

- 1 Green Text = Carried over 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

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8 100 Title

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

11

12 101 Authority

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

15

16 102 Purpose

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

32

33 103 Coordination with other Codes

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

38

39 104 Rules of Construction and Interpretation

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

- 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 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to
9 them in this section, except where the context clearly indicates a different meaning. If a word or term
10 defined in this chapter appears in the text, its meaning may be construed as set forth in the definition of
11 the word or term as found this section. If a word is not defined herein, a term is defined by commonly
12 used English language dictionaries.
13

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (1) *Specified anatomical areas.*

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

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

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.

25 *Alternative design.* Subdivision design methods such as conservation design, transfer of development
26 density, or similar zoning and site design techniques that protect open space and natural areas.

27 *Animal Service Business* means a business that provides veterinary care, grooming, training, and/or
28 boarding to pets and animals.

29 *Applicant* means a person who is applying for a land use application approval as required by this chapter.
30 The term "applicant" also means that person's agents, employees, and others acting under this
31 person's direction.

32 *Assisted Living, Memory Care, and Nursing Home Facilities* means a state-licensed residential structure
33 where varying levels of medical care are provided for its residents.

34 *Auto salvage.* See *Vehicle wrecking yard.*

35 *Barge fleeting.* Temporarily parking and securing barges on the river, on or off channel, while tows are
36 assembled or broken up.

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

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

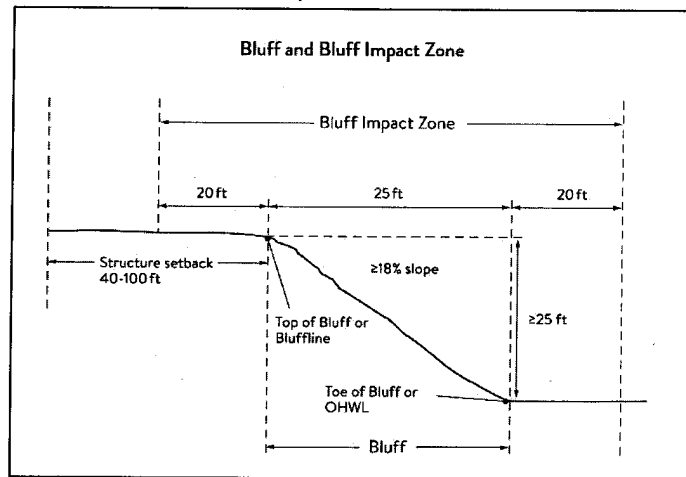
1 Management Practices," and the state department of transportation's, "Erosion Control Design
2 Manual" for suitable BMPs.)

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

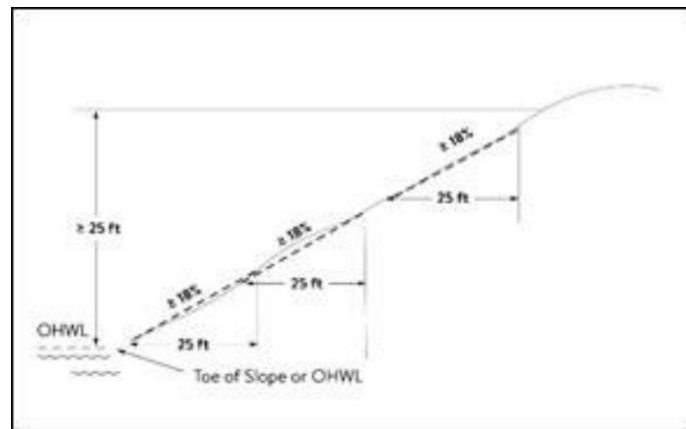
5 *Bluff.* A natural topographic feature having:

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

Figure 1. Bluff and Bluff Impact Zone



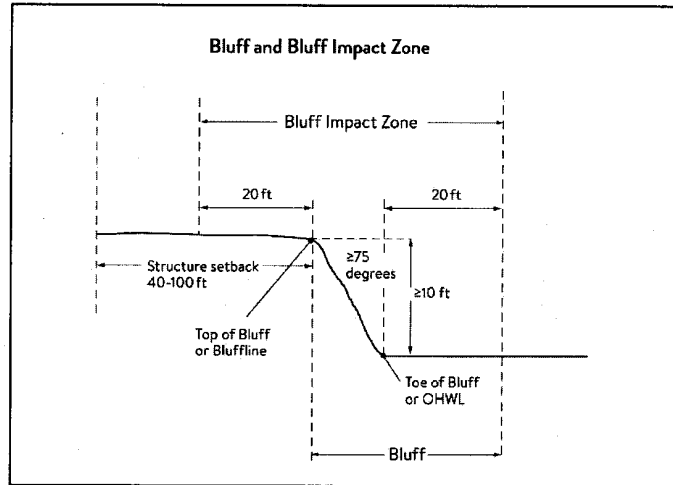
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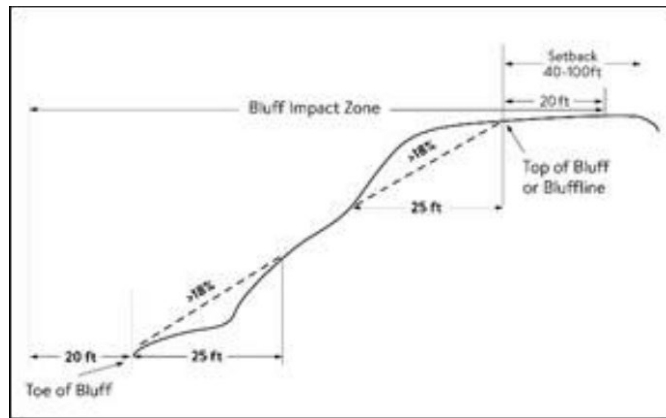
- 12 (B) A natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high
13 water level or toe of the slope, whichever is applicable, to the top of the slope, with a slope
14 of 75 degrees or greater. See Figure 2.

Figure 2. Natural Escarpment Bluff and Bluff Impact Zone



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



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Bluffline. A line delineating the top of the bluff. More than one bluffline may be encountered proceeding landward from the river. See Figures 1 and 2.

8

Bluff, toe of. 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 Figures 1 and 2.

11

Bluff, top of. 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 Figures 1 and 2.

14

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

15

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

18
19

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

20

Buildable area. The area upon which structures may be placed on a lot or parcel of land and excludes areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic

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1 properties, wetlands, designated floodways, land below the ordinary high water level of public
2 waters, and other unbuildable areas.

3 *Building*. A structure with two or more outside rigid walls and a fully secured roof and affixed to a
4 permanent site.

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

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

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

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

13 *CFR* means the Code of Federal Regulations.

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

15 *Commercial recreation – indoor* means private recreational facilities operated for profit and open to
16 members and/or the general public including tennis and racquetball clubs, indoor swimming pools,
17 video arcades (amusement centers), indoor batting cages, pool halls, and the like, excluding health
18 and fitness clubs.

19 *Commercial recreation – outdoor* means private recreational facilities operated for profit or not and open
20 to members and/or the general public including golf courses and driving ranges, miniature golf,
21 riding stables, skating rinks, outdoor swimming pools, archery or trapshooting ranges, batting cages,
22 softball, baseball, volleyball, soccer, or football facilities, and the like.

23 *Commissioner*. The commissioner of the ~~Minnesota Department of Natural Resources~~, applicable state
24 agency.

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

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

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

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

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

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

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

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

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

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

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

46 *Dustless Surface* consists of compacted bituminous millings or crushed rock. The crushed rock must all be
47 similar in size with no fines. Aggregate material similar state DOT class 5 is not considered dustless.

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

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

7 *Dwellings, single-family detached*, means a dwelling unit designed exclusively for occupancy by one
8 family.

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

12 *Dwellings, Townhomes (Attached)* means structures housing three or more dwelling units contiguous to
13 each other only by the sharing of one or more common walls; such structures are of the back-to-
14 back or row-house type as contrasted to multiple dwelling apartment structures.

15 *Dwellings, Townhomes (Detached)* means a dwelling unit not attached to another dwelling or structure
16 and have outdoor areas and/or indoor centers that are commonly owned or maintained by a
17 homeowners' association.

18 *Dwellings, Two-family attached*, means a structure designed exclusively for occupancy by two families
19 having separate kitchen, bathroom, and living spaces.

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

22 *Electric power facilities*. Equipment and associated facilities for generating electric power or devices for
23 converting wind energy to electrical energy as identified and defined under Minn. Stats. § 216E.

24 *Essential services*. Underground or overhead gas, electrical, communications, steam, or water distribution,
25 collection, supply, or disposal systems, including storm water. Essential services include poles,
26 wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, navigational
27 structures, aviation safety facilities or other similar equipment and accessories in conjunction with
28 the systems. Essential services does not include buildings, treatment works as defined in Minn.
29 Stats. § 115.01, electric power facilities or transmission services.

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

34 *Family* means a household of no more than four individuals unrelated by blood, marriage, adoption, or
35 foster care.

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

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

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

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

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

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

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

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

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

5 1. Listed in the National Register of Historic Places or the state register of historic places or
6 locally designated as a historic site under Minn. Stats. ch. 471;

7 2. Determined to meet the criteria for eligibility to the National Register of Historic Places or the
8 State register of historic places as determined by the director of the Minnesota Historical
9 Society; or

10 3. An unplatted cemetery that falls under the provisions of Minn. Stats. ch. 307, in consultation
11 with the office of the state archaeologist.

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

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

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

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

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

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

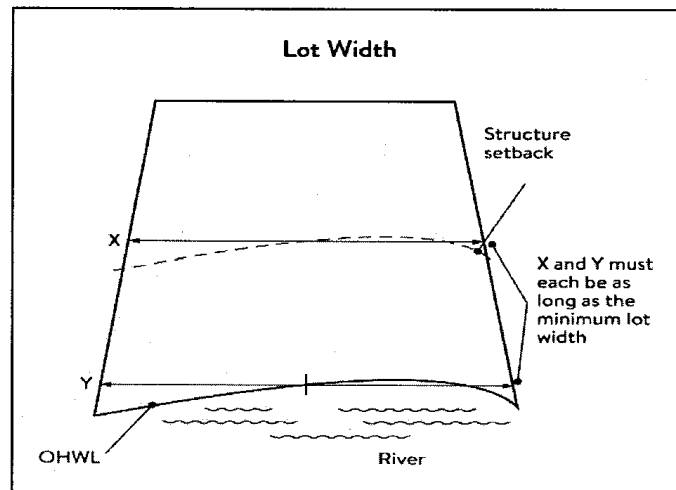
30 *Local government*. Counties, cities, and townships.

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

33 *Lot*. Having the meaning given under Minnesota Rules chapter 6120.

34 *Lot width*. The shortest distance between lot lines measured at both the ordinary high water level and at
35 the required structure setback from the ordinary high water level. See Figure 3.

Figure 3. Lot Width



1

2 *Marina.* Having the meaning given under Minnesota Rules chapter 6115.

3 *Manufacturing.* the processing or assembly of raw materials or parts into finished goods through the use
4 of tools, human labor, machinery, and chemical processing. This definition includes hydroponics.

5 *Mississippi River Corridor Critical Area (MRCCA).* The area within the River Corridor Boundary (See section
6 ~~117-148(b)(6)bs~~) (Definitions — River Corridor Boundary).

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

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

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

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

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

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

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

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

24 *Nonmetallic mining.* Construction, reconstruction, repair, relocation, expansion, or removal of any facility
25 for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such as
26 stone, sand, and gravel. Nonmetallic mining does not include ancillary facilities such as access roads,
27 bridges, culverts, and water level control structures. For purposes of this subpart, "facility" includes
28 all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures
29 that drain or divert public waters to allow mining.

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

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

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

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

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

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

11 *Parcel*. Having the meaning given under Minn. Stats. § 116G.03.

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

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

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

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

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

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

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

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

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

33 *Private facilities*. Private roads, driveways, and parking areas, private water access and viewing facilities,
34 decks and patios in setback areas, and private signs.

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

36 *Professional Services* means a business that provides a service in an office setting rather than a product
37 for sale, other than medical or dental services. Examples of such uses are law offices, engineering
38 services, architectural services, and consulting services.

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

40 *Public recreation facilities*. Recreational facilities provided by the state or a local government and
41 dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks,
42 fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities
43 used for recreation.

1 *Public river corridor views.* Views toward the river from public parkland, historic properties, and public
2 overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore,
3 as seen during the summer months and documented in the MRCCA plan/chapter of the
4 comprehensive plan.

5 *Public transportation facilities.* All transportation facilities provided by federal, state, or local government
6 and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.

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

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

9 *Readily visible.* Land and development that are easily seen from the ordinary high water level of the
10 opposite shore during summer months.

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

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

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

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

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

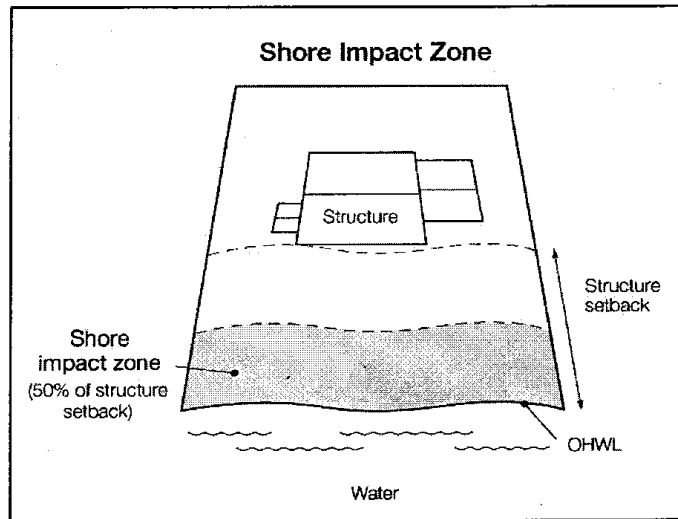
25 *River-dependent use.* The use of land for commercial, industrial, or utility purposes, where access to and
26 use of a public water feature is an integral part of the normal conduct of business and where the
27 use is dependent on shoreline facilities.

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

31 *Setback.* A separation distance measured horizontally.

32 *Shore impact zone.* Land located between the ordinary high water level of public waters and a line parallel
33 to it at a setback of 50 percent of the required structure setback or, for agricultural use, 50 feet
34 landward of the ordinary high water level. See Figure 4.

Figure 4. Shore Impact Zone



1

2

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

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

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

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

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

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

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

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

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

29 *Tow Yard.* See *Vehicle Wrecking Yard.*

30 *Transmission services.*

- 1 (A) Electric power lines, cables, pipelines, or conduits that are:
- 2 (1) Used to transport power between two points, as identified and defined under Minn.
- 3 Stats. § 216E.01, subd. 4; or
- 4 (2) For mains or pipelines for gas, liquids, or solids in suspension, used to transport gas,
- 5 liquids, or solids in suspension between two points; and
- 6 (B) Telecommunication lines, cables, pipelines, or conduits.
- 7 *Treeline.* The more or less continuous line formed by the tops of trees in a wooded area when viewed
- 8 from a particular point. The treeline is determined during all seasons as if under full foliage.
- 9 *Truck Terminal.* means a building, structure or land where trucks and/or tractor trailers are rented,
- 10 leased, or stored, or are dispatched for hire as common carriers.
- 11 *Twin Cities Metropolitan area.* The area over which the Metropolitan Council has jurisdiction according to
- 12 Minn. Stats. § 473.121, subd. 2.
- 13 *Unlicensed Supportive Living Facility* means a residential dwelling that is not licensed as a Licensed
- 14 Residential Facility that provides congregate and supportive living environment for no more than
- 15 six unrelated individuals classified under the Americans with Disabilities Act (ADA).
- 16 *Use, principal,* means the purpose or activity for which the land or building thereon is designated,
- 17 arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the
- 18 performance of such activity as defined by the performance standards of this chapter.
- 19 *Variance.* Having the meaning given under Minn. Stats. § 394.22.
- 20 *Vehicle wrecking yard* means any place where vehicles not in running condition and/or not licensed, or
- 21 parts thereof, are stored in the open or any land used for wrecking or storing of such motor vehicles
- 22 or parts thereof, and including any commercial salvaging and scavenging of any other goods, articles
- 23 or merchandise.
- 24 *Water access ramp.* A boat ramp, carry-down site, boarding dock, and approach road, or other access that
- 25 allows launching and removal of a boat, canoe, or other watercraft with or without a vehicle and
- 26 trailer.
- 27 *Water-oriented accessory structure.* A small building or other improvement, except stairways, fences,
- 28 docks, and retaining walls, that, because of the relationship of its use to public waters, needs to be
- 29 located closer to public waters than the normal structure setback. Examples include gazebos, screen
- 30 houses, fish houses, pump houses, and detached decks and patios.
- 31 *Water quality impact zone.* Land within the shore impact zone or within 50 feet of the boundary of a public
- 32 water, wetland, or natural drainage way, whichever is greater.
- 33 *Wetland.* Having the meaning given under Minn. Stats. § 103G.005.
- 34 *Wharf.* Having the meaning given under Minnesota Rules, part 6115.0170.
- 35 *Wholesale Sales* means sales of products to a business or person who will resell the articles in the regular
- 36 course of business or incorporate the article into another product that will be sold.

37
38 **106 Applicability and Compliance**

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

43
44 **110 Administration**

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

46
47 **111 Zoning Administrator**

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

7

8 **120 Official Zoning Map**

- 9 (A) The boundaries of the zoning districts ~~and development areas~~ and overlay districts are delineated
- 10 on the official zoning map, which is adopted by reference and declared to be a part of this chapter.
- 11 Such map shall be on permanent file and available for public inspection in City Hall. It shall be the
- 12 responsibility of the zoning administrator to maintain and keep the map up to date and to revise or
- 13 update the map with each amendment thereto within 30 days after official publication of the
- 14 ordinance adopting the amendment.
- 15 (B) District and development area boundaries shown within the lines of roads, streams, and
- 16 transportation rights-of-way shall be deemed to follow the centerlines. The vacation of roads shall
- 17 not affect the location of such district or development area boundaries. When the zoning
- 18 administrator cannot definitely determine the location of a district or development area boundary
- 19 by such centerlines, by the scale or dimensions stated on the zoning map, or by the fact that it
- 20 clearly coincides with a property line, the zoning administrator shall interpret the location of the
- 21 district or development area boundary with reference to the scale of the zoning map and the
- 22 purposes set forth in all relevant provisions of this Code. When a district or development area
- 23 boundary line divides a lot of record into two or more districts or into both development areas, any
- 24 portion of the lot within 50 feet of such division may be used for any use of either district or
- 25 development area as approved by the Planning Commission. The Metropolitan Urban Service Area
- 26 (MUSA) boundary line as shown in the Comprehensive Plan, however, defines the limits of sewered
- 27 areas. Any area outside of the MUSA boundary shall not be served with sewer.

28

29 **130 Enforcement**

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

39

40 **140 Non-Conformities**

- 41 (A) *Intent.* It is the purpose of this section to provide for the regulation of nonconforming buildings,
- 42 structures, site improvements, and uses and to specify those requirements, circumstances, and
- 43 conditions under which nonconforming buildings, structures, and uses will be operated and
- 44 maintained. This chapter establishes separate districts, each of which is an appropriate area for the
- 45 location of uses that are allowed in that district. It is necessary and consistent with the
- 46 establishment of these districts that nonconforming buildings, structures, site improvements, and
- 47 uses not be allowed to continue without restriction. Furthermore, it is the intent of this section that
- 48 all nonconforming uses shall be eventually brought into conformity or terminated.

- 1 (B) *Regulations.*
2 (1) Whenever a lawful nonconforming use of a structure or land or occupancy is discontinued for
3 a continuous period of one year, any future use of said structure or lands shall be made to
4 conform with the provisions of this chapter.
5 (2) Notwithstanding any other provisions of this chapter, any nonconformity, including the lawful
6 use or occupation of land or premises existing at the time of the adoption of an additional
7 control under this chapter, may be continued, including through repair, replacement,
8 restoration, maintenance, or improvement, but not including expansion, unless it is a
9 nonconforming use that is destroyed by fire or other peril to the extent of greater than 50
10 percent of its market value, and no building permit has been applied for within 180 days of
11 when the property is damaged. In this case, the city may impose reasonable conditions upon
12 a building permit in order to mitigate any newly created impact on adjacent property. Any
13 subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
- 14 (C) Creation of nonconformities by public action
15 (1) Where there exists as of the date of adoption of this section a conforming land use, lot of
16 record, sign, structure, and/or site improvement and a subsequent taking by a governmental
17 body occurs under eminent domain or negotiated sale which renders such land use, lot of
18 record, structure, or site improvement in violation of one or more provisions of this chapter,
19 such land use, lot of record, sign, structure or site improvements becomes a legal non-
20 conformity and may be used thereafter only in accordance with the provisions of this section.
21 (2) The Planning Commission may consider government taking as a practical difficulty used with
22 a request for a variance to a setback regulation for pre-existing buildings, parking lots, and/or
23 signs.
- 24 (D) Lots of Record. Any lot of record existing at the effective date of the ordinance from which this
25 chapter is derived may be used for the erection of a dwelling conforming to the use regulations of
26 the district in which it is located, even though its area is less than the minimum requirements of this
27 chapter. This provision shall not apply to lots with widths below the district minimum, meaning that
28 all lots of record must meet district lot width minimums to qualify.
- 29 (E) Expansion of a non-conforming structure by way of setbacks is permitted provided the wall does
30 not increase the level of nonconformity.
31