoka County Parks is the implementing agency for Regional
49 Parks within Ramsey.~~

1 *Lot (MRCCA)*. Having the meaning given under Minnesota Rules chapter 6120.
 2 *Lot (Shoreland)* means a parcel of land designated by plat, metes and bounds, registered land survey,
 3 auditors plot, or other accepted means and separated from other parcels or portions by said
 4 description for the purpose of sale, lease, or separation.
 5 *Lot line* means a property boundary line of any lot held in single or separate ownership; except that where
 6 any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be
 7 the street or alley right-of-way.
 8 *Lot of record* means any lot which individually, or as part of a subdivision, was a separate parcel of record
 9 on April 28, 1972.
 10 *Lot, depth of,* means a mean horizontal distance between the front and rear lot lines measured in the
 11 mean direction of the side lot lines.
 12 *Lot, frontage,* means the front of a lot shall be, for purposes of complying with this Code, that boundary
 13 abutting a public right-of-way having the least width.
 14 *Lot, interior,* means a lot, other than a corner lot, including through lots.
 15 *Lot width* means the uniform width measured at the property line abutting the street at the minimum
 16 building setback line of the underlying zoning district. In the case of a lot abutting a cul-de-sac, the
 17 lot width is the width measured at right angles to the depth at the building setback requirement.
 18 *Lot width (MRCCA and Shoreland)*. The shortest distance between lot lines measured at both the ordinary
 19 high water level and at the required structure setback from the ordinary high water level. See Figure
 20 1.
 21

Figure 1. Lot width (MRCCA and Shoreland)



22
 23
 24 *Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or
 25 flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area
 26 other than a basement area, is not considered a building's lowest floor.
 27 *Marina*. Having the meaning given under Minnesota Rules chapter 6115.
 28 *Manufacturing*. the processing or assembly of raw materials or parts into finished goods through the use
 29 of tools, human labor, machinery, and chemical processing. This definition includes hydroponics.
 30 *Mississippi River Corridor Critical Area (MRCCA)*. The area within the River Corridor Boundary (See section
 31 ~~117-148(b)(6)bs~~) (Definitions — River Corridor Boundary).

1 *Mississippi River Corridor Critical Area (MRCCA) Plan.* A chapter or other element in the City of Ramsey
2 comprehensive plan.

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

6 *Mooring facility.* Having the meaning given under Minnesota Rules chapter 6115.0170.

7 *Motor fuel station* means a place where gasoline is stored only in underground tanks, kerosene or motor
8 oil and lubricants or grease, for operation of **vehicles**.

9 *Motor vehicle, commercial use,* means any self-propelled or towed vehicle used on a public road in to
10 transport passengers or property when the vehicle has:

11 1. A weight of over 10,000 lbs;
12 2. The capacity to transport more than fifteen (15) passengers, including the driver; or
13 3. Used to transport hazardous materials in a quantity that requires placards under federal
14 hazardous materials regulations.

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

18 *Motor Vehicle repair* means general repair, rebuilding or reconditioning engines, motor vehicles or
19 trailers, collision service, including body, frame or fender straightening or repair, overall painting or
20 paint job, minor repairs, replacement of parts, and motor services.

21 *Motor Vehicle Sales and Showrooms* means a business that is licensed by the State of Minnesota as
22 defined by Minn. Stats. 168.27, subd. 1(f) for new motor vehicle dealers, used motor vehicle dealers,
23 motor vehicle brokers, wholesalers, auctioneers, lessors of new or used motor vehicles. This
24 definition does not include scrap metal processors, used vehicle parts dealers, and salvage pools.

25 *Native plant community.* A plant community that has been identified as part of the Minnesota Biological
26 Survey or biological survey issued or adopted by a local, state, or federal agency.

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

29 *Natural-surface trail.* A trail composed of native soil and rock or compacted granular stone, primarily
30 intended for hiking, equestrian, or mountain bike use, as determined by local, regional, or state
31 agency plans.

32 *Natural vegetation.* Any combination of ground cover, understory, and tree canopy that, while it may have
33 been altered by human activity, continues to stabilize soils, retain and filter runoff, provide habitat,
34 and recharge groundwater.

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

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

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

46 *Nonconformity.* Having the meaning given under Minn. Stats. § 394.22.

47 *Noncomplying Sewage Treatment System* has the same meaning as in Chapter 113.

48 *Nonmetallic mining.* Construction, reconstruction, repair, relocation, expansion, or removal of any facility
49 for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such a

1 stone, sand, and gravel. Nonmetallic mining does not include ancillary facilities such as access roads,
2 bridges, culverts, and water level control structures. For purposes of this subpart, "facility" includes
3 all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures
4 that drain or divert public waters to allow mining.

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

10 *Off-premise advertising signs.* Those signs that direct attention to a product, service, business, or
11 entertainment venue that is not exclusively related to the premises where the sign is located.

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

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

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

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

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

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

25 *Ordinary high water level (OHWL) (MRCCA).* Having the meaning given under Minn. Stats. § 103G.005.

26 ~~*Ordinary high water mark* means either of the following:~~

27 ~~(1) — The boundary of public waters and wetlands, and shall be an elevation delineating the highest~~
28 ~~water level which has been maintained for a sufficient period of time to leave evidence upon~~
29 ~~the landscape, commonly that point where the natural vegetation changes from~~
30 ~~predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-~~
31 ~~water level is the elevation of the top of the bank of the channel. For reservoirs and flowages,~~
32 ~~the ordinary high water level is the operating elevation of the normal summer pool.~~

33 ~~(2) — Generally the boundary elevation where the vegetation changes from predominately aquatic~~
34 ~~(where "aquatic" broadly means that the vegetation can survive moist conditions) to~~
35 ~~terrestrial. This elevation delineates the highest water level, which has been maintained for~~
36 ~~a sufficient period of time to leave evidence upon the landscape, commonly that point where~~
37 ~~the natural vegetation changes from predominantly aquatic to predominantly terrestrial.~~
38 ~~Water often reaches this elevation in spring. For rivers and streams the ordinary high water~~
39 ~~mark is usually the top of the bank. It is less well defined for lakes and wetlands. The definition~~
40 ~~in Minn. Stats. § 103G.005, subd. 14 provides that the "... "Ordinary high water level" means~~
41 ~~the boundary of water basins, watercourses, public waters, and public waters wetlands, and:~~
42 ~~a. — The ordinary high water level is an elevation delineating the highest water level that~~
43 ~~has been maintained for a sufficient period of time to leave evidence upon the~~
44 ~~landscape, commonly the point where the natural vegetation changes from~~
45 ~~predominantly aquatic to predominantly terrestrial;~~
46 ~~b. — For watercourses, the ordinary high water level is the elevation of the top of the bank~~
47 ~~of the channel; and~~
48 ~~c. — For reservoirs and flowages, the ordinary high water level is the operating elevation of~~
49 ~~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.~~

Outdoor display means an area of land where goods are displayed and which are available for sale to the general public from inside a retail outlet or warehousing facility.

Outdoor sales means an outdoor area where goods are sold and displayed for sale and is freely accessible to the public.

Outdoor storage means the exterior storage of goods, inventory, materials, equipment, or other items which are not necessarily intended for sale nor accessible to the public.

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.

Overlay district. A zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Overlay districts are often used to protect historic features and natural resources such as shoreland or floodplain.

Parcel (MRCCA). Having the meaning given under Minn. Stats. § 116G.03.

Parcel means an individual lot or tract of land.

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

Patio. A constructed hard surface located at ground level with no railings and open to the sky.

Paved means a surface made of concrete, asphalt, pervious pavement, driveway quality pavers.

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 Services means a retail business that provides a service rather than a product for sale. Examples of such uses are barbershops, salons, massage studios, body art studios, and photography studios.

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.

Picnic shelter. A roofed structure open on all sides, accessory to a recreational use.

Planned unit development. A method of land development that merges zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, characterized by a unified site design, a mix of structure types and land uses, and phasing of development over a number of years. Planned unit development includes any conversion of existing structures and land uses that utilize this method of development.

Plat. Having the meaning given under Minn. Stats. chs. 505 and 515B.

Port. A water transportation complex established and operated under the jurisdiction of a port authority according to Minn. Stats. ch. 458.

Post-Secondary Educational Facility means a private or public facility engaged in for-credit or skill and trade certifications of students post high-school age. Examples include, but are not limited to, beauty schools, business schools, and trade schools.

Primary conservation areas (MRCCA). Key resources and features, including shore impact zones, bluff impact zones, floodplains, wetlands, gorges, areas of confluence with tributaries, natural drainage routes, unstable soils and bedrock, native plant communities, cultural and historic properties, and significant existing vegetative stands, tree canopies, and other resources identified in local government plans.

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

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

2 *Private facilities.* Private roads, driveways, and parking areas, private water access and viewing facilities,

3 decks and patios in setback areas, and private signs.

4 *Professional engineer.* An engineer licensed to practice in Minnesota.

5 *Professional Services* means a business that provides a service in an office setting rather than a product

6 for sale, other than medical or dental services. Examples of such uses are law offices, engineering

7 services, architectural services, and consulting services.

8 *Property owner* means the person owning such property as shown by the county auditor's plat of the City

9 of Ramsey, Minnesota.

10 *Protective covenants* means contracts made between private parties as to the manner in which land may

11 be used, with the view to protecting and preserving the physical and economic integrity of a given

12 area.

13 *Public facilities.* Public utilities, public transportation facilities, and public recreational facilities.

14 *Public recreation facilities.* Recreational facilities provided by the state or a local government and

15 dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks,

16 fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities

17 used for recreation.

18 *Public river corridor views.* Views toward the river from public parkland, historic properties, and public

19 overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore,

20 as seen during the summer months and documented in the MRCCA plan/chapter of the

21 comprehensive plan.

22 *Public transportation facilities.* All transportation facilities provided by federal, state, or local government

23 and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.

24 *Public utilities.* Electric power facilities, essential services, and transmission services.

25 ~~*Public waters.* Having the meaning given under Minn. Stats. § 103G.005.~~

26 *Public waters* means any public waters as defined in Minn. Stats. § 103G.005. However, no lake, pond or

27 flowage of less than ten acres in size and no river or stream having a total drainage area less than

28 two square miles shall be regulated for the purposes of these regulations.

29 *Reach* means a hydraulic engineering term to describe a longitudinal segment of a stream or river

30 influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river

31 between two consecutive bridge crossings would most typically constitute a reach.

32 *Readily visible.* Land and development that are easily seen from the ordinary high water level of the

33 opposite shore during summer months.

34 *Recreation field or building* means an area of land, water, or any building in which amusement, recreation

35 or athletic sports are provided for public or semi-public use, whether temporary or permanent,

36 except a theater, whether provision is made for the accommodation of an assembly or not. A golf

37 course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the

38 purpose of this Code.

39 *Recreational vehicle* means a vehicle that is built on a single chassis, is 400 square feet or less when

40 measured at the largest horizontal projection, is designed to be self-propelled or permanently

41 towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as

42 a temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of

43 subdivision III (floodplain overlay districts), the term recreational vehicle is synonymous with the

44 term 'travel trailer/travel vehicle'.

45 *Regional flood* means a flood which is representative of large floods known to have occurred generally in

46 Minnesota and reasonably characteristic of what can be expected to occur on an average

47 frequency in the magnitude of the 100-year recurrence interval. The term "regional flood" is

48 synonymous with the term "base flood" used in the Flood Insurance Study.

1 *Regulatory flood protection elevation* means an elevation no lower than one foot above the elevation of
2 the regional flood plus any increases in flood elevation caused by encroachments on the
3 floodplain that result from designation of a floodway.

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

7 *Resource agency*. A federal, state, regional, or local agency that engages in environmental, natural, or
8 cultural resource protection or restoration activities, including planning, implementation, and
9 monitoring.

10 *Retaining wall*. A vertical or nearly vertical structures constructed of mortar and rubble masonry, rock, or
11 stone regardless of size, vertical timber pilings, horizontal timber planks with piling supports, sheet
12 pilings, poured concrete, concrete blocks, or other durable materials.

13 *Right-of-way* means the area within the limits of a street, alley, pedestrian way, thoroughfare or
14 easement.

15 *River corridor boundary*. The boundary approved and adopted by the Metropolitan Council under Minn.
16 Stats. § 116G.06, as approved and adopted by the legislature in Minn. Stats. § 116G.15, and as
17 legally described in the Sate Register, volume 43, pages 508 to 518.

18 *River-dependent use*. The use of land for commercial, industrial, or utility purposes, where access to and
19 use of a public water feature is an integral part of the normal conduct of business and where the
20 use is dependent on shoreline facilities.

21 *Rock Riprap*. Natural coarse rock placed or constructed to armor shorelines, streambeds, bridge
22 abutments, pilings and other shoreline structures against scour, or water or ice erosion.

23 *Sediment* means the product of an erosion process; solid material both mineral and organic, that is in
24 suspension, is being transported, or has been moved by water, air, or ice, and has come to rest on
25 the earth's surface either above or below water level.

26 *Sediment control* means the methods employed to prevent sediment from leaving the development site.
27 Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check
28 dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or
29 permanent sedimentation basins.

30 *Sedimentation* means the process or action of depositing sediment caused by erosion.

31 *Selective cutting* means the removal of single scattered trees.

32 *Selective vegetation removal*. The removal of isolated individual trees or shrubs that are not in a
33 contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or
34 understory cover.

35 *Setback* means the minimum horizontal distance between a use and lot line or other distinguished area.
36 Distances are to be measured from ground level except as provided hereinafter.

37 *Setback (MRCCA)*. A separation distance measured horizontally.

38 *Semi-public use* means the use of land by a private, nonprofit organization to provide a public service that
39 is ordinarily open to some persons outside the regular constituency of the organization.

40 *Sewage treatment system* means:

41 (1) Any system for the collection, treatment and dispersion of sewage including but not limited
42 to septic tanks, soil absorption systems and drain fields; or

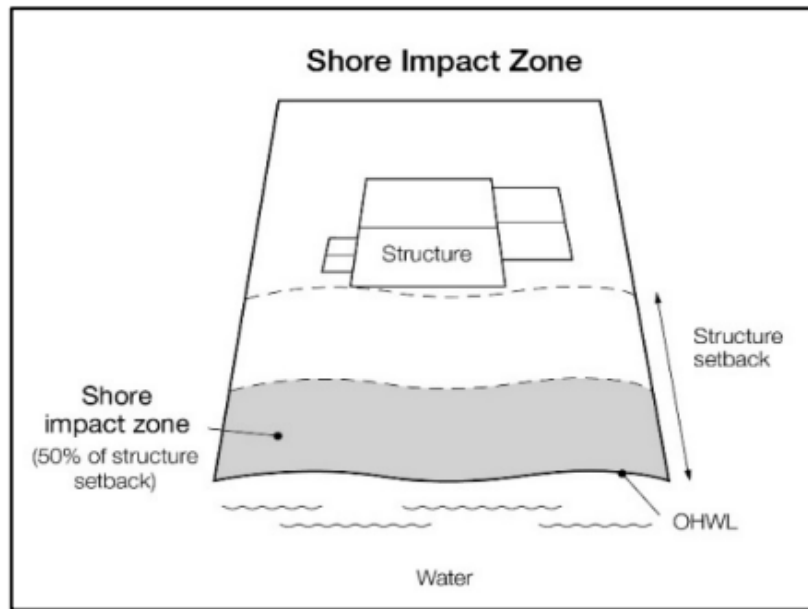
43 (2) Septic tank and soil absorption system or other individual or cluster type sewage treatment
44 system as described and regulated in this chapter.

45 *Shore impact zone (Shoreland)* means land located between the ordinary high water level of a public water
46 and a line parallel to it at a setback of 50 percent of the structure setback.

47 *Shore impact zone (MRCCA)*. Land located between the ordinary high water level of public waters and a
48 line parallel to it at a setback of 50 percent of the required structure setback or, for agricultural use,
49 50 feet landward of the ordinary high water level. See Figure 1.

1

Figure 1. Shore Impact Zone (MRCCA)



2

3 *Shoreland* means the land within the following distances from public waters: 1,000 feet from the ordinary
4 high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward
5 extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits
6 of shorelands may be reduced whenever the waters involved are bounded by topographic divides
7 which extend landward from the waters for lesser distances and when approved by the
8 commissioner.

9 *Shoreline facilities.* Facilities that require a location adjoining public waters for ingress and egress, loading
10 and unloading, and public water intake and outflow, such as barge facilities, port facilities,
11 commodity loading and unloading equipment, watercraft lifts, marinas, short-term watercraft
12 mooring facilities for patrons, and water access ramps. Structures that would be enhanced by a
13 shoreline location, but do not require a location adjoining public waters as part of their function,
14 are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

15 *Significant historic site* means any archaeological site, standing structure, or other property that meets
16 the criteria for eligibility to the National Register of Historic Places or is listed in the State Register
17 of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of
18 Minn. Stats. § 307.08. A historic site meets these criteria if it is presently listed on either register or
19 if it is determined to meet the qualifications for listing after review by the state archaeologist or the
20 director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered
21 to be significant historic sites.

22 *Slope* means the degree of deviation of a surface from the horizontal, usually expressed in percent,
23 degrees, or ratio.

24 *Special purpose units of government.* The University of Minnesota, the St. Paul Port Authority, watershed
25 management organizations established under Minn. Stats. ch. 103B, watershed districts established
26 under Minn. Stats. ch. 103D, and any other unit of government other than local government or a
27 state or regional agency.

28 *State or regional agency.* The Metropolitan Airports Commission, Minnesota Historical Society, University
29 of Minnesota, Department of Natural Resources, Department of Transportation, Metropolitan
30 Council, and other state agencies.

1 *Steep slope (MRCCA)*. A natural topographic feature with an average slope of 12 to 18 percent, measured
2 over a horizontal distance equal to or greater than 50 feet, and any slopes greater than 18 percent
3 that are not bluffs.

4 ~~*Steep slope (Shoreland)* means land where agricultural activity or development is either not
5 recommended or described as poorly suited due to slope steepness and the site's soil
6 characteristics, as mapped and described in available county soil surveys or other technical reports,
7 unless appropriate design and construction techniques and farming practices are used in
8 accordance with the provisions of this chapter. Where specific information is not available, steep
9 slopes are lands having average slopes over 12 percent, as measured over horizontal distances of
10 50 feet or more, that are not bluffs.~~

11 *Storm water management facilities*. Facilities for the collection, conveyance, treatment, or disposal of
12 storm water.

13 *Story* means that portion of a building including beneath the upper surface of a floor and upper surface
14 of floor next above, except that the topmost story shall be that portion of a building included
15 between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor
16 level directly above a basement or cellar, or unused underfloor space is more than six feet above
17 grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet
18 above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall
19 be considered a story.

20 *Street frontage* means the proximity of a parcel of land to one or more streets. An interior lot has one
21 street frontage and a corner lot has two such frontages.

22 *Structure (MRCCA and Shoreland)*. A building, sign, or appurtenance thereto, except for aerial or
23 underground utility lines, such as sewer, electric, telephone, or gas lines, and utility line towers,
24 poles, and other supporting appurtenances.

25 *Structure* means either:

26 (1) Anything which is built, constructed or erected; an edifice or building of any kind; or any piece
27 of work artificially built up and/or composed of parts joined together in some definite manner
28 whether temporary or permanent in character, including towers, poles and other supporting
29 appurtenances.

30 (2) Anything manufactured, constructed or erected which is normally attached to or positioned
31 on land, including portable structures, earthen structures, roads, parking lots, and paved
32 storage areas.

33 (3) Any building, sign, or appurtenance thereto, except aerial or underground utility lines, such
34 as sewer, electrical, telephone, telegraph, or gas lines, including towers, poles, and other
35 supporting appurtenances, and fences used to control livestock or delineate boundaries.

36 *Structure, principal*, means anything that houses or facilitates the principal use of a property.

37 *Subdivision*. Having the meaning given under Minn. Stats. § 462.352.

38 *Substandard use (Wild and Scenic)* means any use within the land use district existing prior to the date of
39 enactment of the ordinance from which this chapter is derived which is permitted within the
40 applicable land use district but does not meet the minimum lot area, length of water frontage,
41 structure setbacks or other dimensional standards of this chapter.

42 *Subsurface sewage treatment system*. Having the meaning given under Minnesota Rules, part 7080.1100.

43 *Surface water-oriented commercial use* means the use of land for commercial purposes, where access to
44 and use of a surface water feature is an integral part of the normal conductance of business.
45 Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

46 *Temporary real estate office* means a structure with or without a foundation or footings, used only as a
47 temporary real estate office, which is open to the general public.

1 *Topsoil* means black dirt composed of unconsolidated material, largely undecomposed organic matter
2 that is a suitable foundation for vegetative growth. The composition of topsoil should contain no
3 more than 35 percent sand content.

4 *Tow Yard. See Vehicle Wrecking Yard.*

5 *Transmission services.*

6 (A) Electric power lines, cables, pipelines, or conduits that are:
7 (1) Used to transport power between two points, as identified and defined under Minn.
8 Stats. § 216E.01, subd. 4; or
9 (2) For mains or pipelines for gas, liquids, or solids in suspension, used to transport gas,
10 liquids, or solids in suspension between two points; and

11 (B) Telecommunication lines, cables, pipelines, or conduits.

12 *Treeline.* The more or less continuous line formed by the tops of trees in a wooded area when viewed
13 from a particular point. The treeline is determined during all seasons as if under full foliage.

14 *Truck Terminal.* means a building, structure or land where trucks and/or tractor trailers are rented,
15 leased, or stored, or are dispatched for hire as common carriers.

16 *Twin Cities Metropolitan area.* The area over which the Metropolitan Council has jurisdiction according to
17 Minn. Stats. § 473.121, subd. 2.

18 *Unlicensed Supportive Living Facility* means a residential dwelling that is not licensed as a Licensed
19 Residential Facility that provides congregate and supportive living environment for no more than
20 six unrelated individuals classified under the Americans with Disabilities Act (ADA).

21 *Use, principal,* means the purpose or activity for which the land or building thereon is designated,
22 arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the
23 performance of such activity as defined by the performance standards of this chapter.

24 *Variance.* Having the meaning given under Minn. Stats. § 394.22.

25 *Vegetation* means the sum total of plant life in some area; or a plant community with distinguishable
26 characteristics.

27 *Vehicle wrecking yard* means any place where vehicles not in running condition and/or not licensed, or
28 parts thereof, are stored in the open or any land used for wrecking or storing of such motor vehicles
29 or parts thereof, and including any commercial salvaging and scavenging of any other goods, articles
30 or merchandise.

31 *Water access ramp.* A boat ramp, carry-down site, boarding dock, and approach road, or other access that
32 allows launching and removal of a boat, canoe, or other watercraft with or without a vehicle and
33 trailer.

34 *Water body* means a body of water (lake, pond) in a depression of land or expanded part of a river, or an
35 enclosed basin that holds water and is surrounded by land.

36 *Water-oriented accessory structure or facility (Shoreland)* means a small, above ground building or other
37 improvement, except stairways, fences, docks, and retaining walls, which, because of the
38 relationship of its use to a surface water feature, reasonably needs to be located closer to public
39 waters than the normal structure setback. Examples of such structures and facilities include
40 boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

41 *Water-oriented accessory structure (MRCCA).* A small building or other improvement, except stairways,
42 fences, docks, and retaining walls, that, because of the relationship of its use to public waters, needs
43 to be located closer to public waters than the normal structure setback. Examples include gazebos,
44 screen houses, fish houses, pump houses, and detached decks and patios.

45 *Water quality impact zone.* Land within the shore impact zone or within 50 feet of the boundary of a public
46 water, wetland, or natural drainage way, whichever is greater.

47 *Wetland.* Having the meaning given under Minn. Stats. § 103G.005.

48 *Wharf.* Having the meaning given under Minnesota Rules, part 6115.0170.

- 1 Wholesale Sales means sales of products to a business or person who will resell the articles in the regular
- 2 course of business or incorporate the article into another product that will be sold.
- 3 Wind energy conversion system (WECS) means any device such as a wind charger, wind mill, or wind
- 4 turbine and associated facilities that converts wind energy to electrical energy. This equipment
- 5 includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire,
- 6 inverter, or other component used in the system.
- 7 Yard means an open space on the lot which is unoccupied and unobstructed from its lowest level to the
- 8 sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in
- 9 the yard regulations for the zoning district in which such lot is located.
- 10 Yard, front, means that area extending along the full length of a front lot line between side lot lines and
- 11 to the depth required in the yard regulations for the district in which it is located. In the case of a
- 12 corner lot abutting one or more major roads, both yards shall be considered front yards. A major
- 13 road is any road that is of a collector designation or greater.
- 14 Yard, rear, means a yard extending across the full width of the lot and lying between the rear line of the
- 15 lot and the nearest line of the principal building.
- 16 Yard, side, means a yard between the side line of the lot and the nearest line of the principal building and
- 17 extending from the front line of the structure to the rear property line.
- 18

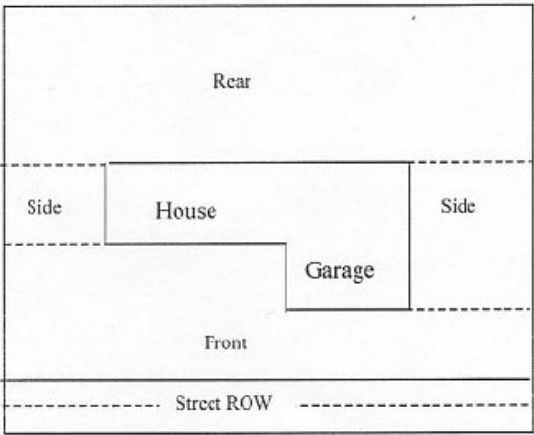


Figure 1. Attached Garage

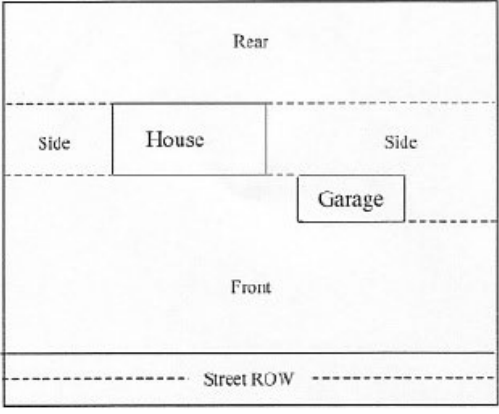


Figure 2. Detached Garage in Front

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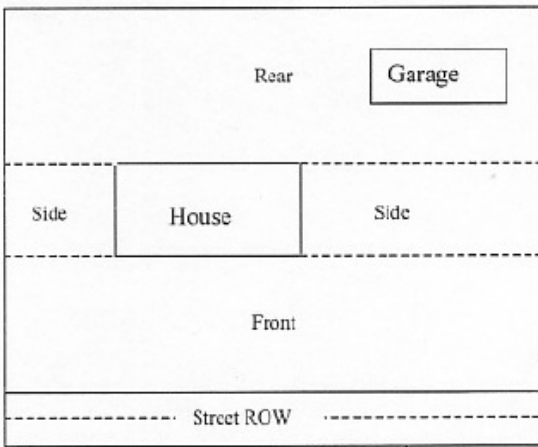


Figure 3. Detached Garage in Rear

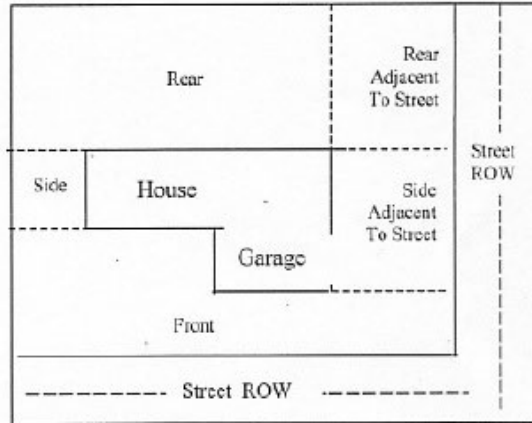


Figure 4. Corner Lot

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Zoning administrator means the community development department.

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 Code means the zoning ordinance of the city, as amended from time to time by the City.

106 Applicability and Compliance

From and after the effective date of the ordinance from which this chapter is derived, the use of all land and every building or portion of a building erected, altered in height and area, added to, or relocated, and every use within a building, or use accessory thereto, in the city shall be in conformity with the provisions of this chapter and after the lawful issuance of all required permits.

110 Administration

Sections 111-140 establish the administration and enforcement powers of this chapter.

111 Zoning Administrator

The zoning administrator shall:

- (A) Administer and enforce the provisions of this chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter;
- (B) Maintain the official zoning map;
- (C) Maintain a permanent file of all zoning applications as public records.

120 Official Zoning Map

(A) The boundaries of the zoning districts ~~and development areas~~ and overlay districts are delineated on the official zoning map, which is adopted by reference and declared to be a part of this chapter.

1 Such map shall be on permanent file and available for public inspection in City Hall. It shall be the
2 responsibility of the zoning administrator to maintain and keep the map up to date and to revise or
3 update the map with each amendment thereto within 30 days after official publication of the
4 ordinance adopting the amendment.

- 5 (B) District and development area boundaries shown within the lines of roads, streams, and
6 transportation rights-of-way shall be deemed to follow the centerlines. The vacation of roads shall
7 not affect the location of such district or development area boundaries. When the zoning
8 administrator cannot definitely determine the location of a district or development area boundary
9 by such centerlines, by the scale or dimensions stated on the zoning map, or by the fact that it
10 clearly coincides with a property line, the zoning administrator shall interpret the location of the
11 district or development area boundary with reference to the scale of the zoning map and the
12 purposes set forth in all relevant provisions of this Code. When a district or development area
13 boundary line divides a lot of record into two or more districts or into both development areas, any
14 portion of the lot within 50 feet of such division may be used for any use of either district or
15 development area as approved by the [Planning Commission](#) or as appealed by the [City Council](#). The
16 Metropolitan Urban Service Area (MUSA) boundary line as shown in the [Comprehensive Plan](#),
17 however, defines the limits of sewer areas. Any area outside of the MUSA boundary shall not be
18 served with sewer.

19
20 **130 Enforcement**

- 21 (A) Any violation of this chapter may be enjoined by the council through proper legal channels. Each
22 day a violation is permitted to exist shall constitute a separate offense.
- 23 (B) In case any building, structure, or land is proposed to be erected, reconstructed, altered, converted,
24 maintained or used in violation of this chapter, the council, in addition to other remedies, may
25 institute in the name of the city any appropriate action or proceeding to prevent, restrain, correct
26 or abate such building, structure, or land, or to prevent, in or about such premises, any act, conduct,
27 business, or use constituting a violation, as prescribed in [Chapter 2](#).
- 28 (C) Violation of any provision of this chapter is considered a misdemeanor.
- 29 (D) Appeals are provided in the same manner as prescribed in [Chapter 2](#).

30
31 **140 Non-Conformities**

- 32 (A) *Intent.* It is the purpose of this section to provide for the regulation of nonconforming buildings,
33 structures, [site improvements](#), and uses and to specify those requirements, circumstances, and
34 conditions under which nonconforming buildings, structures, and uses will be operated and
35 maintained. This chapter establishes separate districts, each of which is an appropriate area for the
36 location of uses that are allowed in that district. It is necessary and consistent with the
37 establishment of these districts that nonconforming buildings, structures, [site improvements](#), and
38 uses not be allowed to continue without restriction. Furthermore, it is the intent of this section that
39 all nonconforming uses shall be eventually brought into conformity or terminated.
- 40 (B) *Regulations.*
- 41 (1) Whenever a lawful nonconforming use of a structure or land or occupancy is discontinued for
42 a continuous period of one year, any future use of said structure or lands shall be made to
43 conform with the provisions of this chapter.
- 44 (2) Notwithstanding any other provisions of this chapter, any nonconformity, including the lawful
45 use or occupation of land or premises existing at the time of the adoption of an additional
46 control under this chapter, may be continued, including through repair, replacement,
47 restoration, maintenance, or improvement, but not including expansion, unless it is a
48 nonconforming use that is destroyed by fire or other peril to the extent of greater than 50
49 percent of its market value, and no building permit has been applied for within 180 days of

-
- 1 when the property is damaged. In this case, the city may impose reasonable conditions upon
2 a building permit in order to mitigate any newly created impact on adjacent property. Any
3 subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
- 4 (C) Creation of nonconformities by public action
- 5 (1) Where there exists as of the date of adoption of this section a conforming land use, lot of
6 record, sign, structure, and/or site improvement and a subsequent taking by a governmental
7 body occurs under eminent domain or negotiated sale which renders such land use, lot of
8 record, structure, or site improvement in violation of one or more provisions of this chapter,
9 such land use, lot of record, sign, structure or site improvements becomes a legal non-
10 conformity and may be used thereafter only in accordance with the provisions of this section.
- 11 (2) The Planning Commission may consider government taking as a practical difficulty used with
12 a request for a variance to a setback regulation for pre-existing buildings, parking lots, and/or
13 signs.
- 14 (D) Lots of Record. Any lot of record existing at the effective date of the ordinance from which this
15 chapter is derived may be used for the erection of a dwelling conforming to the use regulations of
16 the district in which it is located, even though its area is less than the minimum requirements of this
17 chapter. This provision shall not apply to lots with widths below the district minimum, meaning that
18 all lots of record must meet district lot width minimums to qualify.
- 19 (E) Expansion of a non-conforming principal structure, deck, or parking lot by way of setbacks is
20 permitted provided the improvement does not increase the level of nonconformity. This provision
21 does not apply in the Shoreland Overlay or Wild and Scenic River Overlay.
- 22 (F) Additional standards for nonconformities within the Mississippi River Corridor Critical Area Overlay
23 District are found in Section 910.
- 24

25 200 Land Development Applications and Procedures

26 Sections 200-299 are established to define the procedures and processes for applications for
27 development, redevelopment, and changes in use of property in Ramsey. All procedures must be in
28 conformance with applicable provisions of State Law.

29

30 201 Processing Costs

- 31 (A) *Costs.* All costs incurred by the City in processing an application for a land use application shall be
32 paid by the applicant. The processing costs shall include but not be limited to:
- 33 (1) Professional consulting services as directed by the zoning administrator, the Planning
34 Commission and/or City Council;
- 35 (2) Copying charges;
- 36 (3) City staff involvement;
- 37 (4) Public hearing publications and posting of a sign on the property;
- 38 (5) Written notice to adjacent property owners;
- 39 (6) Recording charges; and/or
- 40 (7) Any other cost necessary to process the applicant's request.
- 41
- 42 (B) *Fee and escrow.* A set fee and a set minimum escrow established by ordinance an annual fee
43 schedule shall be paid to the city at the time the land use application is made.
- 44 (C) *Special assessment of processing costs.* An applicant may request that processing costs exceeding
45 the amount established by ordinance annual fee schedule be specially assessed against the
46 applicant's property provided that the property owner accepts the assessment to the subject
47 property and waives any right of assessment appeal.
- 48 (D) *Additional deposits before submittal.* If the zoning administrator determines that costs in addition
49 to the set escrow will likely be incurred by the city, then an additional sum as determined by the

1 zoning administrator shall be deposited with the City before the application is considered officially
2 submitted.

- 3 (E) *Additional deposits after submittal* If at any point during the processing of a ~~zoning or~~ land use
4 application, the actual or estimated processing costs exceed the amount on escrow, the applicant
5 shall have ten days to supply an additional escrow in an amount equal to or greater than the
6 estimated processing costs. *Failure to provide additional funds into a deficit account can result in*
7 *assessing the costs to the property subject to the application.*
- 8 (F) *Refund of unused deposits.* Any portion of those funds deposited in escrow but not expended or
9 encumbered shall be returned to the applicant after final action on the application. Under no
10 circumstance shall an escrow be considered an interest bearing account.

11 202 Required Sureties and Financial Guarantees

13 Upon approval of a land use application or administrative site plan review where a new building and/or
14 site improvements are being constructed or reconstructed, the City shall be provided with a cash escrow,
15 cash bond, and/or letters of credit prior to the issuing of building permits or initiation of work on the
16 proposed improvements or development. This security shall guarantee conformance and compliance with
17 the conditions of the approval and the provisions of this Code.

- 18 (A) The security shall be in the amount equal to 125 percent the applicant's estimated costs of labor
19 and materials for the proposed improvements or development.
- 20 (B) The city shall hold the security until completion of the proposed improvements or development and
21 a certificate of occupancy indicating compliance with the provisions of the land use application and
22 this chapter has been issued by the building official. A maintenance period of ~~no more than~~ two
23 years for landscaping improvements may be collected as established by the annual fee schedule.
- 24 (D) Failure to comply with the conditions of the land use application approvals and the provisions of
25 this chapter shall result in forfeiture of the security.
- 26 (E) *Landscape escrow for single-family lots.* A landscape escrow, in an amount to be determined by the
27 *annual fee schedule* ~~building official~~, shall be deposited for all required landscaping, including
28 topsoil, sod, and trees, which is not established at the time of issuance of a certificate of occupancy.
29 Installation of required landscaping, including topsoil, *established groundcover* ~~sod (or seeding~~
30 ~~where permitted by this Chapter)~~, and trees, shall be completed within six months of the issuance
31 of the certificate of occupancy, weather permitting. The city may draw upon the escrow to install
32 the required landscaping if said work is not completed within six months of the date of issuance of
33 the certificate of occupancy.

34 203 Development Agreements

36 Whenever a performance *guaranty* is imposed by the city, the applicant shall be required to enter into a
37 *development* agreement with the city. This agreement is to provide authorization to the city to utilize the
38 posted security and complete stipulated work should the applicant fail to meet the terms and conditions
39 of the *development*. Said agreement shall hold harmless the City for completion of the work and address
40 other matters as may be determined by the City Attorney. *The development agreement shall be approved*
41 *by the City Council.*

42 210 Land Use Applications

44 The following land use application types are required and are described further in this chapter:

- 45 (A) Variances
46 (B) Site Plan Review
47 (C) Conditional Use Permits and Amendments
48 (D) Interim Use Permits
49 (E) Zoning Text Amendments

-
- 1 (F) Zoning Map Amendments
 - 2 (G) Comprehensive Plan Amendments
 - 3 (H) Home Occupation Permits (Level II)
 - 4 (I) Easement Vacations
 - 5 (J) Encroachment Agreements

6
7 **211 General information provided in an application form**

8 All requests for land use approvals required within this chapter shall be filed with the City on an official
9 application form and must be submitted to the zoning administrator by deadlines set forth in an adopted
10 calendar. Failure to submit a completed form is grounds for rejection of an application. The following
11 information is required on all land use application forms:

- 12 (A) The applicant's name, business name, address, telephone number, and email address.
- 13 (B) The property owner's name, business name, address, telephone number, and email address.
- 14 (C) Signatures of the applicant and property owner consenting to the application.
- 15 (D) The address and/or legal description of the subject site.
- 16 (E) The land use application type(s) being sought.
- 17 (F) A written narrative explaining the request.
- 18 (G) The applicant's and/or owner's designated representative's business name, address, telephone
19 number, and email address.
- 20 (H) Consent from the homeowner's association or architectural review board, if applicable.

21
22 **212 Information provided on plans**

23 The information required for all land use application types generally consists of the following items, as
24 applicable to the application, and shall be submitted when applicable or requested by the zoning
25 administrator. Plans must be prepared in a standard engineering or architectural scale and be prepared
26 by a licensed surveyor, architect, and/or civil engineer, as applicable. All plans, with the exception of
27 architectural renderings, shall be in black, greyscale, and white.

- 28 (A) *Existing Conditions.*
 - 29 (1) Affected parcel(s) legal description, dimensions, and area.
 - 30 (2) Location of all existing significant trees, type, diameter, and which trees will be removed.
 - 31 (3) Location of all existing structures on the site.
 - 32 ~~(4) Location of all adjacent buildings located within 150 feet of the exterior boundaries of the~~
33 ~~property in question.~~
 - 34 (5) Existing elevation contours at two-foot intervals extending 100 feet outside of the property
35 boundary.
 - 36 (6) Floodplain and wetland boundaries.
- 37 (B) *Proposed Site Plan.*
 - 38 (1) Location of all ~~buildings on parcels including both~~ existing and proposed structures.
 - 39 (2) Location and dimensions of vehicular circulation, curb cuts, driveways, drive aisles, and
40 number of existing and proposed parking spaces.
 - 41 (3) Calculations of parking space requirements.
 - 42 (4) Site plan details such as trash enclosures, etc.
 - 43 (5) Setbacks of all buildings, parking areas, and driveways from all property lines.
 - 44 (6) Snow storage locations.
- 45 (C) *Proposed Architectural Plans.*
 - 46 (1) Color architectural elevations with type and materials used in all exterior surfaces.
 - 47 (2) Location and type of all proposed wall-mounted lights.
 - 48 (3) Dimensions of proposed and existing structures.
 - 49 (4) "Typical" floor plan and "typical" room plan.

-
- 1 (5) Preliminary Architectural Code Analysis.
 - 2 (6) Screening plan of HVAC and other mechanical units.
 - 3 (D) *Grading plan.*
 - 4 (1) Proposed grading elevation contours at two-foot intervals and spot elevations extending
 - 5 100 feet outside of the property boundary.
 - 6 (2) Drainage configuration.
 - 7 (3) Storm sewer catch basins, invert elevations, and storage areas.
 - 8 (4) Proposed road profile.
 - 9 (5) Storm water calculations.
 - 10 (6) Floodplain and wetland boundaries.
 - 11 (E) *Tree Preservation Plan*
 - 12 (1) Location of all existing significant trees.
 - 13 (2) Other information from the tree preservation requirements in Section 350.
 - 14 (F) *Landscape plan.*
 - 15 (1) Location, type, and diameter of all proposed plantings including requirement calculations.
 - 16 (2) Location and material used for all screening devices.
 - 17 (G) *Preliminary Utility Plan.*
 - 18 (1) Sanitary sewer and water plan ~~with estimated use per day.~~
 - 19 (2) Existing sanitary sewer and water mains, service lines, and fire hydrants in adjacent rights-
 - 20 of-way.
 - 21 (3) Proposed fire hydrants.
 - 22 (4) If outside of the MUSA, locations of proposed wells and septic systems with soil logs.
 - 23 (H) *Lighting Plan.*
 - 24 (1) Cut sheets of the proposed light fixtures.
 - 25 (2) Photometrics of all wall-mounted and freestanding lights showing light levels across parking
 - 26 lots, driveways, and pedestrian areas, and along all property lines.
 - 27 (I) Other plans and studies may be necessary due to the nature of the application determined by the
 - 28 zoning administrator such as an environmental review, noise analysis, or traffic analysis.
 - 29

213 Application Submittal Dates

The Planning Commission shall adopt a calendar annually that specifies applicant submittal dates and Planning Commission meeting dates in conformance with state law.

214 Public Hearings

- 35 (A) The following land use application types require a public hearing:
- 36 (1) Variances
- 37 (2) Site Plan Review
- 38 (3) Conditional Use Permits and Amendments
- 39 (4) Interim Use Permits
- 40 (5) Zoning Text Amendments
- 41 (6) Zoning Map Amendments
- 42 (7) Comprehensive Plan Amendments
- 43 (8) Home Occupation Permits (Type II)
- 44 (9) Easement Vacations
- 45 (B) Public hearing notices must be provided to surrounding property owners, as measured from
- 46 property lines, as noted in each of the subsections below.
- 47 (C) A sign may be posted on the property constituting the application notifying the public of a proposed
- 48 land use application.

-
- 1 (D) When an applicant proposes any construction or alteration that would exceed a height of 200 feet
2 above ground level at the site then the zoning administrator shall notify the Mn/DOT commissioner
3 at least 30 days in advance.
- 4 (E) Notification of a Land Use Application in the Shoreland Overlay District, Scenic River Protection
5 Overlay, or Mississippi River Corridor Critical Area Overlay shall be provided to the Minnesota
6 Department of Natural Resources.
- 7 (F) The Planning Commission shall conduct the public hearing, report its findings, and make
8 recommendations to the Council, except in the case of a variance which is described further in this
9 chapter where the Planning Commission has approval authority. Easement vacation public hearings
10 are conducted at a regular City Council meeting.

11
12 **215 Re-submitting denied applications.**

13 No application which has been denied wholly or in part may be resubmitted for at least one year from the
14 date of its denial, unless substantial changes have been made which warrant reconsideration, as
15 determined by the zoning administrator.

16
17 **216 Expiration of approved applications**

18 An approval resolution for variances, site plans, conditional use permits and amendments, and home
19 occupations are valid for one year from the date of approval at which time the use must be in operation
20 or have a valid current building permit. The City Council may grant an extension of up to two years based
21 on reasonable extenuating circumstances before the initial expiration date.

22
23 **220 Variances**

- 24 (A) Variances shall only be permitted when they are in harmony with the general purposes and intent
25 of this chapter and when the variances are consistent with the comprehensive plan.
- 26 (B) Public hearing notice mailing distance is 350 feet.
- 27 (C) Variances may be granted when the applicant for the variance establishes that there are practical
28 difficulties in complying with the Zoning Code. "Practical difficulties," as used in connection with the
29 granting of a variance, means:
- 30 (1) That the property owner proposes to use the property in a reasonable manner not permitted
31 by the zoning code;
- 32 (2) The plight of the landowner is due to circumstances unique to the property not created by
33 the landowner; and
- 34 (3) The variance, if granted, will not alter the essential character of the locality.
- 35 (4) Economic considerations alone do not constitute practical difficulties.
- 36 (5) Practical difficulties include, but are not limited to, inadequate access to direct sunlight for
37 solar energy systems and
- 38 (6) Public takings of property due to condemnation.
- 39 (7) Variances shall be granted for earth sheltered construction as defined in M.S. 216C.06,
40 subdivision 14, when in harmony with this chapter.
- 41 (D) The Planning Commission may not permit as a variance any use that is not allowed under the Zoning
42 Code for property in the district where the affected person's land is located.
- 43 (E) The Planning Commission may impose conditions in the granting of variances. A condition must be
44 directly related to and must bear a rough proportionality to the impact created by the variance.
- 45 (F) The Planning Commission shall serve as the ~~board~~ final decision making authority. However, any
46 action of the ~~board~~ Planning Commission may be appealed to the Council by any affected person if
47 notice of such an appeal is received by the zoning administrator within ten days of the final action
48 of the ~~board~~ Planning Commission.
- 49 (G) The variance is approved by resolution.

-
- 1 (H) Recording of variance. A certified copy of a variance resolution shall be recorded with the Anoka
2 County recorder or registrar of titles for record. The variance resolution shall include the legal
3 description of the property included. No building permit shall be issued until after recording is
4 made.
- 5 (I) Additional standards for variances within the Mississippi River Corridor Critical Area Overlay
6 District are found in Section 910.

7
8 **225 Site Plan Review**

- 9 (A) Site Plan Review Applications Requiring Formal Planning Commission and City Council Review.
10 Absent a requirement for a conditional use permit, the following uses require a formal site plan
11 review application:
- 12 (1) Developments of multiple-family dwellings (three or more attached units), townhomes, and
13 manufactured home parks;
 - 14 (2) Commercial and industrial principal and accessory uses when adjacent to a residential use;
 - 15 (3) All proposed developments within the Floodplain, Scenic Rivers, and Environmental
16 Protection and Critical Rivers Overlay Districts;
 - 17 (4) Religious institutions;
 - 18 (5) Principal uses within the PI, P, and CL districts; and
 - 19 (6) Principal uses within the PUD, COR.
- 20 (B) A conditional use permit application review shall satisfy the site plan review procedural
21 requirements for conditional uses.
- 22 (C) Public hearing notice mailing distance is 350 feet.
- 23 (D) The site plan review is approved by resolution.
- 24 (E) Conditions of approval. The City Council may attach reasonable conditions or modifications to the
25 site improvements or building architectural design to mitigate any adverse effects of the site.
26 Conditions related directly to the use are not permitted.

27
28 **226 Administrative Site Plan Review**

- 29 (A) Expansion of an existing commercial or industrial building that meets all minimum standards of the
30 applicable zoning district and matches and/or complements the exterior design, materials and
31 treatments of the existing building shall be exempt from the standard site plan review process in
32 Section 225 and rather be reviewed as part of the standard building permit review process.
- 33 (B) Expansion, modification, or installation of site improvements for a permitted business or industrial
34 use where no building permit is otherwise required shall require an administrative site plan review.
- 35 (C) Expansion or modification of site improvements and/or for buildings for uses listed in Section 225(A)
36 of less than 100 percent (footprint) shall be reviewed administratively.
- 37 (D) Expansion or modifications of site improvements and/or for buildings for conditional uses as
38 described in Section 230 of less than 10 percent (footprint) shall be reviewed as an administrative
39 site plan review.

40
41 **230 Conditional Use Permits**

42 Certain types of uses are classified as conditional uses under this chapter to which reasonable conditions
43 may be attached. The conditions may be based on operation of the use, site improvements, and screening
44 in order to mitigate any impacts to surrounding properties or the public rights-of-way. Conditional uses
45 shall be approved by the City Council by a showing by the applicant that the standards and criteria stated
46 in this chapter will be satisfied. The standards and criteria shall include both general requirements for all
47 conditional uses, and insofar as practicable, requirements specific to each designated conditional use. If
48 the use proposed is new construction, the conditional use permit process shall also be considered a site
49 plan review.

-
- 1 (A) *Duration of conditional use permits.* A conditional use permit shall remain in effect as long as the
2 conditions agreed upon are observed and the permit holder is in compliance with all other
3 regulations or standards of this chapter. A conditional use permit shall become null and void one
4 year after the final action of the council if not initiated or utilized, or if the use is discontinued for a
5 continuous 12-month period, unless a petition for an extension of time in which to complete or
6 utilize the use that has been granted by the council. The city shall notify the CUP holder of these
7 time restrictions at time of issuance. Extension shall be requested in writing and filed with the city
8 at least 30 days before the expiration of the original conditional use permit. The request for
9 extension shall state facts showing a good faith attempt to complete or utilize the use permitted in
10 the conditional use permit. Such petition shall be presented to the planning commission for a
11 recommendation to the council and acted upon by the council.
- 12 (B) Public hearing notification mailing distance is 350 feet.
- 13 (C) The Conditional Use Permit is adopted by resolution.
- 14 (D) Recording of permit. A certified copy of any conditional use permit shall be recorded with the Anoka
15 County recorder or registrar of titles for record. The conditional use permit shall include the legal
16 description of the property.
- 17 (E) *Amended conditional use permits.* An amended conditional use permit may be applied for and
18 administered in a manner similar to that required for a new conditional use permit. Amended
19 conditional use permits shall include requests for substantial changes in conditions or expansions
20 of use, and as otherwise described in this chapter. Expansion or modifications of site improvements
21 and/or for buildings for conditional uses of less than 10 percent (footprint) shall be reviewed as an
22 administrative site plan review.
- 23 (F) *Revocation of conditional use permits.* In the event that violations of any conditions set forth in the
24 conditional use permit occur, the council shall have the authority to revoke the conditional use
25 permit. The following procedure shall be used to consider the revocation of a conditional use
26 permit.
- 27 (1) The parcel owner shall be notified of the possible violations of the conditional use permit and
28 given 30 days to correct the violation and submit a written response to the notice.
- 29 (2) If the violations are not corrected in the 30-day time frame, a public hearing conducted by the
30 city council shall be scheduled.
- 31 (3) At the public hearing for the purpose of revoking a conditional use permit the council shall
32 consider the written response of the parcel owner and evidence of the violation. With a
33 majority vote the City Council shall take one of the following actions:
- 34 a. Revocation of the conditional use permit by resolution adopt findings of fact and
35 conclusions that support revocation of the conditional use permit;
- 36 b. Finding no violation exists by motion; or
- 37 c. Directing compliance measures and timelines to correct the violation.
- 38 (4) *Exigent circumstances.* If the City finds that exigent circumstances exist requiring immediate
39 permit revocation, the Zoning Administrator may revoke the permit and provide a post-
40 revocation hearing before the City Council not more than 15 days after holder's receipt of
41 written notice of the hearing. Following such hearing, the City Council may sustain or rescind
42 the revocation, or may impose such other and further discipline as it deems appropriate.
- 43 (G) The conditions contained in a valid conditional use permit for an existing use that has become
44 permitted due to a change in the zoning district or zoning text will remain in effect only as to any
45 conditions related to site improvements.
- 46 (H) Additional standards for conditional use permits within the Mississippi River Corridor Critical Area
47 Overlay District are found in Section 910.

1 The purposes and intents of allowing interim uses are: To allow a use for a limited period of time that
2 reasonably utilizes the property where it is not reasonable to utilize it in the manner provided in the
3 Comprehensive Plan; and to allow a use that is presently acceptable but that, with anticipated
4 development will not be acceptable in the future.

5 (A) Public hearing notification mailing distance is 350 feet.

6 (B) *Standards of issuance.*

7 (1) Every interim use permit issued shall terminate upon a date or event that can be identified
8 with certainty, with the maximum duration of five years from the date of approval, ~~unless~~
9 ~~otherwise approved by the council.~~

10 (2) In the final six months of each approved term, the applicant may request an extension to the
11 permit of up to five years. An application for the extension is the same process as requesting
12 an initial interim use permit.

13 (3) The council may attach such conditions to the interim use permit as it deems necessary in
14 order to carry out the intent and purpose of this chapter and protect the public health, safety
15 and welfare. These conditions may include a financial surety in an amount sufficient to
16 remove the interim use and interim structures and/or site improvements upon expiration of
17 the interim use permit.

18 (4) Interim Use Permits for home occupations have modified standards set forth in Section 236.

19 (5) Interim Use Permits for personal use heliports have modified standards set forth in Section
20 340.

21 (C) *Termination.* An interim use permit shall terminate upon the occurrence of any of the following
22 events; whichever first occurs:

23 (1) The date stated in the permit;

24 (2) A violation of conditions and subsequent revocation of the permit; or

25 (3) Revocation resulting from a cessation of the interim use for 30 consecutive days.

26 (4) Change of ownership of the property.

27 (5) Change of business entity or tenant occupying the property.

28 (6) The extension of sanitary sewer and water services to the site for uses approved specifically
29 without municipal services.

30 (D) The Interim Use Permit is adopted by Resolution.

31 (E) The property owner must sign an agreement understanding the limitations and conditions of the
32 interim use.

34 236 Home Occupation Permits

35 A Home Occupation Permit has the following procedural requirements:

36 (A) *Term.* A home occupation permit shall be temporary in nature and shall be granted to a designated
37 person who resides in the dwelling unit on the subject property. The permit shall run with the
38 applicant, not the property. Permits are not transferable from person to person or from address to
39 address, unless the transfer is in accordance with the provisions of subsection (C) of this section.

40 (B) *Inspections.* The Zoning Administrator, shall have the right, upon reasonable request, to enter and
41 inspect the premises covered by said interim use permit for safety and compliance purposes, or
42 code enforcement complaints.

43 (C) *Death or move of permit holder; suspension or revocation; businesses existing before adoption of*
44 *these provisions.*

45 (1) Should an interim use permit holder move to a new location, the existing permit shall be
46 automatically terminated. If the interim use permit holder should desire to continue the home
47 occupation in a new location, written notice to that effect shall be given to the city
48 administrator or their designee, and the council may authorize continuation of that permit
49 with a public hearing for the neighboring properties of the proposed new location.

-
- 1 (2) In the case of a death of the interim use permit holder, should a surviving spouse or child,
2 residing at the same address or receiving title to the property, desire to continue the home
3 occupation, written notice to that effect shall be given to the city administrator or their
4 designee. The permit shall be automatically renewed subject to the same terms.
- 5 (3) An interim use permit, once granted, may be suspended or revoked prior to its original
6 revocation date by the council for cause after hearing before the council. Citizen complaints
7 seeking the revocation of such permit shall be filed with the city administrator or their
8 designee. All such revocation hearings, publication, and notice requirements shall be the
9 same as for interim use permits in accordance with City Code.
- 10 (4) Persons conducting a business from property zoned for residential use on the effective date
11 of the ordinance from which this section is derived shall be required to obtain an interim use
12 permit as required herein. The business may continue pending final determination of the
13 application. Should the city administrator, their designee, or council deny the application for
14 an interim use permit the use shall immediately cease at such residential premises.
- 15 (D) *Revocation.* An interim use permit for a home occupation may be revoked if the property owner is
16 found to be in violation of the conditions listed in the interim use permit or is in violation of any
17 other requirements set forth by the Ramsey City Code or Minnesota State Statute.
- 18 (E) *Termination.* Home occupations approved with an interim use permit may be terminated pursuant
19 to the procedure established in Section 235(D).
- 20 (F) *Appeals.* Any violation appeal or dispute shall be processed in accordance with Chapter 2 of City
21 Code.
- 22 (G) Public hearing notification mailing distance for a type-II permit is 350 feet.

23
24 **240 Zoning Text Amendment**

25 *Purpose.* The City Council may adopt amendments to this Zoning Code ~~ordinance and zoning map in~~
26 ~~relation both to land uses within a particular district or to the location of the district lines.~~ Such
27 amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in
28 the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions
29 in the city. The City Council may amend this chapter as proposed by a member of the Council, Planning
30 Commission, Zoning Administrator, or by a petition of a person residing or owning property within the
31 city, in accordance with the following provisions.

- 32 (A) Public hearing notification mailing distance is 350 feet if the amendment is related to a particular
33 property.
- 34 (B) The zoning text amendment is adopted by ordinance.

35
36 **245 Zoning Map Amendment**

37 *Purpose.* The City Council may adopt amendments to the Zoning Map in relation both to land uses within
38 a particular district or to the location of the district lines. Such amendments shall not be issued
39 indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the
40 community as reflected in the Comprehensive Plan or changes in conditions in the city. The Council may
41 amend ~~this chapter~~ the Zoning Map as proposed by a member of the Council, Planning Commission,
42 Zoning Administrator, or by a petition of a person residing or owning property within the city, in
43 accordance with the following provisions.

- 44 (A) *Conditional Map Amendment.* An amendment on particular properties in conjunction with a
45 specific proposed development may be described by a proposed plat name instead of the existing
46 legal description to safeguard a property's zoning in the event the proposed plat does not get
47 recorded or the project expires.
- 48 (B) Public hearing notification mailing distance is 350 feet.
- 49 (C) The zoning map amendment is adopted by ordinance.

1 (D) Planned Unit Developments are created through this process and the adopted ordinance shall list
2 the development standards and uses for that development.

3
4 250 Comprehensive Plan Amendments

5 *Purpose.* The City Council may adopt amendments to the Comprehensive Plan ~~ordinance and zoning map~~
6 ~~in relation both to land uses within a particular district or to the location of the district lines.~~ Such
7 amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in
8 the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions
9 in the city. The City Council may amend this chapter as proposed by a member of the Council, Planning
10 Commission, Zoning Administrator, or by a petition of a person residing or owning property within the
11 city, in accordance with the following provisions.

12 (A) Public hearing notification mailing distance is 350 feet if the amendment is related to a particular
13 property.

14 (B) The Comprehensive Plan amendment is adopted by ordinance.

15
16 260 Easement Vacations

17 Pursuant to Section 12.6 of the City Charter, the procedure for application to vacate a public utility,
18 drainage, roadway, access, or other form of easement shall be as follows:

19 (A) The applicant shall petition the Zoning Administrator on the easement to be vacated including a
20 legal description and survey exhibit.

21 (B) *Public Hearing Notification Requirement:* property owners within 350 feet and all utility companies
22 operating within Ramsey.

23 (C) The City Council shall hold a public hearing and make a final determination by resolution.

24 (D) The approval resolution shall be recorded with the Anoka County Recorder's office or Registrar of
25 Titles.

26
27 261 Encroachment Agreements

28 An encroachment agreement is necessary when a structure or site improvement, other than a fence,
29 utility infrastructure, parking lot, or driveway is proposed to be constructed in an easement or right-of-
30 way and vacating the easement or right-of-way is not desired or practical.

31 (A) A thirty-day notification must be provided to all utility companies operating within Ramsey.

32 (B) Administrative approval. The Zoning Administrator may approve an encroachment agreement
33 administratively for encroachments that have received variances.

34 (C) The City Council will review all other encroachment requests and, if deemed reasonable at its sole
35 discretion, approval is adopted by resolution authorizing the encroachment agreement.

36 (D) All encroachment agreements must be recorded against the property with the Anoka County
37 Recorder's office.

38 (E) The zoning administrator will have the ability to abate the structure or site improvement removal
39 as set forth in Chapter 2 in the event the structure is not removed according to the terms of the
40 agreement.

41
42
43 300 General Performance Standards

44 The following sections set forth standards for uses or structures applicable in all zoning districts.

45
46 301 One Principal Building per Lot

47 Every building erected after the adoption of this chapter from which this chapter is derived shall be
48 located on a lot, as defined herein and in no case shall there be more than one ~~main~~ principal building on
49 any one lot, except as may otherwise be provided herein.

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302 Structures on Outlots

No structures shall be constructed or erected on an outlot other than signs or fences.

303 Easements

No private buildings (principal or accessory), temporary or permanent structures, or uses may be located in, on, or over any public drainage and/or utility easements, except fences, driveways, parking lots, or easily-movable structures that do not impede the flow of water and do not have permanent foundations as described elsewhere in this chapter and as determined by the City Engineer; and public or quasi-public utilities or facilities regulated by City Franchise or other provisions of the City Code. The items constructed within an easement are subject to removal at the property owner’s expense in the event work on the utilities in the easement is needed.

304 Adequate Public Infrastructure

All developments must provide adequate infrastructure suitable for the anticipated traffic, pedestrian circulation, and utility needs of the use. The City is authorized to require any necessary upgrades of adjacent and area public roadways and utilities directly related and proportional to a proposed development. Examples of such improvements are, but not limited to, construction or striping of turn lanes, installing or upgrading utilities, installing sidewalks, and/or installing street lights. All such expenses are the responsibility of the property owner of the proposed development.

305 Sanitary Sewer and Water Connections

- (A) All new principal structures within the Metropolitan Urban Services Area (MUSA) as designated on the current Comprehensive Plan must be connected to municipal sanitary sewer and water.
- (B) For an undeveloped parcel within an urbanized zoning district that is not directly serviced by municipal sanitary sewer and water, reasonable efforts must be made to extend sanitary sewer and/or water mains to the site prior to constructing a principal structure. This may be accomplished by developer utility construction or by an assessment agreement. If it is not reasonably feasible to extend sanitary sewer and/or water mains, a building permit may be issued with private systems.
- (C) In areas of the city outside of the current Metropolitan Urban Services Area (MUSA) where municipal water mains are located, the owner of a property directly adjacent may petition the City Council for a water connection in the event an existing well becomes inoperable or contaminated. In no case shall the property be considered for rezoning to an urbanized district.

306 Small Utility Services

All buildings constructed after the adoption date of this chapter shall be served by undergrounded utilities (natural gas, electric, cable, telephone, etc.) extending from the public right-of-way to the building.

307 Construction trailer/Field Office

Construction trailers and field offices may only be placed and used in conjunction with an active building, utility, or grading permit onsite. The construction trailer/field office must be removed within two weeks of the building obtaining a certificate of occupancy or the grading and utility work completed.

310 Lighting

The purpose of this section is to provide regulations to balance lighting needs for visibility and personal and property safety with the negative impacts of off-site light spill-over.

- 1 (A) Wall lighting may be used to illuminate the pedestrian walkways, entrance areas, loading docks, and
- 2 yard areas within 20 feet of the building. No wall lighting may be used exclusively to illuminate areas
- 3 for motor vehicle parking or access.
- 4 (B) Architectural lighting, including LED or neon banding, must be mounted on the building or canopy.
- 5 Architectural lighting directed upward onto the building façade is permitted provided no glare or
- 6 light pollution are produced. LED banding must use colored tube shielding for a continuous
- 7 appearance.
- 8 (C) Free-standing and wall-mounted luminaire regulations:
- 9 (1) Height maximums, including the base and support structure, are limited as follows:
- 10 a. Farther than 200 feet from any property zoned residential: 30 feet.
- 11 b. Within 200 feet of any property zoned residential: 15 feet.
- 12 (2) Cut-off angles must be equal to or less than 90 degrees.
- 13 (3) Ballfield, stadium, or outdoor recreation lighting is exempt from the height and cut-off angle
- 14 requirements in this section though the design shall constitute the absolute minimum height
- 15 necessary to light the area and must provide shielding to reduce off-field light spill.
- 16 (D) Lighting intensity must adhere to the following table:
- 17

Required Minimum and Maximum Light Intensities (as measured in foot candles at the ground level)			
Use	Minimum Intensity	Maximum Intensity	Maximum Intensity at Property Line
Parking areas for non-residential uses	1	15	0.5
Parking areas for multi-family residential uses	1	15	0.5
Private pedestrian walkways for non-residential and multi-family residential uses	5	20	0.5
Building entrances and exits	5	20	0.5
Exterior storage areas	0.5	15	0.5
Vehicle sales lots	1	20	0.5
Non-specified uses - For uses not specifically listed above, light requirements may be computed by the zoning administrator.			

- 18
- 19 (E) Exterior lighting must be operational when a business is open or employees are on site.
- 20 (F) Glare. All lighting must be arranged so as not to produce glare. All properties must be in
- 21 compliance with the following:
- 22 (1) All light sources must be controlled and equipped with lenses, louvers, shields, or prismatic
- 23 control devices designed to prevent off-site views of the light source.
- 24 (2) No flickering or flashing lights except those associated with public safety activities may be
- 25 permitted.
- 26 (3) Light sources that are integrated into a canopy must be designed to be recessed and flush
- 27 with the ceiling of the canopy, and equipped with a flat lens surface.
- 28 (4) Residential single-family and townhome uses may have wall-mounted lighting with exposed
- 29 light sources provided glare is not produced from off-site views.
- 30 (G) Compliance. Any new lighting installed after the effective date of this chapter must be in
- 31 compliance with the requirements of this chapter. Any lighting in existence before the effective
- 32 date of this chapter that does not comply with its requirements may be considered legally

1 nonconforming and may be allowed to continue in compliance with Section 140. Lighting may be
2 required to be upgraded, wholly or in part, due to a request for a site plan review, conditional use
3 permit, interim use permit, variance, or plat.

4 (H) Seasonal decorative lighting and landscape lighting are not regulated by this section.
5

6 **320 Driveways and Curb Cuts**

7 The owners of a corner lot may elect to access the principal building on either street that the lot abuts. In
8 cases of ~~through~~ lots with more than one street frontage, the city shall determine which street the building
9 fronts and accesses. In cases where one of the streets is a county, state or MSA street, the lot shall access
10 on the other street. Where any such election is manifestly contrary to the established character or welfare
11 of the neighborhood, the ~~permit~~ request shall be referred to the ~~board of appeals~~ City Council for approval
12 or disapproval.
13

14 **322 Vision Clearance Triangle**

15 A vision clearance triangle shall be established at each intersection corner in order to provide adequate
16 site distance. The vision triangle shall be formed by creating a third leg that connects the ends of two legs
17 that are in line with the face of the existing curbs. On streets which have a stop condition the length of
18 the leg shall be 25 feet from the nearest face of the curb on the cross street being approached and shall
19 be 50 feet for streets without stop conditions. The vision triangle shall also apply at alleys and at
20 commercial driveways with the leg distance of 25 feet. The vision triangle shall be three dimensional and
21 shall extend from 30 inches to nine feet above the top of curb. Where the wording herein refers to
22 horizontal measurement from the face of curb and no curb exists, the edge of pavement shall be used
23 instead. Where the wording herein refers to vertical measurement from top of curb and no curb exists,
24 the measurement shall begin six inches above the pavement. The vision clearance triangle shall contain
25 no fence, structure, earth bank hedge, planting, wall or other sight obstruction. The following are
26 exempted: utility poles, fire hydrants, traffic signals and signs, trees trimmed to the trunk, and plant
27 species of open growth habit that are not planted in the form of a hedge and which are planted and
28 trimmed as to leave an unobstructed view in all seasons. There shall be no parking allowed along the curbs
29 within the vision triangle. Construction of new buildings or new additions to existing buildings that extend
30 into the vision triangle shall not be permitted. Existing buildings shall not be considered an obstruction
31 under the terms of this division. The city engineer may waive this provision where the natural contour of
32 the ground is such that there can be no cross visibility at the intersection. Landscaping with the vision
33 clearance triangle that is in existence prior to the date of adoption of the ordinance from which this
34 division is derived shall be viewed on a case-by-case basis to determine whether these landscaping
35 elements are in compliance with this division. The public works committee shall render the final decision
36 on such determinations.
37

38 **323 Traffic Regulatory Signs**

39 Standard regularity stop signs are required at all driveway exits to public streets, except for single-family,
40 two-family, and townhome residential driveways. Other signs may be required as part of the Site Plan
41 Review process.
42

43 **325 Pedestrian Connections**

- 44 (A) Walkways. All business, industrial, multi-family residential, and public/quasi-public structures on
45 parcels abutting sidewalks or multi-use trails in the public right-of-way shall provide a pedestrian
46 connection between the sidewalk or trail and the main entrance to the building. The walkway shall
47 be as direct as possible minimizing driveway and parking lot crossings.
- 48 (B) Bicycle Rack. All non-residential uses shall provide a bicycle rack near the main entrance to the
49 building.

1
2 **326 Outdoor Dining Areas/Patios**

3 Outdoor dining areas and patios accessory to restaurants/brew pubs, brewery taprooms, and distillery
4 cocktail rooms have the following standards:

- 5 (A) The seating must be located on the same parcel as the principal use.
- 6 (B) The outdoor seating area shall be defined with the use of landscaping, temporary fencing, or other
7 means that contains the tables and chairs for the use.
- 8 (C) Patrons shall access the outdoor seating area through the main entrance or host station.
- 9 (D) All exterior sound equipment shall be shut off at 10:00 p.m.

10
11 **330 Alternative Energy Systems**

12 *Purpose and intent.* The purpose and intent of this section is to establish standards and procedures by
13 which the installation and operation of alternative energy systems shall be governed within the city. The
14 city finds that it is in the public interest to encourage alternative energy systems that have a positive
15 impact on energy production and conservation while not having an adverse impact on the community.

16
17 **331 Wind energy conversion systems (WECS).**

18 The following standards are intended to facilitate the provisions for WECS to the residents and businesses
19 of the city; minimize adverse visual effects of wind towers, turbines, and generators through careful
20 design and site selection standards; and avoid potential damage to adjacent properties from tower failure
21 through structural standards and setback requirements.

22 (A) *Location.* ~~WECS units shall be allowed by conditional use if listed as a conditional use in the~~
23 ~~underlying zoning district. Furthermore,~~ WECS units shall not be allowed in the Critical River, Wild
24 and Scenic River, and Shoreland Overlay Districts, except for micro-scale WECS provided that it does
25 not violate the maximum structure height of the overlay district.

26 (B) *Bulk standards.*

27 (1) *General requirements.* No part of the WECS, equipment, guyed wires, blades, or braces shall
28 at any time extend across or over any part of the public right-of-way, public street, highway,
29 sidewalk, or recreation trail.

30 (2) *Setback.* All small scale WECS and medium scale WECS units shall maintain a minimum setback
31 of 1.5 times the height of the tower. In addition, WECS units in any residential district must
32 maintain a minimum setback of 1,000 feet from any principal dwelling unit on adjacent
33 parcels. Setbacks shall be measured from the center of the WECS tower to the nearest
34 property line.

35 (3) *Height.* Height for any WECS shall be: ~~restricted by the definition of the WECS as listed in City~~
36 ~~Code section 117-1, definitions.~~

37 a. *WECS, small-scale.* A WECS with a height no greater than 50 feet tall, including the
38 blade.

39 b. *WECS, medium-scale.* A WECS with a height between ~~101~~ 50 feet and 199 feet tall,
40 including the blade.

41 c. *WECS, utility-scale.* A WECS with a height of 200 feet or greater, including the blade.

42 ~~d. The city council may increase the height of a small scale WECS up to an overall height~~
43 ~~of 100 feet if the applicant is able to demonstrate to the satisfaction of the city council~~
44 ~~that the surrounding topography, structures, vegetation, and other factors make the~~
45 ~~height limit for a complying WECS impractical.~~

46 e. A micro-scale WECS is limited to 25 feet taller than the structure to which it is mounted
47 and can be no taller than the maximum building height of the underlying zoning district.

~~A variance, processed in accordance with section 117-53 (Variance procedures) is required for any micro-scale WECS proposed to be taller than these restrictions.~~

- (4) *Blade clearance.* Any WECS blade shall maintain a minimum ground clearance of 30 feet.
 - (5) *Restricted climbing apparatus.* Any WECS tower shall be designed to have removable climbing apparatuses a minimum of 25 feet from the ground. All climbing apparatus within 25 feet of the ground must be removed when not being serviced.
 - (6) *Site location in residential districts.* A WECS may only be located in the rear yard in the residential districts. ~~The city council may approve a WECS in the front yard if the applicant is able to demonstrate setbacks would be unable to be met in the rear yard.~~
- (C) *Design standards.* A proposed or modified WECS shall meet the following minimum design standards.
- (1) *Tower design.* Any WECS shall be of a monopole design unless the city council determines that an alternative design is preferred in cases where structural or design considerations, neighborhood compatibility, or location availability is better suited with an alternate design.
 - (2) *Architectural design.* Any WECS shall be designed to blend into the surrounding environment through the use of color and design, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 - a. Architectural design standards are subject to final city council approval.
 - b. The city council may deny a WECS if it determines the design standards are incompatible with the surrounding area.
- (D) *Co-location requirements.* Whenever possible, the city encourages co-location of wireless telecommunication facilities on a WECS.
- (E) *WECS Lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower, or if required by the city council for safety reasons. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- (F) *Signs and advertising.* The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- (G) *Accessory utility buildings.* All utility buildings and structures accessory to a WECS shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood, as determined by the city council.
- (H) *Abandoned or unused WECS or portions of a WECS.* ~~Abandoned or unused WECS or portions of a WECS shall be removed as follows:~~
- a. ~~All abandoned or unused WECS and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the city council. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application.~~
 - b. ~~The replacement of portions of a WECS previously removed requires the issuance of a new conditional use permit.~~

332 Solar energy systems

In all districts, solar energy systems shall be permitted as an accessory use in accordance with the standards in this section.

1 (A) *Exemptions.* Passive or building-integrated solar energy systems are exempt from the requirements
2 of this section and shall be regulated as any other building element.

3 (B) *Standards.*

4 (1) *Wall-Mounted or Roof-Mounted Systems*

5 a. Building-mounted solar energy systems ~~shall comply with all building setbacks in the~~
6 ~~applicable zoning district and~~ shall not extend beyond the perimeter of the building on
7 which the system is mounted unless the mounting system has been explicitly engineered
8 to safely extend beyond the edge.

9 b. Building-mounted solar energy systems shall ~~be included~~ ~~comply~~ with the maximum
10 allowable building height for the applicable zoning district.

11 (2) *Ground-Mounted Systems*

12 a. Ground-mounted solar energy systems shall be located on any property such that the
13 distance to the closest property boundary is at least equal to the height of the solar energy
14 system at its maximum designed tilt.

15 b. In residential districts, front, side, and rear yard setbacks for ground-mounted solar
16 energy systems shall be in accordance with accessory building setbacks.

17 c. *In business districts,* Ground-mounted solar energy systems may be permitted in any
18 yard.

19 ~~d. The height of ground-mounted solar energy systems at maximum designed tilt shall not~~
20 ~~exceed the distance from the nearest property boundary or the maximum allowable~~
21 ~~building height for the applicable zoning district, whichever is more restrictive.~~

22 ~~f. In residential districts, the height of ground-mounted solar energy systems shall be in~~
23 ~~accordance with accessory building height limitations outlined in City Code section 117-~~
24 ~~349(d)(6).~~

25 d. *Glare.* The panels of ground mounted solar energy systems shall be placed and arranged
26 such that reflected solar radiation or glare shall not be directed onto adjacent buildings,
27 properties or roadways.

28 e. Solar canopies over parking lots, loading areas, or outdoor storage areas are permitted to
29 have the same setbacks as the parking lot, loading area, or outdoor storage area below.

30 ~~d. Easements. Solar energy systems shall not encroach on public drainage, utility, roadway or~~
31 ~~trail easements.~~

32
33 (C) *Feeder lines.* The electrical collection system shall be placed underground within the interior of each
34 property. The collection system may be placed overhead near substations or points of interconnection
35 to the electric grid.

36 ~~f. Aesthetics. All solar energy systems shall be designed to blend into the architecture of the~~
37 ~~building and to minimize glare toward vehicular traffic and adjacent properties to the extent~~
38 ~~possible without impacting the performance of the system.~~

39 (D) *Abandonment.* If a solar energy system remains non-functional or inoperative for a continuous period
40 of one year, ~~the system shall be deemed to be abandoned and shall constitute a public nuisance.~~ the
41 owner shall remove the abandoned system at their expense ~~after obtaining a demolition permit.~~

42 ~~h. Permits. A permit(s) shall be obtained for any solar energy system in accordance with~~
43 ~~Minnesota State Building Code prior to installation.~~

44 ~~1. Prior to the issuance of a permit for a ground mounted solar energy system in a residential~~
45 ~~district or on a property abutting a residential district, the permit applicant must provide~~
46 ~~an analysis demonstrating that the ground mounted system will not impact aesthetics of~~
47 ~~adjacent residential properties due to glare.~~

48
49 333 Ground source heat pump systems/*Geothermal Systems*

1 In all districts, ground source heat pump systems shall be permitted as an accessory use in accordance
2 with the standards in this section.

3 (A) *System requirements.* Only closed loop ground source heat pump systems utilizing heat transfer
4 fluids are permitted. Open loop ground source heat pump systems are not permitted.

5 (B) *Setbacks.*

6 (1) All components of ground source heat pump systems including pumps, borings, and loops
7 shall be set back at least five feet from any property boundary.

8 (2) Above ground equipment associated with the ground source heat pump system shall meet all
9 required [accessory structure](#) setbacks for the applicable zoning district.

10 (3) The loop field of a ground source heat pump system shall be no closer than five feet from the
11 water main line.

12 ~~(3) *Easements.* Ground source heat pump systems shall not encroach on any public drainage,
13 utility, roadway or trail easement.~~

14 (C) *Abandonment.* If the ground source heat pump system remains non-functional or inoperative for a
15 continuous period of one year, the ~~system shall be deemed to be abandoned and shall constitute a
16 public nuisance. The owner shall remove the abandoned system at their expense, after a demolition
17 permit has been obtained, in accordance with applicable codes.~~

18 ~~(5) *Permits.* A permit(s) shall be obtained for any ground source heat pump system in accordance
19 with Minnesota State Building Code prior to installation.~~

20 21 334 Exterior Solid Fuel-Fired Heating Devices

22 (A) Exterior solid fuel-fired heating devices shall be located at least 75 feet from any property line and
23 shall not be located in the front yard.

24 (B) The following materials shall not be used or burned in exterior solid fuel-fired heating devices: grass,
25 leaves, oils, rubber, plastics, tires, railroad ties, construction debris, and painted or chemically
26 treated materials such as treated lumber, composite shingles, tar paper, insulation composition
27 board, sheetrock, wiring, paint, and hazardous and industrial solid waste.

28 29 335 Incinerators

30 Notwithstanding anything to the contrary in this chapter, no burning of solid waste, hazardous waste,
31 medical waste, or special waste by use of an incinerator or hazardous waste incinerator shall be allowed
32 within the city either as a permitted use or conditional use.

33 34 336 Electric Vehicle (EV) Charging Stations

35 (A) A property owner may install EV charging stations in a parking space in a parking lot or structure
36 available to the public for free or for a fee.

37 (B) Parking spaces used for EV charging may be signed as restricted for electric vehicles.

38 (C) Parking spaces used for EV charging will count towards the overall required number of spaces listed
39 elsewhere in this chapter.

40 41 340 Personal Use Heliports

42 (A) *General rule.* The use of any lot or outlot within the city for helicopter take-offs or landings, either
43 on a regular, temporary, or occasional basis, shall require ~~a conditional~~ [an interim](#) use permit
44 ~~(permit). Said permit shall be processed and enforced~~ in accordance with [section 235](#).

45 (B) *Exceptions.* Operation of helicopters at unlicensed heliports shall be permitted under the following
46 circumstances:

47 (1) Emergency landings;

48 (2) Landings or takeoffs of an aircraft of a governmental agency operating in its official capacity;

49 or

- 1 (3) Landings or takeoffs which the city is pre-empted from regulating.
- 2 (C) *Heliport permits.*
- 3 (1) The interim use permit for a personal use heliport may be issued if the city council makes the
- 4 following findings:
- 5 ~~a. Noise levels comply with Minn. Rules ch. 7030.~~
- 6 b. That the aircraft operator is licensed to the extent required by FAA.
- 7 c. The use heliport is licensed by Mn/DOT office of aeronautics.
- 8 d. In the event the applicant for the permit does not own the property on which the
- 9 heliport is proposed to be sited, the applicant must provide the city with evidence of
- 10 written permission from the property owner to land or takeoff; ~~for lands owned by the~~
- 11 ~~city, the written permission of the city council shall be required.~~
- 12 e. That persons or property will not be unduly endangered as a result of the landings or
- 13 takeoffs. Among the factors to be considered are the location and size of the proposed
- 14 landing/takeoff site, surrounding land uses and structures (such as buildings, power
- 15 poles, signs, or fences), existing terrain and foliage, numbers of persons expected to be
- 16 at or about the site, and flight paths to or from the site.
- 17 (2) If granted, the terms of the permit shall include but not be limited to the following items:
- 18

Requirement	Zoning Districts		
	Residential	Business	Industrial
Minimum lot size	3 acres	None	None
Minimum altitude over structures and people	500	500	500
Permitted takeoff/landing hours	8:00 a.m. — sunset	7:00 a.m. — sunset	24 hours a day
Frequency restriction on landings and takeoffs	2 1/6 hours	2 1/4 hours	None

- 19
- 20 (3) Liability insurance and liability indemnification. The permit holder shall secure and maintain
- 21 insurance from an insurance company acceptable to the city and authorized to write casualty
- 22 insurance in the State of Minnesota which will protect the permit holder, its agents and
- 23 employees and the city from claims for bodily injury, death or property damage which may
- 24 arise from the operations on the subject property. The permit holder shall file a certificate of
- 25 insurance or a certified copy of the insurance policy with the city. Such insurance policy shall
- 26 contain a clause providing that it shall not be cancelled by the insurance company without 30
- 27 days' written notice to the city of intention to cancel. The following coverage shall be provided
- 28 in amounts not less than those specified for public liability, general liability, personal injury
- 29 and property damage:
- 30 a. Injury or death of one person: \$1,000,000.00.
- 31 b. Injury to more than one person in a single accident: \$1,000,000.00.
- 32 c. Property damage: \$1,000,000.00.
- 33 d. Total aggregate liability for all items: \$1,000,000.00.
- 34 (4) The heliport will have adequate marking and signage to alert users of the property as to the
- 35 location of the heliport and to delineate a safe distance from the heliport during helicopter
- 36 operations.
- 37 (D) Term of ~~conditional~~ interim use permit for personal use heliport. ~~Conditional~~ Interim use permits for
- 38 personal use heliports shall be temporary in nature and shall be granted to a designated person
- 39 who either resides on the property or has written permission from the property owner to utilize the

property for a heliport. Permits are not transferable from person to person or from address to address.

(E) *Termination of permit.* A permit shall terminate upon the occurrence of any of the following events, whichever occurs first:

(1) The expiration date stated in the permit, ~~if any;~~

~~(2) A violation of conditions and subsequent revocation of permit in accordance with procedures provided for in section 117-51 for revocation of conditional use permits; or~~

(3) Unless otherwise specified by the city council at the time it is authorized, a permit shall expire without further notice to the permittee if:

a. The use is not initiated within 12 months of the date of city council approval; or

b. The permit is discontinued for a continuous 12-month period; unless a written request for an extension of time has been received and approved by the city council prior to the expiration of the original permit.

350 Tree Preservation

Sections 350 through 354 pertain to tree preservation within the City of Ramsey.

351 Tree Preservation Purpose and Intent

(A) *Purpose.* The city council finds it is in the best interest of the city to protect, preserve, and enhance the natural environment by encouraging a resourceful and prudent approach to development and alteration of wooded areas. The city council also recognizes that some amount of tree loss is an inevitable consequence of the development process. The tree preservation regulations herein attempt to maintain a balance between one's rights to develop property with the needs and desires of the community to protect the natural environment. ~~The purpose of this division is to enhance the community and its citizenry, and not to be punitive or to cause hardship to any individual, private or public company.~~

(B) *Intent and Objectives.* The intent of this section is to provide support the preservation and protection of significant trees, or stands of trees, to promote the orderly development of such areas and minimize public and private losses. The following regulations address ~~relating to~~ the removal of trees associated with new development. The city council finds that the following objectives are important to achieve the purpose and intent of this division ~~in achieving these goals:~~

(1) To continue to seek recognition as a Tree City U.S.A. and to take all reasonable steps to promote planting and conservation of trees throughout the city;

~~(2) To promote good design in new areas and provide sensitive and compatible infill development in existing commercial areas;~~

~~(3) To control epidemic tree diseases and insect infestations which threaten the health of trees in the community;~~

~~(4) To provide regulations that ensure the placement of trees along the street right of way for the purpose of protecting against excessive noise, heat, and glare, and to enhance the attractiveness and value of property;~~

~~(5) To ensure that landscaping is an integral part of development, not an afterthought;~~

~~(6) To foster and support community forest programs and encourage good tree management; and~~

(2) To maintain and preserve the many benefits that trees provide including, but not limited to, the following:

a. *Character and aesthetics.*

1. Trees help buffer different or conflicting land uses ~~for the~~ by establishing visual screening and buffering noise, glare and heat abatement ~~in transitional zones;~~

1 A landmark tree shall be any tree, public or private, that has been designated as such by the city council,
2 after public hearing and due notice to the owner of the tree. The criteria of such designation shall include,
3 but not necessarily be limited to, notable historical interest and value to the city because of its location
4 or historical association with the community.

5
6 353 Public trees.

7 (A) *Authority.* The city shall have the right, but does not have the obligation, to plant, prune, maintain
8 and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, ~~avenues,~~
9 ~~lanes,~~ squares, parks, and public grounds, as may be necessary to ensure public safety or to preserve
10 or enhance the symmetry and beauty of such ~~public grounds areas.~~

11 (B) *Removal of public trees.* No trees, brush, vines, shrubs and/or ground cover are to be removed by
12 anyone, including adjacent landowners or agents of any landowner, from any city-owned land,
13 greenways or access corridors from greenways without the ~~written~~ permission of the city.

14 (C) *Storage upon public land.* No person shall deposit, place, store, or maintain upon any public ~~place~~
15 ~~land~~ of the ~~municipality city~~ any stone, brick, sand, concrete, vehicles, equipment, toxins, animals,
16 tree carving, or other materials which may impede the free passage of water, air, or fertilizer to the
17 roots of any tree growing therein, except by written ~~permit~~ ~~permission~~ of the city.

18 ~~(d) Signage. It shall be unlawful for any person, firm, or public utility to attach any sign, advertisement,~~
19 ~~political endorsement or notice to any public tree.~~

20 (D) *Operation of equipment.*

21 (1) All maintenance equipment, implements, machines and tools shall be used or operated in
22 such a manner as not to damage or destroy any tree, shrub or plant in any public right-of-way
23 or park.

24 (2) During the erection, repair, alteration or removal of any building, house or structure, in the
25 city, any person, firm, or corporation in charge of such work shall protect any tree in any public
26 place within the city in the vicinity of such building or structure with sufficient guards or
27 protectors to prevent injury to such tree.

28 (E) *Notifying adjacent property owners of maintenance work.* An attempt ~~may~~ ~~shall~~ be made to inform
29 adjacent property owners of maintenance work on trees and landscaping along boulevards, city
30 property, and easements. This notification will be left with direct and adjacent property owners.
31 Suitable precautions shall be taken to protect and warn the public that spraying is being done to
32 public trees. Spraying will be done only if following an integrated pest management plan as
33 exemplified under such topic within the state department of agriculture and be completed by a
34 Minnesota Department of Agriculture licensed pesticide applicator.

35 ~~(G) Adjacent landowners' limited responsibility. Trees planted along city property lines will be watered~~
36 ~~by those property owners adjacent to said trees. No one other than city employees or their designee~~
37 ~~may trim, prune, or remove public trees~~

38
39 354 Private trees in new development areas.

40 (A) *Requirements for a tree preservation plan.* Prior to any development, ~~land clearing, filling, or any~~
41 ~~other land alteration,~~ as described in subsection (B) of this section, a tree preservation plan shall be
42 submitted to and approved by the city. ~~The developer shall be required to erect suitable protective~~
43 ~~barriers around all trees to be preserved and these protective structures, where required, shall~~
44 ~~remain until such time as they are authorized to be removed by the city or issuance of a final~~
45 ~~certificate of occupancy.~~

46 (B) *Tree preservation plan.* A tree preservation plan shall be submitted with preliminary plats and/or
47 site plans, drawn to the same scale as the other preliminary plat or site plan submittals. ~~The~~
48 ~~submitted tree preservation plan must include a buffer, if required, and landscape plan for the~~
49 ~~project.~~

-
- 1 (1) Residential and commercial development plans shall be designed to preserve native natural
2 vegetation areas as much as possible. Streets, parcels, structures and parking areas shall be
3 laid out to minimize the destruction of wooded areas or outstanding tree specimens.
4 ~~Developers of land are encouraged to designate wooded areas as park reserves.~~
- 5 (2) The city may require either the clustering of dwellings or alternate locations of dwellings to
6 preserve significant trees during the plat approval process.
- 7 (3) There shall be no movement, clearing, or storage of equipment within a designated tree
8 protection zone nor shall any construction materials, debris, or soil/fill be stored or deposited
9 within a designated tree protection zone. ~~The owner, developer, or agent shall not permit the
10 placement of construction materials, debris, soil deposits, or fill; nor cause or permit disposal
11 of waste materials such as paints, oils, solvents, asphalt, concrete, mortar or any other
12 harmful material within the dripline of any protected tree area.~~
- 13 (C) *Plan specifications content.* The content of all tree preservation plans submitted shall be prepared
14 and signed by a licensed surveyor or forester not more than two (2) years prior to submission to the
15 city and shall, ~~for purposes of city staff review,~~ include the following:
- 16 (1) The name(s), contact information (telephone number and email), and address(es) of
17 applicant(s), property owner(s), developer(s), and/or builder(s);
- 18 (2) Delineation of all buildings, structures, and impervious surfaces situated thereon or proposed
19 to be built thereon;
- 20 (3) Delineation of all areas located within a 100-year floodplain;
- 21 (4) Location, diameter, species, and condition of all significant trees on site in both graphic and
22 tabular form. For the purposes of this division, significant trees shall include:
- 23 a. All species of oak that have a DBH of four inches or greater;
- 24 b. All coniferous species that have a DBH of four inches or greater; and
- 25 c. All other trees that have a DBH of eight inches or more;
- 26 (5) Identification of which significant trees are to be (1) preserved, (2) removed; and (3) exempt
27 from the removal calculation per subsection (f) (3) of this section. This shall be in both graphic
28 and tabular form;
- 29 (6) Tabulation of total significant tree inches on site;
- 30 (7) Calculation of total inches being removed on site excluding exempt significant tree inches;
- 31 (8) Calculation of total exempt significant tree inches and indication of why each significant tree
32 is exempt;
- 33 (9) Calculation of removed significant tree inches (excluding exempt tree inches) divided by the
34 total significant tree inches on site (excluding exempt tree inches);
- 35 (10) Proposed locations and details of tree protection fencing to be installed around trees being
36 preserved;
- 37 ~~(2) A tree survey overlay on the grading plan, which locates all significant trees within the
38 developable areas of the site, identifying both diameter and species. Dead or diseased trees
39 shall be included in the survey. All tree surveys for subdivisions involving the construction of
40 roads or drainage conveyances shall be performed by an International Society of
41 Arboriculture Certified Arborist or a Society of American Foresters Certified Forester. For the
42 purposes of this division, significant trees shall include:~~
- 43 ~~a. All species of oak that have a DBH of four inches or greater;~~
- 44 ~~b. All evergreen species that have a DBH of four inches or greater; and~~
- 45 ~~c. All other trees that have a DBH of eight inches or more;~~
- 46 ~~(3) Existing soil conditions throughout the parcel; and~~
- 47 ~~(4) Existing contour data for the entire property with vertical contour data consistent with city
48 standards for all areas to be disturbed by proposed tree removal operations, extending for a~~

- 1 distance of at least 50 feet beyond the limits of such areas. Indicated elevations may be based
2 on United States Geological Survey data.
- 3 (D) *Tree preservation barriers protection measures.*
- 4 ~~(1) All tree protection areas are recommended to be designated as such with "Tree Save Area"~~
5 ~~signs posted in addition to the required protective fencing. Signs requesting sub-contractor~~
6 ~~cooperation and compliance with tree protection standards are recommended for site~~
7 ~~entrances.—~~
- 8 (1) Before any construction or grading takes place, snow fencing (polyethylene laminate safety
9 netting) or erosion control fencing shall be placed at the dripline of significant trees around
10 the borders of woodlots at the dripline of large trees to be preserved. Signs shall be placed
11 along this fence line prohibiting grading beyond the fence line.
- 12 ~~(3) These fences will be orange polyethylene laminar safety fencing or of woven polyethylene~~
13 ~~fabric (silt fencing).~~
- 14 ~~(4) Passive forms of tree protection may be utilized to delineate tree save areas outside of the~~
15 ~~MUSA line with approval of the city. These areas must be completely surrounded with~~
16 ~~continuous rope or flagging (heavy mil — minimum four inches wide). "Keep Out" or "Tree~~
17 ~~Save" signage must accompany all passive tree protection methods.~~
- 18 (2) No construction shall begin until this work has been completed, inspected, and accepted by
19 the city.—The tree protection measures shall not be removed until the land disturbance and
20 construction activities are complete.
- 21 (3) Silt barriers or similarly effective erosion control barriers shall be required in any area where
22 erosion or siltation may cause damage to protected trees.
- 23 ~~(7) All protective tree fencing, staking or continuous ribbon and all erosion control barriers must~~
24 ~~be installed prior to and maintained throughout the land disturbance and construction~~
25 ~~process, and should not be removed until acceptable vegetation is established.~~
- 26 (e) *Critical root zone.* The root system within the dripline is generally considered to be the critical root
27 zone. To protect these critical root zones, a tree protection area shall be established around each
28 tree or group of trees to be retained.
- 29 ~~(1) The tree protection area shall include no less than the total area beneath the tree canopy as~~
30 ~~defined by the dripline of the tree or group of trees collectively.~~
- 31 (4) Wherein authorized excavations it becomes necessary to expose or cut roots more than one
32 inch in diameter, it shall be the duty of the contractor to protect such root under advice from
33 the city.
- 34 (5) All open trenching is prohibited. Utility installation within the dripline of protected trees,
35 during construction or thereafter, can only occur using trenchless methods.
- 36 (6) The mowing, clearing, and grubbing of brush located within or under the dripline of protected
37 trees may be allowed, provided such mowing, clearing, or grubbing is accomplished by hand
38 or by mowers. The use of heavy equipment for this purpose shall not be allowed.
- 39 (E) *Removal threshold.*
- 40 (1) Within residential developments, ~~at least no more than 40-60~~ percent of the inches of existing
41 significant tree DBH shall be ~~retained on site~~ removed.
- 42 (2) Within business and employment developments, ~~at least no more than 30-70~~ percent of the
43 inches of existing significant tree DBH shall be ~~retained on site~~ removed.
- 44 (3) Significant trees removed for water quality treatment ponds, public trails and sidewalks, and
45 arterial and collector streets as defined herein, or that are considered invasive species, are
46 considered exempt from the removal threshold calculation.
- 47 (F) *Reforestation/restitution requirement.* If a development exceeds the removal threshold specified
48 in (E) above, the developer shall either reforest areas within the site, pay restitution, or some
49 combination thereof.

-
- 1 (1) For every one significant tree inch that is removed in excess of the removal threshold, the
2 developer shall replant 1.25 inches (~~diameter caliper~~) of new trees or provide the city with
3 \$125.00 in restitution.
- 4 ~~(2) Significant trees removed for water quality treatment ponds, public trails and sidewalks, and~~
5 ~~arterial and collector streets, or that are considered invasive species, are exempt from the~~
6 ~~removal threshold calculation.~~
- 7 (G) Reforestation/restitution plan.
- 8 (1) If the total number of significant tree inches to be removed exceeds the removal threshold,
9 the developer shall provide a reforestation plan ~~(can be included as part of landscaping plan,~~
10 ~~but must clearly identify those trees that are intended to satisfy the reforestation~~
11 ~~requirement),~~ or a calculation of restitution, or a combination thereof.
- 12 (2) A reforestation plan shall be prepared by a registered landscape architect or forester and shall
13 comply with the following criteria:
- 14 a. The plan shall indicate the location and diameter (or height if coniferous; for each three
15 (3) feet in height is equivalent to one (1) caliper inch) of all reforestation trees to be
16 planted. This can be included on the landscape plan, but the reforestation calculation,
17 trees, and inches, must be specified.
- 18 b. Size at the time of planting shall comply with the planting standards outlined in ~~the~~
19 ~~respective zoning~~ the applicable landscape standards for the respective zoning district.
- 20 c. No more than 25 percent of the reforestation trees ~~to be planted~~ shall be from any one
21 species.
- 22 d. ~~Reforestation~~ Replacement trees ~~included~~ in the reforestation plan may count toward
23 the trees required by the city's landscaping regulations. ~~base landscaping requirements~~
24 ~~trees required for landscaping purposes within the applicable zoning district.~~
- 25 e. Restitution, if applicable, shall be paid in cash to the city prior to the release of the final
26 plat mylars for recording, ~~or prior to approval of a minor subdivision,~~ or, if a plat was
27 not required, prior to the issuance of a building permit subject to site plan review. Any
28 restitution paid shall be deposited in the community reforestation fund and be used for
29 reforestation efforts within the city.
- 30 (H) *Protection from disease and pestilence.* All clearing in oak stands shall be performed prior to April
31 15 or after July 15 of each season. Any development involving oak trees on or adjacent to the
32 development area must submit a plan in conjunction with the preliminary plat that identifies what
33 precautionary steps will be taken to protect the trees from oak wilt.
- 34 (I) *Encroachment.* If encroachment into a tree preservation area occurs that causes irreparable
35 damage to a tree(s), the tree preservation plan shall be revised to compensate for the loss. Under
36 no circumstance shall the developer be relieved of responsibility for compliance with the provisions
37 of this division, nor shall planned revision activities prevent the city from instituting action for
38 violation of this division.
- 39 ~~(j) Planting requirements. All trees chosen shall be from the acceptable/preferred list (or have approval~~
40 ~~of the city) and native and/or adaptable to this region and climate as described in the Ramsey Tree~~
41 ~~Book. The quantity of the required plantings shall be in accordance with the performance standards~~
42 ~~established for the respective zoning district.~~
- 43 ~~(1) Size of trees at planting. For all required plantings, deciduous trees shall be a minimum of~~
44 ~~one inch caliper at time of planting and all evergreen trees shall be a minimum of five feet in~~
45 ~~height at time of planting. Specifications shall be determined by the American Nurseryman's~~
46 ~~Standards.~~
- 47 ~~(2) Type of tree stock. For all required plantings, trees shall be free of insects, diseases, or~~
48 ~~mechanical injuries and have straight trunk and a form characteristic of the species.~~

-
- 1 ~~(3) Spacing at time of planting. The spacing of new trees must be compatible with spatial site~~
2 ~~limitations and with the responsible consideration toward species size when mature as~~
3 ~~outlined in the Ramsey Tree Book.~~
4 ~~(4) Planting standards. As outlined in the Ramsey Tree Book.~~
5 ~~(5) Planting standard: Soil amendment. As outlined in the Ramsey Tree Book.~~
6 ~~(6) Planting standards: Mulch. As outlined in the Ramsey Tree Book.~~
7 ~~(7) Planting distance along rural section streets. Shall be at the right of way unless approved by~~
8 ~~the city.~~
9 ~~(8) Planting distance from hydrants. Trees shall be planted a minimum of ten feet from hydrants.~~
10 ~~(9) Vision clearance (sight triangle). Tree plantings should not be within the vision clearance~~
11 ~~triangle as defined in section 117-348~~
12 ~~(10) Planting distance from utilities. Trees shall be planted a minimum of two feet from any joint~~
13 ~~utility trench whenever practicable.~~

14 ~~**Sec. 117-328. Hazardous and/or nuisance trees.**~~

15 ~~The city shall have the right to cause the removal of any dead or diseased trees on private property within~~
16 ~~the city, when such trees constitute a hazard to life or property, or harbor insects or disease which~~
17 ~~constitute a potential threat to other trees within the city. In the event of failure of owners to comply with~~
18 ~~such provisions, the city shall have the authority to remove such trees and charge the cost of removal to~~
19 ~~the property owner.~~

- 20 ~~(1) Notice to take action. An order for a "Notice to Take Action" will be issued upon determination~~
21 ~~by the city, or its designee, that maintenance work requiring the pruning, preservation, or~~
22 ~~removal of trees or plants upon private property when such action is necessary to ensure~~
23 ~~public safety and/or to prevent the spread of disease or insects to public trees and places.~~
24 ~~a. Such notice shall describe the kind of tree, shrub, or other plant or plant part which has~~
25 ~~been declared to be a public nuisance; its location on the property; and the reason for~~
26 ~~declaring it a nuisance.~~
27 ~~b. Proper disposal procedures of wood, bark and debris from said nuisance shall be~~
28 ~~detailed in said notice. These disposal procedures shall be followed within the time~~
29 ~~provided in the notice.~~
30 ~~c. The notice of violation shall state the specific violation and indicate whether immediate~~
31 ~~enforcement will be sought or if 30 days will be allowed to correct and remove the~~
32 ~~violation.~~
33 ~~d. If the owner of the property to whom an order has been issued fails or refuses to take~~
34 ~~remedial action in accordance with and within the time specified in an order, the city~~
35 ~~or its designate shall cause the remedial action so ordered to be performed at the~~
36 ~~expense of the owner. Appeals shall be in accordance with section 117-55.~~
37 ~~(2) Disease or pest infested trees. Any tree located within the city, which is determined by a~~
38 ~~certified arborist to be afflicted with any dangerous or infectious insect infestation or plant~~
39 ~~disease, may be declared a public nuisance. This shall include trees and shrubs harboring~~
40 ~~injurious insects or pathogens that may cause significant potential danger to the community~~
41 ~~forest.~~
42 ~~a. The city or its designate may remove or cause or order to be removed, any tree or part~~
43 ~~thereof which is in an unsafe condition or which by reason of its nature is injurious to~~
44 ~~sewers, electric power lines, gas lines, water lines, or other public improvements, or is~~
45 ~~infected with Oak Wilt or Dutch Elm Disease.~~
46 ~~b. An evaluation of "imminent danger" means that the hazard to the public is immediate. If the~~
47 ~~property owner cannot be contacted or refuses to remove the hazard, the city will initiate~~
48 ~~action immediately.~~

~~c. An evaluation of "potentially dangerous" means that a hazard to the public will exist in the near future. The property owner will be notified and should remove the future hazard as soon as possible.~~

~~Requirements of this division may be waived by the city for a project in which at least 75 percent of the land has already received a permit initiating clearing or grading activities prior to the effective date of the ordinance from which this division is derived.~~

~~(1) The provisions of this division are not intended to prohibit agriculture, silviculture, horticulture, or nursery operations within the city.~~

~~(2) The provisions of this division are intended to prevent the spread of disease or infestation of trees within the city. Authorization may be obtained to remove certain trees to prevent the transmission of disease or infestation and to alleviate potentially hazardous trees that may cause injury to persons or property.~~

370 Communications Towers

(A) *Purpose.* In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the council finds that these regulations are necessary in order to:

- (1) Facilitate the provision of wireless telecommunication services to the residents and businesses of the city;
- (2) Minimize adverse visual effects of towers through careful design and siting standards;
- (3) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- (4) Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

(B) *Towers in residential zoning districts.* Construction of towers to support commercial antennas that conform to all applicable provisions of this Code may be allowed only the following locations:

- (1) Parcels within the Tower Overlay District as shown on the official zoning map.
- (2) All ~~church~~ religious institution, government, school, utility, and institutional sites
- (3) If the proposed tower is to be located within a residential district, documentation must be included in the application that demonstrates that the tower cannot be reasonably located within a commercial, industrial, or public/quasi-public zoning district.

(C) *Towers in COR and Mississippi River Corridor Critical Area Overlay Zoning Districts.* Construction of towers to support commercial antennas shall not be allowed in Town Center and Critical River Overlay Zoning Districts, except that antennas may be attached to existing structures provided the antenna does not extend more than 20 feet above the highest point of the structure or tower.

~~(D) Towers in the H-1 Highway 10 Business District. Construction of towers to support commercial antennas shall not be allowed in the H-1 Highway 10 Business District. Antennas may not be constructed on existing structures in the H-1 District.~~

(E) *Collocation requirements.* All commercial wireless telecommunication towers erected, constructed, or located within the city shall comply with the following requirements:

- (1) A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the city council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one-mile search radius of the proposed tower due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional

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- 1 engineer, and the existing or approved tower cannot be reinforced, modified, or
2 replaced to accommodate planned or equivalent equipment at a reasonable cost.
- 3 b. The planned equipment would cause interference materially impacting the usability of
4 other existing or planned equipment at the tower or building as documented by a
5 qualified professional and the interference cannot be prevented at a reasonable cost.
- 6 c. Existing or approved towers and buildings within the search radius cannot
7 accommodate the planned equipment at a height necessary to function reasonably as
8 documented by a professional engineer.
- 9 d. In spite of its best efforts, within 60 days, the applicant was unable to obtain approval
10 to collocate on an existing or approved tower or building.
- 11 e. Other reasons that make it impractical to locate the planned telecommunications
12 equipment upon an existing or approved tower or building.
- 13 (2) Shared use of existing communications towers shall be preferred to the construction of a new
14 tower. Any proposed commercial wireless telecommunication service tower shall be designed
15 structurally, electrically, and in all respects, to accommodate both the applicant's antennas
16 and comparable antennas for at least two additional users.
- 17 (G) *Tower construction requirements.* All towers erected, constructed, or located within the city, and all
18 wiring therefor, shall comply with the requirements set forth in chapter 105.
- 19 (H) *Tower and antenna design requirements.* Proposed or modified towers and antennas shall meet the
20 following design requirements:
- 21 (1) Towers and antennas shall be designed to blend into the surrounding environment through
22 the use of color and design, except in instances where the color is dictated by federal or state
23 authorities such as the Federal Aviation Administration. Tower architectural standards are
24 subject to final city council approval.
- 25 (2) Commercial wireless telecommunication service towers shall be of a monopole design unless
26 the city council determines that an alternative design is preferred in cases where structural
27 or design considerations, neighborhood compatibility, location availability, or the number of
28 potential collocations warrants this consideration.
- 29 (3) All towers must be designed so that the tower site and setbacks will contain guyed wires,
30 debris, and the tower in the event of a collapse, except towers of monopole design.
- 31 (I) *Tower bulk standards.* Towers shall conform with each of the following requirements:
- 32 (1) No part of any communication antenna or tower, equipment, guyed wires, or braces shall at
33 any time extend across or over any part of the public right-of-way, public street, highway,
34 sidewalk, or recreation trail.
- 35 (2) In business and industrial zoning districts, towers shall meet the setbacks of the underlying
36 zoning district with the exception of industrial zoning districts, where towers may encroach
37 into the side or rear setback area, provided that the side or rear property line abuts another
38 nonresidential zoned property and the tower does not encroach upon any easements. When
39 adjacent to a residential district, the tower must meet the setback equal to the height of the
40 tower plus ten feet or the setbacks of the underlying zoning district, whichever is greater.
- 41 (3) Towers constructed within the Tower Overlay and Public/Quasi-Public Zoning Districts shall
42 maintain a minimum setback equal to the height of the tower plus ten feet from any lot line.
- 43 (4) Towers shall not be located between a principal structure and a public street, with the
44 following exceptions:
- 45 a. In business zoning district, towers may be placed within a side yard abutting right-of
46 way.
- 47 b. On sites adjacent to public streets on all sides, towers may be placed within a side yard
48 abutting a local street.

-
- 1 (5) The setback shall be measured between the base of the tower located nearest the property
2 line and the actual property line.
- 3 (6) A tower's setback may be reduced or its location in relation to a public street varied, at the
4 sole discretion of the city council, to allow the integration of a tower into an existing or
5 proposed structure such as a church steeple, light standard, power line support device, or
6 similar structure.
- 7 (7) The height of a communication tower shall not exceed:
8 a. 100 feet in residential districts.
9 b. 199 feet in business districts, with no additional height allowances granted.
- 10 (8) Multi-user towers may exceed the height requirements as stated in this section by up to an
11 additional 20 feet provided that two additional users, as stated in subsection (7) of this
12 section, have collocated their antennas on the monopole structure. ~~A tower extension
13 requires an amended conditional use permit.~~
- 14 (9) The city council may increase the height of a tower if the applicant is able to demonstrate to
15 the satisfaction of the city council that the surrounding topography, structures, vegetation,
16 and other factors make the height limit for a complying tower impractical.
- 17 (J) *Tower lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights
18 unless such lighting is specifically required by the Federal Aviation Administration or other federal
19 or state authority for a particular tower, or if required by the city council for safety reasons. When
20 incorporated into the approved design of the tower, light fixtures used to illuminate ball fields,
21 parking lots, or similar areas may be attached to the tower.
- 22 (K) *Signs and advertising.* The use of any portion of a tower for signs other than warning or equipment
23 information signs is prohibited.
- 24 (L) *Accessory utility buildings.* All utility buildings and structures accessory to a tower shall be
25 architecturally designed to blend in with the surrounding environment and shall meet the minimum
26 setback requirements of the underlying zoning district. Ground-mounted equipment shall be
27 screened from view by suitable vegetation, except where a design of non-vegetative screening
28 better reflects and complements the architectural character of the surrounding neighborhood, as
29 determined by the city council.
- 30 (M) *Abandoned or unused towers or portions of towers.* Abandoned or unused towers or portions of
31 towers shall be removed as follows:
32 (1) All abandoned or unused towers and associated facilities shall be removed within 12 months
33 of the cessation of operations at the site unless a time extension is approved by the city
34 council. A copy of the relevant portions of a signed lease which requires the applicant to
35 remove the tower and associated facilities upon cessation of operations at the site shall be
36 submitted at the time of application.
37 (2) Unused portions of towers above a manufactured connection shall be removed within 12
38 months of the time of antenna relocation. The replacement of portions of a tower previously
39 removed requires the issuance of a new conditional use permit.
- 40 (N) *Antennas on roofs, walls and existing towers.*
41 (1) The placement of wireless telecommunication antennas on roofs, walls, and existing towers,
42 utility poles and structures is permitted in any district, regardless of parcel size, provided the
43 antenna does not extend more than 20 feet above the highest point of the structure or tower.
44 The placement of wireless telecommunications antennas on roofs, walls, and existing towers
45 or structures may be approved by the city engineer, provided the antennas meet the
46 requirements of this Code, after submittal of a final site and building plan as specified by
47 chapter 105, Buildings and Building Regulations, and a report prepared by a qualified and
48 licensed professional engineer indicating the existing structure or tower's suitability to accept

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- 1 the antenna, and the proposed method of affixing the antenna to the structure. Complete
2 details of all fixtures and couplings, and the precise point of attachment shall be indicated.
- 3 (2) The replacement of an existing light pole or lighting standard in order to accommodate the
4 placement of an antenna thereon shall be approved by issuance of a building permit based
5 upon administrative review.
- 6 (O) *Interference with public safety telecommunications.* No new or existing telecommunications service
7 shall interfere with public safety telecommunications, in accordance with the rules and regulations
8 of the Federal Communications Commission. Before the introduction of new service or changes in
9 existing service, telecommunication providers shall notify the city at least ten calendar days in
10 advance of such changes and allow the city to monitor interference levels during the testing process.
- 11 (P) *Additional submittal requirements.* In addition to the information required elsewhere in this Code,
12 development applications for towers shall include the following supplemental information:
- 13 (1) A report from a qualified and licensed professional engineer which:
- 14 a. Describes the tower height and design including a cross section and elevation;
- 15 b. Documents the height above grade for all potential mounting positions for collocated
16 antennas and the minimum separation distances between antennas;
- 17 c. Describes the tower's capacity, including the number and type of antennas that it can
18 accommodate; and
- 19 d. Includes other information necessary to evaluate the request.
- 20 (2) For all commercial wireless telecommunication service towers, a letter of intent committing
21 the tower owner and ~~his~~ successors to allow the shared use of the tower if an additional user
22 agrees in writing to meet reasonable terms and conditions for shared use.
- 23 (3) Before the issuance of a building permit, the following supplemental information shall be
24 submitted:
- 25 a. Affirmation that the proposed tower will comply with any applicable regulations
26 administered by the Federal Aviation Administration; and
- 27 b. A report from a qualified and licensed professional engineer which demonstrates the
28 tower's compliance with the aforementioned structural and electrical (but not radio
29 frequency) standards.
- 30 (Q) *Antennas designed for private reception of television and radio signals.* Private antennas designed
31 for reception of television and reception and transmission of radio signals, including antennas (less
32 than 60 feet in height if free standing and 15 feet in height if roof mounted) used for amateur or
33 recreational purposes, provided they are not located in a front yard and do not infringe upon
34 requirements of the Federal Aviation Administration, shall be exempt from the provisions of this
35 section. Antennas that are intended to be 60 feet or more in height if free standing and 15 feet or
36 more in height if roof-mounted shall require a conditional use permit from the city.
- 37 (R) *Existing antennas and towers.* Antennas and towers in existence as of July 14, 1997, which do not
38 conform to or comply with this section ~~are subject to the following provisions:~~
- 39 ~~(1) Towers~~ may continue in use for the purpose now used and as now existing but may not be
40 replaced or materially altered without complying in all respects with this section.

41
42
43 400 Residential Districts

44
45 410 Residential Districts Established and Purpose

46 The following residential districts (UR, RR, R-1A, R-1B, R-1C, R-2, and R-3) are hereby established according
47 their purpose and the intent of the Comprehensive Plan. Collectively, these districts are herein this
48 chapter called "residential districts." For zoning districts expected to be served by municipal sanitary

1 sewer and water (R-1A, R-1B, R-1C, R-2, and R-3), these districts are herein collectively called “urbanized
2 districts.”
3

4 411 UR – Urban Reserve District

5 (A) *Purpose.* The intent of this district is to preserve areas where municipal urban services are planned,
6 as shown on the approved Comprehensive Plan, but not yet available or when significant
7 infrastructure is planned, but not yet funded and constructed. The large minimum lot area will
8 retain these lands in their natural state or as agricultural uses until sanitary sewer, water, streets,
9 and other public infrastructure is available and new development occurs. This will allow orderly
10 development to occur. The purpose of this district is to provide a holding zone until a
11 landowner/developer makes application for development, at which time the City may rezone the
12 affected property consistent with its designation in the Comprehensive Plan, provided that the
13 development does not result in the premature extension of public utilities, facilities, and services.

14 (B) *Application –* This district shall be applied to properties within the MUSA as shown on the current
15 Comprehensive Plan where sanitary sewer and water infrastructure is not currently available. The
16 City Council shall consider the Comprehensive Plan’s Staging Plan when rezoning property to one of
17 the urbanized districts.
18

19 412 RR – Rural Residential District

20 (A) *Purpose.* The intent of this district is to accommodate single-family dwelling units outside of the
21 Metropolitan Urban Service Area at a maximum gross density of one unit per 2.5 acres. All lots
22 located within the rural residential district are intended be served with individual septic systems
23 and wells.

24 (B) *Application –* This district shall be applied to properties outside the MUSA as shown on the current
25 Comprehensive Plan guided Rural Developing where municipal sanitary sewer and water
26 infrastructure is not planned.
27

28 413 R-1A –Single-Family Residential District

29 (A) *Purpose.* The purpose of this urbanized district is to accommodate single-family dwelling units on
30 suitable land and shall be serviced by sanitary sewer and municipal water.

31 (B) *Application –* This district shall be applied to properties guided Low Density Residential within the
32 MUSA as shown on the current Comprehensive Plan where sanitary sewer and water infrastructure
33 is available.
34

35 414 R-1B—Single-Family Residential District

36 (A) *Purpose.* The purpose of this urbanized district is to accommodate single-family dwelling units on
37 suitable land and shall be serviced by sanitary sewer and municipal water.

38 (B) *Application –* This district shall be applied to properties guided Low Density Residential within the
39 MUSA as shown on the current Comprehensive Plan where sanitary sewer and water infrastructure
40 is available.
41

42 415 R-1C—Single-Family Residential District

43 (A) *Purpose.* The purpose of this urbanized district is to accommodate detached residential dwelling
44 units on suitable land and shall be serviced by sanitary sewer and municipal water.

45 (B) *Application –* This district shall be applied to properties guided Low Density or Medium Density
46 Residential within the MUSA as shown on the current Comprehensive Plan where sanitary sewer
47 and water infrastructure is available.
48

49 415 R-2—Medium Density Residential District

(A) Purpose. The purpose of this urbanized district is to accommodate detached and attached dwelling units on suitable land and shall be serviced by sanitary sewer and municipal water.

(B) Application – This district shall be applied to properties guided Low or Medium Density Residential within the MUSA as shown on the current Comprehensive Plan where sanitary sewer and water infrastructure is available.

416 R-3—High Density Residential District

(A) Purpose. The purpose of this urbanized district is to accommodate a variety of residential dwelling unit types on suitable land and shall be serviced by sanitary sewer and municipal water.

(B) Application – This district shall be applied to properties guided High Density Residential within the MUSA as shown on the current Comprehensive Plan where sanitary sewer and water infrastructure is available.

420 Uses

The following subchapter establishes a listing of the permitted, conditional, principal, accessory, and temporary uses for the residential zoning districts. The uses have been allocated to the individual districts to allow reasonable use of properties in a manner that is compatible with the purpose of each residential zoning district, the overall purpose of this chapter, and the Comprehensive Plan. Whenever in any zoning district a use is neither specifically permitted or denied, the use shall be considered prohibited.

421 Principal Uses

Permitted and conditional principal uses are listed in the following table for each of the districts in this section. Additional performance standards for the uses are found in the noted section.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use	UR	RR	R-1A	R-1B	R-1C	R-2	R-3	Additional Standards (Section)
Agriculture	P	P	NP	NP	NP	NP	NP	
Assisted Living, Memory Care, and Nursing Home Facilities	NP	NP	NP	NP	NP	P	P	
Dwellings: Multiple-Family, Senior Living, etc.	NP	NP	NP	NP	NP	P	P	
Dwellings: Single-Family Detached	P	P	P	P	P	P	P	
Dwellings: Townhomes (attached)	NP	NP	NP	NP	NP	P	P	
Dwellings: Townhomes (detached), villas, cottage homes, etc.	NP	NP	NP	NP	P	P	P	
Dwellings: Two-Family Attached	NP	NP	NP	NP	NP	P	P	
Governmental or Public Facility or Utility	P	P	P	P	P	P	P	
Licensed Residential Facilities	P	P	P	P	P	P	P	425
Religious Institutions	P	P	P	P	P	P	P	425

422 Accessory Uses

Permitted and conditional accessory uses are listed in the following table for each of the districts in this section. Additional performance standards for the uses are found in the noted section. All accessory uses must be accompanied by a primary use on a parcel. No accessory building shall be constructed on any lot prior to the time of construction of the principal building.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use	UR	RR	R-1A	R-1B	R-1C	R-2	R-3	Additional Standards (Section)
Accessory Dwelling Units (ADU), Attached	P	P	P	NP	NP	P	P	425
Accessory Dwelling Units (ADU), Detached	P	P	P	NP	NP	NP	NP	425
Accessory Structures, garages, carports, sheds, etc.	P	P	P	P	P	P	P	
Commercial Dog Kennels	C	C	NP	NP	NP	NP	NP	Ch. 10
Commercial retail garden centers or greenhouses	C	C	NP	NP	NP	NP	NP	
Commercial Horse Boarding	C	C	NP	NP	NP	NP	NP	
Communications Towers or equipment	C	C	NP	NP	NP	NP	P	370
Community Amenity Buildings	P	P	P	P	P	P	P	
Decks and Patios	P	P	P	P	P	P	P	
Ground source heat pump systems	P	P	P	P	P	P	P	333
Home Occupations (Level I)	P	P	P	P	P	P	P	425
Home Occupations (Level II)	P	P	P	NP	NP	NP	NP	425
Leasing Offices, Management Offices	NP	NP	NP	NP	P	P	P	
Licensed Home Daycare	P	P	P	P	P	P	P	
Parking Lots/Structured Parking	NP	NP	NP	NP	NP	P	P	
Personal Use Heliports	P	P	NP	NP	NP	NP	NP	340
Private Recreation Equipment	P	P	P	P	P	P	P	
Solar Energy Systems	P	P	P	P	P	P	P	332
Swimming Pools, Sport Courts, Tennis, etc.	P	P	P	P	P	P	P	
Wind Energy Conversion Systems (WECS) (micro-scale)	P	P	P	P	P	P	P	331
Wind Energy Conversion Systems (WECS) (small-scale)	P	P	P	P	P	P	P	331
Wind Energy Conversion Systems (WECS) (medium-scale)	P	P	NP	NP	NP	NP	NP	331
Two-Story Accessory Building	€	€	€	€	€	€	€	

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423 Temporary/Seasonal Uses

The following uses are considered temporary in nature and accessory to an established primary use listed in Section 421. If a date range is given, that use is only allowed during that time period. Additional performance standards for the uses are found in Section 425.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use	UR	RR	R-1A	R-1B	R-1C	R-2	R-3	Additional Standards (section)
Construction Trailers/Field Offices	P	P	P	P	P	P	P	307
Model Homes	NP	P	P	P	P	P	P	425
Outdoor storage of snow removal equipment, temporary salt/sand shed <i>October 15-April 15</i>	P	P	NP	NP	NP	P	P	
Game Fair <i>August</i>	NP	C	NP	NP	NP	NP	NP	
Temporary Portable Storage Containers <i>30-days</i>	P	P	P	P	P	P	P	425
Temporary Real Estate Offices	NP	NP	P	P	P	P	P	425

Temporary Health Care Dwellings	NP	NP	NP	NP	NP	NP	NP	NP	426
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425 Performance Standards

Some permitted and conditional uses listed in Section 421, 422, and 423 are further regulated based on the standards below.

(A) Accessory dwelling units (ADU). When permitted, attached and detached accessory dwelling units have the following requirements:

- (1) Number. No more than one ADU shall be allowed per one existing single-family residential property.
- (2) Owner occupancy. The principal dwelling or the ADU must be owner-occupied.
- (3) Accessory buildings. The ADU must comply with all other accessory building requirements set forth in this section.
- (4) Architecture. The exterior finish of the ADU must match that of the principal structure.
- (5) Maximum size. The maximum size of an ADU cannot exceed 800 square feet of habitable space. If in the Shoreland Overlay, the maximum site of a detached ADU cannot exceed 700 square feet.
- (6) Home occupations. The ADU cannot be used for any portion of a Level-II home occupation.
- (7) Setbacks. The detached ADU setbacks must meet the setback requirements for a principal dwelling ~~in the R-1 residential zoning district.~~
- (8) Minimum lot size. Detached ADU's are allowed on properties with a minimum of one acre in size. See Section 943 for additional lot area standards within Shoreland Overlay.
- (9) Attached ADU's are allowed on properties with a minimum of 80-foot lot width.
- (10) Height. The detached ADU may not exceed a height of 22 feet, or the height of the principal structure, whichever is less. ADUs in the Shoreland Overlay District are limited to 15 feet in height.
- (11) Address. The ADU must retain the same address as the principal structure.
- (12) Parking. Additional parking for the ADU is not required if off-street parking requirements for the principal structure are met.
- ~~(12) Regulations. An accessory dwelling unit must comply with all other city, local, regional, state, and federal regulations.~~
- (13) Utilities. Accessory dwelling units must share utilities with the principal structure.
- (14) Foundation. Accessory dwelling units must have a permanent foundation.
- ~~(15) Certificate of occupancy. Accessory dwelling units must have a certificate of occupancy and a building permit.~~
- (15) Ownership. Accessory dwelling units may not be sold separately from the primary residence, and cannot be created with a new tax parcel.
- ~~(16) Garage conversion. ADU's are permitted above existing lawful detached garages. A conditional use permit (CUP) is required for the conversion of a lawful, nonconforming garage to an ADU. Exterior finish updates and additional landscaping or screening may be required from the city as a condition.~~
- (17) In multi-family, assisted living, memory care, or nursing home structures, ADUs as one-bedroom guest suites are permitted at the rate of one ADU per 50 apartment units and shall not count towards density calculations.

(B) 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.

(1) *Intent.* 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. 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.

(2) *Use table.* The following use table lists allowed and prohibited uses for home-based businesses.

<i>Allowed Uses</i>	<i>Prohibited Uses</i>
Artists and musicians	Ammunition manufacturing
Bed and breakfast establishments	Automotive repair, maintenance, body shops, operations involving internal combustion engines
Beauticians or barber shops	Dance studios
Crafts	Dispatch or transportation centers (individuals or materials)
Dressmaking, tailoring, sewing, or alterations	Escort or sexually oriented businesses
Firearm sales and repair	Flea markets
Food preparation under the Cottage Food exemption	Impound yards or salvage yards
Home offices	Motor vehicle sales or vehicle storage
Instructional classes with no more than four pupils	Palm-reading, or fortune-telling
Manufacturing and welding	Restaurants, bars, breweries
Photography studio	Retail sales (in-person)
Retail sales (online or mail delivery)	Sales or storage yards
Uses determined by the Zoning Administrator to be similar in character to the allowed business uses and comply with all general provisions	Storage of motor vehicles, or tow yards
	Tanning salons
	Tattoo parlors
	Trash haulers
	Uses involving hazardous materials or activities
	Uses that adversely affect governmental facilities or infrastructure
	Uses that adversely affect environmental features
	Uses determined by the Zoning Administrator that do not meet the intent of a home occupation

(3) *General provisions.*

a. *Permit.* A home occupation will not be required to obtain a Home Occupation Permit if it:

1. Is an allowed business use as outlined in subsection (2);
2. Meets all general provisions outlined in subsection (3); and
3. Does not meet the criteria necessitating a Home Occupation Permit outlined in subsection (4).

-
- 1 b. *Ownership.* Home occupation operations are restricted to the property where the
2 owner of the home occupation resides and has title or holds rental lease.
3 c. *Number.* No more than one business is allowed per residential property.
4 d. *Employees.* One employee that is not a resident of the dwelling is allowed.
5 e. *Principal structure.* All business operations must be internal to the dwelling, and
6 entrance to the home occupation shall be gained from within the principal structure.
7 No home occupation activity shall be allowed within a detached accessory building or
8 garage without a Home Occupation Permit.
9 f. *Size.* The area of the home occupation cannot exceed the allowable square footage
10 amounts for the applicable lot size established the table in Section 450.
11 g. *Parking space reserved.* At least 400 square feet of indoor garage/parking space
12 reserved for personal vehicles or equipment, in either attached or detached garage
13 space.
14 h. *Signage.* A sign not exceeding two square feet in size may be displayed if affixed flat
15 against the wall of either the dwelling or accessory building where the home occupation
16 is being conducted. The sign shall be non-illuminated and shall not have dynamic display
17 capabilities.
18 i. *Exterior.* There shall be no other exterior evidence of the existence of a home
19 occupation, including outdoor storage of materials or commercial vehicles.
20 j. *Vehicles and on-site parking.* One passenger vehicle associated with the business is
21 allowed. The number of persons permitted on the site at any given time shall be limited
22 so as not to create a parking demand in excess of that which can be accommodated on
23 driveway(s) and/or parking pads on the site of the home occupation.
24 k. *Deliveries.* The occupation cannot be serviced by deliveries from vehicles with a gross
25 vehicle weight exceeding 20,000 pounds.
26 l. *Nuisance prevention.* The business must not create noise, odors, vibration, smoke, air
27 pollution, liquid or solid wastes, heat, glare, dust, or other adverse influences shall be
28 permitted that will in any way have an objectionable effect upon adjacent or nearby
29 property. In order to guarantee that a home occupation, once authorized, will not
30 become a nuisance to the neighbors or otherwise violate these regulations, the city
31 staff or city council may impose reasonable conditions necessary to protect the public
32 health, safety, and welfare of residents of the city.
33 m. *Non-conforming uses.* Any existing home occupation that is discontinued for a period
34 of more than thirty days, or is in violation of the provisions, under which it was initially
35 established, shall be brought into conformity with the provisions of this Ordinance.
36 (4) Standards for home occupations that require a home occupation permit.
37 a. *Allowed Use.* The home occupation must be an allowed use from the list in subsection
38 (2).
39 b. *Employees.* A maximum of two non-resident employees is allowed.
40 c. *Vehicle.* Outside parking of two commercial vehicles used for business transportation.
41 d. *Accessory Structure.* Use of an accessory structure is allowed, but cannot exceed 800
42 square feet of the structure space.
43
44 (C) Licensed Residential Facilities – Licensed residential facilities are limited to six residents per dwelling
45 unit. This requirement applies to unlicensed supportive living facilities.
46
47 (D) Model Homes, Temporary Real Estate Offices, and Construction Trailers/Field Offices. This section
48 allows for the provision of model homes, temporary real estate offices, and temporary construction
49 trailers/field offices in new residential subdivisions or development without adversely affecting the

1 character of surrounding residential neighborhoods and properties or creating a general nuisance.
2 As these uses represent a unique temporary commercial use, special consideration must be given
3 to the peculiar problems associated with them and special standards must be applied to ensure
4 reasonable compatibility with their surrounding environment. All model homes, temporary real
5 estate offices, and construction trailers/field offices must comply with the following special
6 requirements:

- 7 (1) Temporary parking facilities shall be provided for model homes, temporary real estate offices,
8 and construction trailers/field offices. At least four parking spaces must be provided. The
9 overall design, drainage, and surfacing of the temporary parking facility shall be subject to the
10 approval of the zoning administrator.
- 11 (2) The model home or temporary real estate office are permitted only until all the other lots in
12 the subdivision have active building permits. Construction trailers/field offices are permitted
13 until all buildings within the project have a certificate of occupancy.
- 14 (3) The applicant for a model home may be required to submit a cash bond to guarantee the
15 conversion of the model home to living space in a timely manner if alterations to the site have
16 occurred such as the provision of paved parking, removal of lighting, and similar uses. Such
17 conversion includes, but is not limited to, the provision of landscaping, turf restoration and
18 the removal of parking lots, signage, and lighting.
- 19 (4) At no time may a model home, temporary real estate office, or construction trailer/field office
20 be used as a residence living quarters.

21
22 (E) Multiple Family Dwellings. Multiple family dwelling buildings intended for general occupancy
23 (excluding Senior Living) shall have the following requirements:

- 24 (1) Unit types. All buildings shall have a mix of three or more different unit types. In no case shall
25 a building be comprised of more than 60 percent one-bedroom units and no more than 20
26 percent efficiency or studio units.
- 27 (2) Controlled access entry systems are required for all multiple family dwelling buildings
28 including accesses between enclosed parking and the rest of the building.

29
30 (F) Patios and Decks

- 31 (1) Side and rear setbacks – 5 feet.
- 32 (2) Front setback – 10 feet less than the front yard setback for principal structures in each zoning
33 district.

34
35 (G) Principal structures within the Urban Reserve District constructed after the adoption date of this
36 chapter:

- 37 (1) All principal structures shall be orientated in such a way where access can be modified from
38 an existing arterial or collector roadway to a new local street anticipated with any future
39 subdivision on the property.
- 40 (2) All structures shall be designed for eventual connection to City services.

41
42 (H) Religious Institutions.

- 43 (1) In any residential district, a religious institution must be located along an arterial roadway or
44 at the intersection of two collector roadways as defined by the Existing Functional
45 Classification map in the Comprehensive Plan. Vehicular access to the site must be from
46 either the collector or arterial roadway or a designated frontage road.
- 47 (2) Dwelling Units. Dwelling units are allowed as an accessory use as a residence for clergy, staff,
48 or mission of the institution.

(l) *Temporary portable storage containers.*

- (1) One temporary portable storage container is allowed per dwelling unit for a maximum of 30 consecutive days in a calendar year, unless in conjunction with an active building permit.
- (2) The storage container must be located on the driveway of the dwelling unit it is serving. An alternate location may be approved by the Zoning Administrator.

426 Temporary Health Care Dwellings

Pursuant to authority granted by Minn. Stats. § 462.3593, subd. 9, the City of Ramsey opts-out of the requirements of Minn. Stats. § 462.3593, which defines and regulates temporary family health care dwellings.

430 Bulk Standards

(A) Minimum and maximum dimensional standards for lots and the principal structures for each of the residential districts are established in the following table:

	UR	RR	R-1A	R-1B	R-1C	R-2	R-3
Lot Standards							
Lot Area	20 acres	2.5 acres	10,000 sqft	6,500 sqft	5,000 sqft	4,350 sqft or equivalent	10,000 sqft
Minimum Lot Width	300 feet	200 feet/ 100 feet on cul-de-sac	75 feet	65 feet	50 feet	N/A	100 feet
Minimum Lot Depth	200 feet	200 feet	100 feet	90 feet	80 feet	N/A	200 feet
Minimum Lot Frontage on a Public Street	60 feet	60 feet	45 feet	45 feet	35 feet	N/A	80 feet
Principal Structures							
Maximum Building Height	35 feet	35 feet	35 feet	35 feet	35 feet	40 feet	60 feet
Minimum Principal Structure Footprint	720 sqft	720 sqft	720 sqft	720 sqft	720 sqft	N/A	N/A
Maximum Principal Structure Footprint	5 percent	10 percent	35 percent	35 percent	35 percent	35 percent	50 percent
Maximum Impervious Coverage	10 percent	20 percent	40 percent	40 percent	50 percent	50 percent	60 percent
Front Setback	25 feet	40 feet	25 feet	25 feet	25 feet	25 feet	25 feet
Side Setback (interior)	5 feet	10 feet	5 feet	5 feet	5 feet	30 feet (edge of development)	25 feet
Side Setback (to right-of-way)	25 feet	40 feet	20 feet	20 feet	20 feet	20 feet	25 feet
Rear Setback	40 feet	40 feet	20 feet	20 feet	20 feet	10 feet	10 feet
Setbacks from arterial roadways	60 feet	60 feet	60 feet	60 feet	60 feet	60 feet	60 feet
Setback from wetlands	16.5 feet	16.5 feet	16.5 feet	16.5 feet	16.5 feet	16.5 feet	16.5 feet

(B) Maximum Setback – All principal structures on lots zoned R-1A, R-1B, and R-1C shall be constructed no greater than 10 feet more than the minimum setback for the respective districts, except where adjacent structures existing as of July 1, 2002, have a different setback from that required herein, the front yard setback shall conform to the prevailing setback of adjacent structures. If adjacent structures have different setbacks from one another, the minimum front yard shall be the average of the two adjacent structures.

~~(C) Flag Lots – The use of flag lots is limited to the RR district and should be kept to a minimum where there is no other reasonable way to subdivide property. If so created, the portion of the property containing the driveway shall be no less than 20 feet in width. Minimum lot area shall be calculated excluding the portion of the property containing the driveway.~~

(C) For lots in the R-2 district created for attached or detached townhomes, the lot area equivalent shall be calculated as an average of the areas of the privately-owned lots and any association-maintained common areas.

(D) Accessibility ramps are exempt from the front yard setback requirements of each district.

(E) Density/Use Transitioning and Buffering – Add 35 feet to the minimum lot depth or width and to the principal structure setback (side or rear) to accommodate screening requirements found in Section 475 when:

- (1) Adjacent to an RR-, B-, or I-zoned property; or
- (2) When an R-2- or R-3-zoned property is adjacent to an RR-, R-1A-, R-1B-, or R-1C-zoned property;
- (3) Adjacent to a P-zoned property.

450 Accessory Structures

The following standards are required for all accessory structures on residential properties.

(A) Height.

(1) Urbanized Districts: The height of a detached accessory buildings shall not exceed the height of the principal structure or ~~22~~ 24 feet, whichever is less. The height of an attached accessory structure shall not exceed the height of the principal structure.

(2) Rural Residential or Urban Reserve District: The height of a detached accessory buildings shall not exceed the height of the principal structure or 24 feet, whichever is less. The height of an attached accessory structure shall not exceed the height of the principal structure. If a detached structure is in the rear yard, the height of the accessory structure cannot exceed 30 feet.

(B) Architectural Requirements. The exterior materials used on the detached accessory buildings must generally match those of the principal building on the subject property including same or similar colors, soffit, fascia and eave overhang.

(C) Setbacks

(1) Side and Rear Setbacks – 5 feet.

(2) Front Setback and side adjacent to right-of-way – no closer to the street than the edge of the principal structure.

(3) Exception: detached accessory building may be located in front of the principal building while maintaining setbacks for principal structures in that zoning district when:

- a. On RR lots two acres or greater in area, or
- b. When located riparian lots in the wild and scenic, critical area, or shoreland overlay districts.

(D) Quantity and Area Requirements. All accessory buildings, with the exception of attached garages, shall be included when calculating the maximum square footage of accessory building space allowed on a property. All accessory buildings, excluding attached garages, shall be included when determining the total number of accessory buildings on a property.

Accessory Structure area and quantity requirements for all residential districts:

Parcel Size (sq. ft. and acres)	Maximum Square Footage Allowed for Accessory Buildings	Maximum number of Accessory Buildings Allowed
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0—21,779 (0 to 0.5 acre)	10% of lot, or 1,500 square feet, whichever is smaller	2
21,780—43,559 (0.5 acre to 1 acre)	1,800	3
43,560—65,339 (1 acre to 1.49 acres)	2,200	3
65,340—108,899 (1.5 to 2.49 acres)	2,400	3
108,900—152,459 (2.5 to 3.49 acres)	2,700	3
152,460—196,019 (3.5 to 4.49 acres)	3,000	4
196,020—239,579 (4.5 to 5.49 acres)	3,500	4
239,580—283,139 (5.5 to 6.49 acres)	3,900	4
283,140—326,699 (6.5 to 7.49 acres)	4,300	5
326,700—370,259 (7.5 to 8.49 acres)	4,700	5
370,260—413,819 (8.5 to 9.49 acres)	5,100	5
413,820—435,599 (9.5 to 9.99 acres)	5,500	5
435,600—871,199 (10 to 19.99 acres)	6,000	6
871,200—1,742,399 (20 to 39.99 acres)	8,000	7
1,472,400 or larger (40 acres or more)	12,000	8

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460 Residential Parking Standards

- (A) Garages required. All single-family and townhome units must have a garage, either attached or detached, of at least 400 square feet in area.
- (B) Required Quantity of Parking Spaces. For uses not listed below, a parking justification report shall be submitted to the zoning administrator explaining the anticipated parking needs based on the number of residents, employees, customers, and visitors.
 - (1) Detached Single-Family, Attached Two-Family, Townhome (attached or detached), and Licensed Residential Facility uses must provide two off-street parking spaces per dwelling unit. Driveways may be used as parking spaces.
 - (2) Multiple-Family Dwelling uses must provide 1.5 off-street parking spaces per unit in a parking lot or structure conforming to the design standards in Section 560.
 - (3) Senior Living and Assisted Living uses must provide one off-street parking space per unit in a parking lot or structure conforming to the design standards in Section 560.
 - (4) Religious Institutions as required in Section 560.
- (C) In any residential district, outside parking of any motor vehicle(s) and/or recreational equipment is subject to the following standards:
 - (1) Number of items.

-
- a. Six items ~~allows~~ are allowed for outdoor storage and parking on parcels less than one ~~two~~ acres in size.
 - b. Eight items are allowed for outdoor storage and parking on parcels between one and 1.99 acres in size.
 - c. ~~Eight~~ Ten items are allowed for outdoor storage and parking on parcels between two and 4.99 acres in size.
 - d. ~~Ten~~ Twelve items are allowed for outdoor storage and parking on parcels five acres or greater in size.
 - e. 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).
 - f. Items that will count towards the number restriction include, but are not limited to, the following examples: trailers, motor vehicles, recreational vehicles, campers, boats, canoes, snowmobiles, jet-skis, all-terrain vehicles, go-carts, motocross bikes, motorcycles, fish houses, and other recreational equipment, bobcats, skid steers, and self-propelled vehicles.
 - g. Exceptions: Items that will not count towards the number restriction include those items typically seen as accessory to a residential use, up to four each. 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.~~

(2) *Location and setbacks.*

- a. On all residential parcels:
 1. Motor vehicles stored or parked in a side or rear yard shall maintain a setback of at least five feet from the edge of the parking surface to the lot line(s).
 2. Equipment parked or stored in the side yard shall maintain a setback of at least five feet from the edge of the parking surface to the lot line(s).
 3. Equipment parked or stored in the rear yard shall maintain a setback of at least five feet from the lot line(s).

(3) *Surfacing.*

- a. Inside the metropolitan urban service area (MUSA).
 1. Currently licensed and operable motor vehicles, the primary purpose of which is for private transportation or recreational use may be parked:
 - (i) In the front yard if on a driveway.
 - (ii) In the side or rear yard provided it is parked on a residential parking surface that consists of either bituminous pavement or concrete.
 2. Equipment, for which the primary purpose is private or personal/recreational use may be parked:
 - (i) In the front yard if on a driveway.
 - (ii) In the side yard on a residential parking surface of either bituminous pavement or concrete.
 - (iii) In the rear yard on an unimproved surface.
- b. Outside the metropolitan urban service area (MUSA).
 1. Currently licensed and operable motor vehicles, the primary purpose of which is for private transportation or recreational use may be parked:
 - (i) In the front yard if on a driveway.
 - (ii) In the side or rear yard provided it is parked on a residential parking surface that consists of either bituminous pavement, concrete, or prepared gravel/Class V of at

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- 1 least two inches in depth that is applied to the entire area beneath the motor vehicle
2 and extending 12 inches around the perimeter of the motor vehicle.
- 3 2. Equipment, for which the primary purpose is private or personal/recreational use may be
4 parked:
- 5 (i) In the front yard if on a driveway.
- 6 (ii) In the side yard on a residential parking surface of bituminous pavement, concrete,
7 or Class V of at least two inches in depth, that is applied to the entire area beneath
8 the equipment and extending 12 inches around the perimeter of the equipment.
- 9 (iii) In the rear yard on an unimproved surface.
- 10 c. An alternative surface, such as pervious pavement, may be considered with appropriate base
11 and approval of the zoning administrator.
- 12 ~~(4) Residents shall be allowed to have one unlicensed, inoperable motor vehicle that may be stored~~
13 ~~outdoors. This motor vehicle shall not be permitted to be stored in the front yard or driveway.~~
14 ~~This motor vehicle must be stored in the side or rear yard on a prepared surface and must be~~
15 ~~completely screened from adjacent properties and right-of-way. This motor vehicle shall still~~
16 ~~be subject to the city's public nuisance regulations.~~
- 17 (4) The material for the prepared parking surface must be at least two inches in depth. ~~It is~~
18 ~~reiterated that City Code requires the surface to be applied~~ under the entire motor vehicle or
19 equipment and extend 12 inches beyond the perimeter of the motor vehicle or equipment.
- 20 (5) At no time shall a motor vehicle or equipment be parked such that any portion of the motor
21 vehicle or equipment extends into a sidewalk or trail, ~~as these are considered public rights-of-~~
22 ~~way.~~
- 23 (C) Commercial use motor vehicles and equipment may be parked outside for short-term periods,
24 defined as eight hours or less in one 24-hour period, or for longer periods under the following
25 conditions:
- 26 (1) *Inside the MUSA:*
- 27 a. Said items shall be screened to a degree of 75 percent at ground level view from the public
28 right-of-way and adjacent properties.
- 29 b. Said items shall be parked only in the side or rear yard of the subject property and said items
30 shall be parked on a residential parking surface that consists of bituminous pavement or
31 concrete.
- 32 c. Commercial use motor vehicles and equipment intended to be parked outside that cannot
33 meet criteria established in subsections (C)(1)a. and b. above, but can provide for alternatives
34 to same, shall be required to obtain an interim use permit or home occupation permit, where
35 applicable.
- 36 d. Commercial use motor vehicles and equipment shall count towards the total number of
37 allowable items that may be stored outside as defined in this section.
- 38 (2) *Outside the MUSA:*
- 39 a. Said items shall be screened to a degree of 50 percent at ground level view from the public
40 right-of-way and adjacent properties.
- 41 b. Said items shall be parked only in the side or rear yard of the subject property and said items
42 shall be parked on a residential parking surface that consists of bituminous pavement,
43 concrete, or Class V with a minimum of a two-inch base.
- 44 c. Commercial use motor vehicles and equipment intended to be parked outside that cannot
45 meet criteria established in subsection (C)(2)a. and b. above, but can provide for alternatives
46 to same, shall be required to obtain an interim use permit or home occupation permit, where
47 applicable.
- 48 d. Commercial use motor vehicles and equipment shall count towards the total number of
49 allowable items that may be stored outside as defined in this section.

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- 1 (D) Active agricultural motor vehicles and equipment necessary to sustain agricultural uses are allowed
2 and not required to be parked on a prepared surface nor screened.
- 3 (E) Private and/or commercial use motor vehicles and equipment shall not be parked on a parcel unless
4 said personal property is owned or leased by a person residing on the parcel, or owned or leased by
5 the employer of a person residing on the parcel. The Minnesota Department of Motor Vehicles
6 registration records shall be used to determine the owner of registered vehicles and/or equipment
7 and said owner's address.

8
9 462 Game Fair Parking Overlay District

10 The "GF Game Fair parking overlay district," is established as shown on the official zoning map
11 accompanying this ~~code~~ chapter. Notwithstanding the provisions of Section 460 to the contrary, Game
12 Fair parking on residentially zoned property may be permitted in required side and front yards only during
13 the period of the annual "Game Fair" event conducted by Armstrong Kennels.

14
15 463 Residential Driveways

- 16 (A) When Required.
- 17 (1) A driveway shall be required for all attached accessory buildings with a doorway opening
18 meeting or exceeding eight feet wide by seven feet tall.
- 19 (2) If a detached accessory building serves as the primary garage, a driveway shall be
20 installed.
- 21 (B) Surface Materials
- 22 (1) Urbanized districts: driveway materials shall consist of concrete, bituminous, or driveway-
23 rated pavers for a continuous hard surface.
- 24 (2) Rural Residential or Urban Reserve Districts: driveway materials shall consist of concrete,
25 bituminous, driveway-rated pavers, or a minimum two-inch Class-V gravel.
- 26 (C) Driveways shall be setback at least five feet from interior side or rear property lines.
- 27 (D) Driveway widths shall not exceed 30 feet at the street, through the public right-of-way, and the first
28 five feet of the adjacent yard to the right-of-way where the driveway is accessing.
- 29 (E) No more than 50 percent of a front yard may be covered by a driveway.

30
31 465 Residential Waste Management

- 32 (A) Outdoor waste receptacles serving single- and two-family dwellings and licensed residential
33 facilities ~~must be in either the rear or the side yard~~ placed against the structure ~~and must be~~
34 ~~screened from public view and adjacent lots.~~
- 35 (B) Waste receptacles serving townhomes, multi-family, or non-residential uses must be located within
36 an interior trash room, a garage, or an exterior waste enclosure designed of masonry construction
37 and opaque gates compatible with the building's architecture.
- 38 (C) Exception: waste receptacles may be placed outside of these regulations from 5:00 pm the night
39 before collection and the day of collection.

40
41 470 Residential Landscaping Standards

- 42 (A) *Intent.* The City of Ramsey recognizes the advantages that landscaping and screening can provide,
43 including enhanced health, safety, aesthetic, ecological and economic value. The intent of this
44 section is to:
- 45 (1) Enhance the quality of life within the city;
- 46 (2) Enhance aesthetic view of development(s) from public roads;
- 47 (3) Maintain and enhance property values;
- 48 (4) Aid in both physical and mental human health;
- 49 (5) Improve air quality and buffer against noise, glare, and heat;

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- 1 (6) Reduce the potential for crime and violence;
2 (7) Improve energy efficiency;
3 (8) Add visual interest to blank building facades and soften appearance of hardscaping and
4 buildings with accent plantings;
5 (9) Complement adjacent land uses;
6 (10) Improve the visual quality and continuity within and between developments;
7 (11) Reduce storm water runoff;
8 (12) Encourage the establishment and/or restoration of native landscapes.
- 9 (B) *Goals and objectives.* Landscaping for any project is intended to achieve the following goals and
10 objectives:
11 (1) Provide immediate aesthetic enhancements to a development site while also taking into
12 account space and input needs of plantings well into the future;
13 (2) Encourage a healthy environment and landscape in the future;
14 (3) Ensure a diverse mixture of species to protect against future pests and pathogens;
15 (4) Encourage native landscapes in suitable locations with appropriate management plans.
- 16 (C) *Landscaping requirements.*
17 (1) *Topsoil and ground cover.* All exposed ground areas, including boulevards and areas not
18 devoted to off-street parking, driveways, sidewalks, trails, patios or other such impervious
19 improvements, shall be landscaped with turf, shrubs, trees, native grasses and wildflowers
20 and/or other ornamental landscape materials within six months of the date of issuance of the
21 certificate of occupancy.
22 a. *Topsoil.* In all zoning districts, a minimum of four inches of topsoil, ~~as defined in section 117-~~
23 ~~1,~~ shall be applied across all exposed ground areas to the edge of improved streets, sidewalks,
24 driveways and other impervious surfaces, excluding natural areas that are left undisturbed,
25 whenever a building permit is issued for the construction of a principal building.
26 ~~1.—The depth of topsoil at the time of inspection shall be not less than four inches.~~
27 ~~2.—~~Alternatives to the import of topsoil, such as compost or other soil amendments known
28 to improve soil water holding capacity may be permitted, but only with the prior approval
29 of the city engineer.
30 b. *Required ground cover.* In all urbanized zoning districts ~~except R-1,~~ all portions of a site not
31 covered by structures, concrete, or asphalt, but excluding natural areas that are left
32 undisturbed, shall be finished with sod and plantings, up to the edge of improved streets and
33 other impervious surfaces in adjacent rights-of way. Any alternative to the sod requirement
34 shall require City Council approval.
35 ~~1.—In the R-1 Residential District, sod is required in all boulevards, excluding those areas~~
36 ~~devoted to sidewalks, trails and driveways.~~
37 ~~2.—~~ The remainder of a yard may be established with sod, seed, natural ground cover and/or
38 native grasses and wildflowers. ~~Noxious weeds do not constitute allowable ground cover.~~
- 39 (2) *Irrigation.* If a landscape irrigation system is provided, the system shall be equipped with the
40 following:
41 a. Technology that inhibits or interrupts operation of the irrigation system during periods of
42 sufficient moisture (rain sensor).
43 b. One or more water efficient technologies. This could include, but is not limited to, WaterSense
44 labeled weather-based irrigation controllers, soil moisture sensors, and/or
45 evapotranspiration (ET) sensors.
- 46 (3) *Existing trees.* A reasonable attempt shall be made to preserve as many existing trees as is
47 practicable and incorporate them into a development. For each healthy significant tree
48 retained on site and not identified on the city's list of prohibited trees, one overstory tree, or

the equivalent canopy square footage, can be deducted from the minimum planting requirements.

- (4) *Planting types.* Acceptable planting types shall be determined by the Ramsey Tree Book. The complement of trees fulfilling the landscaping requirements shall not be less than 25 percent deciduous and not less than 25 percent coniferous. Not more than 25 percent of the required plantings shall consist of ornamental or understory trees. Projects should attempt to limit the planting of any one genus to no more than 20 percent of the total plantings.

(5) *Planting requirements for the R-1A, R-1B, R-1C, and RR districts.*

Zoning District	Planting Type	Minimum Number Required	Size
R-1A, R-1B	Overstory Deciduous and/or Coniferous trees	2 trees per dwelling, planted in the boulevard (or front yard depending on available space)	1 inch caliper - deciduous 5 foot height - conifer
R-1C	Overstory Deciduous and/or Coniferous trees	1 tree per 50 feet of frontage, planted in the boulevard	1 inch caliper — deciduous 5 foot height — conifer
RR	Overstory Deciduous and/or Coniferous trees	2 trees per dwelling, planted in the front yard	1 inch caliper - deciduous 5 foot height — conifer

- a. In the R-1C district, alternative planting locations, such as the backyard or common areas, will be considered if there is not sufficient space in the boulevard due to other improvements such as driveways, streetlights, hydrants, etc.

(6) *Planting requirements for the R-2 and R-3 Districts.*

- a. If the housing product is a detached style, the plantings shall consist of at least one tree per 50 feet of street frontage, planted in the boulevard.
1. Alternative planting locations, such as the backyard or common areas, will be considered if there is not sufficient space in the boulevard due to other improvements such as driveway, streetlights, hydrants, etc.
- b. If the housing product is an attached style, the number of plantings shall be determined based on canopy cover. To fulfill the planting requirements, a combination of trees and shrubs shall meet or exceed the minimum required canopy cover square footage.
- c. The minimum canopy cover required shall be calculated as follows:
1. Determine ratio of impervious area (including stormwater ponds) to entire site.
 2. Multiply the impervious area/site area ratio by the square footage of the pervious area to calculate the required canopy cover square footage for the project area.
 3. The following formula shall be utilized to determine the average canopy cover of a species: $[(\text{Minimum} + \text{maximum spread}) \div 4]^2 \times \pi \times (0.65 \text{ for preferred species or } 0.50 \text{ for acceptable species, as identified in the Ramsey Tree Book})$.
- d. Minimum size of plantings. Required trees and shrubs shall meet or exceed the following size standards:

Plant Type	Size
Deciduous Tree	1 inch caliper
Coniferous Tree	5 feet in height
Ornamental Tree	1 inch caliper
Deciduous Shrub	2 feet in height
Evergreen	2 feet in height or width, based on growth characteristics

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3 475 Screening

- 4 (1) Rooftop HVAC and other mechanical units must be screened from views from the property
5 lines using the following means:
6 a. Proper placement on the roof.
7 b. An integrated screen panel that is architecturally compatible with the building.
8 c. Parapet heights sufficient for screening the views.
9 (2) Ground-mounted HVAC and other mechanical units for all structures other than single-family,
10 two-family, and townhomes must be screened from views from the property lines using the
11 following means:
12 a. Privacy fencing
13 b. An integrated screen panel that is architecturally compatible with the building.
14 c. Landscaped berms.
15 (3) Density/Use Buffering and Transitioning. Within the additional lot depth/width area
16 described in Section 430, the following options are required when different residential uses
17 abut each other or residential uses abut an existing or planned non-residential use.
18 a. A continuous six-foot privacy fence with 2-inch caliper overstory trees planted every 20
19 feet, roughly evenly spaced.
20 b. A vegetative buffer containing four 2-inch caliper overstory, four 6-foot evergreen, and
21 four 1.5-inch understory trees planted per 100 feet of property boundary on both sides
22 of a berm with a maximum slope of 4:1.
23 c. If this area is used for storm water management, both sides of the basin shall be lined
24 with 2-inch caliper overstory trees at the rate of one tree per 20 feet, roughly evenly
25 spaced and large shrubs at the rate of one per three feet. The side of the basin closest
26 to a non-residential use shall add one 6-foot evergreen tree per 40 feet, roughly evenly
27 spaced.
28 d. Other options may be approved by the City Council based on site and adjacent site
29 conditions and existing vegetation.
30

31 480 Residential Architectural Design Standards

- 32
33 (A) *Single-Family Homes, Two-Family Structures Exterior building materials.* The type of building
34 materials used on exterior walls on all structures ~~in the R-1 Residential District~~ shall be face brick;
35 natural stone; stucco; aluminum, steel, ~~or~~ vinyl siding; wood; ~~masonite products~~ or other
36 compatible residential materials ~~that may be approved by the city.~~
37
38 (B) *Townhomes, Rowhomes, Multi-Family Buildings.* The purpose of this section is to encourage the
39 development of high-quality, diverse multiple-dwelling structures in the city while permitting
40 flexibility in the development process.
41 (1) General standards. The requirements in this section apply to the front facades of all multiple-
42 dwelling structures, as defined under permitted uses in this section.
43 a. The type of building materials used on exterior walls of all townhomes, rowhomes, and
44 multi-family structures ~~in the R-3 Residential District~~ shall be face brick; natural stone;
45 stucco; aluminum, steel, or vinyl siding; wood; ~~masonite products~~; or other compatible
46 residential materials that may be approved by the city council. Exterior Insulation and Finish
47 Systems (EIFS) material is prohibited. The front exterior building finish of multiple-family
48 buildings shall consist of a minimum of 35 percent face brick, natural stone, or stucco

- 1 (excluding window and door area in the calculation). This requirement shall also apply to the
2 side of a building when it faces a public street.
- 3 b. Multiple-dwelling developments that face county highways, state highways, or MSA roads
4 shall vary structure orientation.
- 5 c. A minimum of three colors shall be used for each multiple-dwelling building. Elements that
6 may count towards this requirement include siding, trim, doors, and garage doors. A color
7 palette shall be included as a part of the building elevation submittal at the time of
8 development review.
- 9 d. All multiple-dwelling structures shall include at least two of the following architectural
10 elements:
- 11 1. Articulated/cantilevered facade.
12 2. Dormers.
13 3. Articulated roofline.
14 4. Projected or inset windows.
15 5. Balconies, porches, or decks.
16 6. ~~Window treatments, such as shutters and window boxes.~~
17 7. ~~Other elements as approved by the city council.~~
- 18 ~~b. The 35 percent masonry requirement (under subsection (e)(8)a.1 of this section) may be~~
19 ~~waived in whole or in part based on inclusion of one or more of the following criteria:~~
- 20 ~~1. Two additional architectural elements from the list in subsection (e)(8)a.4 of this section~~
21 ~~are included.~~
22 ~~2. Two additional colors are included in the overall color palette, for a total of five colors.~~
23 ~~3. Decorative sidewalks (brick, stone inlays, etc.).~~
24 ~~4. Other aesthetic enhancements deemed to be appropriate by the city council.~~
- 25
- 26 (C) Accessory buildings. Exterior building materials for detached accessory buildings ~~not addressed~~
27 ~~by Minnesota State Building Code~~ shall be generally consistent with the exterior finish of the
28 principal building and finished with ~~hardboard lap siding~~, vinyl lap siding, aluminum or metal
29 lap siding, architectural metal panels, textured wood (painted), and/or masonry. Prefabricated
30 molded plastic storage sheds shall be permissible.

33 485 Residential Fences

- 34
- 35 (A) *Height.* Fencing or walls (except retaining walls) located in the ~~required~~ front yard ~~setback~~ shall not
36 exceed four feet in height ~~except for "ornamental fences" as defined in section 117-1.~~ Fencing or
37 walls located in the side or rear yard shall not exceed eight feet in height. ~~A zoning permit is required~~
38 ~~for all fences that are not addressed by the Minnesota State Building Code.~~
- 39 (B) *Materials and construction.* Fences shall be constructed in a workmanlike manner and of substantial
40 material reasonably suited for its intended purpose. Fencing material shall consist only of wood,
41 chain link, wrought iron, maintenance free vinyl, aluminum, or steel. Any other material must be
42 approved by the zoning administrator prior to installation.
- 43 (1) No boards, planks, or panels shall be larger than 12 inches in width.
44 (2) Chain link fences shall be constructed such that no barbed ends shall be at the top.
45 (3) Fence framing must face inward on the fence owner's lot.
46 (4) Chain link fencing for multi-family, townhome, or non-residential uses must be black or brown
47 vinyl coated.
- 48 (C) Agricultural uses.

- (1) Fences may be constructed of barbless wire or have the capability to carry an electric charge to accommodate agricultural activities and the raising of livestock and animals as defined by Chapter 10, Animals. Lots of record as of July 1, 2002, within the MUSA that are currently used for agricultural activities or the raising of livestock and animals also qualify under this provision.
- (2) Electric fences must be set back a minimum of three feet from property lines and must be posted as being electric. Electric fences are only allowed in conjunction with an agricultural use in the RR or UR districts.
- ~~(3) A sketch drawing shall be submitted to the city showing the proposed location of an electric fence.~~
- (D) *Location.* Fencing must be located ~~100 percent~~ on the fence owner's lot and it is the responsibility of the fence owner to accurately locate property boundaries.
 - (1) For corner lots, no fence shall be located within the vision clearance triangle ~~as described in section 117-348.~~
 - ~~(2) The zoning administrator may require the owner of the property upon which a fence will be constructed to establish the boundary lines of the property by a survey thereof to be made by any registered land surveyor.~~

500 Business Districts

510 Districts Established and Purpose

The following businesses districts (B-1, B-2, B-3, I-1, and I-2) are hereby established according their purpose and the intent of the Comprehensive Plan. Collectively, these five districts are herein this chapter called "business districts." The I-1 and I-2 districts are collectively called "industrial districts."

511 B-1 Neighborhood Business District

- (A) Purpose. This district is intended to provide a district which encourages compact walkable centers for office, retail sales, and personal services that connect to and serve the adjacent neighborhoods and to preserve and protect the general character of the adjacent areas.
- (B) Application – This district shall be applied to properties guided Commercial as shown on the current Comprehensive Plan.

512 B-2 Community Business District

- (A) Purpose. This district is intended to provide a district for the development of community-scale office, retail sales, restaurant, and services functional for both pedestrians and automobiles.
- (B) Application – This district shall be applied to properties guided Commercial as shown on the current Comprehensive Plan.

513 B-3 Regional Business District

- (A) Purpose. This district is intended to provide for large-scale commercial development, including retail, entertainment, restaurant, and other complementary commercial uses. The district is intended to provide a commercial environment that is functional for both pedestrians and automobiles serving the community and region.
- (B) Application – This district shall be applied to properties guided Commercial as shown on the current Comprehensive Plan.

514 I-1 Light Industrial District

- 1 (A) Purpose. This district is intended to provide areas in which to locate businesses that enhance the
 2 city's tax base, have a large employee base, involve manufacturing, warehousing, distribution, office
 3 uses, and other accessory retail and service uses offered on site with minimal outdoor storage. This
 4 district also accommodates large users such as indoor recreational complexes.
 5 (B) Application – This district shall be applied to properties guided Business Park as shown on the
 6 current Comprehensive Plan.
 7

8 **515 I-2 General Industrial District**

- 9 (A) Purpose. This district is designed to provide a district for intense manufacturing, warehousing,
 10 distribution, and industrial uses due to the characteristics of the use of the property, and/or have
 11 an extensive amount of outdoor processing and/or outdoor storage.
 12 (B) Application – This district shall be applied to properties guided Business Park as shown on the
 13 current Comprehensive Plan.
 14

15 **520 Uses**

16 The following sections establish listings of the permitted, conditional, principal, accessory, and temporary
 17 uses for the business zoning districts (B-1, B-2, B-3, I-1, I-2). The uses have been allocated to the individual
 18 districts to allow reasonable use of properties in a manner that is compatible with the Comprehensive
 19 Plan, the purpose of each business zoning district, and the overall purpose of this chapter. Whenever in
 20 any zoning district a use is neither specifically permitted or denied, the use shall be considered prohibited.
 21

22 **521 Principal Uses**

23 Permitted and conditional principal uses are listed in the following table for each of the districts in this
 24 section. Additional performance standards for the uses are found in the noted section.
 25

26 P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use	B-1	B-2	B-3	I-1	I-2	Additional Standards (Section)
Adult Uses – Principal	NP	NP	C	NP	NP	525
Animal Service Business and Veterinary Clinics	P	P	P	P	P	
Asphalt and Concrete Plants	NP	NP	NP	NP	C	
Assembly Halls, Banquet Halls, or Conference Centers	NP	C	C	C	NP	
Banks	P	P	P	P	NP	
Breweries and Distilleries	NP	P	P	P	P	525
Car Washes and Detailing Services	NP	C	C	C	NP	
Commercial Recreation, Indoor	NP	C	C	C	NP	525
Commercial Recreation, Outdoor	NP	C	C	NP	NP	525
Communications Towers	C	C	C	C	C	370
Crematoriums	NP	NP	NP	P	P	525
Data Centers	NP	NP	NP	P	P	
Daycare Centers	P	P	NP	NP	NP	
Digital Billboards	NP	C	C	C	C	117
Distribution Facility	NP	NP	NP	NP	P	
Equipment, tool, and party supply rental business	NP	NP	C	C	C	
Fitness Centers	P	P	P	P	NP	525
Funeral Homes	P	P	P	NP	NP	525
Motor Fuel Station, CNG Fuel Sales	NP	C	C	C	C	525
Governmental or Public Facility or Utility	P	P	P	P	P	
Hotels	NP	P	P	NP	NP	

Manufacturing, Assembly, Production, Research and Testing Labs, and the like	NP	NP	NP	P	P	
Medical and Dental Offices and Clinics	P	P	P	P	NP	
Motor Vehicle Repair	NP	C	C	C	C	525
Motor Vehicle Sales and Showrooms and Rental	NP	NP	C	C	C	525
Multiple Principal Structures on one Parcel	C	C	C	C	C	
Offices and Professional Services	P	P	P	P	P	
Personal Services	P	P	P	P	P	
Post-Secondary Educational Facility	NP	P	P	P	P	
Private Clubs or Lodges	C	C	C	NP	NP	
Religious Institutions	P	P	P	NP	NP	525
Restaurants and Brewpubs	P	P	P	P	P	
Retail landscape nurseries, garden centers	NP	C	C	NP	C	525
Retail Sales and Showrooms	P	P	P	P	P	
Self-Storage Facility	NP	C	C	NP	C	525
Theaters, Movie Theaters	NP	P	P	NP	NP	
Vehicle Impound Yards, Auto Salvage Yards, Tow Yards, Vehicle Wrecking Yard	NP	NP	NP	NP	NP	
Warehousing	NP	NP	NP	P	P	
Wholesale Sales	NP	NP	NP	P	P	

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522 Accessory Uses

Permitted and conditional accessory uses are listed in the following table for each of the districts in this section. Additional performance standards for the uses are found the noted sections. All accessory uses must be subordinate to and be accompanied by a primary use on a parcel.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Accessory Use	B-1	B-2	B-3	I-1	I-2	Additional Standards (Section)
Accessory Dwelling Units (ADU)	C	C	C	NP	NP	525
Accessory Storage Buildings and Garages	P	P	P	P	P	560
Adult Uses – Accessory	NP	P	P	NP	NP	525
Commercial Recreation, Outdoor	NP	C	C	C	C	525
Crematoriums	NP	P	P	P	P	525
Drive-Thrus	NP	C	C	C	C	
Electric Vehicle Charging Stations	P	P	P	P	P	525
Ground source heat pump systems	P	P	P	P	P	333
Mobile Food Units	P	P	P	P	P	525, Ch. 26
Motor Fuel Stations, CNG Stations	NP	NP	NP	P	P	525
Motor Vehicle accessory installation	NP	P	P	P	P	
Outdoor Animal Runs	NP	C	C	C	P	525
Outdoor Dining Areas	P	P	P	P	P	326
Outdoor Displays	P	P	P	NP	P	525
Outdoor Sales	C	C	C	NP	NP	525
Outdoor Storage	NP	NP	C	C	C	525
Outdoor Vehicle and Equipment Storage	NP	NP	NP	P	P	525
Parking Lots and Structures	P	P	P	P	P	560
Retail Sales and Showrooms	P	P	P	P	P	
Solar Energy Systems	P	P	P	P	P	332
Taprooms and Cocktail Rooms	NP	P	P	P	P	525

Vehicle sales inventory and display lots	NP	NP	C	NP	NP	525
Wind Energy Conversion Systems (WECS) (micro-scale)	P	P	P	P	P	331
Wind Energy Conversion Systems (WECS) (small-scale)	P	P	P	P	P	331
Wind Energy Conversion Systems (WECS) (medium-scale)	P	P	P	P	P	331

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523 Temporary/Seasonal Uses

The following uses are considered temporary in nature and accessory to an established business use listed in Section 521. If a date range is given, that use is only allowed during that time period. Additional performance standards for the uses are found in the noted section.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use	B-1	B-2	B-3	I-1	I-2	Additional Standards (Section)
Construction Trailers/Field Offices	P	P	P	P	P	306
Outdoor retail sales of Christmas trees, wreaths, and the like <i>November 1 – December 31.</i>	P	P	P	NP	NP	525
Outdoor retail sales of fireworks <i>June 15-July 15</i>	P	P	P	NP	NP	525
Outdoor storage of snow removal equipment, temporary salt/sand shed/container <i>October 15-April 15</i>	P	P	P	P	P	525
Outdoor retail sales of plants, flowers, and the like <i>May 1 – July 31.</i>	C	C	C	C	C	525
Seasonal outdoor storage of marine boats <i>September 1 through May 31</i>	NP	NP	C	C	C	
Transient Merchants, Licensed	P	P	P	P	P	Ch 26

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525 Performance Standards

Some permitted and conditional uses are further regulated based on the standards below.

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- (A) Accessory dwelling units (ADU) in conjunction with certain business uses. Such business types include, but are not limited to, funeral homes or animal service businesses with boarding. Attached accessory dwelling units are permitted with the following requirements:
 - (1) Number. No more than two ADUs shall be allowed per business property.
 - (2) Occupancy. At least one resident of each ADU must be an employee of the business where the ADU is located and it is a part of the employee’s job duties to be on-site for extended or overnight hours. The unit cannot solely be rented to someone unaffiliated with the business.
 - (3) Maximum size. The maximum size of an ADU cannot exceed 800 square feet of habitable space.
 - (4) Address. The ADU must retain the same address as the principal structure.
 - (5) Utilities. Accessory dwelling units must share utilities with the principal structure.
 - (6) Ownership. Accessory dwelling units may not be sold separately from the primary business, and cannot be created with a new tax parcel.
 - (7) The ADU is subject to rental licensing requirements of City Code.

1
2 (B) Adult Uses

3 (1) *Purpose.* The nature of adult uses is such that they are recognized as having adverse
4 secondary characteristics, particularly when they are accessible to minors and located near
5 residential property or related residential uses such as schools, day care centers, libraries or
6 parks. Furthermore, the concentration of adult uses has an adverse effect upon the use and
7 enjoyment of adjacent areas. The nature of adult uses requires that they not be allowed
8 within certain zoning districts, or within minimum distances from each other or residential
9 uses. Special regulation of adult uses is necessary to ensure that the adverse secondary effects
10 would not contribute or enhance criminal activity in the area of such uses nor will it contribute
11 to the blighting or downgrading of the surrounding property and lessening of its value.

12 (2) *Generally.* Adult uses as defined in this chapter shall be subject to the following general
13 provisions:

- 14 a. Activities classified as obscene are not permitted and are prohibited.
- 15 b. Adult uses, either principal or accessory, shall be prohibited from locating in any
16 building that is also utilized for residential purposes.
- 17 c. Adult uses, either principal or accessory, shall be prohibited from locating in any place
18 that is also used to dispense or consume alcoholic beverages.
- 19 d. An adult use that does not qualify as an accessory use pursuant to subsection (d)(1) of
20 this section, shall be classified as an adult use - principal.

21 (3) *Adult uses - principal.*

- 22 a. Adult use - principal shall be located at least 1,000 radial feet, as measured in a straight
23 line from the closest point of the property line of the building upon which the adult use
24 - principal is located to the property line of:
 - 25 1. Residentially zoned property;
 - 26 2. A licensed day care center;
 - 27 3. A public or private educational facility classified as an elementary, junior high or
28 senior high;
 - 29 4. A public library;
 - 30 5. A public park;
 - 31 6. Another adult use - principal;
 - 32 7. An on-sale liquor establishment; or
 - 33 8. Any religious organization.
- 34 b. No adult use - principal shall be located in the same building or upon the same
35 property as another adult use - principal. This limitation does not apply to any
36 business or establishment that contains more than one adult use - principal as of
37 December 16, 1990; any such business or establishment that is required to terminate
38 its location pursuant to this section is not prohibited from operating the same adult
39 uses - principal that were in existence as of December 16, 1990, at any new location
40 in the city where adult uses - principal are otherwise lawful under this Code.
- 41 c. Adult use - principal shall adhere to the following signing regulations.
 - 42 1. Sign messages shall be generic in nature and shall only identify the type of
43 business that is being conducted.
 - 44 2. Sign messages shall not contain material classified as advertising.
 - 45 3. Signs shall comply with the requirements of size and number for the district in
46 which they are located.
- 47 d. Adult use - principal shall be limited to 7:00 a.m. to 12:00 midnight for its hours of
48 operation. A differing time schedule may be approved by the zoning administrator,

subject to council appeal, if it can be satisfactorily demonstrated by the operator to the city that extended operational hours will:

1. Not adversely impact or affect uses or activities within 1,000 feet.
2. Will not result in increased policing and related service calls.
3. Is critical to the operation of the business.

(4) *Adult uses - accessory.*

a. Adult use - accessory shall:

1. Comprise no more than ten percent of the floor area of the establishment in which it is located.
2. Comprise no more than 20 percent of the gross receipts of the entire business operation.
3. Not involve or include any activity except the sale or rental of merchandise.

b. Adult use - accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access:

1. *Movie rentals.* Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation.
2. *Magazines.* Publications classified or qualifying as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
3. *Other use.* Adult uses - accessory not specifically cited shall comply with the intent of this section subject to the approval of the zoning administrator.

c. Adult use - accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

(5) *Nonconforming adult use - principal or accessory.* Adult uses which are classified as legal nonconforming uses may continue in accordance with the provisions of this chapter, except that any such nonconforming use shall be terminated and become illegal on and after January 31, 1992. To the extent possible, the city shall attempt to identify all such uses which become classified as nonconforming under the provisions of this subdivision and shall notify the property owners and operators of such uses in writing of the change in status and the terms and conditions which apply. The owner of any property on which an adult use is located may apply to the council for an extension of the termination date. Any such application shall be in writing and be received by the city no later than December 31, 1991. Failure to submit a timely extension application shall constitute a waiver of the right to request an extension. The council may grant such an extension if upon the council's determination, the applicant demonstrates that the amortization period is an unreasonable burden upon the business and does not allow adequate time to recover a reasonable return upon the business investment. The applicant shall have the burden of proof to demonstrate hardship with the established termination date and also the time required for an extension. In making its decision, the council may consider any factor relevant to the issue, including but not limited to:

- a. The degree or magnitude of threat to the public health, safety and general welfare posed by the secondary impacts of the operation.
- b. The length of time that the adult use has been operating.
- c. The ease by which the property could be converted to a conforming use.
- d. The nature and character of the surrounding neighborhood.
- e. The value and condition of the improvements on the property.
- f. The amount of the applicant's investment in the business.
- g. The amount of investment already realized.
- h. The cost of relocating the adult use.

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2 (C) Breweries and Distilleries
3 (1) In B2 and B3 districts, production is limited to 15,000 barrels per year and must be
4 accompanied by a taproom/cocktail room.
5 (2) In I1 and I2, there is no production limit.
6
7 (D) Commercial Indoor Recreation
8 (1) In B1 district, the indoor space is limited to 2,000 square feet.
9 (2) Indoor Shooting Ranges:
10 (a) All firearms not in use in firing range lanes/stalls shall be unloaded and properly cased
11 at all times in accordance with Minnesota laws.
12 (b) Controlled access to the shooting range shall be maintained at all times.
13 (c) Any weapons stored overnight on the premises shall be properly secured, per direction
14 from the police chief.
15
16 (E) Commercial Outdoor Recreation
17 (1) As an accessory use, it must be in conjunction with a brewery and taproom, restaurant,
18 brewpub use.
19
20 (F) Drive-Thrus
21 (1) All stacking space for vehicles shall be off-street and shall be constructed to size that will
22 accommodate at least five vehicles. More stacking may be required if reasonable for the
23 proposed use.
24 (2) Drive-thrus, menu boards, ordering equipment, and stacking queues shall be screened from
25 view nor audible of abutting residential districts.
26 (3) Ordering equipment must not be audible from adjacent properties or rights-of-way.
27 (4) A bypass lane is required.
28 (5) Screening shall be provided of automobile headlights in the drive-thru lane to windows and
29 doors of adjacent uses. Such screen shall be at least three feet in height at installation and
30 fully opaque, consisting of a wall, fence, dense vegetation, berm or grade change.
31
32 (G) Fitness Centers.
33 (1) In the B1 districts, a fitness center use is limited to 2,000 square feet
34 (2) In B2, B3, and I1 districts, there is no area limit.
35
36 (H) Funeral Homes and Crematoriums.
37 (1) In the B1 district, a crematorium is not permitted.
38 (2) In the B2 and B3 districts, a crematorium must be accompanied by a funeral home.
39 (3) In the I1 and I2 districts, a funeral home is not permitted, though a crematorium as a
40 primary use is allowed as a permitted use.
41
42 (I) Mobile Food Units. A mobile food unit is considered an accessory use to an established business
43 use with the following requirements:
44 (1) The owner/operator of the mobile food unit shall have written permission of the current
45 property owner to locate in a designated area.
46 (2) The owner/operator of the mobile food unit must keep a copy of the mobile food unit license
47 with the unit and demonstrate compliance with the license set forth in Chapter 26 upon
48 inspection.

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- 1 (3) The area(s) designated for the mobile food unit and accessory outdoor seating may not block
2 sidewalks, walkways, impede pedestrian or vehicular traffic, or interfere with public safety.
- 3 (4) Mobile food unit locations are limited to private property located in a COR, Business, or
4 Industrial District as listed in [this chapter](#).
- 5 (5) Mobile food units shall be located on an established parking area or on an asphalt or concrete
6 surface.
- 7 (6) The owner/operator must provide waste receptacles for customer use and keep the site in a
8 neat and orderly fashion, free from litter, refuse, debris, junk, or other waste which results in
9 offensive odors or unsightly conditions.
- 10 (7) Temporary freestanding signage is permitted in the form of up to two “A” frame or sandwich
11 boards not to exceed six square feet per side. The signs must be placed within 10 feet of the
12 mobile food unit. Flags and banners attached directly to the mobile food unit are permitted.
- 13 (8) Mobile food units must vacate the property between 11:00 pm and 8:00 am the following
14 day.
- 15 (A) *Exception.* A mobile food unit may remain in place overnight in conjunction with a multi-
16 day special event permit.
- 17 (9) Deviations from the standards above may be considered with a special event permit.
- 18
- 19 (J) **Motor Fuel Stations, CNG Fuel Stations.**
- 20 (1) Adequate space shall be provided to access gas pumps and allow maneuverability around the
21 pumps
- 22 (2) Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel
23 transports and unloading operations do not conflict with circulation, access and other
24 activities on the site.
- 25 (3) Fuel pumps shall be installed on pump islands with canopies. Canopies shall maintain a 20-
26 foot setback from property lines as measured from the edge of the canopy.
- 27 (4) As an accessory use, fueling areas and canopies must be located to the rear or side of the
28 principal structure.
- 29
- 30 (K) **Motor Vehicle Repair.** The following standards are required for operating a motor vehicle repair
31 business.
- 32 (1) All repair operations must be conducted inside a building.
- 33 (2) All vehicles must be properly licensed.
- 34 (3) Parking of any vehicle is prohibited on an adjacent public roadway.
- 35 (4) Visibly damaged vehicles parked outdoors must be screened.
- 36 (5) No vehicle dealer’s license may be issued for the property.
- 37
- 38 (L) **Motor Vehicle Sales/Vehicle sales inventory and display lots and** vehicle showrooms. The following
39 are standards for motor vehicle sales (includes RVs, trailers, campers, golf carts, farm implements,
40 construction equipment, and the like):
- 41 (1) In I1 and I2 districts, sales and inventory must be located indoors only. No outdoor displays
42 or parking of sales vehicles are permitted.
- 43 (2) The building on the property must occupy at least ten (10) percent of the buildable site.
- 44 (3) A minimum lot area of two (2) buildable acres is required.
- 45 (4) Only one state-licensed business entity is allowed per property.
- 46 (5) State wholesale and lessor licenses may be considered office uses provided no vehicles are
47 located on site.

(6) Vehicle sales inventory and display lots must follow the same design requirements as a parking lot found in Section 560. All vehicle parking spaces must have direct access to a drive aisle.

(M) Outdoor Animal Runs

- (1) Outdoor animal runs are only allowed as an accessory use in conjunction with an animal service business.
- (2) In the I1 district, the runs must not be located closer to the street than the front façade of the building.
- (3) The area of the outdoor animal run must not exceed 20 percent of the building or tenant area the animal service business is occupying.

(N) Outdoor Storage, Sales, and Display; Seasonal Outdoor Storage or Sales

(1) Outdoor storage, Sales, and Display site requirements for each of the districts in which it is an allowed use:

	B-1	B-2	B-3	I-1	I-2
Allows outdoor display	Yes	Yes	Yes	No	Yes
Allows outdoor sales	Yes	Yes	Yes	No	No
Allows outdoor storage	No	No	Yes	Yes	Yes
Minimum lot area to allow outdoor storage	N/A	N/A	1 acre	5 acres	No minimum
Area limit (total of sales, display, and storage)	5% building footprint	10% building footprint	30% building footprint	30% of building footprint	50% of parcel
Location Restriction	Front or side of building; within 6 feet of the building	Front or side of building	Front, side, or rear of building	Side and rear of building	No Restriction
Setback from rights-of-way	10 feet	10 feet	20 feet	20 feet	20 feet
Setback from side or rear property line (internal)	5 feet	5 feet	5 feet	5 feet	5 feet
Setback from Residential Use	35 feet	35 feet	35 feet	50 feet	50 feet
Surface Material	Pavement	Pavement	Pavement	Pavement	Pavement or dustless
Outdoor storage screening required	N/A	N/A	Yes	Yes	Yes

- (2) Outdoor storage areas must not take up required parking spaces, drive aisles, landscaped areas, or loading areas.
- (3) Storage areas must not be used for junk or debris and shall comply with chapter 30 of the Ramsey City Code entitled Public Nuisances.
- (4) With the exception of seasonal sales of fireworks and seasonal sales of Christmas trees, wreaths, and the like, all items sold, displayed, and stored outdoors must be directly related to the business operation inside the building on site.
- (5) The seasonal outdoor retail sales uses listed in Section 523 may be located on any side of the building.

- (6) Seasonal outdoor storage of snow removal equipment and temporary salt/sand sheds/containers must be located to the side or rear of the building and screened from public rights-of-way.
 - (7) Outdoor storage of shipping containers:
 - a. In all business districts: used as a temporary use in conjunction with an active building permit.
 - b. In industrial districts: used as an interim use.
 - (8) Outdoor vehicle and equipment storage for vehicles and equipment that are for use on-site must follow these requirements. Vehicles intended for off-site use is considered parking.
- (O) Retail Landscape Nurseries/Garden Centers
- (1) Plants, trees, shrubs, and other vegetation available for sale outdoors is exempt from the outdoor storage, sales, and display regulations in this section, other than setbacks from property lines and rights-of-way.
 - (2) All plants, trees, shrubs, and other vegetation available for sale must be in pots or containers.
- (P) Self Storage Facility
- (1) In B2, the rental spaces within the principal structure must be internally-accessed and climate-controlled.
 - (2) Multiple buildings on the same property are considered permitted. The architectural design of all buildings must be coordinated.
- (Q) Taprooms and Cocktail Rooms – Must be in conjunction with a brewery or distillery.

530 Bulk Standards

- (A) The following bulk standards are required for all properties and buildings in business districts unless regulated elsewhere in this chapter:

	B-1	B-2	B-3	I-1	I-2
Lot Area	0.5 acre	0.5 acre	0.75 acre	0.75 acre	1 acre
Lot Width	100 feet	100 feet	100 feet	200 feet	200 feet
Lot Depth	150 feet	150 feet	150 feet	150 feet	150 feet
Building Height Maximum	35 feet	40 feet	50 feet	65 feet	65 feet
Minimum Building Footprint	N/A	N/A	2,000 sqft	5,000 sqft	5,000 sqft
Maximum Building Footprint <i>(combined of all structures)</i>	35%	35%	40%	50%	50%
Maximum Impervious Coverage	75%	80%	85%	80%	85%
Front Setback	20 feet	20 feet	20 feet	20 feet	20 feet
Side Setback (interior)	10 feet	10 feet	10 feet	20 feet	20 feet
Side Setback (to right-of-way)	20 feet	20 feet	20 feet	20 feet	20 feet
Rear Setback (interior)	35 feet	35 feet	35 feet	25 feet	25 feet
Rear Setback (to right-of-way)	20 feet	20 feet	20 feet	20 feet	20 feet
Setback to a residential district	60 feet	60 feet	60 feet	80 feet	80 feet
Setbacks to wetlands	16.5 feet	16.5 feet	16.5 feet	16.5 feet	16.5 feet

- (B) Zero-Lot-Line Standards. The side and rear setback requirements in the above table may become zero feet in the following situations:
- (1) Along a property line abutting a railroad right-of-way.

-
- 1 (2) In a shopping center or coordinated development where two or more buildings are abutting
2 and parking or other site improvements are shared.
3

4 550 Accessory Structures

5 Accessory structures on business properties must be incidental and subordinate to the principal use on
6 the site. Following are standards for accessory structures on business properties:
7

- 8 (A) Structure design. All exterior materials must be compatible and coordinated with the principal
9 structure and permanent in design.
- 10 (B) Location. All accessory buildings must be located to the side or rear of the front façade of the
11 principal structure, with the exception of gas station canopies.
- 12 (C) Setbacks. All accessory structures must be set back at least 10 feet from side and rear property
13 lines.
- 14 (D) Size. The total area of accessory structures is limited to 10 percent of the footprint of the principle
15 structure, except for gas station canopies which have no limitation.
- 16 (E) Quantity. No more than one structure per five acres of lot area is permitted.
- 17 (F) Prohibited Structure Designs include membrane tents and shipping containers.
18

19 560 Business Parking Standards

20 (A) *General requirements*

- 21 (1) Property that constitutes required off-street parking areas may not be separated, through
22 sale or other means, from the property containing the principal use for which the parking area
23 is required.
- 24 (2) All off-street parking spaces shall have direct access off driveways and drive aisles and not
25 directly off the public street unless otherwise approved by city council.
- 26 (3) Required parking facilities serving two or more uses may be located on the same lot or in the
27 same structure, provided that the total number of parking spaces furnished shall not be less
28 than the sum of separate requirements for each use. The council may approve the joint use
29 of parking facilities by the following uses or activities under the following conditions:
- 30 a. ~~For the purposes of this section, the following uses are considered as daytime uses:~~
31 ~~banks, business offices, or wholesale or similar uses.~~
- 32 ~~b. The following are to be considered as nighttime or Sunday uses: auditoriums incidental~~
33 ~~to a public or parochial school, churches, bowling alleys, dance halls, theaters, retail~~
34 ~~stores, personal service shops, bars or restaurants.~~
- 35 ~~c. Up to 50 percent of the parking facilities required for nighttime uses may be supplied~~
36 ~~by the off-street parking facilities provided by daytime uses and vice versa.~~
- 37 a. Conditions required for joint use: the proposed joint parking space is within 500 feet of
38 the use it will serve; the applicant shall show that there is no substantial conflict in the
39 principal operating hours of the two buildings or uses for which joint use of off-street
40 parking facilities is proposed.
- 41 b. A properly drawn legal instrument executed by the parties concerned for joint use of
42 off-street parking facilities shall be filed with the zoning administrator, which shall run
43 with the land and be recorded with the county recorder's office. This instrument must
44 include a maintenance provision.
- 45 c. Reserved parking prohibited. All parking spaces in a shared parking lot must be
46 available to all uses equally, except EV charging stations may be restricted to electric
47 vehicles while charging.
- 48 (4) Time limit spaces authorized. Up to ten percent of spaces in a parking lot may be designated
49 for limited-duration parking (i.e. 10-minute parking).

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(B) *Off-street parking spaces required.* Paved off-street parking spaces, driveways, and drive aisles shall be provided in accordance with the specifications in this Code in any district whenever any new use is established or existing use is enlarged. ~~Screening as described in this section may be required where it is necessary to protect the aesthetic characteristics of residential neighborhoods (one space equals 300 square feet). When application of these regulations results in a requirement of a fractional space, any fraction up to and including one half shall be disregarded. Fractions over one half shall count as one additional space.~~ For uses not listed in the following table, a parking justification report shall be submitted to the zoning administrator explaining the anticipated parking needs based on the number of employees, customers, and visitors.

Use	Parking Space Required
Bowling alleys	Five spaces per lane.
Offices (excluding medical/dental).	One space for each 300 square feet offices (excluding medical/dental of floor space).
Clubs, lodginghouses	One space for each 100 square feet of floor area.
Churches, Assembly Uses: Religious Institutions, theaters	One space for each three seats auditoriums, mortuaries or for each five feet of pew and other places of length assembly of design capacity.
Convenience store, with and without gas sales	One space for each 250 square feet of floor space. Parking at each service pump qualifies as a parking space for calculation purposes.
Drive-ins	At least 15 spaces for those serving food and refreshments and at least 10 spaces for all others.
Hospitals	One space for each four beds and an additional space for each employee.
Industrial and manufacturing	One space for each 1000 square feet of floor space.
Office warehouse	The minimum number of spaces shall be calculated by using parking space standards for office and industrial uses as applied to the corresponding floor space.
Medical/dental clinics	Three spaces per doctor/dentist.
Hotels/Motels	One space for each unit and one space for each employee.
Outdoor sales and open auto sales lots	Merchandise displays in open sales sales lots and in outdoor sales premises shall have a minimum setback of 20 feet from the front property line and shall provide one parking space for each 800 square feet of merchandise area; except that, for auto sales lots, there shall be one parking space for each 10 autos displayed.
Retail shopping	One space for each 200 square feet of floor space for retail uses under 20,000 square feet. One space for each 250 square feet of floor space for retail uses over 20,000 square feet.

Restaurants, & drinking Brewpubs, Taprooms, Cocktail Rooms	One space for each three seats of design capacity.
Motor vehicle, implement, and recreation equipment service and repair facilities	Three spaces for each enclosed bay and one space for each full-time employee.

(C) Parking Maximum. For uses listed in the table above, uses may not exceed the calculated amount by 20 percent without submitting a parking justification report.

(D) *Parking spaces and drive aisles.* Minimum parking space and drive aisle sizes shall be as follows:

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

(1) Motorcycle parking spaces may be provided. Such spaces shall be at least ten feet by five feet, have a concrete surface, and signed as such. Motorcycle spaces do not count towards the required parking spaces.

(E) Design Requirements

(1) All parking lot, drive aisles, driveways, loading areas, and the like shall be paved with a continuous hard surface such as concrete or bituminous. Driveway-rated pavers may be used. Concrete curbing must be used with a bituminous surface.

(2) Setbacks – Parking lots and drive aisles have the following setbacks:

- a. From public rights-of-way – 20 feet
- b. Side and rear property lines – 5 feet
- c. Side or rear adjacent to a residential zone – 35 feet.

(3) Vehicle sales and rental inventory and display lots must follow these design requirements.

(4) Structured Parking.

- a. Structured parking facilities shall be considered buildings for the purposes of setbacks.
- b. Structures must be designed architecturally compatible with the building it is intended to serve. All levels must have exterior wall segments suitable to screen headlights of the parked vehicles.

561 Loading

(A) One off-street loading ~~berth/dock~~ or designated loading zone shall be provided for every business and industrial use.

(B) Loading, unloading, and transferring of product or materials to and from commercial vehicles must not occur on a public roadway.

565 Waste Management

All waste must be located in dumpsters or trash bins. Waste enclosures architecturally compatible with the principal structure shall screen the dumpsters or trash bins and have opaque gates shall be provided in B1, B2, B3, and I1 districts. Alternatively, a designated room interior to the building may be used.

570 Business Landscaping Standards

-
- 1 (A) *Intent.* The City of Ramsey recognizes the advantages that landscaping and screening can provide,
2 including enhanced health, safety, aesthetic, ecological and economic value. The intent of this
3 section is to:
- 4 (1) Enhance the quality of life within the city;
 - 5 (2) Enhance aesthetic view of development(s) from public roads;
 - 6 (3) Maintain and enhance property values;
 - 7 ~~(4) Aid in both physical and mental human health;~~
 - 8 (5) Improve air quality and buffer against noise, glare, and heat;
 - 9 (6) Reduce the potential for crime and violence;
 - 10 (7) Improve energy efficiency;
 - 11 (8) Add visual interest to blank building facades and soften appearance of hardscaping and
12 buildings with accent plantings;
 - 13 (9) Complement adjacent land uses;
 - 14 (10) Improve the visual quality and continuity within and between developments;
 - 15 (11) Reduce storm water runoff;
 - 16 (12) Encourage the establishment and/or restoration of native landscapes.
- 17 (B) *Goals and objectives.* Landscaping for any project is intended to achieve the following goals and
18 objectives:
- 19 (1) Provide immediate aesthetic enhancements to a development site while also considering
20 space and input needs of plantings well into the future;
 - 21 (2) Encourage a healthy environment and landscape in the future;
 - 22 (3) Ensure a diverse mixture of species to protect against future pests and pathogens;
 - 23 (4) Encourage native landscapes in suitable locations with appropriate management plans.
- 24 (c) *Ramsey Tree Book.* The city has developed the Ramsey Tree Book, which includes landscape design
25 and maintenance principles and promotes the use of appropriate plant materials.
- 26 ~~(1) The Ramsey Tree Book will be available for reference and guidelines regarding principles for
27 tree preservation in the city. The book is to be offered, upon request, to the citizens of the
28 city as well as the development community and other interested parties. Copies will be
29 available at city hall.~~
- 30 ~~(21) The Ramsey Tree Book will also~~ includes lists of preferred, acceptable, and prohibited
31 desirable and undesirable trees, and shrubs, and natural vegetation for the city. The Ramsey
32 Tree Book shall maintain an extensive list of recommended vegetation for planting. The intent
33 is to maintain diversity in the total tree population within the city. The list of recommended
34 species shall be updated periodically to reflect new developments or species that will affect
35 the population of the community forest.
- 36 (D) *Landscaping requirements.*
- 37 (1) *Topsoil and ground cover.* All exposed ground areas, including boulevards and areas not
38 devoted to off-street parking, driveways, sidewalks, trails, patios or other such impervious
39 improvements, shall be landscaped with turf, shrubs, trees, native grasses and wildflowers
40 and/or other ornamental landscape materials within six months of the date of issuance of the
41 certificate of occupancy.
 - 42 a. *Topsoil.* In all zoning districts, a minimum of four inches of topsoil shall be applied across
43 all exposed ground areas to the edge of improved streets, sidewalks, driveways and
44 other impervious surfaces, excluding natural areas that are left undisturbed, whenever
45 a building permit is issued for the construction of a principal building.
 - 46 1. The depth of topsoil at the time of inspection shall be not less than four inches.
 - 47 2. Alternatives to the import of topsoil, such as compost or other soil amendments
48 known to improve soil water holding capacity may be permitted, but only with
49 the prior approval of the city engineer.

- 1 b. *Required ground cover.* In all zoning districts, all portions of a site not covered by
2 structures, concrete, or asphalt, but excluding natural areas that are left undisturbed,
3 shall be finished with sod and plantings, up to the edge of improved streets and other
4 impervious surfaces. Any alternative to the sod requirement shall require City Council
5 approval.
- 6 (2) *Irrigation.* If a landscape irrigation system is provided, the system shall be equipped with the
7 following:
8 a. Technology that inhibits or interrupts operation of the irrigation system during periods
9 of sufficient moisture (rain sensor).
10 b. One or more water efficient technologies. This could include, but is not limited to,
11 WaterSense labeled weather-based irrigation controllers, soil moisture sensors, and/or
12 evapotranspiration (ET) sensors.
- 13 (3) *Existing trees.* A reasonable attempt shall be made to preserve as many existing trees as is
14 practicable and incorporate them into a development (see division 5, Tree Preservation for
15 inventory and preservation requirements). For each healthy significant tree retained on site
16 and not identified on the city's list of prohibited trees, one overstory tree, or the equivalent
17 canopy square footage, can be deducted from the minimum planting requirements.
- 18 (4) *Planting types.* Acceptable planting types shall be determined by the Ramsey Tree Book *or, if*
19 *not in the Ramsey Tree Book, have approval of the city.* The complement of trees fulfilling the
20 landscaping requirements shall not be less than 25 percent deciduous and not less than 25
21 percent coniferous. Not more than 25 percent of the required plantings shall consist of
22 ornamental or understory trees. Projects should attempt to limit the planting of any one
23 genus to no more than 20 percent of the total plantings.
- 24 (5) *Tree stock.* Required plantings shall be free of insects, diseases, and mechanical injuries and
25 shall have a straight trunk and form that is characteristic of the species.
- 26 (6) *Minimum planting sizes.* The minimum planting sizes for all zoning districts shall be:
27 a. Deciduous overstory tree: 2 inch caliper;
28 b. Deciduous understory/ornamental tree: 1.5 inch caliper;
29 c. Coniferous tree and multi-stem deciduous tree: 6 feet in height; and
30 d. Shrubs: twenty-four (24) inches in height or width, dependent upon growth
31 characteristics.
- 32 (7) *Planting requirements for business districts.*
33 a. *Business districts (B-1, B-2, and B-3).* The minimum number of trees required are
34 outlined in the table below. These are minimum requirements and can be
35 supplemented with other plantings, as well as flowers and various ground covers that
36 would be appropriate to produce a complete and quality landscape.

Planting Type	Required Numbers
Deciduous/coniferous trees	1 tree per 50 lineal feet of site perimeter, or 1 tree per 1,000 square feet of building footprint, whichever is greater. For building expansions, 1 additional tree is required for each 1,000 square feet of new building footprint area.
Shrubs	1 shrub per 30 lineal feet of site perimeter or 1 shrub per 300 square feet of building footprint area, whichever is greater.

- 37
- 38 b. *Industrial districts (I-1 and I-2).* The minimum number of plantings required shall be
39 determined based on canopy cover. To fulfill the planting requirements, a

- combination of trees and shrubs shall meet or exceed the minimum required canopy cover square footage. The minimum canopy cover required shall be as follows:
1. Determine ratio of impervious area (including stormwater ponds below the 100-year flood elevation) to entire site.
 2. Multiply the impervious area/site area ratio by the square footage of the pervious area to calculate the required canopy cover square footage for the project area.
 3. The following formula shall be utilized to determine the average canopy cover of a species: $[(\text{Minimum} + \text{Maximum Spread}) \div 4]^2 \times \pi \times (0.65 \text{ for preferred species or } 0.50 \text{ for acceptable species, as identified in the Ramsey Tree Book})$.
 4. Due to the unique nature of the COR district, flexibility with the minimum planting standards may be approved if space is a limiting factor.

~~c.—Minimum size of plantings. Required trees and shrubs shall meet or exceed the following size standards:~~

Plant Type	Size
Deciduous Tree	2.5 inch caliper
Coniferous Tree	6 feet in height
Ornamental/Understory Tree	1.5 inch caliper
Deciduous Shrub	2 feet in height
Coniferous Shrub	2 feet in height or width, based on growth characteristics

- c. *Road frontage plantings.* For every 35 feet of public road frontage, one overstory tree shall be planted adjacent to the road right-of-way on private property. These plantings are credited toward the minimum planting requirements for the district.
- d. *Parking lot landscaping.* All parking lots are required to provide internal and/or adjacent overstory tree plantings in an effort to shade parking surfaces and provide visual relief. The planting schedule is established to provide an acceptable number of plantings that may be planted in regular symmetrical patterns or irregular clusters or groupings. Plantings are required at the following minimum schedule and are credited toward the minimum planting requirements for the district:
 1. 1 tree per every ten parking spaces.
 2. Every overstory tree planting shall be provided with a planting area of at least 162 square feet (equivalent of a 9 foot x 18 foot parking stall).
 3. Acceptable ground cover materials include sod, mulch, and other natural ground cover. Landscaping rock and plastic underlayment is prohibited in planting islands.
- e. *Bufferyards.* Bufferyards help to achieve screening between differing uses with varied intensities and impacts that are not always complementary when adjacent to one another. When a bufferyard is required, the yard space and planting requirements are not to be reduced for other purposes such as future parking and driveways, building expansions, or other activities that are not in keeping with the purposes of buffering and screening.
 1. Bufferyards are intended to provide additional screening of businesses that are adjacent to residential areas. The following table details the width of the bufferyard along the common adjacent property line. An additional increase of landscape plantings is required in the bufferyard. The table below outlines the minimum required additional plantings, expressed as a percentage of the total

required site landscaping (the percentage is applied to the total number of trees and shrubs for the proposed development):

Proposed Development	Existing Adjacent Development		
	RR, UR, R-1A, R-1B, R-1C	R-2	R-3
Business (B-1, B-2, B-3) Bufferyard width	40 feet	40 feet	40 feet
% increase in plantings	30%	30%	30%
Industrial (I-1, I-2)	60 feet	60 feet	60 feet
% increase in plantings	30%	30%	30%

2. As an alternative method for screening within the bufferyard, ~~Neighborhood Business, B-1, B-2, B-3, H-1, E-1, E-2 and E-3 Districts,~~ fences that are 100 percent opaque may be used to mitigate the impacts of businesses that are adjacent to residential areas. ~~Fences are subject to the provisions found in all applicable ordinances.~~ When a fence is used for screening purposes, the bufferyard planting requirements may be reduced by ~~ten~~ fifty percent from the stated minimum requirement.

f. Credit for preservation or establishment of native grasses and plant communities. The total number of required trees may be offset by the provision of native grasses and wildflowers. Establishment or preservation of native plant communities can reduce the required number of tree plantings by one tree per 500 square feet of native grass/plant community area. Credit may not exceed 50 percent of the total requirements.

1. This area(s) must be shown on both the landscape plan and the grading plan.
2. Species, quantities, and application method and rates, shall all be provided as part of the landscape plan.
3. A three-year management plan shall be submitted for review and approval by the city as part of the civil plan set. Thereafter, an annual management plan shall be submitted to the city every year by March 1.

575 Screening

- (1) Rooftop HVAC and other mechanical units must be screened from views from the property lines using the following means:
 - a. Proper placement on the roof.
 - b. An integrated screen panel that is architecturally compatible with the building.
 - c. Parapet heights sufficient for screening the views.
- (2) Ground-mounted HVAC and other mechanical units must be screened from views from the property lines using the following means:
 - a. Privacy fencing
 - b. An integrated screen panel that is architecturally compatible with the building.
 - c. Landscaped berms.
- (3) Loading Docks and designated loading areas shall be screened from adjacent residential uses using the following means:

-
- 1 a. Wing walls.
 - 2 b. Privacy fencing.
 - 3 c. Landscaped berms.
 - 4 ~~(4) Parking lots and drive aisles must be screened with a landscaped berm suitable for screening~~
 - 5 ~~the headlights of the parked vehicles from public rights of way.~~

580 Business Architectural Design Standards

- 8 (A) Primary Exterior Materials. All exterior wall finishes on any building shall consist of one or more of
- 9 the following primary materials comprising at least 70 percent of a building façade:
- 10 (1) Face brick and architectural concrete masonry units;
- 11 (2) Stucco or Exterior Insulation Finishing Systems (EIFS);
- 12 (3) Glass;
- 13 (4) Natural or cementous stone;
- 14 (5) Specifically designed pre-cast concrete units whose surfaces have been integrally treated
- 15 with an applied decorative material or texture;
- 16 (6) Factory fabricated fiber cement panel materials;
- 17 (7) Other materials as may be approved by the Planning Commission and City Council given the
- 18 building's use and context.
- 19 (B) Accent Exterior Materials. Exterior wall finishes on any building may consist of one or more of the
- 20 following accent materials combined limited to 30 percent of each side of a building facade:
- 21 (1) Wood
- 22 (2) Metals
- 23 (3) Vinyl
- 24 (4) Other materials as may be approved by the Planning Commission and City Council given the
- 25 building's use and context.
- 26 (C) Roofing Materials.
- 27 (1) Pitched and sloped roofs – Asphalt shingles, standing seam metals, or metal shingles
- 28 designed to resemble asphalt shingles.
- 29 (2) Flat roofs – Any material commonly used for flat roofs provided the wall parapet is at least
- 30 six inches above the roofline.

585 Commercial Fencing

- 33 (A) Fencing Materials. The following fence materials are permitted on business properties:
- 34 (1) Vinyl coated Chain Link
- 35 (2) Privacy fences constructed of wood or a maintenance-free composite material
- 36 (3) Extruded aluminum, wrought iron, or a similar durable decorative fence material.
- 37 (B) Prohibited Fencing Materials. The following fence materials are prohibited on business
- 38 properties:
- 39 (1) Barbed wire, concertina wire, or the like
- 40 (2) Exposed galvanized metals
- 41 (3) Electric fencing
- 42 (4) Any material not typically intended for use or construction as a fence such as, but not
- 43 limited to, pallets or plywood.
- 44 (5) Snow fencing between April 1 and October 31.
- 45 (C) Design Standards
- 46 (1) All posts and support structures for fencing must be located on the inside of the fence.
- 47 (2) The maximum height of commercial fencing is 8 feet. This limit is waived when used in
- 48 conjunction with a commercial outdoor recreation use where a taller fence is needed for
- 49 containment of tennis balls, golf balls, and the like.

1 (D) Setbacks and Placement

- 2 (1) Other than fences required for screening outdoor storage areas or in the I2 district, no
3 fencing over 4 feet in height shall be located closer to the right-of-way line for any
4 business use than the plane of the building.
5

6 **600 Mixed Use Districts**

7
8 610 Districts Established and Purpose

9 The following mixed-use district and subdistricts (COR) are hereby established according their purpose
10 and the intent of the Comprehensive Plan. Collectively, this district and these subdistricts are herein this
11 chapter called "mixed-use districts."
12

13 611 COR

14 (A) Purpose The primary intent of the COR district is to create a focal point in the community that
15 embodies the principles of transit-oriented and mixed-use development. The COR district envisions
16 a distinctly different development pattern, with a more urban structure of streets and blocks, than
17 the suburban and rural patterns that have shaped the community to date. The COR area is
18 comprised of a number of distinct subdistricts intended to define the type and intensity of uses,
19 location of amenities and overall character of development. The COR district incorporates the COR
20 development plan and Development Framework by reference to provide necessary building and site
21 design features that are essential to a pedestrian environment.

22 (B) Application – This district may be applied to properties guided Mixed Use as shown on the current
23 Comprehensive Plan.

24 (C) The COR subdistrict definition. The COR district consists of ~~five~~ four subdistricts that define the type
25 and intensity of land use.

26 (1) *COR-1 mixed-use core subdistrict.* The mixed-use core is intended to provide a mix of
27 residential, retail, service, professional, community service, recreational and similar uses on
28 every block near, and within easy walking distance of the transit station. The broadest variety
29 and highest intensity of uses, including high density housing and lodging facilities, are
30 encouraged near the station. Vertically-integrated mixed-use projects with retail, restaurant
31 and service uses, especially at corner locations, are strongly encouraged. This district
32 incorporates the highest architectural and design standards to encourage pedestrian mobility
33 and street activity. The majority of the uses within this district will rely on parking structures
34 to accommodate the parking needs of customers and employees. In order to contribute to an
35 active pedestrian environment, each block within the COR-1 subdistrict shall include at least
36 two of the following uses: commercial, office, civic and/or residential use.

37 (2) *COR-2 (COR-2 and 2b) commercial subdistrict.* The COR-2 commercial subdistrict is designated
38 to provide a location for retail commercial that has building and/or site designs inconsistent
39 with the COR-1 subdistrict, including larger scale retail and other auto-oriented commercial
40 uses. Such uses tend to benefit from direct highway access and good visibility, and may have
41 market areas that extend beyond the community. These commercial and auto-oriented uses
42 shall be clustered in compact identifiable areas and not present the look of typical strip
43 suburban development. Buildings shall be designed with a pedestrian orientation and
44 relationship to the primary street that is compatible with the adjacent COR-1 subdistrict. The
45 COR-2 subdistrict is further defined by a COR-2b subdistrict that allows for additional flexibility
46 in allowing larger-scale retail that is intended to anchor the development and support the
47 mixed-uses within the development.

48 (3) *COR-3 ~~and COR-3a~~ workplace subdistrict.* The workplace area is intended to accommodate
49 medical and technology-related office and research uses, as well as other office uses and

ancillary retail and service uses designed to support serve employees and office visitors. Uses with high concentrations of employees are most desirable. ~~The COR-3 subdistrict is further defined by a COR-3a subdistrict that allows exclusively schools. Due to the unique design and site layout needs of a school, different standards are in place in the COR-3a subdistrict than other development within the COR-3 subdistrict.~~

(4) *COR-4 (COR-4a, COR-4b and COR-4c) neighborhood subdistrict.* The neighborhood subdistrict is intended to include a full range of housing types, from small-lot single-family detached to high-density senior and general apartments, as well as a limited number of small-scale retail and office uses at appropriate locations (i.e., at corners). Neighborhood design incorporates many traditional single-family neighborhood features such as alleys, carriage houses (secondary units), front porches, and traditional street lighting. Neighborhoods shall be designed with suitable transitions between different housing types, and with well-integrated open space and natural amenities within walking distance of all homes. Traditional neighborhood design of streets, sidewalks and paths provide easy pedestrian mobility throughout the subdistrict. Protection of natural areas and corridors that link the natural environment to everyday life is emphasized in this area. The COR-4 subdistrict is further defined into three categories according to the residential net density:

- a. The COR-4a subdistrict is the lowest density area in the COR-4 district allowing up to ten dwelling units per acre.
- b. The COR-4b subdistrict is the medium density area in the COR-4 district allowing up to 15 dwelling units per acre. This area is located along higher volume roadways within the COR and along its perimeter.
- c. The COR-4c subdistrict shall provide the highest densities in the COR-4 District requiring a minimum of 15 dwelling units per acre. This area is adjacent to the mixed-use core.

~~(5) *COR-5 park and open space subdistrict.* The park and open space subdistrict is intended to preserve environmental features, provide amenities and create focal points and community gathering places within easy access of all areas of the COR.~~

(5) *General development standards.* All development within the COR district shall meet the COR Development Framework that is incorporated into this chapter by reference, as amended by the city council on November 27, 2012. These standards will be used by the city as the minimum requirements for evaluating development proposals and site plans. However, the standards are not intended to restrict creativity in design. An applicant may request modification or waiver of any standard in favor of an alternate approach that will achieve the same design objective. ~~Development standards set forth in this section (600-699) shall supersede those set forth in in the Development Framework.~~

620 Uses

The following sections specifies permitted and conditional uses within each subdistrict of the COR district. The uses have been allocated to the individual districts to allow reasonable use of properties in a manner that is compatible with the Comprehensive Plan, the purpose of each zoning district, and the overall purpose of this chapter. Any use may be combined within buildings (vertically) or in separate buildings (horizontally), unless otherwise specified. Whenever in any zoning district a use is neither specifically permitted or denied, the use shall be considered prohibited.

621 Principal Uses

Permitted and conditional principal uses are listed in the following table for each of the districts in this section. Additional performance standards for the uses are found in Section 625.

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P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use List	COR-1	COR-2		COR-3 and 3a		COR-4a, b and c			COR-5
		2	2b	3	3a	a	b	c	
Dwellings: Single-family detached	NP	NP	NP	NP	NP	P	NP	NP	N
Dwellings: Two-Family Attached	NP	NP	NP	NP	NP	P	NP	NP	N
Dwellings: Townhouse (attached)	P	NP	P	NP	NP	P	P	P	N
Dwellings: Multiple-Family, Senior Living, etc.	P	NP	NP	NP	NP	NP	P	P	N
Personal Services	P	P	P	P	NP	NP			N
Offices and Professional Services	P	P	P	P	NP	NP			N
Medical and Dental Offices and Clinics	P	P	P	P	NP	NP			N
Hotels	P	P	P	€ P	NP	NP			N
Restaurants and Brewpubs	P	P	P	P	NP				€ <2,500 sq.-ft.
						P	P	P	
Theaters, Movie Theaters	P	P	P	€ P	NP	NP	NP	NP	N
Fitness Centers	P	P	P	P	NP	NP			N
Commercial Recreation, Indoor	C	C	C	C	NP	NP			
Retail Sales and Showrooms	P	P	P	P	NP	P	P	P	
Gas stations, CNG Fuel Sales	NP	NP	C	C	NP	NP			N
Government or Public Facility or Utility	P	N-P	N-P	N-P	N-P	N-P			€
Religious institutions	€ P	P	P	€ P	N	€ P			N
Daycare Centers	P	P	P	P	N	€ P			N
Schools, Public and Private Elementary and Secondary	N	N	N	N	€	N			N

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622 Accessory Uses

Permitted and conditional accessory uses are listed in the following table for each of the sub-districts in this section. Additional performance standards for the uses are found in Section 625. All accessory uses must be subordinate to and be accompanied by a primary use on a parcel.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use List	COR-1	COR-2	COR-3 and 3a	COR-4a, b and c	COR-5
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		2	2b	3	3a	a	b	c	
Mobile Food Units	P	P	P	P	NP	NP	NP	NP	
Outdoor Dining Areas	P	P	P	P	P	P	P	P	A
Uses with Drive-thrus	P-C	P(e) C	P(e) C	P(e) C	NP	NP			N
Accessory Car Washes	NP	C	C	C	NP	NP			N
Gas stations, CNG Fuel Sales	NP	C	C	C	NP	NP			N
Wind Energy Conversion Systems (WECS) (micro-scale)	P	P	P	P	P	P			P
Wind Energy Conversion Systems (WECS) (small-scale)	P	P	P	P	NP	NP			NP
Wind Energy Conversion Systems (WECS) (medium-scale)	P	P	P	NP	NP	NP			NP

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623 Temporary/Seasonal Uses

The following uses are considered temporary in nature and accessory to an established use listed in Section 621. If a date range is given, that use is only allowed during that time period. Additional performance standards for the uses are found in Section 625.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use List	COR-1	COR-2		COR-3 and 3a		COR-4a, b and c			COR-5
		2	2b	3	3a	a	b	c	
Construction Trailers/Field Offices	P	P	P	P	P	P	P	P	N
Outdoor retail sales of Christmas trees, wreaths, and the like <i>November 1 – December 31.</i>	NP	P	P	P	NP	NP	NP	NP	NP
Outdoor retail sales of fireworks <i>June 15-July 15</i>	NP	P	P	P	NP	NP	NP	NP	NP
Outdoor storage of snow removal equipment, temporary salt/sand shed <i>October 15-April 15</i>	P	P	P	P	P	NP			NP
Outdoor retail sales of plants, flowers, and the like <i>May 1 – July 31.</i>	NP	P	P	P	NP	NP			N
Transient Merchants, Licensed	P	P	P	P	NP	NP			N

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625 Performance Standards

Some permitted and conditional uses are further regulated based on the standards below.

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2 (A) Gas stations, CNG Fuel Sales. In the COR-2a and COR-2b subdistrict gas stations/CNG fuel sales as
3 an accessory use is allowed under the following conditions:

- 4 (1) Gas operations are accessory to a retail use.
- 5 (2) No accessory structures are allowed as part of the gas operations.
- 6 (3) No more than five percent of the square footage of the principle use building may be
7 dedicated for the gas operations and convenience item sales.
- 8 (4) Gas operations must be located in the side or rear of the principle use building.
- 9 (5) Gas operations must be located within 100 feet of principle use building
- 10 (6) Gas islands and canopy must be architecturally harmonious and contain the same exterior
11 building materials as the principle use building.
- 12 (7) Gas operations shall constitute no more than four islands with a limit of eight individual
13 dispensers.

14
15 (B) Convenience store with motor fuel sales/car wash In the COR-2b subdistrict use under the following
16 conditions:

- 17 (1) Convenience/deli food is of the take out type only and that no provision for seating or
18 consumption on the premises is provided. Furthermore, that the enclosed area devoted to
19 such activity shall not exceed 15 percent of the gross floor area.
- 20 (2) Gas operations shall constitute no more than four islands with a limit of eight individual
21 dispensers.
- 22 (3) Canopy height. The total height of any overhead canopy or weather protection shall not
23 exceed 20 feet in height. All canopies shall be architecturally harmonious and contain the
24 same exterior building materials as the principle use.
- 25 (4) All goods for sale by a motor fuel station convenience store other than commercial freezers
26 for ice and petroleum based products required for the operation and maintenance of motor
27 vehicles shall be displayed within the principle motor fuel structure. No displays shall be
28 permitted in required parking or driveway areas, landscape areas, required setback areas, or
29 any right-of-way or other public property. Displays may be permitted on sidewalks, only if
30 they leave at least four feet of sidewalk width available to pedestrians.
- 31 (6) Motor fuel dispenser location: Motor fuel dispensers shall be located at least 30 feet from a
32 property line, and 100 feet from a residential structure.
- 33 (7) The off-street loading space(s) and building access for delivery of goods shall be separate from
34 customer parking and entrances and shall not cause conflicts with customer vehicles and
35 pedestrian movements.
- 36 ~~(8) The hours of operation shall be limited to 6:00 a.m. to 11:00 p.m., unless extended by the~~
37 ~~council as part of the conditional use permit.~~
- 38 (8) Gas stations must be located at intersections of both destination and arterial roadways as
39 defined by the Development Framework.

40
41 (C) Car Washes. Car wash are only permitted as an accessory use to gas stations/CNG fuel sales subject
42 to the following requirements:

- 43 (1) Car wash stacking spaces shall accommodate a minimum of three waiting vehicles.
- 44 (2) No more than one car wash bay shall be permitted.
- 45 (3) The car wash shall be designed to be an integral part of the principle building or if freestanding
46 shall be designed with the same materials as the principle structure.
- 47 (4) Neither the car wash or accessory vacuum shall be located within 300 feet of any residential
48 use unless completely screened or located across an arterial or major collector roadway from
49 the residential use.

1
2 (D) Commercial Indoor Recreation. Uses are limited to 30,000 square feet.

3
4 (E) Drive-thrus. In addition to the standards set forth in Section 525, drive-thrus accessory to business
5 uses in COR have the following standards:

- 6 1. Within the COR-1 subdistrict, the drive-thru lane shall be located in the rear or side yard
7 only. A drive thru lane shall not be located adjacent to any destination street as classified in
8 the COR design framework.
9 2. Within the COR-2a and COR-3 subdistricts there shall be no more than one drive-thru lane
10 serving a given use.
11 3. Within the COR-2b subdistrict there shall be no more than two drive-thru lanes serving a
12 given use.
13 4. Drive-thru lanes are not permitted in the front yard or within the front build-to-line.

14
15 ~~(F) Restaurants and Brewpubs – In the COR-1 subdistrict, one story restaurants are allowed when the~~
16 ~~facade cornice height is a minimum of 22 feet in height.~~

17
18 **630 Bulk Standards**

19 All bulk standards within the COR district shall meet the COR Development Framework that is
20 incorporated into this chapter by reference, as amended by the city council on November 27, 2012. The
21 following requirements shall also apply:

- 22 (A) All structures within the COR-1 Subdistrict must be at least 22 feet in height with a two-story
23 appearance.

24
25 **660 COR Parking Standards**

26 All parking within the COR district shall meet the COR Development Framework that is incorporated into
27 this chapter by reference, as amended by the city council on November 27, 2012. Quantity and parking
28 lot or structure design standards shall follow the standards set forth in Section 460 for residential uses
29 and 560 for business or mixed-use uses.

30
31 **670 COR Landscaping Standards**

32 All landscaping, including streetscape requirements, within the COR district shall meet the COR
33 Development Framework that is incorporated into this chapter by reference, as amended by the city
34 council on November 27, 2012.

35
36 **680 COR Architectural Design Standards**

37 All architectural designs within the COR district shall meet the COR Development Framework that is
38 incorporated into this chapter by reference, as amended by the city council on November 27, 2012.

39
40
41 **700 Planned Unit Developments (PUD)**

42
43 **710 Districts Established and Purpose**

44 The Planned Unit Development districts are hereby established according to the purpose and the intent
45 of the Comprehensive Plan. Each district is unique based on the flexibilities provided.

46
47 **711 Purpose and Application**

- 48 (A) Purpose. The intent of this district is to provide for a range of retail and service commercial, office,
49 and residential uses that are organized and planned in a comprehensive manner that cannot

otherwise be achieved through standard business or residential districts. The District is created for development seeking alternative regulations that embody principals to promote a better integration of uses that might typically be separated and to provide for an adequate mixture of commercial and residential uses. This district will provide flexibility in land development, diversity in housing types and prices, efficiency in use of public infrastructure, the conservation of energy, preservation of unique land characteristics, preservation of natural areas, and efficient use of land, open space, and public facilities.

(B) Application – This district shall be applied to properties guided for any land use as shown on the current Comprehensive Plan. It may also be applied to a broader area encompassing two or more land uses shown in the Comprehensive Plan.

720 Uses

All uses compatible with the intent of the land use guidance of Comprehensive Plan shall be allowed in this district as permitted uses as approved by the approval ordinance. Specific uses may be prohibited in order to achieve the goals of the planned unit development.

730 Development Standards Established

The City Council has the authority to create site- or development-specific standards based on the uses proposed, site and building designs, the surrounding established and planned uses, and natural features of the property. All development standards shall be clearly listed in an approval ordinance memorialized in Section 799 of this chapter for reference. If a standard is not addressed or created in the approval ordinance, the applicable existing portions of City Code shall be used.

(A) Creation of a Planned Unit Development is considered a rezoning per Section 245 of this chapter.

(B) Amendments to an established Planned Unit Development are approved by ordinance.

(C) Individual uses, except single-family homes, shall be subject to the Site Plan Review procedures in Section 225 of this chapter.

739 PUDs of Record

The following list consists of approved Planned Unit Developments by primary plat name and ordinance number for reference.

<u>Primary Plat Name</u>	<u>Ordinance Number</u>
Northfork	
Covenant Meadows	
Hunters Ridge	
Rum River Hills	84-19
Fox Ridge Estates	
River Bluffs	
Flintwood Hills	
Mallard Ponds	
Village of Sunfish Lake	
Pineview Estates 2 nd Addition	

740 SL-PUD Shoreland Planned Unit Development

Planned Unit Developments within a Shoreland Overlay District must follow the procedures in Section 934.

800 Public/Quasi-Public Districts

1
2 **810 Districts Established and Purpose**

3 The following public or quasi-public districts are hereby established according their purpose and the intent
4 of the Comprehensive Plan. Collectively, these districts are herein this chapter called “public/quasi-public
5 districts.” The uses found in these districts are often specialized in nature and cannot be properly
6 compared to residential or business uses.
7

8 **811 PI Public/Institutional District**

9 (A) **Purpose.** The intent of the Public/~~Quasi-Public~~ Institutional District is to provide for and regulate
10 uses that are public or semi-public in nature and to provide the community with areas designated
11 specifically for community gathering places, public and private recreational spaces, educational
12 facilities, and government buildings.

13 (B) **Application.** This district may be applied only to those properties designated for public or closed
14 landfill uses on the Comprehensive Plan Land Use Map.
15

16 **812 P Parks and Open Space**

17 (A) **Purpose.** The intent of the Parks and Open Space District is to provide for and regulate uses that
18 are public or semi-public in nature and to provide the community with area designated specifically
19 for open spaces, community gathering places, public and private recreational spaces, and
20 government buildings.

21 (B) **Application.** This district may be applied to those properties designated for park uses on the
22 Comprehensive Plan Land Use Map or any other designation where the land is intended for park
23 use or significant open space holdings by a homeowner’s association or a private or public entity.
24

25 **813 CL Closed Landfill**

26 (A) **Purpose.** The purpose of this district is to protect the health and safety of the residents of Ramsey
27 from the effects of the closed sanitary landfill.

28 (B) **Application.** This district may be applied only to those properties designated for closed landfill on
29 the Comprehensive Plan Land Use Map.

30 (C) **Policy.** No new landfills will be allowed within the City of Ramsey.
31

32 **820 Uses**

33 The following subchapter establishes a listing of the permitted, conditional, principal, accessory, and
34 temporary uses for the public/quasi-public zoning districts (PI, P, and CL). The uses have been allocated
35 to the individual districts to allow reasonable use of properties in a manner that is compatible with the
36 purpose of each public/quasi-public zoning district and the overall purpose of this chapter.
37

38 **821 Principal Uses**

39 Permitted and conditional principal uses are listed in the following table for each of the districts in this
40 section. Additional performance standards for the uses are found in the noted section.
41

42 **P=Permitted Use, C=Conditional Use, NP=Use Not Permitted**

Use	PI	P	CL	Additional Standards (Section)
Cemeteries	P	P	NP	
Governmental Uses and Buildings	P	P	P	
Landfills	NP	NP	C	
Open Space	P	P	P	

Post-Secondary Schools, Trade Schools, Colleges, and Universities	P	NP	NP	
Private Recreational Facilities including Golf Courses	P	P	NP	
Private Utility Substations	P	P	C	
Public Parks	P	P	P	
Public Recreational Facilities	P	P	NP	
Religious Institutions	P	NP	NP	
Schools, Public and Private Elementary and Secondary	P	NP	NP	
Solar Energy Systems	C	NP	P	332
Wind Energy Conversion Systems (WECS) (Medium-Scale)	C	C	C	331
Wind Energy Conversion Systems (WECS) (Utility Scale)	NP	NP	C	331

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822 Accessory Uses

The following table provides a listing of accessory uses permitted in each public/quasi-public district in conjunction with a principal use. Additional performance standards for the uses are found in the noted section.

Use	PI	P	CL	Additional Standards (Section)
Communications Tower or Equipment	C	C	C	370
Daycare Centers	P	NP	NP	
Dwelling Units	P	P	NP	825
Ground source heat pump systems/Geothermal Systems	P	P	NP	333
Outdoor storage of snow removal equipment, salt/sand shed	P	P	P	
Restaurants and Brewpubs	P	P	NP	
Retail Sales	P	P	NP	
Solar Energy Systems	P	P	P	332
Wind Energy Conversion Systems (WECS) (micro-scale)	P	P	P	331
Wind Energy Conversion Systems (WECS) (small-scale)	P	P	P	331
Wind Energy Conversion Systems (WECS) (medium-scale)	P	NP	P	331

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823 Temporary/Seasonal Uses

The following uses are considered temporary in nature and accessory to an established use listed in Section 821. If a date range is given, that use is only allowed during that time period. Additional performance standards for the uses are found in the noted section.

P=Permitted Use, C=Conditional Use, NP=Use Not Permitted

Use	PI	P	CL	Additional Standards (Section)
Construction Trailers/Field Offices	P	P	P	306
Outdoor retail sales of Christmas trees, wreaths, and the like <i>November 1 – December 31.</i>	P	P	P	525
Outdoor storage of snow removal equipment, temporary salt/sand shed <i>October 15-April 15</i>	P	P	P	525
Outdoor retail sales of plants, flowers, and the like <i>May 1 – July 31.</i>	C	C	NP	525
Mobile Food Units	P	P	NP	525, Ch. 26
Transient Merchants, Licensed	P	P	NP	Ch. 26

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825 Performance Standards

The following uses have additional standards describing where and in what manner that use may exist:

- (A) Dwelling Units. Dwelling units are allowed as an accessory use in conjunction with the following uses in the applicable manner:
 - (1) Religious institution – As a residence for clergy.
 - (2) Post-Secondary Schools, Trade Schools, Colleges, and Universities – As residence halls for students and staff.
 - (3) Public and Private Recreation Facilities – As a residence for on-site staff.

830 Bulk Standards

Due to the specialized nature of each of the uses and buildings, no bulk standards shall exist. All proposed sites and structures shall consider surrounding property uses in a respectful and intentional manner.

860 Public/Institutional Parking Standards

A parking justification report shall be submitted to the zoning administrator explaining the anticipated parking needs of the use based on the number of employees, customers, and visitors. Design standards must follow the business district standards set forth in Section 560.

880 Architectural Standards

Due to the specialized nature of each of the uses and buildings, no architectural standards shall exist. All proposed structures shall consider surrounding property uses in a respectful and intentional manner. Building design shall not be of lesser quality of design as set forth in other sections of this chapter and surrounding properties.

900 Overlay Districts

In addition to the various zoning districts described in this chapter, an overlay zoning district may be applied based on the unique characteristics of an area or as required by state- and federally-designated areas. The underlying zoning district may have further regulations based on the overlay district and the more restrictive regulation prevails. The following overlay districts (MRCCA, GF, FW, FF, SMO, SRP, TO, H10S, and WPO) are hereby established according their purpose and the intent of the Comprehensive Plan. Collectively, these districts are herein this chapter called “overlay districts.”

1
2 920 Mississippi River Corridor Critical Area

3 (A) *Authority, intent and purpose.*

- 4 (1) *Statutory authorization.* This Mississippi River Corridor Critical Area (MRCCA) section is
5 adopted pursuant to the authorization and policies contained in Minn. Stats., ch. 116G,
6 Minnesota Rules, parts 6106.0010—6106.0180, and the planning and zoning enabling
7 legislation in Minn. Stats. chs. 462 and 473.
8 (2) *Policy.* The Legislature of Minnesota has delegated responsibility to local governments of the
9 state to regulate the subdivision, use and development of designated critical areas and thus
10 preserve and enhance the quality of important historic, cultural, aesthetic values, and natural
11 systems and provide for the wise use of these areas.

12 (B) *General provisions and definitions.*

- 13 (1) *Jurisdiction.* The provisions of this section apply to land within the river corridor boundary as
14 described in the State Register, volume 43, pages 508 to 519 and shown on the zoning map.
15 (2) *Enforcement.* The City of Ramsey is responsible for the administration and enforcement of
16 this section. Any violation of its provisions or failure to comply with any of its requirements
17 including violations of conditions and safeguards established in connection with grants of
18 variances or conditional uses constitutes a misdemeanor and is punishable as defined by law.
19 Violations of this section can occur regardless of whether or not a permit is required for a
20 regulated activity listed ~~in section 117-148(c)(2) (permits)~~ elsewhere in this Chapter.
21 (3) *Severability.* If any section, clause, provision, or portion of this section is adjudged
22 unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section
23 shall not be affected thereby.
24 (4) *Abrogation and greater restrictions.* It is not intended by this section to repeal, abrogate, or
25 impair any existing easements, covenants, or deed restrictions. However, where this section
26 imposes greater restrictions, the provisions of this section shall prevail. All other sections
27 inconsistent with this section are hereby repealed to the extent of the inconsistency only.
28 (5) *Underlying zoning.* Uses and standards of underlying zoning districts apply except where
29 standards of this overlay district are more restrictive.

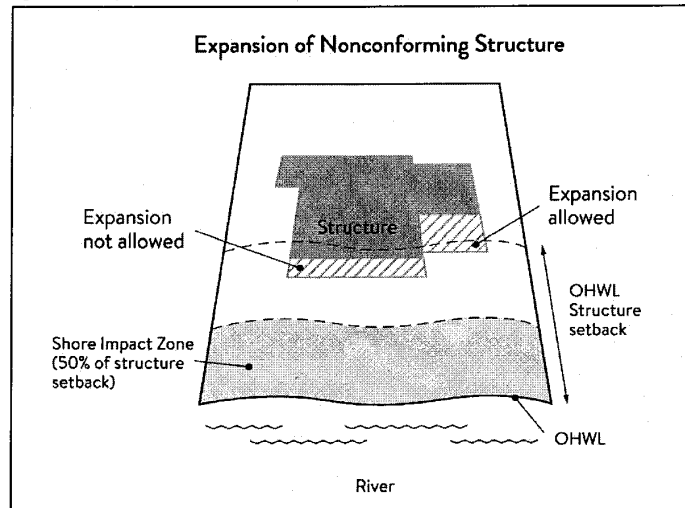
30 (C) *Administration.*

- 31 (1) *Purpose.* The purpose of this section is to identify administrative provisions to ensure this
32 section is administered consistent with its purpose.
33 (2) *Permits.* A permit is required for the construction of buildings or building additions (including
34 construction of decks and signs), the installation and/or alteration of sewage treatment
35 systems, vegetation removal consistent with section 920(I) and land alterations consistent
36 with section 920(J).
37 (3) *Variances.* Variances to the requirements under this section may only be granted in
38 accordance with Minn. Stats. § 462.357 and must consider the potential impacts of variances
39 on primary conservation areas, public river corridor views, and other resources identified in
40 the MRCCA plan. In reviewing the variance application, the City of Ramsey shall:
41 a. Evaluate the impacts to these resources. and if negative impacts are found, require
42 conditions to mitigate the impacts that are related to and proportional to the impacts,
43 consistent with Section 220 of this chapter and
44 b. Make written findings that the variance is consistent with the purpose of this section,
45 as follows:
46 1. The extent, location and intensity of the variance will be in substantial compliance
47 with the MRCCA plan;
48 2. The variance is consistent with the character and management purpose of the
49 MRCCA district in which it is located;

-
- 1 3. The variance will not be detrimental to PCAs and PRCVs nor will it contribute to
2 negative incremental impacts to PCAs and PRCVs when considered in the context
3 of past, present and reasonable future actions; and
4 4. The variance will not negatively impact (other MRCCA plan-identified resources).
- 5 (4) *Conditional and interim use permits.* All conditional and interim uses, required under this
6 section, must comply with Minn. Stats. § 462.3595 and must consider the potential impacts
7 on primary conservation areas, public river corridor views, and other resources identified in
8 the MRCCA plan. In reviewing the application, the City of Ramsey shall:
9 a. Evaluate the impacts to these resources and if negative impacts are found, require
10 conditions to mitigate the impacts that are related to and proportional to the impacts,
11 consistent with [Section 235](#) of this chapter and
12 b. Make written findings that the conditional use is consistent with the purpose of this
13 section, as follows:
14 1. The extent, location and intensity of the conditional use will be in substantial
15 compliance with the MRCCA plan;
16 2. The conditional use is consistent with the character and management purpose of
17 the MRCCA district in which it is located;
18 3. The conditional use will not be detrimental to PCAs and PRCVs nor will it
19 contribute to negative incremental impacts to PCAs and PRCVs when considered
20 in the context of past, present and reasonable future actions; and
21 4. The conditional use will not negatively impact (other MRCCA plan-identified
22 resources).
- 23 (5) *Conditions of approval.* The City of Ramsey shall evaluate the impacts to PCAs, PRCVs, and
24 other resources identified in the MRCCA plan, and if negative impacts are found, require
25 conditions to mitigate the impacts that are related to and proportional to the impacts.
26 Mitigation may include:
27 a. Restoration of vegetation identified as "vegetation restoration priorities" identified in
28 the MRCCA plan;
29 b. Preservation of existing vegetation;
30 c. Stormwater runoff management;
31 d. Reducing impervious surface;
32 e. Increasing structure setbacks;
33 f. Wetland and drainageway restoration and/or preservation; and
34 g. And other conservation measures.
- 35 (6) *Application materials.* Applications for permits and discretionary actions required under this
36 section must submit the following information unless the zoning administrator determines
37 that the information is not needed:
38 a. A detailed project description; and
39 b. Scaled maps and plans, dimensional renderings, maintenance agreements, and other
40 materials that identify and describe:
41 1. Primary conservation areas;
42 2. Public river corridor views;
43 3. Buildable area;
44 4. Existing and proposed topography and drainage patterns;
45 5. Proposed storm water and erosion and sediment control practices;
46 6. Existing and proposed vegetation to be removed and established;
47 7. Ordinary high water level, blufflines, and all required setbacks;
48 8. Existing and proposed structures;
49 9. Existing and proposed impervious surfaces; and

10. Existing and proposed subsurface sewage treatment systems.
- (7) *Nonconformities.*
- a. All legally established nonconformities as of the date of this chapter may continue consistent with Minn. Stats. § 462.357, Subd. 1e.
 - b. New structures erected in conformance with the setback averaging provisions of section 920(F)(3)d are conforming structures.
 - c. Site alterations and expansion of site alterations that were legally made prior to the effective date of this chapter are conforming. Site alterations include vegetation, erosion control, storm water control measures, and other nonstructural site improvements.
 - d. Legally nonconforming principal structures that do not meet the setback requirements of section 920(F)(3) may be expanded laterally provided that:
 1. The expansion does not extend into the shore or bluff impact zone or further into the required setback than the building line of the existing principal structure (See Figure 5); and
 2. The expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

Figure 5. Expansion of Nonconforming Structure



- (8) *Notifications.*
- a. Amendments to this section and to the MRCCA plan must be submitted to the Commissioner as provided in Minnesota Rules, part 6106.0070, Subp. 3, Items B-I.
 - b. Notice of public hearings for discretionary actions, including conditional and interim use permits, variances, appeals, rezonings, preliminary plats, final subdivision plats, master plans, and PUDs, must be sent to the following entities at least 30 days prior to the hearing:
 1. The commissioner in a format prescribed by the DNR;
 2. National Park Service; and
 3. Where building heights exceed the height limits specified in section 920(F)(2) as part of the conditional use or variance process, adjoining local governments within the MRCCA, including those with overlapping jurisdiction and those across the river.
 - c. Notice of final decisions for actions in section 920(C)(7), including findings of fact, must be sent to the Commissioner, the National Park Service, and adjoining local governments within the MRCCA within ten days of the final decision.

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- 1 d. Requests to amend district boundaries must follow the provisions in Minnesota Rules,
2 part 6106.0100, Subp. 9, Item C.
- 3 e. The DNR will be notified at time of application submittal of master plans, PUDs,
4 preliminary, and final plats.
- 5 (9) *Accommodating disabilities.* Reasonable accommodations for ramps or other facilities to
6 provide persons with disabilities access to the persons' property, as required by the federal
7 Americans with Disabilities Act and the federal Fair Housing Act and as provided by Minnesota
8 Rules, chapter 1341, must:
- 9 a. Comply with sections 920(F) to (L); or
10 b. If sections 920(F) to (L) cannot be complied with, ramps or other facilities are allowed
11 with an administrative permit provided:
- 12 1. The permit terminates on either a specific date or upon occurrence of a particular
13 event related to the person requiring accommodation; and
14 2. Upon expiration of the permit, the ramp or other facilities must be removed.
- 15 (D) *MRCCA districts.*
- 16 (1) *Purpose.* The purpose of this section is to establish districts under which building height and
17 structure placement are regulated to protect and enhance the Mississippi River's resources
18 and features consistent with the natural and built character of each district.
- 19 (2) *District description and management purpose.* The MRCCA within the City of Ramsey is
20 divided into the following MRCCA districts:
- 21 a. *Rural and Open Space (ROS).*
- 22 1. *Description.* The ROS District is characterized by rural and low-density
23 development patterns and land uses, and includes land that is riparian or visible
24 from the river, as well as large, undeveloped tracts of high ecological and scenic
25 value, floodplain, and undeveloped islands. Many primary conservation areas
26 exist in the district.
- 27 2. *Management purpose.* The ROS District must be managed to sustain and restore
28 the rural and natural character of the corridor and to protect and enhance
29 habitat, parks and open space, public river corridor views, and scenic, natural,
30 and historic areas.
- 31 b. *River Neighborhood (RN).*
- 32 1. *Description.* The RN District is characterized by primarily residential
33 neighborhoods that are riparian or readily visible from the river or that abut
34 riparian parkland. The district includes parks and open space, limited commercial
35 development, marinas, and related land uses.
- 36 2. *Management purpose.* The RN District must be managed to maintain the
37 character of the river corridor within the context of existing residential and
38 related neighborhood development, and to protect and enhance habitat, parks
39 and open space, public river corridor views, and scenic, natural, and historic
40 areas. Minimizing erosion and the flow of untreated storm water into the river
41 and enhancing habitat and shoreline vegetation are priorities in the district.
- 42 c. *Separated from River (SR).*
- 43 1. *Description.* The SR District is characterized by its physical and visual distance
44 from the Mississippi River. The district includes land separated from the river by
45 distance, topography, development, or a transportation corridor. The land in this
46 district is not readily visible from the Mississippi River.
- 47 2. *Management purpose.* The SR District provides flexibility in managing
48 development without negatively affecting the key resources and features of the
49 river corridor. Minimizing negative impacts to primary conservation areas and

1 minimizing erosion and flow of untreated storm water into the Mississippi River
2 are priorities in the district. The RTC District must be managed in a manner that
3 allows continued growth and redevelopment in historic downtowns and more
4 intensive redevelopment in limited areas at river crossings to accommodate
5 compact walkable development patterns and connections to the river.
6 Minimizing erosion and the flow of untreated storm water into the river,
7 providing public access to and public views of the river, and restoring natural
8 vegetation in riparian areas and tree canopy are priorities in the district.

9 (3) *MRCCA district map.* The locations and boundaries of the MRCCA districts established by this
10 section are shown on MRCCA Overlay District map which is incorporated herein by reference.
11 The district boundary lines are intended to follow the center lines of rivers and streams,
12 highways, streets, lot lines, and municipal boundaries, unless a boundary line is otherwise
13 indicated on the map. Where district boundaries cross unsubdivided property, the district
14 boundary line is determined by use of dimensions or the scale appearing on the map.

15 (E) *Special land use provisions.*

16 (1) *Purpose.* To identify development standards and considerations for land uses that have
17 potential to negatively impact primary conservation areas and public river corridor views.

18 (2) *Underlying zoning.* Uses within the MRCCA are generally determined by underlying zoning,
19 with additional provisions for the following land uses:

- 20 a. *Agricultural use.* Perennial ground cover is required within 50 feet of the ordinary high
21 water level and within the bluff impact zone.
- 22 b. *Feedlots.* New animal feedlots and manure storage areas are prohibited. Existing animal
23 feedlots and manure storage areas must conform with Minnesota Rules, chapter 7020.
- 24 c. *Forestry.* Tree harvesting and biomass harvesting within woodlands, and associated
25 reforestation, must be consistent with recommended practices in Conserving Wooded
26 Areas in Developing Communities: Best Management Practices in Minnesota.
- 27 d. *Nonmetallic mining.* Nonmetallic mining requires a conditional use permit or interim
28 use permit issued by the local government, subject to the following:
 - 29 1. New nonmetallic mining is prohibited within the shore impact zone and bluff
30 impact zone and within the required structure setback from the bluffline and
31 OHWL;
 - 32 2. Processing machinery must be located consistent with setback standards for
33 structures as provided in section 920(F)(3);
 - 34 3. Only one barge loading area, which must be limited to the minimum size
35 practicable, is permitted for each mining operation;
 - 36 4. New and, where practicable, existing nonmetallic mining operations must not be
37 readily visible and must be screened by establishing and maintaining natural
38 vegetation. The unscreened boundaries of nonmetallic mining areas are limited
39 to only the barge loading area;
 - 40 5. A site management plan must be developed by the operator and approved by the
41 local government before new nonmetallic mining commences. Operations must
42 be consistent with the site plan throughout the duration of operations at the site.
43 The site management plan must describe how the site will be developed over
44 time with an emphasis on minimizing environmental risk to public waters;
 - 45 6. Explain where staged reclamation may occur at certain points during the life of
46 the site;
 - 47 7. Address dust, noise, storm water management, possible pollutant discharges,
48 days and hours of operation, and duration of operations;

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- 1 8. Describe any anticipated vegetation and topographic alterations outside the pit,
2 and reclamation plans consistent with the stated end use for the land; and
- 3 9. Existing and new nonmetallic mining operations must submit land reclamation
4 plans to the local government compatible with the purposes of this section.
- 5 e. *River-dependent uses.* River-dependent uses must comply with the following design
6 standards:
- 7 1. Structures and parking areas, except shoreline facilities and private roads and
8 conveyances serving river-dependent uses as provided in section 920(L)
9 (exemptions), must meet the dimensional and performance standards in this
10 section must be designed so that they are not readily visible, and must be
11 screened by establishing and maintaining natural vegetation;
- 12 2. Shoreline facilities must comply with Minnesota Rules, chapter 6115 and must:
13 (i) Be designed in a compact fashion so as to minimize the shoreline area
14 affected; and
15 (ii) Minimize the surface area of land occupied in relation to the number of
16 watercraft or barges to be served; and
- 17 3. Dredging and placement of dredged material are subject to existing federal and
18 state permit requirements and agreements.
- 19 f. *Wireless communication towers.* Wireless communication towers ~~require a conditional or~~
20 ~~interim use permit and~~ are subject to the following additional design standards:
- 21 1. The applicant must demonstrate that functional coverage cannot be provided
22 through co-location, a tower at a lower height, or a tower at a location outside of the
23 MRCCA;
- 24 2. The tower must not be located in a bluff or shore impact zone;
- 25 3. Placement of the tower must minimize impacts on public river corridor views; ~~and~~
- 26 ~~4. Comply with the general design standards in section 117 148(h)(2) (general design~~
27 ~~standards).~~
- 28 (F) *Structure height and placement and lot size.*
- 29 (1) *Purpose.* To establish standards that protect primary conservation areas and public river
30 corridor views from development impacts and ensure that new development is sited
31 consistent with the purpose of the MRCCA.
- 32 (2) *Structure height.* Structures and facilities must comply with the following standards unless
33 identified as exempt in section 920(L):
- 34 a. Structures and facilities must comply with the following standards unless identified as
35 exempt in 920(L):
- 36 1. ROS District: 35 feet.
- 37 2. RN District: 35 feet.
- 38 3. SR District: Height is determined by underlying zoning, provided the allowed
39 height is consistent with that of the mature treeline, where present, and existing
40 surrounding development, as viewed from the OWHL of the opposite shore.
- 41 b. Height is measured on the side of the structure facing the Mississippi River.
- 42 c. In addition to the conditional use permit requirements of section 920(C)(4), criteria for
43 considering whether to grant a conditional use permit for structures exceeding the
44 height limits must include:
- 45 1. Assessment of the visual impact of the proposed structure on public river corridor
46 views, including views from other communities;
- 47 2. Determination that the proposed structure meets the required bluff and OHWL
48 setbacks;

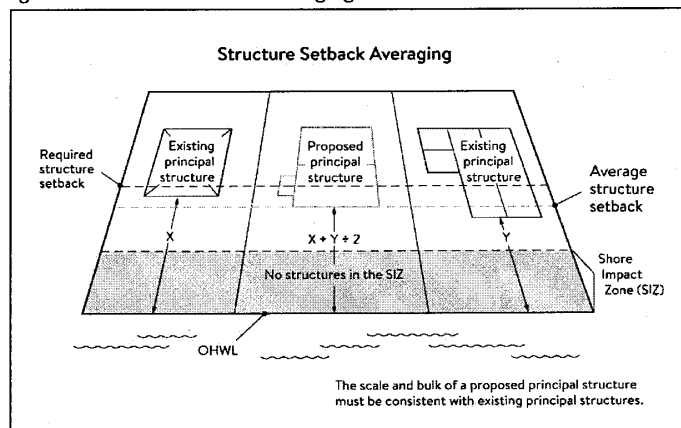
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- 3. Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:
 - (i) Placing the long axis of the building perpendicular to the river;
 - (ii) Stepping back of portions of the facade;
 - (iii) Lowering the roof pitch or use of a flat roof;
 - (iv) Using building materials or mitigation techniques that will blend in with the natural surroundings such as green roofs, green walls, or other green and brown building materials;
 - (v) Narrowing the profile of upper floors of the building;
 - (vi) Increasing the setbacks of the building from the Mississippi River or blufflines;
 - (vii) Identification of techniques for preservation of those view corridors identified in the MRCCA plan; and
 - (viii) Opportunities for creation or enhancement of public river corridor views.

(3) *Structure and impervious surface placement.*

- a. Structures and impervious surface must not be placed in the shore or bluff impact zones unless identified as an exemption in section 920(L).
- b. Structures and facilities must comply with the following OHWL setback provisions unless identified as exempt in section 920(L):
 - 1. ROS District: 200 feet from the Mississippi River.
 - 2. RN District: 100 feet from the Mississippi River ~~and 75 feet from the Rum River.~~
- c. Structures and facilities must comply with the following bluffline setback provisions unless identified as exempt in section 920(L):
 - 1. ROS District: 100 feet.
 - 2. RN District: 40 feet.
 - 3. SR District: 40 feet.
- d. Where principal structures exist on the adjoining lots on both sides of a proposed building site, the minimum setback may be altered to conform to the average of the adjoining setbacks, provided that the new structure's scale and bulk riverward or bluffward of the setbacks required under section 920(F)(3) consistent with adjoining development. See Figure 6.

Figure 6. Structure Setback Averaging



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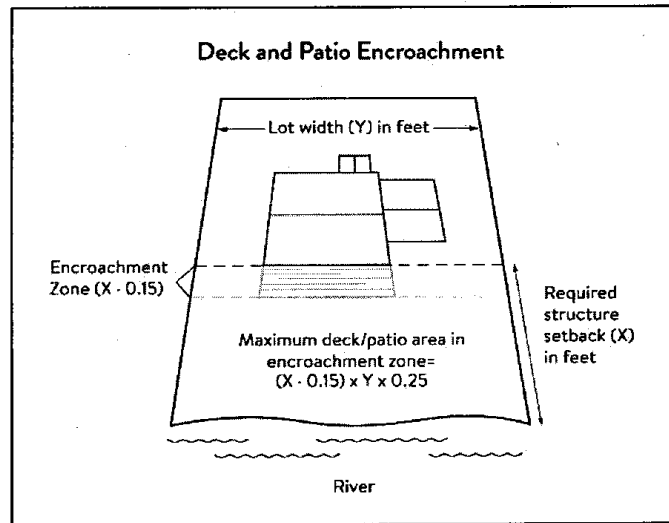
- e. Subsurface sewage treatment systems, including the septic tank and absorption area, must be located at least 75 feet from the ordinary high water level of the Mississippi River and all other public waters.

(4) *Lot size and buildable area.*

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- 1 a. The width of lots abutting the Mississippi River in the ROS District must be at least 200
2 feet, unless alternative design methods are used that provide greater protection of the
3 riparian area.
- 4 b. All new lots must have adequate buildable area to comply with the setback
5 requirements of section 920(F)(3) so as to not require variances to use the lots for their
6 intended purpose.
- 7 (G) *Performance standards for private facilities.*
- 8 (1) *Purpose.* To establish design standards for private facilities that are consistent with best
9 management practices and that minimize impacts to primary conservation areas, public river
10 corridor views and other resources identified in the MRCCA plan.
- 11 (2) *General design standards.* All private facilities must be developed in accordance with the
12 vegetation management and land alteration requirements in sections 920(I) and 920(J).
- 13 (3) *Private roads, driveways, and parking areas.* Except as provided in section 920(L), private
14 roads, driveways and parking areas must:
- 15 a. Be designed to take advantage of natural vegetation and topography so that they are
16 not readily visible;
- 17 b. Comply with structure setback requirements according to section 920(F)(3); and
- 18 c. Not be placed within the bluff impact zone or shore impact zone, unless exempt under
19 section 920(L) and designed consistent with section 920(F)(2).
- 20 (4) *Private water access and viewing facilities.*
- 21 a. Private access paths must be no more than:
- 22 1. Eight feet wide, if placed within the shore impact zone; and
- 23 2. Four feet wide, if placed within the bluff impact zone.
- 24 b. Private water access ramps must:
- 25 1. Comply with Minnesota Rules, chapters 6115.0210 and 6280.0250; and
- 26 2. Be designed and constructed consistent with the applicable standards in Design
27 Handbook for Recreational Boating and Fishing Facilities.
- 28 c. Design and construction of private stairways, lifts, and landings are subject to the
29 following standards:
- 30 1. Stairways and lifts must not exceed four feet in width on residential lots. Wider
31 stairways may be used for commercial properties and residential facilities held in
32 common, if approved by conditional use permit;
- 33 2. Landings for stairways and lifts on residential lots must not exceed 32 square feet
34 in area. Landings larger than 32 square feet area allowed for commercial
35 properties and residential facilities held in common, if approved by conditional
36 use permit;
- 37 3. Canopies or roofs are prohibited on stairways, lifts, or landings;
- 38 4. Stairways, lifts, and landings must be located in the least visible portion of the lot
39 whenever practical; and
- 40 5. Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities
41 are allowed for achieving access to shore areas according to section 7.43 A—D,
42 and as provided under section 920(C)(9).
- 43 d. One water-oriented accessory structure is allowed for each riparian lot or parcel less
44 than 300 feet in width at the ordinary high water level, with one additional water-
45 oriented accessory structure allowed for each additional 300 feet of shoreline on the
46 same lot or parcel. Water-oriented accessory structures are prohibited in the bluff
47 impact zone and must:
- 48 1. Not exceed 12 feet in height;
- 49 2. Not exceed 120 square feet in area; and

- 1 3. Be placed a minimum of ten feet from the ordinary high water level.
- 2 (5) *Decks and patios in setback areas.* Decks and at-grade patios may encroach into the required
- 3 setbacks from the ordinary high water level and blufflines without a variance, when consistent
- 4 with Section 920(I) and 920(J), provided that:
- 5 a. The encroachment of the deck or patio into the required setback area does not exceed
- 6 15 percent of the required structure setback;
- 7 b. The area of the deck or patio that extends into the required setback area occupies no
- 8 more than 25 percent of the total area between the required setback and the 15
- 9 percent using the formula: [Required setback depth (feet) × 0.15 × lot width at setback
- 10 (feet) × 0.25 = maximum total area.]
- 11 c. The deck or patio does not extend into the bluff impact zone. See Figure 7.

Figure 7. Deck and Patio Encroachment



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- 13 (6) *Off-premise and directional signs.*
- 14 a. Off-premise advertising signs must:
- 15 1. Meet required structure placement and height standards in section 117-148(f)
- 16 (structure height and placement and lot size).
- 17 2. Not be readily visible.
- 18 b. Directional signs for patrons arriving at a business by watercraft must comply with the
- 19 following standards:
- 20 1. They must be consistent with Minn. Stats. § 86B.115.
- 21 2. Only convey the location and name of the establishment and the general types of
- 22 goods and services available, if located in a shore impact zone.
- 23 3. Be no greater than ten feet in height and 32 square feet in surface area; and
- 24 4. If illuminated, the lighting must be shielded to prevent illumination out across the
- 25 river or to the sky.
- 26 (7) *Fences.* Fences between principal structures and the river are allowed provided that fences
- 27 are:
- 28 a. Not higher than six feet.
- 29 b. Not located within 40 feet of slopes greater than 12%.
- 30 c. Not located in the regulatory floodplain.
- 31 (H) *Performance standards for public facilities.*
- 32 (1) *Purpose.* To establish design standards for public facilities that are consistent with best
- 33 management practices and that minimize impacts to primary conservation areas, public river

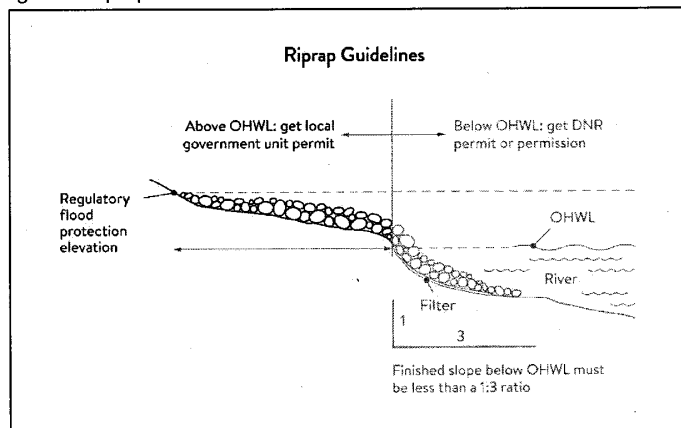
- 1 corridor views and other resources identified in the MRCCA plan. Public facilities serve the
2 public interest by providing public access to the Mississippi River corridor or require locations
3 in or adjacent to the river corridor and therefore require some degree of flexibility.
- 4 (2) *General design standards.* In addition to the standards set forth above, all public facilities
5 must be designed and constructed to:
- 6 a. Minimize visibility of the facility from the river to the extent consistent with the purpose
7 of the facility;
- 8 ~~b. Comply with the structure placement and height standards in section 117-148(f)~~
9 ~~(structure height and placement and lot size), except as provided in section 117-148(l)~~
10 ~~(exemptions);~~
- 11 ~~c. Be consistent with the vegetation management standards in section 117-148(i)~~
12 ~~(vegetation management) and the land alteration and storm water management~~
13 ~~standards in section 117-148(j) (land alteration standards and stormwater~~
14 ~~management), including use of practices identified in Best Practices for Meeting DNR~~
15 ~~General Public Waters Work Permit GP-2004-0001, where applicable;~~
- 16 d. Avoid primary conservation areas, unless no alternative exists. If no alternative exists,
17 then disturbance to primary conservation areas must be avoided to the greatest extent
18 practicable, and design and construction must minimize impacts; and
- 19 e. Minimize disturbance of spawning and nesting times by scheduling construction at
20 times when local fish and wildlife are not spawning or nesting.
- 21 (3) *Right-of-way maintenance standards.* Right-of-way maintenance must comply with the
22 following standards:
- 23 a. Vegetation currently in a natural state must be maintained to the extent feasible;
- 24 b. Where vegetation in a natural state has been removed, native plants must be planted
25 and maintained on the right-of-way; and
- 26 c. Chemical control of vegetation must be avoided when practicable, but when chemical
27 control is necessary, chemicals used must be in accordance with the regulations and
28 other requirements of all state and federal agencies with authority over the chemical's
29 use.
- 30 (4) *Crossings of public water or public land.* Crossings of public waters or land controlled by the
31 commissioner are subject to approval by the commissioner according to Minn. Stats. §§
32 84.415 and 103G.245.
- 33 (5) *Public utilities.* Public utilities must comply with the following standards:
- 34 a. High-voltage transmission lines, wind energy conversion systems greater than five
35 megawatts, and pipelines are regulated according to Minn. Stats. chs. 216E, 216F, and
36 216G respectively; and
- 37 b. If overhead placement is necessary, utility facility crossings must minimize visibility of
38 the facility from the river and follow other existing **rights-of-way** as much as practicable.
- 39 c. The appearance of structures must be as compatible as practicable with the
40 surrounding area in a natural state with regard to height and width, materials used, and
41 color.
- 42 ~~d. Wireless communication facilities, according to section 117-148(e)(2)g (wireless~~
43 ~~communication towers).~~
- 44 (6) *Public transportation facilities.* Public transportation facilities shall comply with structure
45 placement and height standards in Section 920(F). Where such facilities intersect or about
46 two or more MRCCA districts, the least restrictive standards apply. Public transportation
47 facilities must be designed and constructed to give priority to:
- 48 a. Providing scenic overlooks for motorists, bicyclists, and pedestrians;
- 49 b. Providing safe pedestrian crossings and facilities along the river corridor;

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- 1 c. Providing access to the riverfront in public ownership; and
2 d. Allowing for use of the land between the river and the transportation facility.
- 3 (7) *Public recreational facilities.* Where such facilities intersect or abut two or more MRCCA
4 districts, the least restrictive dimensional standards apply. Public transportation facilities
5 must be designed and constructed to give priority to:
- 6 a. ~~Buildings and parking associated with public recreational facilities must comply with the~~
7 ~~structure placement and height standards in section 117-148(f) (structure height and~~
8 ~~placement and lot size), except as provided in section 117-148(l) (exemptions);~~
9 b. Roads and driveways associated with public recreational facilities must not be placed in
10 the bluff or shore impact zones unless no other placement alternative exists. If no
11 alternative exists, then design and construction must minimize impacts to shoreline
12 vegetation, erodible soils and slopes, and other sensitive resources.
- 13 c. Trails, access paths, and viewing areas associated with public recreational facilities and
14 providing access to or views of the Mississippi River are allowed within the bluff and
15 shore impact zones if design, construction, and maintenance methods are consistent
16 with the best management practice guidelines in trail planning, design, and
17 development guidelines.
- 18 1. Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30
19 percent. Natural surface trails are allowed, provided they do not exceed eight feet
20 in width.
- 21 2. Trails, paths, and viewing areas must be designed and constructed to minimize:
22 (i) Visibility from the river;
23 (ii) Visual impacts on public river corridor views; and
24 (iii) Disturbance to and fragmentation of primary conservation areas.
- 25 d. Public water access facilities must comply with the following requirements:
26 1. Watercraft access ramps must comply with Minnesota Rules chapters
27 6115.0210 and 6280.0250; and
28 2. Facilities must be designed and constructed consistent with the standards in
29 Design Handbook for Recreational Boating and Fishing Facilities.
- 30 e. Public signs and kiosks for interpretive or directional purposes are allowed in the bluff
31 or shore impact zones, provided they are placed and constructed to minimize
32 disturbance to these areas and avoid visual impacts on public river corridor views.
- 33 f. ~~Public stairways, lifts, and landings must be designed as provided in section 117-~~
34 ~~148(g)(4)c (stairways, lifts and landings).~~
- 35 (I) *Vegetation management.*
- 36 (1) *Purpose.* To establish standards that sustain and enhance the biological and ecological
37 functions of vegetation; preserve the natural character and topography of the MRCCA; and
38 maintain stability of bluffs and steep slopes and ensure stability of other erosion-prone areas.
- 39 (2) *Applicability.* This section applies to:
40 a. Shore impact zones;
41 b. Areas within 50 feet of a wetland or natural drainage way;
42 c. Bluff impact zones;
43 d. Areas of native plant communities; and
44 e. Significant existing vegetative stands identified in the MRCCA plan.
- 45 (3) *Activities allowed without a vegetation permit.*
46 a. Maintenance of existing lawns, landscaping and gardens;
47 b. Removal of vegetation in emergency situations as determined by the City of Ramsey;
48 c. Right-of-way maintenance for public facilities ~~meeting the standards section 117-~~
49 ~~148(h)(3) (right of way maintenance standards);~~

-
- 1 d. Agricultural and forestry activities ~~meeting the standards of sections 117-148(e)(2)~~
2 ~~(underlying zoning);~~
- 3 e. Selective vegetation removal, provided that vegetative cover remains consistent with
4 the management purpose of the MRCCA District, including:
5 1. Vegetation that is dead, diseased, dying, or hazardous;
6 2. To prevent the spread of diseases or insect pests;
7 3. Individual trees and shrubs; and
8 4. Removal of invasive non-native species.
- 9 (4) *Activities allowed with a vegetation permit.*
- 10 a. The following intensive vegetation clearing activities are allowed with a vegetation
11 permit:
12 1. Clearing of vegetation that is dead, diseased, dying, or hazardous.
13 2. Clearing to prevent the spread of diseases or insect pests.
14 3. Clearing to remove invasive non-native species.
15 4. Clearing to prepare for restoration and erosion control management activities
16 consistent with a plan approved by City of Ramsey.
17 5. The minimum necessary for development that is allowed with a building permit
18 or as an exemption under section 920(L).
- 19 b. Conditions of vegetation permit approval:
20 1. Development is sited to minimize removal of or disturbance to natural
21 vegetation;
22 2. Soil, slope stability, and hydrologic conditions are suitable for the proposed work
23 as determined by a professional engineer or City of Ramsey;
24 3. Clearing is the minimum necessary and designed to blend with the natural terrain
25 and minimize visual impacts to public river corridor views;
26 4. Any native plant communities removed are replaced with vegetation that
27 provides equivalent biological and ecological functions consistent with an
28 approved vegetation restoration plan ~~as provided in section 117-148(i)(6)~~
29 ~~(vegetation restoration plan)~~. If replaced, priorities for restoration are
30 stabilization of erodible soils, restoration or enhancement of shoreline
31 vegetation, and revegetation of bluffs or steep slopes visible from the river;
32 5. All other vegetation removed is restored with natural vegetation to the greatest
33 extent practicable consistent with an approved vegetation restoration ~~plan as~~
34 ~~provided in section 117-148(i)(6) (vegetation restoration plan)~~. ~~Priorities for~~
35 ~~replacement are the same as under section 117-148(i)(4) (activities allowed with~~
36 ~~a vegetation permit);~~
37 6. Any disturbance of highly erodible soils is replanted with deep-rooted vegetation
38 with a high stem density;
39 7. Vegetation removal activities are conducted so as to expose the smallest practical
40 area of soil to erosion for the least possible time;
41 8. Areas of vegetation restoration priorities identified in the MRCCA plan are
42 restored, if applicable; and
43 9. Any other condition determined necessary to achieve the purpose of this section.
- 44 (5) *Prohibited activities.* All other intensive vegetation clearing is prohibited.
- 45 (6) *Vegetation restoration plan.*
- 46 a. Development of a vegetation restoration plan and reestablishment of natural
47 vegetation is required:
48 1. As a condition of a vegetation permit ~~issued under section 117-148(i)(4)b~~
49 ~~(conditions of vegetation permit), items 4 and 5;~~

- 1 2. Upon failure to comply with any provisions in this section; or
- 2 3. As part of the planning process for subdivisions ~~as provided in section 117-148(k)~~
- 3 ~~(subdivision and land development standards).~~
- 4 b. The vegetation restoration plan must ~~satisfy the application submittal requirements in~~
- 5 ~~section 117-148(c)(6) (application materials), and:~~
- 6 1. Include vegetation that provides suitable habitat and effective soil stability,
- 7 runoff retention, and infiltration capability. Vegetation species, composition,
- 8 density, and diversity must be guided by nearby patches of native plant
- 9 communities and by native vegetation establishment and enhancement
- 10 guidelines;
- 11 2. Be prepared by a qualified individual; and
- 12 3. Include a maintenance plan that includes management provisions for controlling
- 13 invasive species and replacement of plant loss for three years.
- 14 c. A certificate of compliance will be issued after the vegetation restoration plan
- 15 requirements have been satisfied.
- 16 (J) *Land alteration standards and stormwater management.*
- 17 (1) *Purpose.* To establish standards that protect water quality from pollutant loadings of
- 18 sediment, nutrients, bacteria, and other contaminants; and maintain stability of bluffs,
- 19 shorelines, and other areas prone to erosion.
- 20 (2) *Land alteration permit.*
- 21 a. Within the bluff impact zone, land alteration is prohibited, except for the following
- 22 which are allowed by permit:
- 23 1. Erosion control consistent with section 920(J)(6);
- 24 2. The minimum necessary for development that is allowed as an exception under
- 25 section 920(L); and
- 26 3. Repair and maintenance of existing buildings and facilities.
- 27 b. Within the water quality impact zone, land alteration that involves more than ten cubic
- 28 yards of material or affects an area greater than 1,000 square feet requires a permit.
- 29 (3) *Rock riprap, retaining walls, and other erosion control structures.*
- 30 a. Construction, repair, or replacement of rock riprap, retaining walls, and other erosion
- 31 control structures located at or below the OHWL must comply with Minnesota Rules,
- 32 chapters 6115.0215, subpart 4, item E, and 6115.0216, subpart 2. Work must not
- 33 proceed until approved by the commissioner. See Figure 8.

Figure 8. Riprap Guidelines



- 34 b. Construction or replacement of rock riprap, retaining walls, and other erosion control
- 35 structures within the bluff impact zone and the water quality impact zone are allowed with a
- 36

- 1 permit ~~consistent with provisions of section 117-148(j)(6) (conditions of land alteration~~
2 ~~permit approval)~~ provided that:
- 3 1. If the project includes work at or below the OHWL, the commissioner has already
4 approved or permitted the project.
 - 5 2. The structures are used only to correct an established erosion problem as determined
6 by the City of Ramsey.
 - 7 3. The size and extent of the structures are the minimum necessary to correct the erosion
8 problem and are not larger than the following, unless a professional engineer
9 determines that a larger structure is needed to correct the erosion problem:
 - 10 (i) Retaining walls must not exceed five feet in height and must be placed a minimum
11 horizontal distance of ten feet apart; and
 - 12 (ii) Riprap must not exceed the height of the regulatory flood protection elevation.
 - 13 c. Repair of existing rock riprap, retaining walls, and other erosion control structures above the
14 OHWL does not require a permit provided it does not involve any land alteration ~~under~~
15 ~~section 117-148(j)(2) (land alteration permit).~~
- 16 (4) *Stormwater management.*
- 17 a. In the bluff impact zone, storm water management facilities are prohibited except by
18 permit if:
 - 19 1. There are no alternatives for storm water treatment outside the bluff impact zone
20 on the subject site;
 - 21 2. The site generating runoff is designed so that the amount of runoff reaching the
22 bluff impact zone is reduced to the greatest extent practicable;
 - 23 3. The construction and operation of the facility does not affect slope stability on
24 the subject property or adjacent properties; and
 - 25 4. Mitigation based on the best available engineering and geological practices is
26 required and applied to eliminate or minimize the risk of slope failure.
 - 27 b. In the water quality impact zone, development that creates new impervious surface, ~~as~~
28 ~~allowed by exemption in section 117-148(l) (exemptions)~~, or fully reconstructs existing
29 impervious surface of more than 10,000 square feet requires a storm water permit or
30 approved storm water plan. Multipurpose trails and sidewalks are exempt if there is
31 down gradient vegetation or a filter strip that is at least five feet wide.
 - 32 c. In all other areas, storm water runoff must be directed away from the bluff impact
33 zones or unstable areas.
- 34 (5) *Development on steep slopes.* Construction of structures, impervious surfaces, land alteration,
35 vegetation removal, or other construction activities are allowed on steep slopes if:
- 36 a. The development can be accomplished without increasing erosion or storm water
37 runoff;
 - 38 b. The soil types and geology are suitable for the proposed development; and
39 ~~c. —Vegetation is managed according to the requirements of section 117-148(i) (vegetation~~
40 ~~management).~~
- 41 (6) *Conditions of land alteration permit approval.*
- 42 a. Temporary and permanent erosion and sediment control measures retain sediment
43 onsite consistent with best management practices in the Minnesota Stormwater
44 Manual;
 - 45 b. Natural site topography, soil, and vegetation conditions are used to control runoff and
46 reduce erosion and sedimentation;
 - 47 c. Construction activity is phased when possible;
 - 48 d. All erosion and sediment controls are installed before starting any land disturbance
49 activity;

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- 1 e. Erosion and sediment controls are maintained to ensure effective operation;
2 ~~f. The proposed work is consistent with the vegetation standards in section 117 148(i)~~
3 ~~(vegetation management); and~~
- 4 g. Best management practices for protecting and enhancing ecological and water
5 resources identified in Best Practices for Meeting DNR General Public Waters Work
6 Permit GP 2004-0001.
- 7 (7) *Compliance with other plans and programs.* All development must:
8 a. Be consistent with Minn. Stats. ch. 103B, and local water management plans completed
9 under [Minnesota Rules] chapter 8410;
10 b. Meet or exceed the wetland protection standards under Minnesota Rules, chapter
11 8420; and
12 c. Meet or exceed the floodplain management standards under Minnesota Rules,
13 chapters 6120.5000—6120.6200.
- 14 (K) *Subdivision and land development standards.*
15 (1) *Purpose.*
16 a. To protect and enhance the natural and scenic values of the MRCCA during
17 development or redevelopment of the remaining large sites;
18 b. To establish standards for protecting and restoring biological and ecological functions
19 of primary conservation areas on large sites; and
20 c. To encourage restoration of natural vegetation during development or redevelopment
21 of large sites where restoration opportunities have been identified in MRCCA plans.
- 22 (2) *Applicability.*
23 a. The design standards in this section apply to subdivisions, planned unit developments
24 and master-planned development and redevelopment of land involving ten or more
25 acres for contiguous parcels that abut the Mississippi River and 20 or more acres for all
26 other parcels, including smaller individual sites within the following developments that
27 are part of a common plan of development that may be constructed at different times:
28 1. Subdivisions;
29 2. Planned unit developments; and
30 3. Master-planned development and redevelopment of land.
31 b. The following activities are exempt from the requirements of this section:
32 1. Minor subdivisions consisting of three or fewer lots;
33 2. Minor boundary line corrections;
34 3. Resolutions of encroachments;
35 4. Additions to existing lots of record;
36 5. Placement of essential services; and
37 6. Activities involving river-dependent commercial and industrial uses.
- 38 ~~(3) Application materials. Project information listed in section 117 148(c)(6) (application~~
39 ~~materials) must be submitted for all proposed developments.~~
- 40 (4) *Design standards.*
41 a. Primary conservation areas, where they exist, must be set aside and designated as
42 protected open space in quantities meeting the following as a percentage of total parcel
43 area:
44 1. CA-ROS District: 50 percent;
45 2. CA-RN District: 20 percent;
46 3. CA-SR District: Ten percent if the parcel includes native plant communities or
47 provides feasible connections to a regional park or trail system, otherwise no
48 requirement.

- 1 b. If the primary conservation areas exceed the amounts specified in section 920(K)(4)a
2 above, then protection of native plant communities and natural vegetation in riparian
3 areas shall be prioritized.
- 4 c. If primary conservation areas exist but do not have natural vegetation (identified as
5 restoration priorities in the MRCCA plan), then a vegetation assessment must be
6 completed to evaluate the unvegetated primary conservation areas and determine
7 whether vegetation restoration is needed. ~~If restoration is needed, vegetation must be
8 restored according to section 117-148(i)(6)b (under vegetation restoration plan).~~
- 9 d. If primary conservation areas do not exist on the parcel and portions of the parcel have
10 been identified in the MRCCA plan as a restoration area, vegetation must be restored
11 in the identified areas ~~according to section 117-148(i)(6)b (under vegetation restoration
12 plan)~~ and the area must be set aside and designated as protected open space.
- 13 e. Storm water treatment areas or other green infrastructure may be used to meet the
14 protected open space requirements if the vegetation provides biological and ecological
15 functions.
- 16 f. Land dedicated under this section for public river access, parks, or other open space, or
17 public facilities may be counted toward the protected open space requirement.
- 18 g. Protected open space areas must connect open space, natural areas, and recreational
19 areas, where present on adjacent parcels, as much as possible, to form an
20 interconnected network.
- 21 (5) *Permanent protection of designated open space.*
- 22 a. Designated open space areas must be protected through one or more of the following
23 methods:
- 24 1. Public acquisition by a government entity for conservation purposes;
25 2. A permanent conservation easement, as provided in Minn. Stats. ch. 84C;
26 3. A deed restriction; and
27 4. Other arrangements that achieve an equivalent degree of protection.
- 28 b. Permanent protection methods must ensure the long-term management of vegetation
29 to meet its biological and ecological functions, prohibit structures, and prohibit land
30 alteration, except as needed to provide public recreational facilities and access to the
31 river.
- 32 (L) *Exemptions*
- 33 (1) *Purpose.* To provide exemptions to structure placement, height and other standards for
34 specific river or water access dependent facilities as provided in Minn. Stats. § 116G.15, subd.
35 4.
- 36 (2) *Applicability.*
- 37 a. ~~Uses and activities not specifically exempted must comply with this section. Uses and
38 activities exempted under shore impact zone and bluff impact zone must comply with
39 the vegetation management and land alteration standards in sections 117-148(i)
40 (vegetation management) and 117-148(j) (land alterations standards and stormwater
41 management).~~
- 42 (3) *Use and activity exemptions classification.*
- 43 a. Uses and activities in ~~the following tables section 117-148(l)(3) below~~ are categorized
44 as:
- 45 1. *Exempt — E.* This means that the use or activity is allowed;
46 2. *Exempt if no alternative — (E).* This means that the use or activity is allowed only
47 if no alternatives exist; and
48 3. *Not exempt — N.* This means that a use or activity is not exempt and must meet
49 the standards of this section.

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b. *General uses and activities.*

Use or Activity	Set Backs	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity Must Comply
Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers)	N	E	N	N	Structure design and placement must minimize interference with public river corridor views
Barns, silos, and farm structures	N	E	N	N	
Bridges and bridge approach roadways	E	E	E	(E)	Section 920(H)
Wireless communication towers	E	E	N	N	Section 920(E)(2)f
Chimneys, church spires, flag poles, public monuments, and mechanical stacks and equipment	N	E	N	N	
Historic properties and contributing properties in historic districts	E	E	E	E	Exemptions do not apply to additions or site alterations

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c. *Public utilities.*

Use or Activity	Set Backs	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity Must Comply
Electrical power facilities	E	E	E	(E)	Section 920(H)
Essential services (other than storm water facilities)	E	E	E	(E)	Section 920(H)
Storm water facilities	E	N	E	(E)	Section 920(J)
Wastewater treatment	E	N	E	N	Section 920(H)
Public transportation facilities	E	N	(E)	(E)	Section 920(H)

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d. *Public recreational facilities.*

Use or Activity	Set Backs	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity Must Comply
Accessory structures, such as monuments, flagpoles, light standards, and similar park features	E	E	(E)	(E)	Section 920(H); within BIZ, only on slopes averaging less than 30%. Exemptions do not apply to principal structures
Picnic shelters and other open-sided structures	E	N	(E)	N	Section 920(H)
Parking lots	(E)	N	(E)	(E)	Section 920(H); within BIZ, only within 20 feet of toe of bluff; not on face of bluff; and must not affect stability of bluff
Roads and driveways	(E)	N	(E)	(E)	Section 920(H)

Natural-surfaced trails, access paths, and viewing areas	E	N	E	E	Section 920(H)
Hard-surfaced trails and viewing platforms	E	N	E	(E)	Section 920(H); within BIZ, only on slopes averaging less than 30%
Water access ramps	E	N	E	(E)	Section 920(H)
Public signs and kiosks for interpretive or directional purposes	E	N	E	(E)	Section 920(H)

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e. River-dependent uses.

Use or Activity	Set Backs	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity Must Comply
Shoreline facilities	E	N ¹	E	(E)	Section 920(E)(2)(f). Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility
Private roads and conveyance structures serving river-dependent uses	E	N ¹	E	(E)	Section 920(E)(2)(f)

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¹ River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.

f. Private residential and commercial water access and use facilities.

Use or Activity	Set Backs	Height Limits	SIZ	BIZ	Applicable Standards with Which the Use or Activity Must Comply
Private roads serving 3 or more lots	(E)	N	N	(E)	Section 920(G); in BIZ, only on slopes averaging less than 30% Exemption does not apply to private roads serving fewer 3 lots or to private driveways and parking areas
Access paths	E	N	E	E	Section 920(G)
Water access ramps	E	N	E	N	Section 920(G)
Stairways, lifts, and landings	E	N	E	E	Section 920(G)
Water-oriented accessory structures	E	N	E	N	Section 920(G)
Patios and decks	E	N	N	N	Section 920(G)(5)
Directional signs for watercraft (private)	E	N	E	N	Section 920(G)(6); exemption does not apply to off-premise advertising signs
Temporary storage of docks, boats, and other equipment during the winter months	E	N	E	N	

Erosion control structures, such as rock riprap and retaining walls	E	N	E	(E)	Sections 920(J)(3), 920(J)(5) and 920(J)(6)
Flood control structures	E	N	E	(E)	Section 920(J)

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920 Floodplain Overlay Districts

- (A) *Statutory authorization.* The legislature of the State of Minnesota has, in Minn. Stats. ch. 103F and ch. 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the city council does ordain as follows.
- (B) *Purpose.*
 - (1) This subdivision regulates development in the flood hazard areas of the city. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this Section to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
 - (2) *National Flood Insurance Program compliance.* This subdivision is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59—78, as amended, so as to maintain the city's eligibility in the National Flood Insurance Program.
 - (3) This subdivision is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

921 Floodplain Overlay Districts General Provisions

- (A) This subdivision adopts the floodplain maps applicable to the city and includes three floodplain districts: floodway, flood fringe, and general floodplain.
 - (1) Where floodway and flood fringe districts are delineated on the floodplain maps, the standards in sections 923 or 924 will apply, depending on the location of a property.
 - (2) Locations where floodway and flood fringe districts are not delineated on the floodplain maps are considered to fall within the general floodplain district. Within the general floodplain district, the floodway district standards in section 923 apply unless the floodway boundary is determined, according to the process outlined in section 925. Once the floodway boundary is determined, the flood fringe district standards in section 924 may apply outside the floodway.
- (B) *Lands to which this subdivision applies.* This subdivision applies to all lands within the jurisdiction of the city shown on the official zoning map and/or the attachments to the map as being located within the boundaries of the floodway, flood fringe, or general floodplain districts.
 - (1) The floodway, flood fringe and general floodplain districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in the underlying zoning district. In case of a conflict, the more restrictive standards will apply.
- (C) *Incorporation of maps by reference.* The following maps, together with all attached material, are hereby adopted by reference and declared to be a part of the official zoning map and this subdivision. The attached material includes the Flood Insurance Study for Anoka County, Minnesota, and Incorporated Areas and the flood insurance rate maps enumerated below, all dated

December 16, 2015 and all prepared by the Federal Emergency Management Agency. These materials are on file in the community development department.

• 27003C0142E	• 27003C0186E
• 27003C0144E	• 27003C0257E
• 27003C0165E	• 27003C0280E
• 27003C0166E	• 27003C0281E
• 27003C0167E	• 27003C0282E
• 27003C0170E	• 27003C0283E

(D) *Regulatory flood protection elevation.* The regulatory flood protection elevation (RFPE) is 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.

(E) *Interpretation.* The boundaries of the zoning districts are determined by scaling distances on the flood insurance rate map.

(1) Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The zoning administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

(2) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the planning commission and to submit technical evidence.

(F) *Abrogation and greater restrictions.* It is not intended by this subdivision to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this subdivision imposes greater restrictions, the provisions of this subdivision prevail.

(G) *Warning and disclaimer of liability.* This subdivision does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This subdivision does not create liability on the part of the city or its officers or employees for any flood damages that result from reliance on this subdivision or any administrative decision lawfully made thereunder.

(H) *Severability.* If any section, clause, provision, or portion of this subdivision is adjudged unconstitutional or invalid by a court of law, the remainder of this subdivision shall not be affected and shall remain in full force.

~~(I) *Annexations.* The flood insurance rate map panels adopted by reference into section 921(c) above may include floodplain areas that lie outside of the corporate boundaries of the city at the time of adoption of this subdivision. If any of these floodplain land areas are annexed into the city after the date of adoption of this subdivision, the newly annexed floodplain lands will be subject to the provisions of this subdivision immediately upon the date of annexation.~~

922 Establishment of Flood Zone Districts

(A) *Districts.*

(1) *FW Floodway district.* The floodway district includes those areas designated as floodway on the flood insurance rate map adopted in section 921. For lakes, wetlands, and other basins (that do not have a floodway designated), the floodway district includes those areas designated as zone A or AE on the flood insurance rate map that are at or below the ordinary high water level as defined in Minn. Stats. § 103G.005, subd. 14.

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- 1 (2) **FF Flood fringe district.** The flood fringe district includes those areas designated as floodway
2 fringe on the flood insurance rate map adopted in section 921 as being within zone AE but
3 being located outside of the floodway. For lakes, wetlands and other basins (that do not have
4 a floodway designated), the flood fringe district includes those areas designated as zone A or
5 AE on the flood insurance rate map panels adopted in section 921 that are below the 1%
6 annual chance (100-year) flood elevation but above the ordinary high water level as defined
7 in Minn. Stats. § 103G.005, subd. 14.
- 8 (3) **GF General floodplain district.** The general floodplain district includes those areas designated
9 as zone A or zone AE without a floodway on the flood insurance rate map adopted in section
10 921, but not subject to the criteria in sections 922(A)(1) and (2) above.
- 11 (B) **Compliance.** Within the floodplain districts established in this subdivision, the use of any land, the
12 use, size, type and location of structures on lots, the installation and maintenance of transportation,
13 utility, water supply and waste treatment facilities, and the subdivision of land must comply with
14 the terms of this subdivision and other applicable regulations. All uses not listed as permitted uses
15 or conditional uses in sections 923, 924, and 925, respectively, are prohibited. In addition, a caution
16 is provided here that:
- 17 (1) New and replacement manufactured homes and certain recreational vehicles are subject to
18 the general provisions of this subdivision and specifically section 117-188.
- 19 (2) Modifications, additions, structural alterations, normal maintenance and repair, or repair
20 after damage to existing nonconforming structures and nonconforming uses of structures or
21 land are regulated by the general provisions of this subdivision and specifically section 117-
22 190.
- 23 (3) All structures must be constructed with electrical, heating, ventilation, plumbing, and air
24 conditioning equipment and other service facilities that are designed and/or located so as to
25 prevent water from entering or accumulating within the components during conditions of
26 flooding.
- 27 (4) As-built elevations for elevated or floodproofed structures must be certified by ground
28 surveys and flood-proofing techniques must be designed and certified by a registered
29 professional engineer or architect as specified in the general provisions of this subdivision and
30 specifically as stated in section 117-189.
- 31
- 32 **923 Floodway District (FW)**
- 33 (A) **Permitted uses.** The following uses, subject to the standards set forth in section 923(B), are permitted
34 uses if otherwise allowed in the underlying zoning district or any applicable overlay district:
- 35 (1) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming,
36 forestry, sod farming, and wild crop harvesting.
- 37 (2) Industrial-commercial loading areas, parking areas, and airport landing strips.
- 38 (3) Open space uses, including but not limited to private and public golf courses, tennis courts,
39 driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks,
40 wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and
41 fishing areas, and single or multiple purpose recreational trails.
- 42 (4) Residential lawns, gardens, parking areas, and play areas.
- 43 (5) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the
44 department of natural resources' area hydrologist is notified at least ten days prior to issuance
45 of any permit, and that the standards in sections 923(D)(1), 923(D)(3) and 923(D)(6) are met.
- 46 (B) **Standards for floodway permitted uses:**
- 47 (1) The use must have a low flood damage potential.

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- 1 (2) With the exception of the uses listed in section 923(A)(5), the use must not obstruct flood
2 flows or increase flood elevations and must not involve structures, fill, obstructions,
3 excavations or storage of materials or equipment.
- 4 (3) Any facility that will be used by employees or the general public must be designed with a flood
5 warning system that provides adequate time for evacuation if the area is inundated to a depth
6 and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would
7 exceed a product of four upon occurrence of the regional (one percent chance) flood.
- 8 (C) *Conditional uses.* The following uses may be allowed as conditional uses following the standards
9 and procedures set forth in section 931(D) of this subdivision and further subject to the standards
10 set forth in section 923(D), if otherwise allowed in the underlying zoning district or any applicable
11 overlay district.
- 12 (1) Structures accessory to the uses listed in section 923(A) and the uses listed in subsections
13 (c)(2) through (9) below.
- 14 (2) Extraction and storage of sand, gravel, and other materials.
- 15 (3) Marinas, boat rentals, docks, piers, wharves, and water control structures.
- 16 (4) Storage yards for equipment, machinery, or materials.
- 17 (5) Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined
18 in section 105, are permitted uses.
- 19 (6) Travel-ready recreational vehicles meeting the exception standards in section 927(D)(2).
- 20 (7) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or
21 less than the ten-year frequency flood event.
- 22 (D) *Standards for floodway conditional uses:*
- 23 (1) *All uses.* A conditional use must not cause any increase in the stage of the one percent chance
24 or regional flood or cause an increase in flood damages in the reach or reaches affected.
- 25 (2) *Fill; storage of materials and equipment:*
- 26 a. The storage or processing of materials that are, in time of flooding, flammable,
27 explosive, or potentially injurious to human, animal, or plant life is prohibited.
- 28 b. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must
29 be protected from erosion by vegetative cover, mulching, riprap or other acceptable
30 method. Permanent sand and gravel operations and similar uses must be covered by a
31 long-term site development plan.
- 32 c. Temporary placement of fill, other materials, or equipment which would cause an
33 increase to the stage of the one percent chance or regional flood may only be allowed
34 if the city has approved a plan that assures removal of the materials from the floodway
35 based upon the flood warning time available.
- 36 (3) *Accessory structures:*
- 37 a. Accessory structures must not be designed for human habitation.
- 38 b. Accessory structures, if permitted, must be constructed and placed on the building site
39 so as to offer the minimum obstruction to the flow of flood waters:
- 40 1. Whenever possible, structures must be constructed with the longitudinal axis
41 parallel to the direction of flood flow; and
- 42 2. So far as practicable, structures must be placed approximately on the same flood
43 flow lines as those of adjoining structures.
- 44 c. Accessory structures must be elevated on fill or structurally dry floodproofed in
45 accordance with the FP-1 or FP-2 floodproofing classifications in the Minnesota State
46 Building Code. All floodproofed accessory structures must meet the following additional
47 standards:

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- 1 (6) All new principal structures must have vehicular access at or above an elevation not more than
2 two feet below the regulatory flood protection elevation, or must have a flood
3 warning/emergency evacuation plan acceptable to the city.
- 4 (7) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower
5 than the regulatory flood protection elevation. However, any facilities used by employees or
6 the general public must be designed with a flood warning system that provides adequate time
7 for evacuation if the area is inundated to a depth and velocity such that the depth (in feet)
8 multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence
9 of the regional (one percent chance) flood.
- 10 (8) Interference with normal manufacturing/industrial plant operations must be minimized,
11 especially along streams having protracted flood durations. In considering permit applications,
12 due consideration must be given to the needs of industries with operations that require a
13 floodplain location.
- 14 (9) Flood fringe developments must not adversely affect the hydraulic capacity of the channel and
15 adjoining floodplain of any tributary watercourse or drainage system.
- 16 (10) Manufactured homes and recreational vehicles must meet the standards of section 927.
- 17 (C) *Conditional uses.* The following uses and activities may be allowed as conditional uses, if allowed in
18 the underlying zoning district(s) or any applicable overlay district, following the procedures in section
19 928(D). conditional uses must meet the standards in subsections (D)(4) through (10) above and
20 section 924(D).
- 21 (1) Any structure that is not elevated on fill or floodproofed in accordance with section 924(B)(1)a.
22 and b.
- 23 (2) Storage of any material or equipment below the regulatory flood protection elevation.
- 24 (3) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used
25 to elevate a structure in accordance with [subsection] (b)(1) above.
- 26 (D) *Standards for flood fringe conditional uses.*
- 27 (1) The standards listed in sections 924(B)(4) through (10) apply to all conditional uses.
- 28 (2) Basements, as defined in section 105, are subject to the following:
- 29 a. Residential basement construction is not allowed below the regulatory flood protection
30 elevation.
- 31 b. Non-residential basements may be allowed below the regulatory flood protection elevation
32 provided the basement is structurally dry floodproofed in accordance with section 924(D)(3).
- 33 (3) All areas of nonresidential structures, including basements, to be placed below the regulatory
34 flood protection elevation must be floodproofed in accordance with the structurally dry
35 floodproofing classifications in the Minnesota State Building Code. Structurally dry
36 floodproofing must meet the FP-1 or FP-2 floodproofing classification in the Minnesota State
37 Building Code, which requires making the structure watertight with the walls substantially
38 impermeable to the passage of water and with structural components capable of resisting
39 hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures wet floodproofed
40 to the FP-3 or FP-4 classification are not permitted.
- 41 (4) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other
42 than for the purpose of elevating a structure to the regulatory flood protection elevation) must
43 comply with an approved erosion/sedimentation control plan.
- 44 a. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event
45 at a minimum of the regional (one percent chance) flood event.
- 46 b. The plan must be prepared and certified by a registered professional engineer or other
47 qualified individual acceptable to the city.
- 48 c. The plan may incorporate alternative procedures for removal of the material from the
49 floodplain if adequate flood warning time exists.

-
- 1 (5) Storage of materials and equipment below the regulatory flood protection elevation must
2 comply with an approved emergency plan providing for removal of such materials within the
3 time available after a flood warning.
- 4 (6) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's
5 lowest floor above the regulatory flood protection elevation. These alternative methods may
6 include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl
7 spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-
8 grade and not a structure's basement or lowest floor if:
- 9 a. The enclosed area is above-grade on at least one side of the structure.
10 b. It is designed to internally flood and is constructed with flood resistant materials.
11 c. It is used solely for parking of vehicles, building access or storage. The above-noted alternative
12 elevation methods are subject to the following additional standards:
- 13 1. *Design and certification.* The structure's design and as-built condition must be certified
14 by a registered professional engineer or architect as being in compliance with the general
15 design standards of the Minnesota State Building Code and, specifically, that all electrical,
16 heating, ventilation, plumbing and air conditioning equipment and other service facilities
17 must be at or above the regulatory flood protection elevation or be designed to prevent
18 flood water from entering or accumulating within these components during times of
19 flooding.
- 20 2. *Specific standards for above-grade, enclosed areas.* Above-grade, fully enclosed areas
21 such as crawl spaces or tuck under garages must be designed to internally flood and the
22 design plans must stipulate:
- 23 (i) The minimum area of openings in the walls where internal flooding is to be used as a
24 floodproofing technique. There shall be a minimum of two openings on at least two
25 sides of the structure and the bottom of all openings shall be no higher than one foot
26 above grade. The automatic openings shall have a minimum net area of not less than
27 one square inch for every square foot of enclosed area subject to flooding unless a
28 registered professional engineer or architect certifies that a smaller net area would
29 suffice. The automatic openings may be equipped with screens, louvers, valves, or
30 other coverings or devices provided that they permit the automatic entry and exit of
31 flood waters without any form of human intervention; and
32 (ii) That the enclosed area will be designed of flood resistant materials in accordance
33 with the FP-3 or FP-4 classifications in the Minnesota State Building Code and shall be
34 used solely for building access, parking of vehicles, or storage.

35
36 **925 General Floodplain District (GF)**

37 **(A) *Permitted uses.***

- 38 (1) The uses listed in section 923(A), floodway district permitted uses, are permitted uses.
39 (2) All other uses are subject to the floodway/flood fringe evaluation criteria specified in [section]
40 925(b) below. Section 923 applies if the proposed use is determined to be in the floodway
41 district. Section 924 applies if the proposed use is determined to be in the flood fringe district.

42 **(B) *Procedures for floodway and flood fringe determinations.***

- 43 (1) Upon receipt of an application for a permit or other approval within the general floodplain
44 district, the zoning administrator must obtain, review and reasonably utilize any regional flood
45 elevation and floodway data available from a federal, state, or other source.
46 (2) If regional flood elevation and floodway data are not readily available, the applicant must
47 furnish additional information, as needed, to determine the regulatory flood protection
48 elevation and whether the proposed use would fall within the floodway or flood fringe district.

-
- 1 Information must be consistent with accepted hydrological and hydraulic engineering
2 standards and the standards in section 925(B)(3) below.
- 3 (3) The determination of floodway and flood fringe must include the following components, as
4 applicable:
- 5 a. Estimate the peak discharge of the regional (one percent chance) flood.
 - 6 b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of
7 the stream channel and overbank areas.
 - 8 c. Compute the floodway necessary to convey or store the regional flood without increasing
9 flood stages more than one-half foot. A lesser stage increase than one-half foot is required if,
10 as a result of the stage increase, increased flood damages would result. An equal degree of
11 encroachment on both sides of the stream within the reach must be assumed in computing
12 floodway boundaries.
- 13 (4) The zoning administrator will review the submitted information and assess the technical
14 evaluation and the recommended floodway and/or flood fringe district boundary. The
15 assessment must include the cumulative effects of previous floodway encroachments. The
16 zoning administrator may seek technical assistance from a designated engineer or other expert
17 person or agency, including the Minnesota Department of Natural Resources, before
18 presenting the technical evaluation and findings to the city council. The city council must
19 formally accept the technical evaluation and the recommended floodway and/or flood fringe
20 district boundary or deny the permit application. The city council, prior to official action, may
21 submit the application and all supporting data and analyses to the Federal Emergency
22 Management Agency (FEMA), the Minnesota Department of Natural Resources, or the planning
23 commission for review and comment.
- 24 (5) Once the floodway and flood fringe district boundaries have been determined, the city council
25 shall refer the matter back to the zoning administrator to process the permit application
26 consistent with the applicable provisions of sections 923 and 924.

27
28 **926 Public Utilities, Railroads, Roads, and Bridges in Floodplains.**

- 29 (A) *Public utilities.* All public utilities and facilities such as gas, electrical, sewer, and water supply
30 systems to be located in the floodplain must be floodproofed in accordance with the Minnesota
31 State Building Code or elevated to the regulatory flood protection elevation.
- 32 (B) *Public transportation facilities.* Railroad tracks, roads, and bridges to be located within the
33 floodplain must comply with sections 923 and 924. These transportation facilities must be elevated
34 to the regulatory flood protection elevation where failure or interruption of these facilities would
35 result in danger to the public health or safety or where such facilities are essential to the orderly
36 functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation
37 where failure or interruption of transportation services would not endanger the public health or
38 safety.
- 39 (C) *On-site water supply and sewage treatment systems.* Where public utilities are not provided:
- 40 (1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood
41 waters into the systems; and
 - 42 (2) New or replacement on-site sewage treatment systems must be designed to minimize or
43 eliminate infiltration of flood waters into the systems and discharges from the systems into
44 flood waters and they must not be subject to impairment or contamination during times of
45 flooding. Any sewage treatment system designed in accordance with the state's current
46 statewide standards for on-site sewage treatment systems is considered to be in compliance
47 with this section.

48
49 **927 Manufactured homes, Manufactured home parks, and Recreational Vehicles in Floodplains.**

1 (A) *Manufactured homes.* New manufactured home parks and expansions to existing manufactured
2 home parks are prohibited in any floodplain district. For existing manufactured home parks or lots
3 of record located in a floodplain district, the placement of new or replacement manufactured homes
4 will be treated as a new structure and are subject to the following requirements:

5 (1) Placement or replacement of manufactured home units is prohibited in the floodway district.

6 (2) If allowed in the flood fringe district, placement or replacement of manufactured home units
7 is subject to the requirements of section 117-184 and the following standards.

8 a. New and replacement manufactured homes must be elevated in compliance with
9 section 117-184 and must be securely anchored to an adequately anchored foundation
10 system that resists flotation, collapse and lateral movement. Methods of anchoring may
11 include, but are not limited to, use of over-the-top or frame ties to ground anchors. This
12 requirement is in addition to applicable state or local anchoring requirements for
13 resisting wind forces.

14 b. New or replacement manufactured homes in existing manufactured home parks must
15 meet the vehicular access requirements for subdivisions in section 927(A)(2).

16 (B) *Recreational vehicles.* New recreational vehicle parks or campgrounds and expansions to existing
17 recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of
18 recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must
19 meet the exemption criteria below or be treated as new structures meeting the requirements of
20 this subdivision.

21 (1) Recreational vehicles are exempt from the provisions of this section if they are placed in any
22 of the following areas and meet the criteria listed in section 927(B)(2):

23 a. Individual lots or parcels of record.

24 b. Existing commercial recreational vehicle parks or campgrounds.

25 c. Existing condominium-type associations.

26 (2) Criteria for exempt recreational vehicles:

27 a. The vehicle must have a current license required for highway use.

28 b. The vehicle must be highway ready, meaning on wheels or the internal jacking system,
29 attached to the site only by quick disconnect type utilities commonly used in
30 campgrounds and recreational vehicle parks.

31 c. No permanent structural type additions may be attached to the vehicle.

32 d. The vehicle and associated use must be permissible in any pre-existing, underlying
33 zoning district.

34 e. Accessory structures are not permitted within the floodway district. Any accessory
35 structure in the flood fringe district must be constructed of flood-resistant materials
36 and be securely anchored, meeting the requirements applicable to manufactured
37 homes in this section.

38 (3) Recreational vehicles that are exempt in section 927(B)(2) lose this exemption when
39 development occurs on the site exceeding \$500.00 for an accessory structure such as a garage
40 or storage building. The recreational vehicle and all accessory structures will then be treated
41 as new structures subject to the elevation and floodproofing requirements of section 924. No
42 development or improvement on the parcel or attachment to the recreational vehicle is
43 allowed that would hinder the removal of the vehicle should flooding occur.

44
45 **928 Administration in Floodplains**

46 (A) *Zoning administrator.* A zoning administrator or other official designated by the city council must
47 administer and enforce the provisions of this subdivision.

48 (B) *Permit requirements.*

-
- 1 (1) *Permit required.* A permit must be obtained from the zoning administrator prior to conducting
2 the following activities:
- 3 a. The erection, addition, modification, rehabilitation, or alteration of any building,
4 structure, or portion thereof. Normal maintenance and repair also requires a permit if
5 such work, separately or in conjunction with other planned work, constitutes a
6 substantial improvement as defined in section 105.
- 7 b. The use or change of use of a building, structure, or land.
- 8 c. The construction of a dam, fence, or on-site septic system. A farm fence would require
9 a zoning permit but is not considered a structure when administering this subdivision.
- 10 d. The change or extension of a nonconforming use.
- 11 e. The repair of a structure that has been damaged by flood, fire, tornado, or any other
12 source.
- 13 f. The placement of fill, excavation of materials, or the storage of materials or equipment
14 within the floodplain.
- 15 g. Relocation or alteration of a watercourse, including new or replacement culverts and
16 bridges), unless a public waters work permit has been applied for.
- 17 (2) *Application for permit.* Permit applications must be submitted to the zoning administrator on
18 forms provided by the zoning administrator. The permit application must include the
19 following as applicable:
- 20 a. A scaled site plan showing all pertinent dimensions, existing or proposed buildings,
21 structures, and significant natural features having an influence on the permit.
- 22 b. Location of fill or storage of materials in relation to the stream channel.
- 23 c. Copies of any required municipal, county, state or federal permits or approvals.
- 24 d. Other relevant information requested by the zoning administrator as necessary to
25 properly evaluate the permit application.
- 26 (3) *Certificate of zoning compliance for a new, altered, or nonconforming use.* No building, land
27 or structure may be occupied or used in any manner until a certificate of zoning compliance
28 has been issued by the zoning administrator stating that the use of the building or land
29 conforms to the requirements of this subdivision.
- 30 (4) *Certification.* The applicant is required to submit certification by a registered professional
31 engineer, registered architect, or registered land surveyor that the finished fill and building
32 elevations were accomplished in compliance with the provisions of this subdivision.
33 Floodproofing measures must be certified by a registered professional engineer or registered
34 architect.
- 35 (5) *Record of first floor elevation.* The zoning administrator must maintain a record of the
36 elevation of the lowest floor (including basement) of all new structures and alterations or
37 additions to existing structures in the floodplain. The zoning administrator must also maintain
38 a record of the elevation to which structures and alterations or additions to structures are
39 floodproofed.
- 40 (6) *Notifications for watercourse alterations.* Before authorizing any alteration or relocation of a
41 river or stream, the zoning administrator must notify adjacent communities. If the applicant
42 has applied for a permit to work in public waters pursuant to Minn. Stats. § 103G.245, this
43 will suffice as adequate notice. A copy of the notification must also be submitted to the
44 Chicago Regional Office of FEMA.
- 45 (7) *Notification to FEMA when physical changes increase or decrease base flood elevations.* As
46 soon as is practicable, but not later than six months after the date such supporting
47 information becomes available, the zoning administrator must notify the Chicago Regional
48 Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.
- 49 (C) *Variances.*

-
- 1 (1) *Variance applications.* An application for a variance to the provisions of this Subdivision will
2 be processed and reviewed in accordance with applicable state statutes and section 117-53.
- 3 (2) *Adherence to state floodplain management standards.* A variance must not allow a use that
4 is not allowed in that district, permit a lower degree of flood protection than the regulatory
5 flood protection elevation for the particular area, or permit standards lower than those
6 required by state law.
- 7 (3) *Additional variance criteria.* The following additional variance criteria of the Federal
8 Emergency Management Agency must be satisfied:
- 9 a. Variances must not be issued by a community within any designated regulatory
10 floodway if any increase in flood levels during the base flood discharge would result.
- 11 b. Variances may only be issued by a community upon (i) a showing of good and sufficient
12 cause, (ii) a determination that failure to grant the variance would result in exceptional
13 hardship to the applicant, and (iii) a determination that the granting of a variance will
14 not result in increased flood heights, additional threats to public safety, extraordinary
15 public expense, create nuisances, cause fraud on or victimization of the public, or
16 conflict with existing local laws or ordinances.
- 17 c. Variances may only be issued upon a determination that the variance is the minimum
18 necessary, considering the flood hazard, to afford relief.
- 19 (4) *Flood insurance notice.* The zoning administrator must notify the applicant for a variance that:
- 20 a. The issuance of a variance to construct a structure below the base flood level will result
21 in increased premium rates for flood insurance up to amounts as high as \$25.00 for
22 \$100.00 of insurance coverage; and
- 23 b. Such construction below the base or regional flood level increases risks to life and
24 property. Such notification must be maintained with a record of all variance actions.
- 25 (5) *General considerations.* The city may consider the following factors in granting variances and
26 imposing conditions on variances and conditional uses in floodplains:
- 27 a. The potential danger to life and property due to increased flood heights or velocities
28 caused by encroachments.
- 29 b. The danger that materials may be swept onto other lands or downstream to the injury
30 of others.
- 31 c. The proposed water supply and sanitation systems, if any, and the ability of these
32 systems to minimize the potential for disease, contamination and unsanitary
33 conditions.
- 34 d. The susceptibility of any proposed use and its contents to flood damage and the effect
35 of such damage on the individual owner.
- 36 e. The importance of the services to be provided by the proposed use to the community.
- 37 f. The requirements of the facility for a waterfront location.
- 38 g. The availability of viable alternative locations for the proposed use that are not subject
39 to flooding.
- 40 h. The compatibility of the proposed use with existing development and development
41 anticipated in the foreseeable future.
- 42 i. The relationship of the proposed use to the comprehensive land use plan and flood
43 plain management program for the area.
- 44 j. The safety of access to the property in times of flood for ordinary and emergency
45 vehicles.
- 46 k. The expected heights, velocity, duration, rate of rise and sediment transport of the
47 flood waters expected at the site.
- 48 (6) *Submittal of hearing notices to the department of natural resources (DNR).* The zoning
49 administrator must submit hearing notices for proposed variances to the DNR sufficiently in

-
- 1 advance to provide at least ten days' notice of the hearing. The notice may be sent by
2 electronic mail or U.S. Mail to the respective DNR area hydrologist.
- 3 (7) *Submittal of final decisions to the DNR.* A copy of all decisions granting variances must be
4 forwarded to the DNR within ten days of such action. The notice may be sent by electronic
5 mail or U.S. Mail to the respective DNR area hydrologist.
- 6 (8) *Record-keeping.* The zoning administrator must maintain a record of all variance actions,
7 including justification for their issuance, and must report such variances in an annual or
8 biennial report to the administrator of the National Flood Insurance Program, when
9 requested by the Federal Emergency Management Agency.
- 10 (D) *Conditional uses.*
- 11 (1) *Processing.* An application for a conditional use permit under the provisions of this
12 subdivision will be processed and reviewed in accordance with section 130 of the City Code.
- 13 (2) *Factors used in decision-making.* In passing upon conditional use applications, the city council
14 will consider all relevant factors specified in other sections of this subdivision, and those
15 factors identified in section 928(C)(5).
- 16 (3) *Conditions attached to conditional use permits.* The city council may attach such conditions
17 to the granting of conditional use permits as it deems necessary to fulfill the purposes of this
18 subdivision. Such conditions may include, but are not limited to, the following:
- 19 a. Modification of waste treatment and water supply facilities.
- 20 b. Limitations on period of use, occupancy, and operation.
- 21 c. Imposition of operational controls, sureties, and deed restrictions.
- 22 d. Requirements for construction of channel modifications, compensatory storage, dikes,
23 levees, and other protective measures.
- 24 e. Floodproofing measures, in accordance with the Minnesota State Building Code and
25 this subdivision. The applicant must submit a plan or document certified by a registered
26 professional engineer or architect that the floodproofing measures are consistent with
27 the regulatory flood protection elevation and associated flood factors for the particular
28 area.
- 29 (4) *Submittal of hearing notices to the department of natural resources (DNR).* The zoning
30 administrator must submit hearing notices for proposed conditional uses to the DNR
31 sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be
32 sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- 33 (5) *Submittal of final decisions to the DNR.* A copy of all decisions granting conditional uses must
34 be forwarded to the DNR within ten days of such action. The notice may be sent by electronic
35 mail or U.S. Mail to the respective DNR area hydrologist.

36
37 **929 Nonconformities in Floodplains**

- 38 (A) *Continuance of nonconformities.* A use, structure, or occupancy of land which was lawful before the
39 passage or amendment of this subdivision but which is not in conformity with the provisions of this
40 subdivision may be continued subject to the following conditions. Historic structures are subject to
41 the provisions of only subsections (1) through (5) below.
- 42 (1) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or
43 altered in a way that increases its flood damage potential or degree of obstruction to flood
44 flows except as provided in subsection (2) below. Expansion or enlargement of uses,
45 structures or occupancies within the floodway district is prohibited.
- 46 (2) Any addition or structural alteration to a nonconforming structure or nonconforming use that
47 would result in increasing its flood damage potential must be protected to the regulatory
48 flood protection elevation in accordance with any of the elevation on fill or floodproofing

1 techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the Minnesota State
2 Building Code, except as further restricted in subsections (3) and (6) below.

- 3 (3) If the cost of all previous and proposed alterations and additions exceeds 50 percent of the
4 market value of any nonconforming structure, then the entire structure must meet the
5 standards of section 923 or 924 for new structures depending upon whether the structure is
6 in the floodway or flood fringe district, respectively. The cost of all structural alterations and
7 additions must include all costs such as construction materials and a reasonable cost placed
8 on all manpower or labor.
- 9 (4) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more
10 than one year, any future use of the premises must conform to this subdivision. The assessor
11 must notify the zoning administrator in writing of instances of nonconformities that have
12 been discontinued for a period of more than one year.
- 13 (5) If any nonconformity is substantially damaged it may not be reconstructed except in
14 conformity with the provisions of this subdivision. The applicable provisions for establishing
15 new uses or new structures in sections 923 or 924 will apply depending upon whether the use
16 or structure is in the floodway or flood fringe, respectively.
- 17 (6) Any substantial improvement to a nonconforming structure requires that the existing
18 structure and any additions must meet the requirements of sections 923 or 924 for new
19 structures, depending upon whether the structure is in the floodway or flood fringe district.
20

21
22 **930 Penalties and enforcement in floodplains**

- 23 (A) *Violation constitutes a misdemeanor.* Violation of the provisions of this subdivision or failure to
24 comply with any of its requirements (including violations of conditions and safeguards established
25 in connection with grants of variances or conditional uses) constitute a misdemeanor and will be
26 punishable as defined by law.
- 27 (B) *Other lawful action.* Nothing in this subdivision restricts the city from taking such other lawful action
28 as is necessary to prevent or remedy any violation. If the responsible party does not appropriately
29 respond to the zoning administrator within the specified period of time, each additional day that
30 lapses will constitute an additional violation of this subdivision and will be prosecuted accordingly.
- 31 (B) *Enforcement.* In responding to a suspected code violation, the zoning administrator and city council
32 may utilize the full array of enforcement actions available to it including but not limited to
33 prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a
34 request to the National Flood Insurance Program for denial of flood insurance availability to the
35 guilty party. The city must act in good faith to enforce these official controls and to correct code
36 violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance
37 Program.
38

39 **931 Amendments of Floodplains**

- 40 (a) *Floodplain designation—Restrictions on removal.* The floodplain designation on the official zoning
41 map must not be removed from floodplain areas unless it can be shown that the designation is in
42 error or that the area has been filled to or above the elevation of the regulatory flood protection
43 elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be
44 permitted by the commissioner of the department of natural resources (DNR) if the commissioner
45 determines that, through other measures, lands are adequately protected for the intended use.
- 46 (b) *Amendments require DNR approval.* All amendments to this subdivision must be submitted to and
47 approved by the commissioner of the department of natural resources (DNR) prior to adoption. The
48 commissioner must approve the amendment prior to city approval.

1 (c) *Map revisions require ordinance amendments.* The floodplain district regulations must be amended
2 to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps
3 adopted in section 921(C).
4
5

6 940 Shoreland Management Overlay District

7 (A) *Statutory authorization.* The ordinance from which this subdivision is derived is adopted pursuant
8 to the authorization and policies contained in Minn. Stats. ch. 103F, Minn. Rules pts. 6120.2500—
9 6120.3900, and the planning and zoning enabling legislation in Minn. Stats. ch. 462.

10 (B) *Policy.* The uncontrolled use of shorelands of the city affects the public health, safety and general
11 welfare not only by contributing to pollution of public waters, but also by impairing the local tax
12 base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the
13 wise subdivision, use and development of shorelands of public waters. The state legislature has
14 delegated responsibility to local governments of the state to regulate the subdivision, use and
15 development of the shorelands of public waters and thus preserve and enhance the quality of
16 surface waters, conserve the economic and natural environmental values of shorelands, and
17 provide for the wise use of waters and related land resources. This responsibility is recognized by
18 the city.

19 (C) *Jurisdiction.* The provisions of this subdivision shall apply to the shorelands of the public water
20 bodies as classified in section 942. Pursuant to Minn. Rules pts. 6120.2500—6120.3900, no lake,
21 pond, or flowage less than ten acres in size in municipalities or 25 acres in size in unincorporated
22 areas need be regulated in a local government's shoreland regulations. A body of water created by
23 a private user where there was no previous shoreland may, at the discretion of the city council, be
24 exempt from this subdivision.

25 (D) *Compliance.* The use of any shoreland of public waters; the size and shape of lots; the use, size, type
26 and location of structures on lots; the installation and maintenance of water supply and waste
27 treatment systems, the grading and filling of any shoreland area; the cutting of shoreland
28 vegetation; and the subdivision of land shall be in full compliance with the terms of this subdivision
29 and other applicable regulations.
30

31 941 Shoreland Management Overlay District Administration

32 (A) *Permits required.*

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

40 (2) A permit authorizing an addition to an existing structure shall stipulate that an identified
41 nonconforming noncomplying sewage treatment system, as defined by Chapter 113, shall be
42 reconstructed or replaced in accordance with the provisions of this subdivision.

43 (B) *Certificate of zoning compliance.* The zoning administrator shall issue a certificate of zoning
44 compliance for each activity requiring a permit as specified in this subdivision. This certificate will
45 specify that the use of land conforms to the requirements of this subdivision. Any use, arrangement,
46 or construction at variance with that authorized by permit shall be deemed a violation of this
47 subdivision and shall be punishable as provided in this subdivision.

48 (C) *Variances.* Variances may only be granted in accordance with section 120 and Minn. Stats. ch. 462,
49 as applicable. In addition to the criteria established in section 120, the board of adjustment must

also determine whether the property is used seasonally or year-round. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. For existing developments, the application for variance must include documentation, either through existing records or an inspection report by a licensed Minnesota Pollution Control Agency septic inspector, documenting that a **conforming complying** individual sewage treatment system is present for the intended use of the property. If a variance is issued that will have the effect of allowing additional bedroom on the property, the property owner shall be required, if necessary, to upgrade the **nonconforming noncomplying** individual sewage treatment system in conjunction with the issuance of the variance. If the variance does not have the effect of allowing additional bedrooms, the property owner shall have a maximum of two years to upgrade the **nonconforming noncomplying** system. ~~A failed system determined to be an imminent public health threat must be reconstructed within 45 days, regardless of the intended use permitted by the variance.~~

(D) *Notifications to the department of natural resources.*

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

942 Shoreland Classification System and Land Use Districts; Shoreland Management

(A) *Shoreland classification system.*

- (1) The **public** waters of the city have been classified in subsection (a)(2) of this section consistent with the criteria found Minn. Rules pt. 6120.3300, and the **public** waters inventory map for the county. In order to guide the wise development and utilization of shorelands of **public** waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, certain **public** waters in the city have been given a shoreland management classification.
- (2) These **public** waters of the city have been classified by the commissioner of natural resources as follows:

	Natural Environment Lakes	DNR I.D. #
a.	Shack Eddy	2-109
b.	Itasca	2-110

	Recreational Development Lakes	DNR I.D. #
a.	Jeglens Marsh	2-111
b.	Peltzer Pond	2-112
c.	Rogers	2-104
d.	Grass (Sunfish)	2-113

	General Development Lakes	DNR I.D. #
a.	Ramsey Terrace Pond	2-114

b.	Magnesium Street Pond	2-116
c.	Industry Avenue Pond South	2-117
d.	Industry Avenue Pond North	2-118

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	Tributary Streams	Locations
a.	Trott Brook	Sections 1, 2, 3, 6, 7, 8, 9, 10, T32N, R-25W
b.	Ford Brook	Sections 1 and 2 T32N, R-25W

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

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

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943 Shoreland Overlay District Development Standards

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

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~~(B) *Conditional uses.*~~

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~~(1) All conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as defined by shoreland in section 117-1.~~

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~~(2) *Boathouses.*~~

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

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

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(B) *Zoning provisions; lot area and width standards.* The following standards shall apply to all shorelands of the public waters listed in Section 942 within the city. Where the requirements of the underlying zoning district as shown on the official Zoning Map are more restrictive than those set forth herein, then the more restrictive standards shall apply. The lot area (in square feet) and lot width standards (in feet) for single, double, triple, and quad unit residential lots created after the date of enactment of the ordinance from which this subdivision is derived for the lake and river/stream classifications are the following:

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(1) *Unsewered lakes.*

	Riparian Lots		Nonriparian Lots	
	Area	Width	Area	Width
Natural Environment:				
Single	80,000	200	80,000	200
Double	120,000	300	160,000	400
Triple	160,000	400	240,000	600

Quad	200,000	500	320,000	800
Recreational Development:				
Single	40,000	150	40,000	150
Double	80,000	225	80,000	265
Triple	120,000	300	120,000	375
Quad	160,000	375	160,000	490
General Development:				
Single	20,000	100	40,000	150
Double	40,000	180	80,000	265
Triple	60,000	260	120,000	375
Quad	80,000	340	160,000	490

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(2) Sewered lakes.

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

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(3) Stream lot width standards. There is no minimum lot size requirements for streams. The lot width standards for single-, double-, triple- and four-unit residential developments for the stream classifications are:

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

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(4) Additional special provisions.

- a. Residential subdivisions with dwelling unit densities exceeding those in the tables in subsections (e)(2) and (3) of this section can only be allowed if designed and approved as residential planned unit developments under section 117-227. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and

lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in subsection (e)(2) of this section can only be used if publicly owned sewer system service is available to the property.

b. Subdivisions of double, triple, and quad unit buildings on natural environment lakes must also meet the following standards:

1. Each building must be set back at least 200 feet from the ordinary high water level;
2. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
3. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
4. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.

c. Accessory Dwelling Units (ADU). One ~~guest cottage~~ ADU may be allowed ~~on lots meeting or exceeding the duplex lot area and width dimensions presented in subsections (e)(1) through (3) of this section,~~ provided the following standards are met:

- ~~1. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;~~
1. Where otherwise allowed by the underlying zoning district, an accessory dwelling unit (ADU) ~~A guest cottage~~ must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
2. An ~~guest cottage~~ accessory dwelling unit must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
3. Lot Area and Dimensions. The minimum lot area (square feet) required for an accessory dwelling unit is determined by lake classification (riparian/nonriparian):
 - i. For NE Lakes the minimum area must be 70,000/35,000.
 - ii. For RD lakes the minimum area must be 35,000/26,000.
 - iii. For GD lakes the minimum area must be 26,000/17,500.
 - iv. For Tributary Streams, a 115-foot lot width is needed (no minimum area for rivers/streams).

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

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

Controlled Access Lot Frontage Requirements	
Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25

100—200	20
201—300	15
301—400	10
Greater than 400	5

3. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
4. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

(C) *Placement, design, and height of structures.*

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

- a. *Structure and on-site sewage system setbacks (in feet) from ordinary high water level*.*

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

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

- b. *Additional structure setbacks.* The following additional structure setbacks apply, regardless of the classification of the water body:

Setback From:	Setback (in feet)
Top of bluff	30
Unplatted cemetery	50

Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads or streets not classified	20

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- c. *Bluff impact zones.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
 - d. *Uses without water-oriented needs.* Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
- (2) *Design criteria for structures.*
- a. *High water elevations.* Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or floodproofed must be determined as follows:
 1. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
 2. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Minn. Rules pts. 6120.5000—6120.6200 governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
 3. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
 - b. *Water-oriented accessory structures.* Each lot may have one water-oriented accessory structure not meeting the normal structure setback in this subdivision if this water-oriented accessory structure complies with the following provisions:
 1. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;
 2. The setback of the structure or facility from the ordinary high water level must be at least ten feet;
 3. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 4. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
 5. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and

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- 1 6. As an alternative for general development and recreational development
2 waterbodies, water-oriented accessory structures used solely for watercraft
3 storage, and including storage of related boating and water-oriented sporting
4 equipment, may occupy an area up to 400 square feet provided the maximum
5 width of the structure is 20 feet as measured parallel to the configuration of the
6 shoreline.
- 7 c. *Stairways, lifts, and landings.* Stairways and lifts are the preferred alternative to major
8 topographic alterations for achieving access up and down bluffs and steep slopes to
9 shore areas. Stairways and lifts must meet the following design requirements:
10 1. Stairways and lifts must not exceed four feet in width on residential lots. Wider
11 stairways may be used for commercial properties, public open-space recreational
12 properties, and planned unit developments;
13 2. Landings for stairways and lifts on residential lots must not exceed 32 square feet
14 in area. Landings larger than 32 square feet may be used for commercial
15 properties, public open-space recreational properties, and planned unit
16 developments;
17 3. Canopies or roofs are not allowed on stairways, lifts, or landings;
18 4. Stairways, lifts, and landings may be either constructed above the ground on
19 posts or pilings, or placed into the ground, provided they are designed and built
20 in a manner that ensures control of soil erosion;
21 5. Stairways, lifts, and landings must be located in the most visually inconspicuous
22 portions of lots, as viewed from the surface of the public water assuming summer,
23 leaf-on conditions, whenever practical; and
24 6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons
25 are also allowed for achieving access to shore areas, provided that the
26 dimensional and performance standards of the items in subsections (f)(2)c.1 to 5
27 of this section are complied with in addition to the requirements of Minn. Rules
28 ch. 1340.
- 29 d. *Significant historic sites.* No structure may be placed on a significant historic site in a
30 manner that affects the values of the site unless adequate information about the site
31 has been removed and documented in a public repository.
- 32 e. *Steep slopes.* The city engineer must evaluate possible soil erosion impacts and
33 development visibility from public waters before issuing a permit for construction of
34 sewage treatment systems, roads, driveways, structures, or other improvements on
35 steep slopes. When determined necessary, conditions must be attached to issued
36 permits to prevent erosion and to preserve existing vegetation screening of structures,
37 vehicles, and other facilities as viewed from the surface of public waters, assuming
38 summer, leaf-on vegetation.
- 39 (3) *Height of structures.* All structures in residential districts, except churches and nonresidential
40 agricultural structures, must not exceed 35 feet in height.
- 41 (D) *Shoreland alterations.* Alterations of vegetation and topography will be regulated to prevent erosion
42 into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent
43 bank slumping, and protect fish and wildlife habitat.
- 44 (1) *Vegetation alterations.*
45 a. Vegetation alteration necessary for the construction of structures and sewage
46 treatment systems and the construction of roads and parking areas regulated by this
47 subdivision are exempt from the vegetation alteration standards that follow.
48 b. Removal or alteration of vegetation, except for agricultural and forest management
49 uses as regulated in this subdivision is allowed subject to the following standards:

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1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - (i) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - (ii) Along rivers, existing shading of water surfaces is preserved; and
 - (iii) The provisions of this subsection (g)(1) of this section are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- (2) *Topographic alterations/grading and filling.*
- a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this subdivision must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
 - b. Public roads and parking areas are regulated by this subdivision.
 - c. Notwithstanding subsections (D)(2)a and b of this section, a grading and filling permit will be required for:
 1. The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and
 2. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
 - d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
 1. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland. This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the state department of natural resources, or the United States Army Corps of Engineers. The applicant will be so advised.
 - (i) Sediment and pollutant trapping and retention;
 - (ii) Storage of surface runoff to prevent or reduce flood damage;
 - (iii) Fish and wildlife habitat;
 - (iv) Recreational use;
 - (v) Shoreline or bank stabilization; and
 - (vi) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

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2. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
 3. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
 4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 5. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
 6. Fill or excavated material must not be placed in a manner that creates an unstable slope;
 7. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
 8. Fill or excavated material must not be placed in bluff impact zones;
 9. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minn. Stats. § 103G.245;
 10. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 11. Placement of natural rock rip-rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the rip-rap is within ten feet of the ordinary high water level, and the height of the rip-rap above the ordinary high water level does not exceed three feet.
- e. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.
- (3) *Placement and design of roads, driveways, and parking areas.*
- a. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
 - b. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
 - c. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this section are met. For private facilities, the grading and filling provisions of subsection (g)(2) of this section must be met.
- (4) *Stormwater management.* The following general and specific standards shall apply:
- a. *General standards:*

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1. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
- b. *Specific standards:*
1. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
 2. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
 3. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- (5) *Special provisions for commercial, industrial, public/semipublic, agricultural, forestry and extractive uses and mining of metallic minerals and peat.*
- a. *Standards for commercial, industrial, public, and semipublic uses.*
1. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - (i) In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this subdivision, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
 - (ii) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - (iii) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - A. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
 - B. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If

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illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

C. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

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

b. *Agriculture use standards.*

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

2. Animal feedlots ~~must meet the following standards:~~ are not permitted in the Shoreland Overlay.

~~(i) — New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and~~

~~(ii) — Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.~~

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

d. *Extractive use standards.*

1. *Site development and restoration plan.* An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

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

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- 1 e. *Mining of metallic minerals and peat.* Mining of metallic minerals and peat, as defined
2 in Minn. Stats. §§ 93.44—93.51, shall be a permitted use provided the provisions of
3 Minn. Stats. §§ 93.44—93.51, are satisfied.
- 4 (6) *Conditional uses.* Conditional uses allowable within shoreland areas shall be subject to the
5 review and approval procedures, and criteria and conditions for review of conditional uses
6 established communitywide. The following additional evaluation criteria and conditions apply
7 within shoreland areas:
- 8 a. *Evaluation criteria.* A thorough evaluation of the waterbody and the topographic,
9 vegetation, and soils conditions on the site must be made to ensure:
- 10 1. The prevention of soil erosion or other possible pollution of public waters, both
11 during and after construction;
- 12 2. The visibility of structures and other facilities as viewed from public waters is
13 limited;
- 14 3. The site is adequate for water supply and on-site sewage treatment; and
15 4. The types, uses, and numbers of watercraft that the project will generate are
16 compatible in relation to the suitability of public waters to safely accommodate
17 these watercraft.
- 18 b. *Conditions attached to conditional use permits.* The city council, upon consideration of
19 the criteria listed in subsection (g)(6)a of this section and the purposes of this
20 subdivision, shall attach such conditions to the issuance of the conditional use permits
21 as it deems necessary to fulfill the purposes of this subdivision. Such conditions may
22 include, but are not limited to, the following:
- 23 1. Increased setbacks from the ordinary high water level;
- 24 2. Limitations on the natural vegetation to be removed or the requirement that
25 additional vegetation be planted; and
- 26 3. Special provisions for the location, design, and use of structures, sewage
27 treatment systems, watercraft launching and docking areas, and vehicle parking
28 areas.
- 29 (7) *Water supply and sewage treatment.*
- 30 a. *Water supply.* Any public or private supply of water for domestic purposes must meet
31 or exceed standards for water quality of the state department of health and the state
32 pollution control agency.
- 33 b. *Sewage treatment.* Any premises used for human occupancy must be provided with an
34 adequate method of sewage treatment, as follows:
- 35 1. Publicly owned sewer systems must be used where available.
- 36 2. All private sewage treatment systems must meet or exceed the Minn. Rules. ch.
37 7080, a copy of which is adopted by reference and declared to be a part of this
38 subdivision.
- 39 3. On-site sewage treatment systems must be set back from the ordinary high water
40 level in accordance with the setbacks contained in this subdivision.
- 41 4. All proposed sites for individual sewage treatment systems shall be evaluated in
42 accordance with the criteria in subsections (g)(7)b.4(i) through (iv) of this section.
43 If the determination of a site's suitability cannot be made with publicly available,
44 existing information, it shall then be the responsibility of the applicant to provide
45 sufficient soil borings and percolation tests from on-site field investigations.
46 Evaluation criteria:
- 47 (i) Depth to the highest known or calculated groundwater table or bedrock;
- 48 (ii) Soil conditions, properties, and permeability;
- 49 (iii) Slope;

- (iv) The existence of lowlands, local surface depressions, and rock outcrops.
- 5. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with section 935

944 Shoreland Overlay PUDs

- (A) *Types of PUDs permissible.* Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in this subdivision and the official zoning map.
- (B) *Processing of PUDs.* Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six or less new dwelling units or sites since the adoption date of the ordinance from which this subdivision is derived is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures. Approval cannot occur until the environmental review process (EAW/EIS) is complete.
- (C) *Application for a PUD.* The applicant for a PUD must submit the following documents prior to final action being taken on the application request:
 - (1) A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
 - (2) A property owners association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of this subdivision.
 - (3) Deed restrictions, covenants, permanent easements or other instruments that:
 - a. Properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
 - b. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in this subdivision.
 - (4) When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
 - (5) Those additional documents as requested by the city that are necessary to explain how the PUD will be designed and will function.
- (D) *Site "suitable area" evaluation.* Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation.
 - (1) The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

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

All river classes	300	300
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(2) The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

(E) *Residential and commercial PUD density evaluation.* The procedures for determining the base density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

(1) *Residential PUD base density evaluation.* The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, suitability analysis, and the design criteria contained herein.

(2) *Commercial PUD base density evaluation.*

a. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

b. Select the appropriate floor area ratio from the following table:

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

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

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

- c. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- d. Divide the total floor area by tier computed in subsection (e)(2)c of this section by the average inside living area size determined in subsection (e)(2)a of this section. This yields a base number of dwelling units and sites for each tier.
- e. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria.

(3) *Density increase multipliers.*

- a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards are met or exceeded and the design criteria are satisfied. The allowable density increases in subsection (e)(3)b of this section will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
- b. Allowable dwelling unit or dwelling site density increases for residential or commercial planned unit developments:

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

(4) *Maintenance and design criteria.*

- a. *Maintenance and administration requirements.*
 - 1. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
 - 2. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - (i) Commercial uses prohibited (for residential PUDs);
 - (ii) Vegetation and topographic alterations other than routine maintenance prohibited;
 - (iii) Construction of additional buildings or storage of vehicles and other materials prohibited; and
 - (iv) Uncontrolled beaching of watercraft prohibited.

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3. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
 - (i) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 - (ii) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 - (iii) Assessments must be adjustable to accommodate changing conditions; and
 - (iv) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
- b. *Open space requirements.* Planned unit developments must contain open space meeting all of the following criteria:
 1. At least 50 percent of the total project area must be preserved as open space;
 2. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
 3. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
 4. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 5. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
 6. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
 7. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
 8. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUDs, at least 50 percent of the shore impact zone must be preserved in its natural state.
- c. *Erosion control and stormwater management.* Erosion control and stormwater management plans must be developed and the PUD must:
 1. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and

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- 1 2. Be designed and constructed to effectively manage reasonably expected
2 quantities and qualities of stormwater runoff. Impervious surface coverage
3 within any tier must not exceed 25 percent of the tier area, except that for
4 commercial PUDs 35 percent impervious surface coverage may be allowed in the
5 first tier of general development lakes with an approved stormwater
6 management plan and consistency with this subdivision.
- 7 d. *Centralization and design of facilities.* Centralization and design of facilities and
8 structures must be done according to the following standards:
- 9 1. Planned unit developments must be connected to publicly owned water supply
10 and sewer systems, if available. On-site water supply and sewage treatment
11 systems must be centralized and designed and installed to meet or exceed
12 applicable standards or rules of the state department of health and this
13 subdivision. On-site sewage treatment systems must be located on the most
14 suitable areas of the development, and sufficient lawn area free of limiting factors
15 must be provided for a replacement soil treatment system for each sewage
16 system;
- 17 2. Dwelling units or sites must be clustered into one or more groups and located on
18 suitable areas of the development. They must be designed and located to meet
19 or exceed the following dimensional standards for the relevant shoreland
20 classification: setback from the ordinary high water level, elevation above the
21 surface water features, and maximum height. Setbacks from the ordinary high
22 water level must be increased in accordance with this subdivision for
23 developments with density increases;
- 24 3. Shore recreation facilities, including but not limited to swimming areas, docks,
25 and watercraft mooring areas and launching ramps, must be centralized and
26 located in areas suitable for them. Evaluation of suitability must include
27 consideration of land slope, water depth, vegetation, soils, depth to groundwater
28 and bedrock, or other relevant factors. The number of spaces provided for
29 continuous beaching, mooring, or docking of watercraft must not exceed one for
30 each allowable dwelling unit or site in the first tier (notwithstanding existing
31 mooring sites in an existing commercially used harbor). Launching ramp facilities,
32 including a small dock for loading and unloading equipment, may be provided for
33 use by occupants of dwelling units or sites located in other tiers;
- 34 4. Structures, parking areas, and other facilities must be treated to reduce visibility
35 as viewed from public waters and adjacent shorelands by vegetation, topography,
36 increased setbacks, color, or other means acceptable to the local unit of
37 government, assuming summer, leaf-on conditions. Vegetative and topographic
38 screening must be preserved, if existing, or may be required to be provided;
- 39 5. Accessory structures and facilities, except water oriented accessory structures,
40 must meet the required principal structure setback and must be centralized; and
41 6. Water-oriented accessory structures and facilities may be allowed if they meet or
42 exceed design standards contained in this subdivision and are centralized.
- 43 (5) *Conversions.* Local governments may allow existing resorts or other land uses and facilities to
44 be converted to residential planned unit developments if all of the following standards are
45 met:
- 46 a. Proposed conversions must be initially evaluated using the same procedures for
47 residential planned unit developments involving all new construction. Inconsistencies
48 between existing features of the development and these standards must be identified.

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- 1 b. Deficiencies involving water supply and sewage treatment, structure color, impervious
2 coverage, open space, and shore recreation facilities must be corrected as part of the
3 conversion or as specified in the conditional use permit.
- 4 c. Shore and bluff impact zone deficiencies must be evaluated and reasonable
5 improvements made as part of the conversion. These improvements must include,
6 where applicable, the following:
- 7 1. Removal of extraneous buildings, docks, or other facilities that no longer need to
8 be located in shore or bluff impact zones;
- 9 2. Remedial measures to correct erosion sites and improve vegetative cover and
10 screening of buildings and other facilities as viewed from the water; and
- 11 3. If existing dwelling units are located in shore or bluff impact zones, conditions are
12 attached to approvals of conversions that preclude exterior expansions in any
13 dimension or substantial alterations. The conditions must also provide for future
14 relocation of dwelling units, where feasible, to other locations, meeting all
15 setback and elevation requirements when they are rebuilt or replaced.
- 16 d. Existing dwelling unit or dwelling site densities that exceed standards may be allowed
17 to continue but must not be allowed to be increased, either at the time of conversion
18 or in the future. Efforts must be made during the conversion to limit impacts of high
19 densities by requiring seasonal use, improving vegetative screening, centralizing shore
20 recreation facilities, installing new sewage treatment systems, or other means.

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22 **935 Shoreland Overlay District Nonconformities**

23 All legally established nonconformities as of the date of the ordinance from which this subdivision is
24 derived may continue, but they will be managed according to applicable state statutes and other
25 regulations of this community for the subjects of alterations and additions, repair after damage,
26 discontinuance of use, and intensification of use; except that the following standards will also apply in
27 shoreland areas:

28 **(A) Construction on nonconforming lots of record.**

- 29 (1) Lots of record in the office of the county recorder on the date of enactment of local shoreland
30 controls that do not meet the requirements of this subdivision may be allowed as building
31 sites without variances from lot size requirements provided the use is permitted in the zoning
32 district, the lot has been in separate ownership from abutting lands at all times since it
33 became substandard, was created compliant with official controls in effect at the time, and
34 sewage treatment and setback requirements of this subdivision are met.
- 35 (2) A variance from setback requirements must be obtained before any use, sewage treatment
36 system, or building permit is issued for a lot. In evaluating the variance, the **Planning**
37 **Commission** shall consider sewage treatment and water supply capabilities or constraints of
38 the lot and shall deny the variance if adequate facilities cannot be provided.
- 39 (3) If, in a group of two or more contiguous lots under the same ownership, any individual lot
40 does not meet the requirements of this subdivision, the lot must not be considered as a
41 separate parcel of land for the purposes of sale or development. The lot must be combined
42 with the one or more contiguous lots so they equal one or more parcels of land, each meeting
43 the requirements of this subdivision as much as possible.

44 **(B) Additions/expansions to nonconforming structures.**

- 45 (1) All additions or expansions to the outside dimensions of an existing nonconforming structure
46 must meet the setback, height, and other requirements of this subdivision. Any deviation
47 from these requirements must be authorized by a variance.

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- 1 (2) Deck additions may be allowed without a variance to a structure not meeting the required
2 setback from the ordinary high water level if all of the following criteria and standards are
3 met:
- 4 a. The structure existed on the date the structure setbacks were established;
 - 5 b. A thorough evaluation of the property and structure reveals no reasonable location for
6 a deck meeting or exceeding the existing ordinary high water level setback of the
7 structure;
 - 8 c. The deck encroachment toward the ordinary high water level does not exceed 15
9 percent of the existing setback of the structure from the ordinary high water level or
10 does not encroach closer than 30 feet, whichever is more restrictive; and
 - 11 d. The deck is constructed primarily of wood, and is not roofed or screened.
- 12 (C) *Nonconforming Noncomplying sewage treatment systems.*
- 13 (1) A sewage treatment system not meeting the requirements of chapter 113, article II must be
14 upgraded, at a minimum, at any time a variance of any type is required for any improvement
15 on, or use of, the property. For the purposes of this provision, a sewage treatment system
16 shall not be considered nonconforming if the only deficiency is the sewage treatment system's
17 improper setback from the ordinary high water level.
 - 18 (2) The city has adopted the following by reference: Minn. Rules pts. 7080.0020, 7080.0060,
19 7080.0065, 7080.0110, 7080.0120, 7080.0125, 7080.0150, 7080.0160, 7080.0170, 7080.0175
20 7080.0176, being the sections containing the technical standards and criteria contained in the
21 "Individual Sewage Treatment Systems Program." The city currently requires and monitors
22 septic system pumping permits that indicate the status of each system. The city will require
23 upgrading or replacement of any nonconforming system within a reasonable period of time,
24 which will not exceed two years following issuance of written notification from the city to the
25 property owner of said nonconforming system. Sewage systems installed according to all
26 applicable local shoreland management standards adopted under Minn. Stats. §§ 103F.201—
27 103F.221 in effect at the time of installation may be considered as conforming unless they are
28 determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or
29 other deep disposal methods, or systems with less soil treatment area separation above
30 groundwater than required by Minn. Rules ch. 7080 for design of on-site sewage treatment
31 systems, shall be considered nonconforming.

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34 **950 Scenic River Protection Overlay District**

35 The purpose of this subdivision is to control bluff land and river land development in order to protect and
36 preserve the outstanding scenic, recreational, natural, historical, and scenic values of the Rum River in
37 Ramsey, Minnesota, in a manner consistent with Minn. Stats. §§ 103F.301—103F.345.84, Minn. Rules pts.
38 6105.0010—6105.0250, 6105.1400—6105.1500.

39
40 **951 Scope and Interpretation**

- 41 (A) The provisions of this subdivision shall apply within the designated Scenic River Land Use District of
42 the Rum River in accordance with the property descriptions contained in Minn. Rules pt. 6105.1400.
- 43 (B) In their interpretation and application, the provisions of this subdivision shall be held to be
44 minimum requirements, and shall not be deemed a limitation or repeal of any powers or rights
45 granted by Minnesota Statutes.
- 46 (C) It is not intended by this subdivision to repeal, abrogate, or impair any existing easement,
47 covenants, deed restrictions, or land use controls. Where this subdivision imposes greater
48 restrictions, the provisions of this subdivision shall prevail.

(D) Compliance. The use of any land within the Scenic River Land Use District; the size and shape of lots; the use and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, or dredging of any river area; the cutting of vegetation or alteration of the natural topography within the district; and the subdivision of land shall be in full compliance with the terms of this subdivision and other applicable regulations. Permits from the zoning authority are required by this Code, for the construction of buildings, public or private water supply and sewage treatment systems, the grading and filling of the natural topography, and erection of signs within the Scenic River Land Use District of the Rum River.

952 District Application

- (A) The Scenic River Land Use District of the Rum River, within the city, is divided into two areas: ~~The portion of the Scenic River Land Use District located within the~~ along the line between the North and South half of Section 19, Township 32, Range 24. ~~of this chapter~~ South of that line shall be classified as an urban district area; and ~~the remainder of the Scenic River Land Use District within the city~~ north of that line shall be classified as a rural district area.
- (B) The Scenic River Land Use District shall be shown on the official zoning map, as shall the urban and rural area portions of the district contained therein.
- (C) The provisions of Minn. Rules pts. 6105.0010—6105.0250 shall apply within the Scenic River Land Use District, as specified in the Minn. Rules pts. 6105.1400—6105.1500. Where the provisions of this Code are in conflict with Minn. Rules pts. 6105.1400—6105.1500, the provisions of Minn. Rules pts. 6105.1400—6105.1500 shall apply. Copies of Minn. Rules pts. 6105.0010—6105.0250 and 6105.1400—6105.1500 shall be kept on file in the office of the administrator.

953 Scenic River Protection Overlay District Uses

- (A) *Urban area.* The urban area of the Scenic River Land Use District is designated the Urban Area Overlay District.
 - (1) Permitted uses are all permitted uses allowed and regulated by the applicable zoning district underlying the urban area overlay district, as indicated on the official zoning map of the city, except that public roads, utility crossings, and all private and commercial recreation uses shall be conditional uses.
 - (2) Conditional uses are all conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying the urban area overlay district, as indicated on the official zoning map of the city.
- (B) *Rural areas.* The uses allowed within the rural area of the Rum River Scenic Land Use District shall be those prescribed for a Scenic River Minn. Rules pt. 6105.0100 as follows:

	Scenic River	
(1)	Governmental campgrounds, subject to management plan specifications and the provisions of section 117-261(g). *	P*
(2)	Private campgrounds, subject to management plan specifications and the provisions of section 959(G).	C**
(3)	Public accesses, road access type with boat launching facilities subject to management plan specifications and the provisions of section 959(G).	P
(4)	Public accesses, trail access type, subject to management plan specifications and the provisions of section 959(G).	P
(5)	Temporary docks.	C
(6)	Other governmental open space recreational uses, subject to management plan specifications and the provisions of section 117-261(g).	P

(7)	Other private open space recreational uses, subject to management plan specifications and the provisions of section 959(G).	C
(8)	Agricultural uses.	P
(9)	Single-family residential uses.	P
(10)	Forestry uses.	P
(11)	Essential services.	P
(12)	Sewage disposal systems.	P
(13)	Private roads and minor public streets.	P
(14)	Signs approved by federal, state, or local government which are necessary for public health and safety and signs indicating areas that are available or not available for public use.	P
(15)	Signs not visible from the river that are not specified in section 951(E).	P
(16)	Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads.	P
(17)	Underground mining that does not involve surface excavation in the Land Use District.	C
(18)	Utility transmission power lines and pipelines, subject to the provisions of section 958(C).	C
(19)	Public roads, subject to the provisions in section 958(D).	C

P* means permitted use

C** means conditional use

954 District Provisions

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

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

(10)	Controlled vegetative cutting area measured from the ordinary high water level	100'	75'	75'
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- *Does not apply to buildings used primarily for agricultural purposes.
- **Includes all structures, surfaced roads, parking lots, and other impervious areas.
- ***Where practical and feasible, all roads and parking areas shall meet the setback requirements established for structures in subsection (9) of this section.

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

(1)	Minimum lot size above ordinary high water level	
	Riparian lots	4 acres
	Non-riparian lots	2½ acres
(2)	Lot width at building line	300 feet
(3)	Lot width at ordinary high water level	300 feet
(4)	Building setback from ordinary high water level	150 feet
(5)	Building setback from bluff line	30 feet
(6)	On-site sewage treatment system setback from ordinary high water level	100 feet
(7)	Maximum structure height*	35 feet
(8)	Controlled vegetative cutting area (see section 958(A))	
	Setback from ordinary high water level	150 feet
	Setback from bluff line	30 feet

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

- (C) Trott Brook is a designated tributary of the Rum River and the following setbacks shall also apply:
- (1) Building setback from the OHW level of Trott Brook: 100 feet.
 - (2) On-site sewage treatment system setback from OHW level of Trott Brook: 75 feet.
 - (3) Controlled vegetative cutting area setback from ordinary high water level of Trott Brook: 100 feet. (See section 958(A).)

955 Sanitary Provisions; Sewage Disposal and Water Supply

- (A) Any premises intended for human occupancy must provide for an adequate method of sewage treatment. Public or municipal collection and treatment facilities must be used where available and feasible. Where public or municipal facilities are not available, all on-site individual sewer treatment systems shall conform to the minimum standards and administration procedures set forth in other applicable city regulations and the minimum standards of the Minnesota Pollution Control Agency (Minn. Rules ch. 7080) and section 954.
- (B) No person, firm, or corporation shall install, alter, repair, or extend any individual sewer disposal system or private well without first obtaining a permit for such action from the zoning authority for

1 the specific installation, alteration, repair, or extension. Prior to issuance of any such permit, the
2 zoning authority may require that soil boring tests be done on the proposed site to determine
3 whether or not the site is capable of supporting a conforming sewage treatment system.

4 ~~(D) Any public or private supply of water for domestic purposes must conform to state department of~~
5 ~~health standards for water quality and the administrative procedures of other applicable local~~
6 ~~ordinances.~~

7
8 956 Placement of Structures

9
10 (A) Structures proposed within a floodplain area shall be consistent with all floodplain management
11 regulations of the city.

12 (B) No structure shall be placed on any slope greater than 12 percent (12 feet vertical rise in 100 feet
13 horizontal distance) unless such structures can be screened. Sewage disposal facilities can be
14 installed so as to comply with the sanitary provisions of section 955, and the permit applicant can
15 prove to the zoning authority that any potential erosion or sedimentation problems related to
16 locating such a structure either do not exist, or that adequate measures will be taken to prevent
17 such problems through special construction methods.

18
19 957 Subdivision of Land in Scenic River Overlay District

20
21 (A) No land shall be subdivided which is determined by the city, or the commissioner of natural
22 resources, to be unsuitable by reason of flooding, inadequate drainage, soil and rock formations
23 with severe limitations for development, severe erosion potential, unfavorable topography,
24 inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful
25 to the health, safety, or welfare of the future residents of the proposed subdivision or the
26 community. Soil percolation rate tests and soil borings shall be required on each proposed
27 subdivision within the Rum Scenic River Land Use District, to establish the suitability of the land for
28 development. Such testing is required before any final plat may be approved, but may be waived
29 by the zoning administrator when adequate data is already available.

30 (B) Planned unit or cluster developments may be allowed in the Scenic River Land Use District if
31 preliminary plans are first approved by the commissioner of natural resources and the applicable
32 provisions of Minn. Rules pts. 6105.0010—6105.0250 pertaining to such development are satisfied,
33 and the provisions of this Code are satisfied.

34
35 958 Landscape Alterations

36 (A) *Vegetative cutting.*

37 (1) The vegetative cutting provisions of this section shall apply to those areas as specified in
38 section 954.

39 (2) General provisions within designated setback areas:

40 a. Clear-cutting, except for any authorized public services such as roads and utilities, shall
41 not be permitted.

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

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

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

-
- 1 2. Pruning understory vegetation, shrubs, plants, brushes, grasses, or from
2 harvesting crops, or cutting suppressed trees or trees less than four inches in
3 diameter at breast height.
- 4 (3) Clear-cutting. Clear-cutting anywhere within the Scenic River Land Use District of the Rum
5 River is subject to the following standards and criteria:
- 6 a. Clear-cutting shall not be used as a cutting method where soil, slope, or other
7 watershed conditions are determined by the zoning authority to be fragile and subject
8 to severe erosion and/or sedimentation.
- 9 b. Clear-cutting shall be conducted only where clear-cut blocks, patches or strips are, in all
10 cases, shaped and blended with the natural terrain.
- 11 c. The size of clear-cut blocks, patches or strips shall be kept at the minimum necessary.
- 12 d. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If
13 natural regeneration will not result in adequate vegetative cover, areas in which clear-
14 cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic
15 quality of the area. Where feasible, replanting shall be performed in the same spring or
16 the following spring.
- 17 (B) *Grading, filling, alterations of the bed of public waters.*
- 18 (1) Any grading and filling work done within the Scenic River Land Use District of this section shall
19 require a permit and shall comply with the following:
- 20 a. Grading and filling of the natural topography that is not accessory to a permitted or
21 conditional use shall not be permitted in the Scenic River Land Use District.
- 22 b. Grading and filling of the natural topography that is accessory to a permitted or
23 conditional use shall not be conducted without a grading and filling permit from the
24 zoning authority. A grading and filling permit may be issued only if the conditions of the
25 following subsections (B)(1)c and d of this section are properly satisfied.
- 26 c. Grading and filling of the natural topography which is accessory to a permitted or
27 conditional use shall be performed in a manner which minimizes earthmoving, erosion,
28 tree clearing, and the destruction of natural amenities.
- 29 d. Grading and filling in of the natural topography shall also meet the following standards:
- 30 1. The smallest amount of bare ground is exposed for as short a time as feasible.
- 31 2. Temporary ground cover such as mulch is used and permanent ground cover such
32 as sod, is planted.
- 33 3. Methods to prevent erosion and to trap sediment are employed.
- 34 4. Fill is stabilized to accepted engineering standards.
- 35 (2) Excavation of material from, or filling in a wild, scenic or recreational river, or construction of
36 any permanent structures or navigational obstructions therein is prohibited unless authorized
37 by a permit from the commissioner of DNR pursuant to Minn. Stats. § 103G.245.
- 38 (3) Drainage or filling in of wetlands is not allowed within the Scenic River Land Use District
39 designated by this subdivision.
- 40 (C) *Utility transmission lines.* All utility transmission crossings of land within the Scenic River Land Use
41 District designated by this subdivision shall require a conditional use permit. The construction of
42 such transmission services shall be subject to the standards and criteria of Minn. Rules pt.
43 6105.0170. No conditional use permit shall be required for high voltage transmission lines under
44 control of the environmental quality council pursuant to Minn. Stats. § 216E.10.
- 45 (D) *Public roads.* In addition to such permits as may be required by Minn. Stats. § 103G.245, a
46 conditional use permit shall be required for any construction or reconstruction of new public roads
47 within the Scenic River Land Use District of this subdivision. Such construction or reconstruction
48 shall be subject to the standards and criteria of Minn. Rules pt. 6105.0200. A conditional use permit
49 is not required for minor public streets that are streets intended to serve primarily as an access to

1 abutting properties. Public roads include township, county, and municipal roads and highways that
2 serve or are designed to serve flows of traffic between communities or other traffic generating
3 areas.
4

5 959 Administration

6 (A) *Organization provisions.*

- 7 (1) The provisions of this subdivision shall be administered by the city's zoning authority.
8 (2) The **Planning Commission** shall act upon all questions as they arise in the administration of
9 this subdivision, to hear and decide appeals; and to review any order, requirement, decision
10 or determination made by the zoning authority, who is charged with enforcing this subdivision
11 as provided by Minnesota Statutes.
12 (3) Permit fees and inspection fees as may be established by **the annual fee schedule** shall be
13 collected by the zoning authority for deposit with the city and credited to the appropriate
14 general fund.
15 (4) **Conditional Use Permits and Planned Unit Developments** require a 30-day notice prior to the
16 **public hearing to the Department of Natural Resources.**

17 (B) *Substandard lots and uses, nonconforming uses.*

18 (1) *Substandard lots.*

- 19 a. Lots of record in the office of the county recorder on the effective day of enactment of
20 this subdivision that do not meet the dimensional requirements of this Code shall be
21 allowed as building sites; provided that such use is permitted in the land use district;
22 the lot was in separate ownership from abutting lands on the date of enactment of this
23 Code; and all sanitary and dimensional requirements are complied with to the greatest
24 extent practicable.
25 b. If in a group of two or more contiguous lots under single ownership any individual lot
26 does not meet the lot width requirements of this Code, such individual lot cannot be
27 considered as a separate parcel of land for purposes of sale or development, but must
28 be combined with adjacent lots under the same ownership so that the combination of
29 lots will equal one or more parcels of land each meeting the lot width requirements of
30 this Code, except that such lots which meet or exceed 60 percent or more of the lot
31 width standards of these regulations may be considered as a separate parcel of land for
32 the purpose of sale or development, if on-site sewage disposal systems can be installed
33 so as to comply with these regulations.

34 (2) *Nonconforming uses.*

- 35 a. *Nonconforming uses.* Uses which are prohibited by this subdivision but which are in
36 existence prior to the effective date of the ordinance from which this subdivision is
37 derived shall be nonconforming uses. Such uses shall not be intensified, enlarged, or
38 expanded beyond the permitted or delineated boundaries of the use or activity as
39 stipulated in most current permit issued prior to the adoption of the ordinance from
40 which this subdivision is derived.
41 b. *Nonconforming sanitary systems.* All sanitary facilities inconsistent with the
42 performance standards of other applicable local ordinances and the minimum
43 standards of MPCA shall be brought into conformity or discontinued within five years
44 of the date of enactment of the ordinance from which this subdivision is derived or
45 other applicable ordinances.

- 46 (3) *Substandard uses.* All uses in existence prior to the effective date of enactment or amendment
47 of the ordinance from which this subdivision is derived which meet the allowable use criteria
48 within the newly established land use district provisions of this subdivision, but do not meet
49 the minimum lot area, setback, or other dimensional requirements of this subdivision are

1 substandard uses. All substandard uses, except for substandard signs, shall be allowed to
2 continue subject to the following conditions and exceptions:

- 3 a. Any structural alteration or addition to a substandard use that will increase the
4 substandard dimensions shall not be allowed.
5 b. Substandard signs shall be gradually eliminated over a period of time not to exceed five
6 years from the date of enactment of the ordinance from which this subdivision is
7 derived.
8 c. Where a setback pattern from the ordinary high water level already has been
9 established on both sides of a proposed building site, the setback of the proposed
10 structure may be allowed to conform to that pattern. This provision shall only apply to
11 lots that do not meet the minimum lot width requirement of **section 117-256**.

12 ~~(C) Variances.~~

13 ~~(1) The grant of a variance requires the presence of the following conditions:~~

- 14 ~~a. The strict enforcement of the land use controls will result in unnecessary hardship
15 practical difficulty.
16 b. Granting of the variance is not contrary to the purpose and intent of the zoning
17 provisions herein established by these standards and criteria, and is consistent with
18 Minn. Rules pts. 6105.1400—6105.1500.
19 c. There are exceptional circumstances unique to the subject properties that were not
20 created by the landowner.
21 d. Granting of the variance will not allow any use which is neither a permitted or
22 conditional use in the land use district in which the subject property is located.
23 e. Granting of the variance will not alter the essential character of the locality as
24 established by Minn. Rules pts. 6105.1400—6105.1500.~~

25 ~~(2) All variances to the requirements of this subdivision must be certified in accordance with
26 subsection (g) of this section.~~

27 (C) *Plats.*

- 28 (1) Copies of all plats within the boundaries of the Scenic River Land Use District shall be
29 forwarded to the commissioner within ten days of final approval by the city.
30 (2) Inconsistent plats: Approval of a plat which is inconsistent with this subdivision is permissible
31 only if the detrimental impact of the inconsistency is more than overcome by other protective
32 characteristics of the proposal.

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

35 (D) *Amendments.*

- 36 (1) This subdivision may be amended whenever the public necessity and the general welfare
37 require such amendments by the procedure specified in this subdivision. Amendments to this
38 subdivision must be certified by the commissioner as specified in subsection (g) of this section.
39 (2) Requests for amendments of this subdivision shall be initiated by a petition of the owner of
40 the actual property; or by action of the council.
41 (3) An application for an amendment shall be filed with the zoning authority.
42 (4) Upon receipt in proper form of the application and other requested materials, the planning
43 commission shall conduct a public hearing in the manner prescribed in article II, division 2 of
44 this chapter.

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

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

4 (E) *Conditional use permit review.*

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

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

12 ~~(G) Certification.~~

13 ~~(1) Certain land use decisions which directly affect the use of land within the Scenic River Land Use
14 District and involve any of the following actions must be certified by the commissioner as
15 specified in subsection (g)(2) of this section.~~

16 ~~a. Adopting or amending an ordinance regulating the use of land including rezoning of particular
17 tracts of the land.~~

18 ~~b. Granting a variance from a provision of this subdivision that related to the zoning dimension
19 provisions of section 117-256 and any other zoning dimension provisions established in Minn.
20 Rules pts. 6105.1400—6105.1500.~~

21 ~~c. Approving a plat that is inconsistent with the local land use.~~

22 ~~d. Granting a conditional use permit for a private or commercial recreational development.~~

23 ~~(2) Certification process.~~

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

31 ~~b. The city shall notify the commissioner of its final decision on the proposed action within ten
32 days of the decision.~~

33 ~~c. The action becomes effective when and only when either:~~

34 ~~1. The final decision taken by the city has previously received certification of approval from
35 the commissioner;~~

36 ~~2. The city received certification of approval after its final decision;~~

37 ~~3. Thirty days have elapsed from the day the commissioner received notice of the final
38 decision, and the city has received from the commissioner neither certification of
39 approval nor notice of non approval; or~~

40 ~~4. The commissioner certifies approval within 30 days after conducting a public hearing.~~

41 ~~d. In case the commissioner gives notice of non approval of an ordinance, variance or
42 inconsistent plat, either the applicant or the administrator may, within 30 days of said notice,
43 file with the commissioner a demand for hearing. If the demand for hearing is not made within
44 30 days, the notice of non approval becomes final.~~

45 ~~1. The hearing will be held in an appropriate local community within 60 days of the demand
46 and after at least two weeks published notice.~~

47 ~~2. The hearing will be conducted in accordance with Minn. Stats. § 103G.311.~~

48 ~~3. The commissioner shall either certify approval or disapproval of the proposed action
49 within 30 days of the hearing.~~

~~e. The following recreational uses shall require certification approval by the commissioner:~~

~~1. Governmental campgrounds.~~

~~2. Private campgrounds.~~

~~3. Public accesses, road access type with boat launching facilities.~~

~~4. Public accesses, trail access type.~~

~~5. Temporary docks.~~

~~6. Other governmental open space recreational uses.~~

(F) *Enforcement.* It is declared unlawful for any person to violate any of the terms and provisions of this subdivision. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

(1) In the event of a violation or a threatened violation of this subdivision, the city or the commissioner of natural resources, in addition to other remedies may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.

(2) Any taxpayer of the city may institute mandamus proceedings in the district court to compel specific performance by the proper official of any duty required by this subdivision.

960 Tower Overlay District

Tower Overlay District. The intent of this district is to accommodate the communication needs of residents and business, while protecting the public health, safety, and general welfare of the community. The Tower Overlay District must not be applied to the Wild and Scenic River, Mississippi River Corridor Critical Area, or Shoreland Overlays.

970 Highway 10 Signage Overlay District

Highway 10 Signage Overlay District means is a district for purposes of allowing additional signage in a specified area due to limited visibility created by overpasses on Highway 10, described as all ~~commercially~~ business zoned property located within 750 feet of the centerline of Highway 10 between the eastern border of the City of Ramsey and the centerline of Llama Street. Parcels located within the COR Zoning District are excluded from this overlay district, as sign regulations for that district are located in a separate section of the City Code.

980 Game Fair Parking Overlay District

The "GF Game Fair parking overlay district," is established as shown on the official zoning map accompanying this ~~code~~ chapter. Notwithstanding the provisions of section 460 to the contrary, Game Fair parking on residentially zoned property may be permitted in required side and front yards only during the period of the annual "Game Fair" event conducted by Armstrong Kennels.

990 Wellhead Protection Overlay District

In order to protect the City's drinking water supply, the following additional standards apply to certain uses located within the Wellhead Protection Overlay District.

(A) *Gas Station, CNG Fuel Sales* must have the following:

(1) Double walled storage tanks with corrosion protection.

(2) Spill protection to catch spills that may occur during delivery of products.

(3) Overfill protection including automatic shutoff devices, overfill alarms and ball float valves or approved equal.

(4) Leak detection, including interstitial monitoring of the double walled tank.

(5) Product release monitoring, including installation of groundwater monitoring wells and monthly monitoring of these wells will be required only after a reportable leak or spill has been detected.

-
- 1 (6) Tank tightness testing on an annual basis.
 - 2 (7) Annual reports summarizing monthly monitoring results, monthly inventory control, and
 - 3 tank tightness testing.