

**City of Ramsey**  
**Agenda**  
**Regular Planning Commission**  
**Thursday, September 26, 2024**

**7:00 pm**

**Council Chambers, 7550 Sunwood Drive NW**

Remote Attendance available at [www.cityoframsey.com/meetings](http://www.cityoframsey.com/meetings).  
Those joining remotely and requesting to speak are asked to use a webcam when speaking.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Citizen Input**
4. **Approve Agenda**
5. **Consent Agenda**
  1. Approve the Planning Commission Meeting Minutes for August 22, 2024.
6. **Public Hearing**
  1. PUBLIC HEARING: Consider a Variance to Horse Stable Setbacks at 17400 Baugh St NW
  2. PUBLIC HEARING - Amendment to Section 106-105, Definition of Manufacturing
7. **Commission Business**
  1. Consider a variance for a lean-to structure at 6850 148th Lane NW (Michael Ploumen)
  2. Sign Code Update - Preliminary Discussion
  3. 2025 Planning Commission Meeting Schedule Discussion
8. **Commission/Staff Input**

**9. Adjournment**

**Regular Planning Commission**

**Meeting Date:** 09/26/2024

**Primary Strategic Plan Initiative:** Not Applicable

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**Information**

**Title:**

Approve the Planning Commission Meeting Minutes for August 22, 2024.

**Purpose/Background:**

The purpose of this case is to approve the Planning Commission Meeting Minutes for August 22, 2024

**Recommendation:**

Approval

**Outcome/Action:**

Approval

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**Attachments**

PC August Minutes

**Form Review**

**Inbox**

Brian Hagen

Form Started By: Abdi Sahal

Final Approval Date: 09/19/2024

**Reviewed By**

Brian Hagen

**Date**

09/19/2024 10:52 AM

Started On: 09/17/2024 11:06 AM

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, August 22, 2024, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:                   Chairperson Cheri Gengler  
  Commissioner Randy Bauer  
  Commissioner Ryan Heineman (via Zoom)  
  Commissioner Tom Hunt  
  Commissioner Eric Peters  
  Commissioner Gary Van Scoy

Members Absent:                   Commissioner Bruce Anderson

Also Present:                       Planning Manager Todd Larson  
  Senior Planner Chris Anderson  
  City Council Liaison Michael Olson

**1.     CALL TO ORDER**

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

**2.     PLEDGE OF ALLEGIANCE**

Chairperson Gengler led the group in the Pledge of Allegiance.

**3.     CITIZEN INPUT**

None.

**4.     APPROVAL OF AGENDA**

Motion by Commissioner Bauer, seconded by Commissioner Peters, to approve the agenda as presented.

A roll call vote was performed:

Commissioner Hunt	aye
Commissioner Van Scoy	aye
Commissioner Bauer	aye
Commissioner Peters	aye
Commissioner Heineman	aye

Chairperson Gengler            aye

Motion Carried.

**5.        CONSENT AGENDA**

**5.01:    Approve the July 25, 2024 Planning Commission Meeting Minutes**

**5.02:    Continue Consideration of a Variance for a Lean-To Structure at 6850 148<sup>th</sup> Lane  
(Michael Ploumen) Until September 26, 2024**

Motion by Commissioner Bauer, seconded by Commissioner Hunt, to approve the consent agenda as presented.

A roll call vote was performed:

Commissioner Heineman    aye  
Commissioner Peters        aye  
Commissioner Bauer        aye  
Commissioner Van Scoy    aye  
Commissioner Hunt         aye  
Chairperson Gengler        aye

Motion Carried.

**6.        PUBLIC HEARINGS/COMMISSION BUSINESS**

**6.01:    Public Hearing: Consider a Request for a Variance to Setbacks for a Building  
Addition at 14220 Basalt Street NW (Project No. 24-118); Case of Quad Logic**

**Public Hearing**

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

**Presentation**

Senior Planner Anderson presented the staff report stating that staff recommends approval of the variance to deviate from the minimum rear yard setback.

Commissioner Van Scoy asked for more information on the right-in/right-out comment from Anoka County.

Senior Planner Anderson replied that comment was not from the County, but from City staff. He stated that even if there were an access there, it would be a right-in/right-out because of the median.

Commissioner Van Scoy commented that he did not see that as a relevant issue as that is already the case.

**Citizen Input**

No comments.

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

A roll call vote was performed:

Commissioner Hunt	aye
Commissioner Van Scoy	aye
Commissioner Bauer	aye
Commissioner Peters	aye
Commissioner Heineman	aye
Chairperson Gengler	aye

Motion Carried.

Chairperson Gengler closed the public hearing at 7:09 p.m.

**Commission Business**

Motion by Commissioner Bauer, seconded by Commissioner Hunt, to adopt Resolution #24-227 Approving a Variance to the Minimum Rear Yard Setback on the Property Located at 14220 Basalt Street NW.

A roll call vote was performed:

Commissioner Heineman	aye
Commissioner Peters	aye
Commissioner Bauer	aye
Commissioner Van Scoy	aye
Commissioner Hunt	aye
Chairperson Gengler	aye

Motion Carried.

**6.02: Public Hearing: Consider Preliminary Plat for Parkside Townhomes (Project No. 24-117) in The COR; Case of COR at Ramsey, LLC**

**Public Hearing**

Chairperson Gengler called the public hearing to order at 7:10 p.m.

## **Presentation**

Senior Planner Anderson presented the staff report stating that staff recommends approval of the Preliminary Plat, contingent upon compliance with staff's review comments.

Commissioner Bauer asked why there is a 12-month expiration on preliminary plats.

Planning Manager Larson replied that length of time could be adjusted, but the purpose is to ensure that an approved plat does not sit for years as times and regulations could change then prior to construction. He stated that there are allowances for time extensions and some applicants do request that extension of time.

Senior Planner Anderson replied that final plats are valid for two years.

Commissioner Bauer stated that he would think more time would be allowed between preliminary and final plat as the applicant would still need to come back for final plat and therefore if conditions change, that could be addressed at that time.

Planning Manager Larson noted the element of public engagement and notice, as if plans sit for too long, people will forget about it.

Senior Planner Anderson noted that the notification requirement is only triggered for preliminary plat, not final plat.

Commissioner Bauer asked for details on the comments from staff and the different departments and asked for an update on the progress on those items.

Senior Planner Anderson replied that almost all the comments have been addressed noting that only some minor comments are left to address that would not impact the layout or design of the plans.

## **Citizen Input**

Jason Palmby, applicant, stated that one of the primary issues for the delay was the market conditions and projected cost. He stated that many things have changed since then and they are moving forward to the Council with both the preliminary and final plat requests.

Chairperson Gengler noted the reduction of ten units and asked for details.

Senior Planner Anderson commented that the overall number of units did not change, but the split between phases did change and therefore the first phase has ten less units.

Daryl Snow, 14642 Sapphire Street NW, asked the developer to provide details on anticipated street closures. He stated that since moving here about one year ago they have found that there are no playgrounds for children with the exception of crossing Bunker and asked if there have been any mentions of a playground.

Senior Planner Anderson replied that Waterfront Park is in the design phases currently, although he was unsure of the anticipated timeline. He stated that there is another park west of PACT Charter School, but was unsure if there was playground equipment in that park. He stated that the intent would be for Waterfront Park to serve The COR without having to cross Bunker.

Mr. Palmby stated that their property is basically an island and therefore the staging and construction will be self-contained within that area.

Diana Gadba, 14583 Rhinestone Street NW, stated that she has called the City and Police several times because of vehicles running the stop sign multiples times per day at Rhinestone and Ramsey Parkway. She was concerned that the additional vehicles would increase the chance of an accident. She commented on the large number of people that walk dogs in the area and do not clean up after themselves and had concern that would also increase.

Senior Planner Anderson stated that all applications are routed through the Development Review Committee, which has representation from all departments, and no concerns were raised related to traffic or safety.

Naomi Golnitz, 7379 East Ramsey Parkway, echoed the comment of the last speaker related to people running the stop signs. She asked where the construction workers would be parking for this project. She also echoed the comments of people not picking up after their dogs.

Chairperson Gengler asked if the construction workers would be parking within the limits of the site.

Mr. Palmby confirmed that they could find a way to make that work.

Ms. Gadba asked how the additional homes would impact the sound and quality from the music in the park events.

Commissioner Hunt asked the anticipated length of construction.

Emily Becker, M/I Homes, replied that would be market driven.

Commissioner Van Scoy asked if there is any thought for off-site parking available for the construction crew.

Senior Planner Anderson replied that only a portion of the block would be final platted and therefore the western half of the block would be readily available for the workers to utilize. He stated that the area is also surrounded by public roads that have on-street parking available.

Commissioner Van Scoy noted the comments related to traffic compliance and asked the response of the City.

Senior Planner Anderson replied that if there are issues of that nature, the residents should continue to call the Police. He stated that staff will also share the comments with public safety and perhaps patrols or temporary signage could be used to curb that behavior.

Commissioner Bauer commented that there are safety issues that were brought forward but that is not a design flaw but an issue of compliance. He noted that issue is not unique to that neighborhood as he experiences that in his neighborhood as well. He stated that is more of an issue of enforcement.

Commissioner Hunt asked if there would be a traffic volume that would trigger a roundabout type of improvement.

Senior Planner Anderson replied that he would not think a local road would meet the thresholds for that type of improvement.

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

A roll call vote was performed:

Commissioner Hunt	aye
Commissioner Van Scoy	aye
Commissioner Bauer	aye
Commissioner Peters	aye
Commissioner Heineman	aye
Chairperson Gengler	aye

Motion Carried.

Chairperson Gengler closed the public hearing at 7:36 p.m.

### **Commission Business**

Motion by Commissioner Hunt, seconded by Commissioner Van Scoy, to recommend that City Council approve the Preliminary Plat, contingent upon compliance with staff's review comments.

A roll call vote was performed:

Commissioner Heineman	aye
Commissioner Peters	aye
Commissioner Bauer	aye
Commissioner Van Scoy	aye
Commissioner Hunt	aye
Chairperson Gengler	aye

Motion Carried.

## **7. COMMISSION BUSINESS**

### **7.01: Driveway Discussion**

#### **Presentation**

Planning Manager Larson presented the Staff Report stating that at the July 23<sup>rd</sup> City Council meeting, the Council discussed the side yard setback requirements of residential driveways and the process for applying for a variance, should a property owner request one. The City Council requested that the Commission review the regulations and determine if a variance process could be simplified. He stated that staff recommends leaving the existing driveway rules and variance procedures in place.

#### **Commission Business**

Chairperson Gengler asked if the Commission is being asked to consider the five-foot side yard setback, the variance process, or both.

Planning Manager Larson replied that would be both. He explained that the Council was interested in making the variance process easier for applicants, but that must be done through a public hearing process, therefore the option then would be to change the regulation if that were desired.

Chairperson Gengler referenced the side yard setbacks for other communities and received confirmation that those were all for single-family homes. She referenced the communities where the setback is a range and states depending and asked for clarification.

Planning Manager Larson replied that Blaine has a few different single-family zoning districts and Columbia Heights it depends on the year the lot was platted.

Chairperson Gengler referenced cities that have a zero setback and asked if both structures could be built to the property line.

Planning Manager Larson clarified that these setbacks are just for driveways, not for structures.

Commissioner Bauer recognized the concerns within the staff report about reduced setbacks to be legitimate. He referenced a comment of a Councilmember that perhaps neighbors just work it out together and noted that while that would seem to be an ideal situation, that is not always possible. He stated that one neighbor may agree to the situation, but the next neighbor may not agree to that situation. He also commented that snow removal is an issue without a setback. He stated that he would prefer to leave the setback as is and the variance process can be used for those desiring a lesser setback.

Commissioner Peters stated that perhaps the initial construction of the driveway would be five feet but if adjustments need to be made, it could be reduced to three feet.

Planning Manager Larson stated that it would seem that side yard setback should then just be three feet, rather than requiring five feet and then it could be reduced a month later.

Commissioner Van Scoy asked where a fence would go between two properties, specifically whether that can be placed on the property line or whether it must be set back.

Planning Manager Larson replied that the Code requires the fence to be on your own side of the property line.

Commissioner Van Scoy commented that he also supports leaving the regulation as is and continue to review deviations through the variance process. He commented that there logically needs to be space between driveways for vehicle doors to open, snow removal, and should someone want a fence.

Commissioner Heineman stated that if someone buys an acre and if five feet is taken from the perimeter that is essentially a ten percent reduction of the property size. He stated that if the issue is snow removal, that is essentially treating a problem before it arises. He stated that people could push snow to the other side of their driveway. He recognized that he may be in the minority on this issue. He stated that although he would not recommend someone put their driveway zero feet from their property line, someone should be able to if they wanted.

Commissioner Hunt stated that he could see keeping the variance process the same but could also support a reduction from five feet. He stated that perhaps the setback is reduced to one foot as that would allow for the placement of a fence if that were desired in the future.

Planning Manager Larson commented that a five-foot setback tends to be common in early subdivisions built in the 1970s and on to allow for drainage to flow between the properties and away from the homes.

Chairperson Gengler commented that the cases they heard at the last meeting were different and specific and could not recall a lot of requests of this nature that the Commission has considered in the past, therefore this would seem to be fixing an issue that is not widespread. She stated that she would also prefer to keep the regulation and variance process as it is.

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

Planning Manager Larson provided an update on planning related matters.

Senior Planner Anderson noted the upcoming Fall Recycling Event in September and the Fix It Clinic in October.

## **9. ADJOURNMENT**

Motion by Commissioner Bauer, seconded by Commissioner Peters, to adjourn the meeting.

A roll call vote was performed:

Commissioner Heineman     aye  
Commissioner Peters        aye  
Commissioner Bauer         aye  
Commissioner Van Scoy     aye  
Commissioner Hunt         aye  
Chairperson Gengler       aye

Motion Carried.

The regular meeting of the Planning Commission adjourned at 7:59 p.m.

Respectfully submitted,

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Todd Larson  
Planning Manager

ATTEST:

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Abdi Sahal  
Planning Assistant

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

**Regular Planning Commission****Meeting Date:** 09/26/2024**Primary Strategic Plan Initiative:** Create a positive image for residential neighborhoods, business districts and key corridors.**Information****Title:**

PUBLIC HEARING: Consider a Variance to Horse Stable Setbacks at 17400 Baugh St NW

**Purpose/Background:**

The City has received a Land Use Application from Susan Arellano (the "Applicant") on behalf of John McAllister (the "Permittee") to request a Variance to Horse Stable Setbacks and a Home Occupation Permit for Commercial Dog Boarding under the business name "Sniffspot" at 17400 Baugh St NW (the "Subject Property"). The Applicant is seeking these permits to help bring the property into compliance with City Code.

It should be noted that on September 17, 2024, the Applicant withdrew the part of the application requesting the Home Occupation Permit. Thus, Planning Commission's review is solely focused on the Variance.

**Notification:**

Staff attempted to notify property owners within 350 feet of the Subject Property, as reflected in the Anoka County Property Records, of the requests for a Variance and a Home Occupation Permit and the Public Hearing to be held by the Planning Commission. A notice of the Public Hearing was published in the Anoka County UnionHerald, the City's official newspaper. A proposed development sign was placed on the property.

**Time Frame/Observations/Alternatives:**Subject Property

The Subject Property is located along the west side of Baugh St NW, between 173rd and 175th Avenues NW, in the northwest corner of Ramsey. The Subject Property is zoned RR, Rural Residential, and is guided for Rural Developing land uses in the City's 2040 Comprehensive Plan. It is 1.74 acres in size and accesses Baugh Street to the east with a gravel driveway. Surrounding properties are similar in size and are also zoned and guided for Rural Developing land uses.

Variance

The variance is unique in nature because the stable was built before the property was subdivided. Chapter 10, Section 10-3 of City Code requires stables to be set back a minimum of 75 feet from the property line. The existing stable is only 21 feet from the property line, and it appears to have been built prior to 1977, according to aerial imagery. The property was last subdivided in 2004 through a metes and bounds split with Anoka County, so the property has never officially been platted. The properties to the south and west appear to have been part of the original pasture, according to Anoka County's aerial imagery from 1977, 1985, 1997, and 2005. Additionally, pictures provided by the Applicant, corroborated by a Staff site visit, clearly show the stable was built for the keeping of horses. The stable includes three horse stalls, a tack room, a wash bay, and an indoor riding arena. However, the keeping of horses cannot be considered legally non-conforming to the property because no previous property owner had submitted a sketch plan to document the keeping of horses on this property. Thus, the variance is needed for the Permittee to keep horses in the stable.

It should be noted that Section 10-1(b)(4) of City Code provides additional regulations for the keeping of horses on properties in Ramsey. The Applicant and Permittee have complied with this section by providing the City with a detailed sketch plan, as required by this section. The City has granted administrative permission to the

Applicant and Permittee to keep two horses outdoors on the property. The 75-foot setback does not apply to pastures or outdoor roaming areas. Rather, the only setback that does apply to pastures, in some instances, is a 3-foot setback for electric fences from property lines per Section 106-585 of City Code. The Applicant is not intending to use an electric fence. Instead, to ensure the pasture is adequately secured for the keeping of horses, the Applicant has built a wooden fence setback at least 20 feet from the south property line, aligned with the south edge of the existing stable. She has also repaired existing wooden fences along the north and west sides of the pasture, both of which are setback at least 3 feet from the respective property lines. This ensures that the wooden fence could later be reinforced with an electric fence without having to obtain further permission from Planning Commission or Staff.

City Code Section 106-220 discusses the practical difficulties that are allowed to be used for justifying variances. Among them, the Applicant has identified the following practical difficulties and associated justifications for the variance:

- *That the property owner proposes to use the property in a reasonable manner not permitted by the zoning code.* The owner requests a variance to be allowed to use the stables and indoor riding arena for his therapy horses. When the owner purchased this property, it was marketed as a hobby farm consisting of a pasture area with two shelters, a stable, and an indoor riding arena. The structure was clearly previously used as a horse stable with an attached riding arena. The structure existed several years before the property was subdivided, causing the need for a variance. There are several similar properties in Ramsey that also have horses and stables.
- *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* The owner purchased the property with the reasonable presumption that it was a hobby farm with stables and an indoor arena. He had no pre-existing knowledge of any nonconformities. The building was built prior to the owner purchasing the property, and no modifications, alterations, or expansions have been made to the building. When the property was split by a previous property owner, the new property line was placed 32 feet from the edge of the stable and 21 feet from the edge of the riding arena.
- *The variance, if granted, will not alter the essential character of the locality.* As noted previously, the horses are currently housed in the pasture. The utilization of the stables and indoor arena will not alter the locality. There are several similar properties in Ramsey with horses and stables. Using the existing stable as such will be consistent with the neighborhood's character and history.
- *Economic considerations alone do not constitute practical difficulties.* The owner purchased the property with the understanding that he could keep horses in the stable. It was his sole intent to purchase this property for that use. The owner is a veteran and takes care of his horses as a means of therapy.

With the above justifications, the Variance request seems reasonable and would allow the Permittee to use the property to keep horses, as the facilities are clearly designed for horses.

#### Home Occupation Permit

The initial application included a request for a Home Occupation Permit for Commercial Dog Boarding under the business name of "Sniffspot". However, as of the time of writing this case, the Applicant has withdrawn that portion of the application after deciding not to pursue the "Sniffspot" business any longer.

#### Additional Considerations

This case was initiated by a code enforcement complaint regarding the "Sniffspot" business operating without a Home Occupation Permit. Staff has worked with the Applicant to resolve these issues. In working with the Applicant, it was discovered that the Variance would be needed to keep the horses in the stable. The stable otherwise meets all accessory structure setbacks and could be used in other manners. The stable setback only applies if the building is used for the keeping of horses, which is the Applicant's intent.

#### Alternatives

Alternative 1: Approve the Variance to the stable setback. Based on the existing conditions of the property, the design and apparent historical use of the accessory building as a horse stable, and the context of the surrounding neighborhood, this request seems reasonable. Chapter 10 regulations allow horses to be kept outside on the property, with an enclosed roaming area being allowed up to the property line, so using the existing accessory building as a horse stable seems reasonable. Staff supports this alternative.

Alternative 2: Approve the Variance to the stable setback with any reasonable conditions that mitigate the impact of the variance to the neighborhood.

Alternative 3: Deny the Variance. Without an approved variance, the structure could not be used as a shelter for horses. However, horses could still be permitted in an outdoor enclosed roaming area, and this area is permitted to extend up to the property line. Thus, denial of the variance would not mitigate the impact of keeping horses on the property. Staff does not support this alternative.

**Funding Source:**

All costs associated with this request are the Applicant's responsibility.

**Recommendation:**

Staff recommends approval of the Variance to the Stable Setback.

**Outcome/Action:**

Motion to adopt Resolution 24-273, Approving a Variance to Horse Stable Setbacks at 17400 Baugh Street NW.

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**Attachments**

- Resolution #24-273 Variance
- Application Withdrawal Letter for Home Occupation Permit Request
- Applicant Narrative
- Horse Sketch Plan (for reference)

**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Brian Hagen	Brian Hagen	09/19/2024 10:47 AM
Form Started By: Adam Martin		Started On: 09/17/2024 10:28 AM
Final Approval Date: 09/19/2024		

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

**RESOLUTION #24-273**

**A RESOLUTION APPROVING A VARIANCE TO HORSE STABLE SETBACKS AT  
17400 BAUGH ST NW**

**RECITALS**

1. **WHEREAS**, The City of Ramsey received an application from Susan Arellano (the "**Applicant**") on behalf of John McAllister (the "**Permittee**") requesting a **Variance** to the horse stable setback regulations on the property legally described as follows:

The North 200 Feet of the South 833 Feet of the East 439 Feet of the Southeast 1/4 of the Southwest 1/4 of Section 6 Township 32 Range 25 (As Measured Parallel with the East & South Lines Thereof), Excluding Road, Subject to Easement of Record, Anoka County, Minnesota

(the "**Subject Property**")

2. **WHEREAS**, the **Applicant** appeared before the Planning Commission for a public hearing pursuant to Section 106-220 (**Variances**) of the Ramsey City Code on April 25, 2024, and that said public hearing was properly advertised and that the minutes of said public hearing are available.
3. That the **Subject Property** is approximately 1.74 acres in size, which is similar to other commercial properties in the immediate surrounding neighborhood.
4. That the **Subject Property** is zoned RR, Rural Residential.
5. That the parcels surrounding the **Subject Property** in all directions are also zoned RR, Rural Residential.
6. That the **Subject Property** is guided as Rural Developing in the 2040 Comprehensive Plan.
7. That City Code Section 10-3 (**Barns and Stables**) states that no stable or barn in which cows, horses, roosters, or other animals are kept may be located within 50 feet of a place of human habitation and 75 feet from neighboring property lines.
8. That as a result of a metes and bounds subdivision of the **Subject Property** in 2004 by a previous property owner, the existing stable on the **Subject Property** is located 32 feet from the property line, and that the existing riding arena on the **Subject Property** is located 21 feet from the property line.
9. That the **Applicant** is proposing to use the existing stable and riding arena to keep two horses, in accordance with all applicable standards of Chapter 10 of City Code.

## FINDINGS OF FACT

1. That the **Variance** will be in accordance with the objectives of the intent of Section 106-220 (**Variances**) of the Ramsey City Code.
2. That the **Variance** will allow the property owner to use the property in a reasonable manner not otherwise permitted by the zoning code.
3. That the **Variance** is necessary because the plight of the landowner is due to circumstances unique to the property not created by the landowner.
4. That the **Variance** will not alter the essential character of the locality.
5. That the **Variance** is not intended to solely satisfy economic considerations.

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

That the Ramsey Planning Commission hereby grants approval of a variance (the “**Variance**”) to deviate from the required minimum horse stable regulation set forth in Section 10-3, to allow a riding arena for horses to be located 21 feet from the south property line on the **Subject Property**, and to allow a horse stable to be located 32 feet from the south property line on the **Subject Property**, subject to review and approval as to legal form and contingent upon the following conditions:

## CONDITIONS

1. That this variance is based off of plans dated 7/29/2024.
2. That the **Applicant** shall comply with all other regulations in Chapter 10 of City Code.
3. That the **Applicant** shall not expand the building beyond the 21-foot setback of the riding arena or beyond the 32-foot setback of the stable on the **Subject Property** in any way unless in full compliance with City Code.
4. That the **Applicant** shall be responsible for all City costs incurred in administering and enforcing this **Variance**.
5. That this resolution shall be recorded against the property with the Anoka County Recorder’s Office prior to receiving a building permit.

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

and the following voted against the same:

**RESOLUTION #24-273**

**Page 2 of 3**

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey Planning Commission this the 26<sup>th</sup> day of September, 2024.

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Planning Commission Chairperson

**ATTEST:**

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City Clerk

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

**Adam Martin**

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**From:** John McAllister [REDACTED]  
**Sent:** Tuesday, September 17, 2024 2:36 PM  
**To:** Adam Martin  
**Subject:** Withdrawal of Home Occupation Permit for SniffSpot

EXTERNAL EMAIL ALERT: This email originated from outside the City of Ramsey email system. Unless you recognize the sender and know the content, DO NOT click any links or open attachments..

To Whom it May Concern,

Please accept this as my formal request to withdraw the Home Occupation Permit pertaining to the SniffSpot operation.

Sent from my iPhone

A handwritten signature in cursive script that reads "John J. McAllister". The signature is written in dark ink and is positioned in the lower-middle section of the page.

## Land use description of request:

1. That the property owner proposes to use the property in a reasonable manner not permitted by the zoning code. The owner requests a variance to be allowed to use the stables and indoor riding arena for his therapy horses. When the owner purchased this property it was marketed as a hobby farm consisting of a pasture area with two shelters, a stable, and indoor riding arena. The structure was clearly previously used as a horse stable with an attached riding arena. The structure consists of 3 indoor stalls, one quarantine stall, a tack room, a wash bay, and an indoor riding arena. The existence of the structure was there long before the division of the original property. The use of the structure will in no way cause any harm to any surrounding properties. There are several properties within the city of Ramsey who also have horses and stables

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner. The owner purchased this property as it is with the reasonable presumption that it was a hobby farm with stables and indoor arena. He had no preexisting knowledge of any practical difficulty issues. The building was already existing in the location that it is currently in and has not been altered. The division of the property by a previous owner which was approved by city and or county officials at that time, allowed for the stable structure to be 32 feet from the property and the riding arena to be 21 feet from the property line. The owner is distraught that he can not use the property as he purchased it to do so.

3. The variance, if granted, will not alter the essential character of the locality. The horses are currently housed in the pasture. The utilization of the stables and indoor arena will not alter the locality in any way. Again, there are many properties in the city of Ramsey that house horses with stables facilities. This property is well maintained and is not an eyesore in any way.

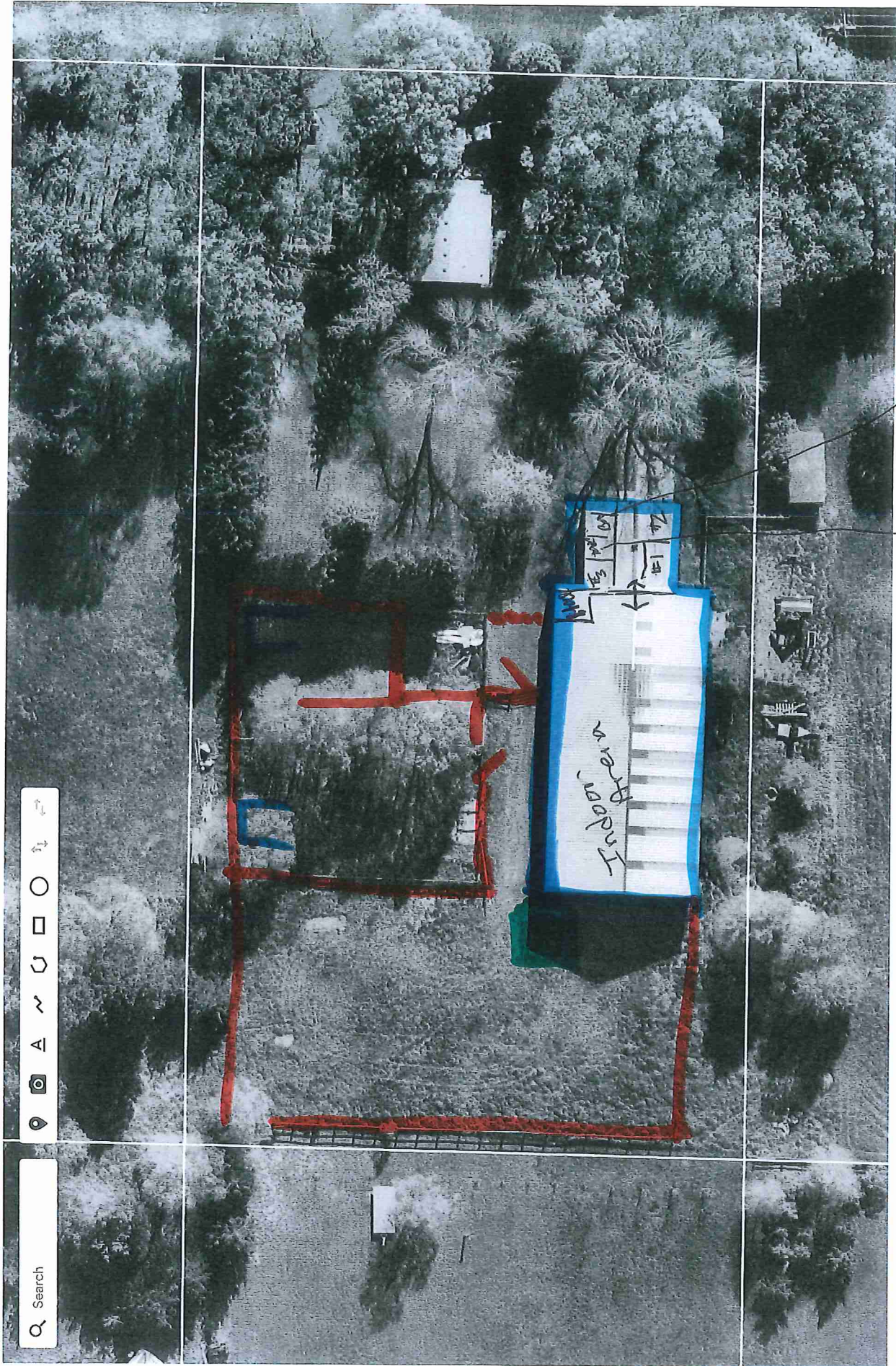
4. Economic considerations alone do not constitute practical difficulties. The owner purchased this property with the understanding that it was a

hobby farm with a stable facility and indoor arena. It was his sole intent to use the property and amenities as so. The owner is an infantry veteran who has two therapy horses.

5. Not applicable

6. Not applicable

7. Not applicable



█ - fence line  
█ - Buildings

█ Compost to be removed monthly

↓ tack  
 ↓ wash bay

↓ Vertical

**Regular Planning Commission****Meeting Date:** 09/26/2024**Primary Strategic Plan Initiative:** Promote economic growth and development.**Information****Title:**

PUBLIC HEARING - Amendment to Section 106-105, Definition of Manufacturing

**Purpose/Background:**

The State's recent legalization of adult-use cannabis requires municipalities to update their regulations around this topic. When it comes to zoning, cities need to allow a certain number of businesses for retail sales and production based on population. It has been determined that Ramsey's zoning regulations surrounding *retail sales* uses are sufficient to meet the State Law as retail sales are allowed in all business zoning districts. If grown outside, the Rural Residential (RR) and MUSA Reserve (MR) districts allow *agricultural* uses. In the industrial zones (I-1 and I-2), *manufacturing* needs to include cannabis cultivation. It is more secure and more likely that cannabis will be grown indoors in a secured facility. Below is the current definition of manufacturing with the proposed cannabis language underlined:

*"Manufacturing* means the processing or assembly of raw materials or parts into finished goods through the use of tools, human labor, machinery, and chemical processing. This definition includes hydroponics as well as state-regulated cannabis cultivation."

This change would allow the indoor growing of cannabis plants in the industrial areas only if it is grown both hydroponically (in a water solution) or in soils (the more likely way it would be grown). The Council will be working on proposed licensing regulations that will be housed in Chapter 26 will include some siting standards and limits on the numbers of licenses.

**Notification:**

A public notice was provided in the September 13 Anoka Union Herald Newspaper.

**Funding Source:**

Costs of this project are considered a part of staff's typical duties.

**Recommendation:**

Staff recommends approval of the proposed ordinance.

**Outcome/Action:**

Motion to recommend approval of Ordinance #24-13 amending Section 106-105 Zoning Code Definitions.

**Attachments**

Ordinance #24-14

OCM Guide for Local Governments (8/2024)

**Form Review**

Inbox

Reviewed By

Date

Brian Hagen

Brian Hagen

09/19/2024 10:45 AM

Form Started By: Todd Larson

Started On: 09/11/2024 11:15 AM

Final Approval Date: 09/19/2024

**ORDINANCE #24-13**

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

**AN ORDINANCE AMENDING SECTION 106-105 - ZONING CODE DEFINITIONS**

The City of Ramsey Ordains:

Underlined text is inserted into City Code.

~~Strikethrough~~ text is deleted from City Code.

**SECTION 1. AUTHORITY**

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

**SECTION 2. AMENDMENT TO CHAPTER 106 (ZONING CODE).**

The following portion of Chapter 106, Section 105, is amended as follows:

**Sec. 106-105. - Definitions.**

*Manufacturing* means the processing or assembly of raw materials or parts into finished goods through the use of tools, human labor, machinery, and chemical processing. This definition includes hydroponics as well as state-regulated cannabis cultivation.

**SECTION 3. EFFECTIVE DATE**

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

PASSED by the City Council of the City of Ramsey, Minnesota the \_\_\_\_ day of \_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Introduction date: October 8, 2024

Posting dates:

Adoption date:

Publication date:

Effective date:



**MINNESOTA**

OFFICE OF CANNABIS MANAGEMENT



# *A Guide for Local Governments on Adult-Use Cannabis*



**Version 1.4  
Updated August 2024**

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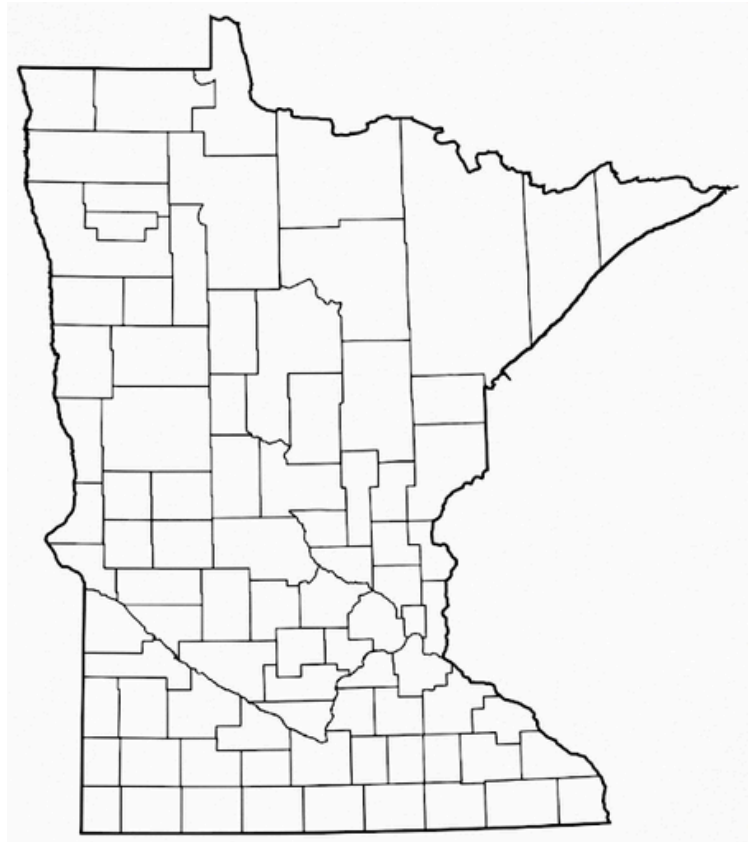
# Introduction

This guide serves as a general overview of **Minnesota’s new adult-use cannabis law**, and how **local governments** can expect to be involved. The guide also provides important information about Minnesota’s new Office of Cannabis Management (OCM), and the office’s structure, roles, and responsibilities. While medical cannabis continues to play an important role in the state’s cannabis environment, this guide is primarily focused on the adult-use cannabis law and marketplace.

The following pages outline the variety of cannabis business licenses that will be issued, provide a broad summary of important aspects of the adult-use cannabis law, and cover a wide range of expectations and authorities that relate to local governments. This guide also provides best practices and important requirements for developing a local cannabis ordinance.

**Chapter 342** of Minnesota law was established by the State Legislature in 2023 and was updated in 2024. Mentions of “adult-use cannabis law” or “the law” throughout this guide refer to Chapter 342 and the changes made to it.

As of this guide’s date of publication, state regulations governing the adult-use cannabis market have not yet been published—**this document will be updated** when such regulations become effective.



*This guide is not a substitute for legal advice, nor does it seek to provide legal advice. Local governments and municipal officials seeking legal advice should consult an attorney.*

# About OCM

Minnesota's **Office of Cannabis Management** is the state regulatory office created to oversee the implementation and regulation of the adult-use cannabis market, the medical cannabis market, and the consumer hemp industry. Housed within OCM are the **Division of Medical Cannabis** (effective July 1, 2024), which operates the medical cannabis program, and the **Division of Social Equity**, which promotes development, stability, and safety in communities that have experienced a disproportionate, negative impact from cannabis prohibition and usage.



OCM, through Chapter 342, is tasked with establishing rules and policy and exercising its regulatory authority over the Minnesota cannabis industry. In its duties, OCM is mandated to:

- Promote public health and welfare.
- Protect public safety.
- Eliminate the illicit market for cannabis flower and cannabis products.
- Meet the market demand for cannabis flower and cannabis products.
- Promote a craft industry for cannabis flower and cannabis products.
- Prioritize growth and recovery in communities that have experienced a disproportionate, negative impact from cannabis prohibition.

OCM governs the application and licensing process for cannabis and hemp businesses, specific requirements for each type of license and their respective business activities, and conducts enforcement and inspection activities across the Minnesota cannabis and hemp industries.

# License Types

Minnesota law allows for **13** different types of business licenses, each fulfilling a unique role in the cannabis and hemp supply chain. In addition to license types below, OCM will also issue endorsements to license holders to engage in specific activities, including producing, manufacturing, and sale of medical cannabis for patients.

## **Microbusiness**

Microbusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Microbusiness may also operate a single retail location.

## **Mezzobusiness**

Mezzobusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Mezzobusiness may also operate up to three retail locations.

## **Cultivator**

Cultivators may cultivate cannabis and package such cannabis for sale to another licensed cannabis business.

## **Manufacturer**

Manufacturers may manufacture cannabis products and hemp products, and package such products for sale to a licensed cannabis retailer.

## **Retailer**

Retailers may sell immature cannabis plants and seedlings, cannabis, cannabis products, hemp products, and other products authorized by law to customers and patients.

## **Wholesaler**

Wholesalers may purchase and/or sell immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from another licensed cannabis business.

Wholesalers may also import hemp-derived consumer products and lower-potency hemp edibles.

# License Types (continued)

## **Transporter**

Transporters may transport immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products to licensed cannabis businesses.

## **Testing Facility**

Testing facilities may obtain and test immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from licensed cannabis businesses.

## **Event Organizer**

Event organizers may organize a temporary cannabis event lasting no more than four days.

## **Delivery Service**

Delivery services may purchase cannabis, cannabis products, and hemp products from retailers or cannabis business with retail endorsements for transport and delivery to customers.

## **Medical Cannabis Combination Business**

Medical cannabis combination businesses may cultivate cannabis and manufacture cannabis and hemp products, and package such products for sale to customers, patients, or another licensed cannabis business. Medical cannabis combination businesses may operate up to one retail location in each congressional district.

## **Lower-Potency Hemp Edible Manufacturer**

Lower-potency hemp edible manufacturers may manufacture and package lower-potency hemp edibles for consumer sale, and sell hemp concentrate and lower-potency hemp edibles to other cannabis and hemp businesses.

## **Lower-Potency Hemp Edible Retailer**

Lower-potency hemp edible retailers may sell lower-potency hemp edibles to customers.

Each license is subject to further restrictions on allowable activities. Maximum cultivation area and manufacturing allowances vary by license type. Allowable product purchase, transfer, and sale between licensees are subject to restrictions in the law.

# The Adult-Use Cannabis Law

Minnesota's new adult-use cannabis law permits the personal use, possession, and transportation of cannabis by those 21 years of age and older, and allows licensed businesses to conduct cultivation, manufacturing, transport, delivery, and sale of cannabis and cannabis products.

## For Individuals

- **Possession limits:**
  - Flower - 2 oz. in public, 2 lbs. in private residence
  - Concentrate - 8 g
  - Edibles (including lower-potency hemp) - 800 mg THC
- **Consumption** only allowed on private property or at licensed businesses with on-site consumption endorsements. Consumption not allowed in public.
- **Gifting** cannabis to another individual over 21 years old is allowed, subject to possession limits.
- **Home cultivation** is limited to four mature and four immature plants (eight total) in a single residence. Plants must be in an enclosed and locked space.
- **Home extraction** using volatile substances (e.g., butane, ethanol) is not allowed.
- **Unlicensed sales** are not allowed.



## For Businesses

- **Advertising:**
  - May not include or appeal to those under 21 years old.
  - Must include proper warning statements.
  - May not include misleading claims or false statements.
  - Billboards are not allowed.
- The flow of all products through the supply chain must be tracked by the state-authorized **tracking system**.
- All products sold to consumers and patients must be **tested for contaminants**.
- **Home delivery** is allowed by licensed businesses.



# ***The Cannabis Licensing Process***

An applicant will take the following steps to proceed from application to active licensure. As described, processes vary depending on social equity status and/or whether the type of license being sought is capped or uncapped in the general licensing process.

## ***License Preapproval: Early Mover Process for Social Equity Applicants***

The license preapproval process is a one-time application process available for verified social equity applicants. State law requires OCM to open the application window on July 24, 2024, and close the window on August 12, 2024. The preapproval process is available for the following license types, and all are capped in this process: microbusiness, mezzobusiness, cultivator, retailer, wholesaler, transporter, testing facility, and delivery service.

Preapproval steps:

1. Applicant's social equity applicant (SEA) status verified.
2. Complete application and submit application fees.
3. Application vetted for minimum requirements by OCM.
4. Application (if qualified) entered into lottery drawing.
5. If selected in lottery, OCM completes background check of selected applicant and issues license preapproval.
6. Applicant with license preapproval\* submits business location and amends application accordingly.
7. OCM forwards completed application to local government.
8. Local government completes certification of zoning compliance.
9. OCM conducts site inspection.
10. When regulations are adopted, license becomes active, operations may commence.

\*For social equity applicants with license preapproval for microbusiness, mezzobusiness, or a cultivator license, they may begin growing cannabis plants prior to the adoption of rules if OCM receives approval from local governments in a form and manner determined by the office. This is only applicable to cultivation and does not authorize retail sales or other endorsed activities of the licenses prior to the adoption of rules.

# ***The Cannabis Licensing Process (cont.)***

The general licensing process will align with the adoption of rules and OCM will share more information about the timing of general licensing process. The general licensing process includes social equity applicants and non-social equity applicants.

## ***General Licensing: Cultivator, Manufacturer, Retailer, Mezzobusiness***

1. Complete application and submit application fees.
2. Application vetted for minimum requirements by OCM.
3. Application (if qualified) entered into lottery drawing.
4. If selected in lottery, OCM completes background check of selected applicant and issues preliminary approval.
5. Applicant with preliminary approval submits business location and amends application accordingly.
6. OCM forwards completed application to local government.
7. Local government completes certification of zoning compliance.
8. OCM conducts site inspection.
9. License becomes active, operations may commence.\*

## ***General Licensing: Microbusiness, Wholesaler, Transporter, Testing Facility, Event Organizer***

1. Complete application and submit application fees.
2. Application vetted for minimum requirements by OCM.
3. For qualified applicants, OCM completes background check of vetted applicant and issues preliminary approval.
4. Selected applicant submits business location and amends application accordingly.
5. OCM forwards completed application to local government.
6. Local government completes certification of zoning compliance.
7. OCM conducts site inspection.
8. License becomes active, operations may commence.\*

\*For businesses seeking a retail endorsement (microbusiness, mezzobusiness, and retailer), a valid local retail registration is required prior to the business commencing any retail sales. See Page 16 for information on the local retail registration process.

# General Authorities

Local governments in Minnesota have various means of oversight over the cannabis market, as provided by the adult-use cannabis law. Local governments may not issue outright bans on cannabis business, or limit operations in a manner beyond what is provided by state law.

## Cannabis Retail Restrictions (342.13)

Local governments may limit the number of retailers and microbusiness/mezzobusinesses with retail endorsements allowed within their locality, as long as there is **at least one retail location per 12,500 residents**. Local units of government are not obligated to seek out a business to register as cannabis business if they have not been approached by any potential applicants, but cannot prohibit the establishment of a business if this population requirement is not met. Local units of government may also issue more than the minimum number of registrations. Per statutory direction, a municipal cannabis store (Page 19) cannot be included in the minimum number of registrations required. For population counts, the state demographer estimates will likely be utilized.

## Tribal Governments (342.13)

OCM is prohibited from and will not issue state licenses to businesses in Indian Country without consent from a tribal nation. Tribal nations hold the authority to license tribal cannabis businesses on tribal lands – this process is separate than OCM’s licensing process and authority. Subject to compacting, Tribal nations may operate cannabis businesses off tribal lands. There will be more information available once the compacting processes are complete.

## Taxes (295.81; 295.82)

Retail sales of taxable cannabis products are subject to the state and local sales and use tax and a 10% gross receipts tax. Cannabis gross receipts tax proceeds are allocated as follows: 20% to the local government cannabis aid account and 80% to the state general fund. Local taxes imposed solely on sale of cannabis products are prohibited.

Cannabis retailers will be subject to the same real property tax classification as all other retail businesses. Real property used for raising, cultivating, processing, or storing cannabis plants, cannabis flower, or cannabis products for sale will be classified as commercial and industrial property.

# General Authorities (cont.)

## **Retail Timing Restrictions (342.13)**

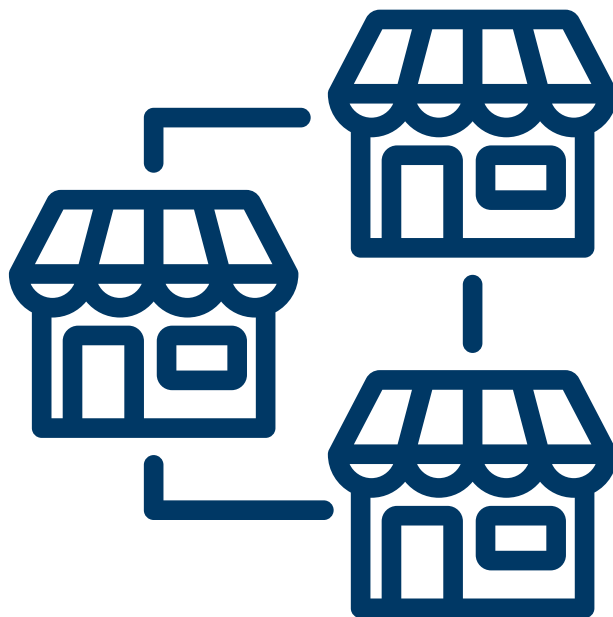
Local governments may prohibit retail sales of cannabis between the hours of 8 a.m. and 10 a.m. Monday-Saturday, and 9 p.m. and 2 a.m. the following day.

## **Operating Multiple Locations with One License**

Certain cannabis licenses allow for multiple retail locations to be operated under a single license, with the following limitations:

- **Retailers:** up to five retail locations.
- **Mezzobusinesses:** up to three retail locations.
- **Microbusinesses:** up to one retail location.
- **Medical cannabis combination businesses:** one retail location per congressional district. Additionally, medical cannabis combination businesses may cultivate at more than one location within other limitations on cultivation.

For all other license types, one license permits the operation of one location. Each retail location requires local certification and/or registration.



# Zoning and Land Use

## **Buffer Guidelines (342.13)**

State law does not restrict how a local government conducts its zoning designations for cannabis businesses, except that they may prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including playgrounds and athletic fields.

## **Zoning Guidelines**

While each locality conducts its zoning differently, a few themes have emerged across the country. For example, cannabis manufacturing facilities are often placed in industrial zones, while cannabis retailers are typically found in commercial/retail zones. Cannabis retail facilities align with general retail establishments and are prohibited from allowing consumption or use onsite, and are also required to have plans to prevent the visibility of cannabis and hemp-derived products to individuals outside the retail location. Industrial hemp is an agricultural product, and should be zoned as such.

Cannabis businesses should be zoned under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business. Note that certain types of licenses may be able to perform multiple activities which may have different zoning analogues. In the same way municipalities may zone a microbrewery that predominately sells directly to onsite consumers differently than a microbrewery that sells packaged beer to retailers and restaurants, so too might a municipality wish to zone two microbusinesses based on the actual activities that each business is undertaking. Table 1, included on Pages 13 and 14, explains the types of activities that cannabis businesses might undertake, as well as, some recommended existing zoning categories.

# Zoning and Land Use (cont.)

**Table 1: Cannabis and Hemp Business Activities**

<b>Endorsed Activity</b>	<b>License Type Eligible to Do Endorsed Activity</b>	<b>Description of Activity</b>	<b>Comparable Districts</b>	<b>Municipal Considerations</b>
Cultivation	Cultivator Mezzobusiness Microbusiness Medical Cannabis Combination	"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.	Indoor: Industrial, Commercial, Production  Outdoor: Agricultural	Odor  Potential need for transportation from facility  Waste, water, and energy usage  Security
Cannabis Manufacturing, Processing, Extraction	Manufacturer Mezzobusiness Microbusiness Medical Cannabis Combination	This group of endorsed activities turn raw, dried cannabis and cannabis parts into other types of cannabis products, e.g. edibles or topicals.	Industrial, Commercial, Production	Odor  Potential need for transportation from facility  Waste, water, and energy usage  Security
Hemp Manufacturing	Lower-Potency Hemp Edible (LPHE) Manufacturing	These business convert hemp into LPHE edible products.	Industrial, Commercial, Production	Odor Waste, water, and energy
Wholesale	Wholesale Cultivator Manufacturer Mezzobusiness Microbusiness Medical Cannabis Combination	This activity and license type allows a business to purchase from a business growing or manufacturing cannabis or cannabis products and sell to a cannabis business engaged in retail.	Industrial, Commercial, Production	Need for transportation from facility  Security

# Zoning and Land Use (cont.)

**Table 1: Cannabis and Hemp Business Activities (continued)**

<b>Endorsed Activity</b>	<b>License Type Eligible to Do Endorsed Activity</b>	<b>Description of Activity</b>	<b>Comparable Districts</b>	<b>Municipal Considerations</b>
Cannabis Retail	Retail Mezzobusiness Microbusiness Medical Cannabis Combination	This endorsed activity and license types allow a business to sell cannabis and cannabis products directly to consumers.	Retail, Neighborhood Shopping Districts, Light Industrial, Existing districts where off-sale liquor or tobacco sales are allowed.	Micros may offer onsite consumption, similar to breweries.  Micros and Mezzos may include multiple activities: cultivation, manufacture, and/or retail.
Transportation	Cannabis Transporter	This license type allows a company to transport products from one license type to another.		Fleet based business that will own multiple vehicles, but not necessarily hold a substantial amount of cannabis or cannabis products.
Delivery	Cannabis Delivery	This license type allows for transportation to the end consumer.		Fleet based business that will own multiple vehicles, but not necessarily hold a substantial amount of cannabis or cannabis products.
Events	Event Organizer	This license entitles license holder to organizer a temporary event lasting no more than four days.	Anywhere that the city permits events to occur, subject to other restrictions related to cannabis use.	On site consumption.  Retail sales by a licensed or endorsed retail business possible.

# Local Approval Process

Local governments play a critical role in the licensing process, serving as a near-final approval check on cannabis businesses nearing the awarding of a state license for operations. Once an applicant has been vetted by OCM and is selected for proceeding in the verification process, they are then required to receive the local government's certification of zoning compliance and/or local retail registration before operations may commence.



## Local Certification of Zoning Compliance (342.13; 342.14)

Following OCM's vetting process, local governments must **certify** that the applicant with preliminary approval has achieved **compliance with local zoning ordinances** prior to the licensee receiving final approval from OCM to commence operations.

During the application and licensing process for cannabis businesses, OCM will notify a local government when an applicant intends to operate within their jurisdiction and request a certification as to whether a proposed cannabis business complies with local zoning ordinances, and if applicable, whether the proposed business complies with state fire code and building code.

According to Minnesota's cannabis law, a local unit of government has 30 days to respond to this request for certification of compliance. If a local government does not respond to OCM's request for certification of compliance within the 30 days, the cannabis law allows OCM to issue a license. OCM may not issue the final approval for a license if the local government has indicated they are not in compliance.

OCM will work with local governments to access the licensing software system to complete this zoning certification process.

# ***Local Approval Process (cont.)***

## ***Local Retail Registration Process (342.22)***

Once the licensing process begins, local government registration applies to cannabis retailers or other cannabis/hemp businesses seeking a retail endorsement. Local governments must issue a retail registration after verifying that:

- The business has a valid license or license preapproval issued by OCM.
- The business has paid a registration fee or renewal fee to the local government;
  - Initial registration fees collected by a local government may be \$500 or half the amount of the applicable initial license fee, whichever is less, and renewal registration fees may be \$1,000 or half the amount of the applicable renewal license fee, whichever is less.
- The business is found to be in compliance with Chapter 342 and local ordinances.
- If applicable, the business is current on all property taxes and assessments for the proposed retail location.

Local registrations may also be issued by counties if the respective local government transfers such authorities to the county.

## ***Determining a Process for Limiting Retail Registrations***

If a local government wishes to place a limitation on the number of retailers and microbusiness/mezzobusinesses with retail endorsements allowed within their locality (as long as there is at least one retail location per 12,500 residents, see Page 10), state law does not define the process for a local government's selection if there are more applicants than registrations available. A few options for this process include the use of a lottery, a first-come/first-serve model, a rolling basis, and others. Local governments should work with an attorney to determine their specific process for selection if they wish to limit the number of licensed cannabis retailers per 342.13. Local governments are not required to limit the number of licensed cannabis retailers.

# ***Local Approval Process (cont.)***

Local governments are permitted specific authorities for registration refusal and registration suspension, in addition to—and not in conflict with—OCM authorities.

## ***Registration and Renewal Refusals***

Local governments may refuse the registration and/or certification of a license renewal if the license is associated with an individual or business who no longer holds a valid license, has failed to pay the local registration or renewal fee, or has been found in noncompliance in connection with a preliminary or renewal compliance check.



## ***Local Registration Suspension (342.22)***

Local governments may suspend the local retail registration of a cannabis business or hemp business if the business is determined to not be operating in compliance with a local ordinance authorized by 342.13 or if the operation of the business poses an immediate threat to the health and safety of the public. The local government must immediately notify OCM of the suspension if it occurs. OCM will review the suspension and may reinstate the registration or take enforcement action.

## ***Expedited Complaint Process (342.13)***

Per state law, OCM will establish an expedited complaint process during the rulemaking process to receive, review, read, and respond to complaints made by a local unit of government about a cannabis business. Upon promulgation of rules, OCM will publish the complaint process.

At a minimum, the expedited complaint process shall require the office to provide an initial response to the complaint within seven days and perform any necessary inspections within 30 days. Within this process, if a local government notifies OCM that a cannabis business poses an immediate threat to the health or safety of the public, the office must respond within one business day.

# Inspections & Compliance Checks

Local governments are permitted specific business inspection and compliance check authorities, in addition to—and not in conflict with—OCM authorities.

## Inspections and Compliance Checks (342.22)

Local governments must conduct **compliance checks** for cannabis and hemp businesses holding retail registration **at least once per calendar year**. These compliance checks must verify compliance with age verification procedures and compliance with any applicable local ordinance established pursuant to 342.13. OCM maintains inspection authorities for all cannabis licenses to verify compliance with operation requirements, product limits, and other applicable requirements of Chapter 342.



# Municipal Cannabis Stores

As authorized in Chapter 342.32, local governments are permitted to apply for a cannabis retail license to establish and operate a municipal cannabis store.

State law requires OCM issue a license to a city or county seeking to operate a single municipal cannabis store if the city or county:

- Submits required application information to OCM,
- Meets minimum requirements for licensure, and
- Pays applicable application and license fee.

A municipal cannabis store will not be included in the total count of retail licenses issued by the state under Chapter 342.

A municipal cannabis store cannot be counted as retail registration for purposes of determining whether a municipality's cap on retail registrations imposed by ordinance.



# Creating Your Local Ordinance

As authorized in 342.13, a local government may adopt a local ordinance regarding cannabis businesses. Establishing local governments' ordinances on cannabis businesses in a timely manner is critical for the ability for local cities or towns to establish local control as described in the law, and is necessary for the success of the statewide industry and the ability of local governments to protect public health and safety. The cannabis market's potential to create jobs, generate revenue, and contribute to economic development at the local and state level is supported through local ordinance work. The issuance of local certifications and registrations to prospective cannabis businesses is also dependent on local ordinances.

- Local governments may not prohibit the possession, transportation, or use of cannabis, or the establishment or operation of a cannabis business licensed under state law.
- Local governments may adopt reasonable restrictions on the time, place, and manner of cannabis business operations (see Page 11).
- Local governments may adopt interim ordinances to protect public safety and welfare, as any studies and/or further considerations on local cannabis activities are being conducted, until January 1, 2025. A public hearing must be held prior to adoption of an interim ordinance.
- If your local government wishes to operate a municipal cannabis store, the establishment and operation of such a facility must be considered in a local ordinance.



## Model Ordinance

For additional guidance regarding the creation of a cannabis related ordinance, please reference the addendum in this packet.

# ***Additional Resources***

## ***OCM Toolkit for Local Partners***

Please visit OCM webpage ([mn.gov/ocm/local-governments/](https://mn.gov/ocm/local-governments/)) for additional information, including a toolkit of resources developed specifically for local government partners. The webpage will be updated as additional information becomes available and as state regulations are adopted.

These resources are also included in the addendum of this packet.

Toolkit resources include:

- Appendix A: Model Ordinance
- Appendix B: Retail Registration Form and Checklist
- Appendix C: Hemp Flower and Hemp-Derived Cannabinoid Product Checklist
- Appendix D: Enforcement Notice from the Office of Cannabis Management
- Appendix E: Notice to Unlawful Cannabis Sellers

## ***Local Organizations***

There are several organizations who also have developed resources to support local governments regarding the cannabis industry. Please feel free to contact the following for additional resources:

- League of Minnesota Cities
- Association of Minnesota Counties
- Minnesota Public Health Law Center

# *Appendix A: Model Ordinance*

## Cannabis Model Ordinance

*The following model ordinance is meant to be used as a resource for cities, counties, and townships within Minnesota. The italicized text in red is meant to provide commentary and notes to jurisdictions considering using this ordinance and should be removed from any ordinance formally adopted by said jurisdiction. Certain items are not required to be included in the adopted ordinance: 'OR' and (optional) are placed throughout for areas where a jurisdiction may want to consider one or more choices on language.*

Section 1	Administration
Section 2	Registration of Cannabis Business
Section 3	Requirements for a Cannabis Business (Time, Place, Manner)
Section 4	Temporary Cannabis Events
Section 5	Lower Potency Hemp Edibles
Section 6	Local Government as a Retailer
Section 7	Use of Cannabis in Public

### AN ORDINANCE OF THE (CITY/COUNTY OF \_\_\_\_\_) TO REGULATE CANNABIS BUSINESSES

The (city council/town board/county board) of (city/town/county) hereby ordains:

#### Section 1. Administration

##### 1.1 Findings and Purpose

(insert local authority) makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes (insert local authority) to protect the public health, safety, welfare of (insert local here) residents by regulating cannabis businesses within the legal boundaries of (insert local here).

(insert local authority) finds and concludes that the proposed provisions are appropriate and lawful land use regulations for (insert local here), that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

##### 1.2 Authority & Jurisdiction

*A county can adopt an ordinance that applies to unincorporated areas and cities that have delegated authority to impose local zoning controls.*

(insert local authority) has the authority to adopt this ordinance pursuant to:

- a) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of

a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

- b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of (insert local here).

(Optional) (insert city here) has delegated cannabis retail registration authority to (insert county here). However, (insert city here) may adopt ordinances under Sections (2.6, 3 and 4) if (insert county here) has not adopted conflicting provisions.

### 1.3 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

### 1.4 Enforcement

*The elected body of a jurisdiction can choose to designate an official to administer and enforce this ordinance.*

The (insert name of local government or designated official) is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

### 1.5 Definitions

1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
2. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
3. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, (and/excluding) lower-potency hemp edible retailers.

4. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
5. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
6. Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
7. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
8. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
9. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
10. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
11. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
12. Retail Registration: An approved registration issued by the (insert local here) to a state-licensed cannabis retail business.
13. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
14. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

## Section 2. Registration of Cannabis Businesses

*A city or town can delegate authority for registration to the County. A city or town can still adopt specific requirement regarding zoning, buffers, and use in public places, provided said requirements are not in conflict with an ordinance adopted under the delegated authority granted to the County.*

### 2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within (insert local here) without first registering with (insert local here).

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of (up to \$2,000) for each violation.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

## 2.2 Compliance Checks Prior to Retail Registration

*A jurisdiction can choose to conduct a preliminary compliance check prior to issuance of retail registration.*

Prior to issuance of a cannabis retail business registration, (insert local here) (shall/shall not) conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, (insert local here) shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

## 2.3 Registration & Application Procedure

### 2.3.1 Fees.

(insert local here) shall not charge an application fee.

A registration fee, as established in (insert local here)'s fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by (insert local here) shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

### 2.3.2 Application Submittal.

The (insert local here) shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

(A) An applicant for a retail registration shall fill out an application form, as provided by the (insert local here). Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;
- iii. The address and parcel ID for the property which the retail registration is sought;
- iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
- v. (Insert additional standards here)

(B) The applicant shall include with the form:

- i. the registration fee as required in [Section 2.3.1];
  - ii. a copy of a valid state license or written notice of OCM license preapproval;
  - iii. (Insert additional standards here)
- (C) Once an application is considered complete, the (insert local government designee) shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.
- (D) The application fee shall be non-refundable once processed.

#### 2.3.3 Application Approval

- (A) (Optional) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 2.6.
- (B) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- (C) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

#### 2.3.4 Annual Compliance Checks.

The (insert local here) shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under [Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24] and this/these [chapter/section/ordinances].

The (insert local here) shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

#### 2.3.5 Location Change

*A jurisdiction may decide to treat location changes as a new registration, or alternatively treat a location change as allowable subject to compliance with the rest of the registration process.*

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2.3.2 if it seeks to move to a new location still within the legal boundaries of (insert local here).

or

If a state-licensed cannabis retail business seeks to move to a new location still within the legal boundaries of (insert local here), it shall notify (insert local here) of the proposed location change, and submit necessary information to meet all the criteria in this paragraph.

## 2.4 Renewal of Registration

The (insert local here) shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by (insert local here).

A cannabis retail registration issued under this ordinance shall not be transferred.

### *2.4.1 Renewal Fees.*

The (insert local here) may charge a renewal fee for the registration starting at the second renewal, as established in (insert local here)'s fee schedule.

### *2.4.2 Renewal Application.*

The application for renewal of a retail registration shall include, but is not limited to:

- Items required under Section 2.3.2 of this Ordinance.
- Insert additional items here

## 2.5 Suspension of Registration

### *2.5.1 When Suspension is Warranted.*

The (insert local here) may suspend a cannabis retail business's registration if it violates the ordinance of (insert local here) or poses an immediate threat to the health or safety of the public. The (insert local here) shall immediately notify the cannabis retail business in writing the grounds for the suspension.

### *2.5.2 Notification to OCM.*

The (insert local here) shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide (insert local here) and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

### *2.5.3 Length of Suspension.*

*A jurisdiction can wait for a determination from the OCM before reinstating a registration.*

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

The (insert local here) may reinstate a registration if it determines that the violations have been resolved.

The (insert local here) shall reinstate a registration if OCM determines that the violation(s) have been resolved.

#### 2.5.4 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) the (insert local here) may impose a civil penalty, as specified in the (insert local here)'s Fee Schedule, for registration violations, not to exceed \$2,000.

### 2.6 Limiting of Registrations

*A jurisdiction may choose to set a limit on the number of retail registrations within its boundaries. The jurisdiction may not however, limit the number of registrations to fewer than one per 12,500 residents.*

*(Optional) The (insert local here) shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within (insert local legal boundaries here).*

*(Optional) If (insert county here) has one active cannabis retail businesses registration for every 12,500 residents, the (insert local here) shall not be required to register additional state-licensed cannabis retail businesses.*

*(Optional) The (insert local here) shall limit the number of cannabis retail businesses to (insert number <= minimum required).*

## Section 3. Requirements for Cannabis Businesses

*State Statutes note that jurisdictions may “adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business.” A jurisdiction considering other siting requirements (such as a buffer between cannabis businesses, or a buffer from churches) should consider whether there is a basis to adopt such restrictions.*

### 3.1 Minimum Buffer Requirements

*A jurisdiction can adopt buffer requirements that prohibit the operation of a cannabis business within a certain distance of schools, daycares, residential treatment facilities, or from an attraction within a public park that is regularly used by minors, including a playground or athletic field. Buffer requirements are optional. A jurisdiction cannot adopt larger buffer requirements than the requirements here in Section 3.1. A jurisdiction should use a measuring system consistent with the rest of its ordinances, e.g. from lot line or center point of lot.*

*(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-1,000] feet of a school.*

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of a day care.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of a residential treatment facility.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

(Optional) The (insert local here) shall prohibit the operation of a cannabis retail business within [X] feet of another cannabis retail business.

Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a (school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors) moves within the minimum buffer zone.

### 3.2 Zoning and Land Use

*For jurisdictions with zoning, said jurisdiction can limit what zone(s) Cannabis businesses can operate in. As with other uses in a Zoning Ordinance, a jurisdiction can also determine if such use requires a Conditional or Interim Use permit. A jurisdiction cannot outright prohibit a cannabis business. A jurisdiction should amend their Zoning Ordinance and list what zone(s) Cannabis businesses are permitted in, and whether they are permitted, conditional, or interim uses. While each locality conducts its zoning differently, a few themes have emerged across the country. For example, cannabis manufacturing facilities are often placed in industrial zones, while cannabis retailers are typically found in commercial/retail zones. Cannabis retail facilities align with general retail establishments and are prohibited from allowing consumption or use onsite and are also required to have plans to prevent the visibility of cannabis and hemp-derived products to individuals outside the retail location. Cannabis businesses should be zoned under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business.*

#### 3.2.1. Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

#### 3.2.1. Cannabis Manufacturer.

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

#### *3.2.1. Hemp Manufacturer.*

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

#### *3.2.1. Wholesale.*

Cannabis businesses licensed or endorsed for wholesale are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

#### *3.2.1. Cannabis Retail.*

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

#### *3.2.1. Cannabis Transportation.*

Cannabis businesses licensed or endorsed for transportation are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

#### *3.2.1. Cannabis Delivery.*

Cannabis businesses licensed or endorsed for delivery are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

### 3.3 Hours of Operation

*State law limits the retail sale of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products to the hours of:*

- *Monday-Saturday: 8 a.m.-2 a.m. the following day*
- *Sunday: 10 a.m.-2 a.m.*

*A local jurisdiction may adopt an ordinance prohibiting sales for any period between the hours of 8 a.m.-10 a.m. and between 9 p.m.-2 a.m. the following day, seven days a week.*

(Optional) Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of (insert time here) and (insert time here).

### 3.4 (Optional) Advertising

Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by (insert local here)'s sign ordinances.

## Section 4. Temporary Cannabis Events

*Any individual or business seeking to obtain a cannabis event license must provide OCM information about the time, location, layout, number of business participants, and hours of operation. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by a local unit of government before holding a cannabis event.*

### 4.1 License or Permit Required for Temporary Cannabis Events

#### 4.1.1 License Required.

*A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days. A jurisdiction should determine what type of approval is consistent with their existing ordinances for events.*

A license or permit is required to be issued and approved by (insert local here) prior to holding a Temporary Cannabis Event.

#### 4.1.2 Registration & Application Procedure

A registration fee, as established in (insert local here)'s fee schedule, shall be charged to applicants for Temporary Cannabis Events.

#### 4.1.3 Application Submittal & Review.

The (insert local here) shall require an application for Temporary Cannabis Events.

- (A) An applicant for a retail registration shall fill out an application form, as provided by the (insert local here). Said form shall include, but is not limited to:
  - i. Full name of the property owner and applicant;
  - ii. Address, email address, and telephone number of the applicant;
  - iii. (Insert additional standards here)
- (B) The applicant shall include with the form:
  - i. the application fee as required in (Section 4.1.2);
  - ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the (insert local authority), or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

- (C) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.

(D) The application fee shall be non-refundable once processed.

(E) The application for a license for a Temporary Cannabis Event shall meet the following standards:

*A jurisdiction may establish standards for Temporary cannabis events which the event organizer must meet, including restricting or prohibiting any on-site consumption. If there are public health, safety, or welfare concerns associated with a proposed cannabis event, a jurisdiction would presumably be authorized to deny approval of that event.*

- Insert standards here

(G) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

(H) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The (insert city/town/county) shall notify the applicant of the standards not met and basis for denial.

(Optional) Temporary cannabis events shall only be held at (insert local place).

(Optional) Temporary cannabis events shall only be held between the hours of (insert start time) and (insert stop time).

## Section 5. (Optional) Lower-Potency Hemp Edibles

*A jurisdiction can establish different standards or requirements regarding Low-Potency Edibles. A jurisdiction can consider including the following section and subsections in their cannabis ordinance.*

### 5.1 Sale of Low-Potency Hemp Edibles

The sale of Low-Potency Edibles is permitted, subject to the conditions within this Section.

### 5.2 Zoning Districts

*If sales are permitted, a jurisdiction can limit what zone(s) the sales of Low-Potency Edibles can take place in. A jurisdiction can also determine if such activity requires a Conditional or Interim Use permit.*

Low-Potency Edibles businesses are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

### 5.3 (Optional) Additional Standards

#### 5.3.1 Sales within Municipal Liquor Store.

*A jurisdiction that already operates a Municipal Liquor Store may sell Low-Potency Edibles within the same store.*

The sale of Low-Potency Edibles is permitted in a Municipal Liquor Store.

#### *5.3.2 Age Requirements.*

*A jurisdiction is able to restrict the sale of Low-Potency Edibles to locations such as bars.*

The sale of Low-Potency Edibles is permitted only in places that admit persons 21 years of age or older.

#### *5.3.3 Beverages.*

The sale of Low-Potency Hemp Beverages is permitted in places that meet requirements of this Section.

#### *5.3.4 Storage of Product.*

*A jurisdiction is able to set requirements on storage and sales of Low-Potency Edibles.*

Low-Potency Edibles shall be sold behind a counter, and stored in a locked case.

### Section 6. (Optional) Local Government as a Cannabis Retailer

(insert local here) may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter.

The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under Section 2.6.

(insert local here) shall be subject to all same rental license requirements and procedures applicable to all other applicants.

### Section 7. Use in Public Places

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

# ***Appendix B: Retail Registration Form and Checklist***

## Retail Registration Form and Checklist

Local Unit of Government:

Business Name:

Business Address:

Minnesota Cannabis Business License Number:

### Registration Period

Initial

Renewal

Cannabis Microbusiness (\$0.00)

Cannabis Microbusiness (\$1000.00)

Cannabis Mezzobusiness (\$500.00)

Cannabis Mezzobusiness (\$1000.00)

Cannabis Retailer (\$500.00)

Cannabis Retailer (\$1000.00)

Is Applicant Current on All Property Tax and Assessments at Retail Location:

Yes

No

Preliminary Local Ordinance Compliance:

Pass

Fail

Notes:

The above named applicant having paid the appropriate fees, being current on all applicable tax obligations, and having passed a preliminary compliance review, is authorized to engage in retail cannabis sales in the above named jurisdiction.

Approved By:

Title:

Date:

# ***Appendix C: Hemp Flower and Hemp-Derived Cannabinoid Product Checklist***



Office of Cannabis Management  
 Department of Health

## Hemp Flower and Hemp-Derived Cannabinoid Product Checklist

Minnesota Statute 18K.02, Definitions  
 Minnesota Statute 152.01, Subdivision 9  
 Minnesota Statute 151.72, Sale of Certain Cannabinoid Products

Minnesota Statute 152.0264, Cannabis Sale Crimes  
 Minnesota Statute 342.09, Personal Adult Use of Cannabis

Question	Yes	No	Comments	Additional Information
<b>Business License and Registration Compliance</b>				
Is the business registered with the Minnesota Department of Health?				All businesses selling hemp-derived cannabinoid products must be registered. See <a href="http://www.health.state.mn.us/people/cannabis/edibles/index.html">Hemp-Derived Cannabinoid Products (www.health.state.mn.us/people/cannabis/edibles/index.html)</a>
If the business offers on-site consumption, do they have a liquor license?				Local authorities issue on-site consumption licenses. These are required for all businesses permitting on-site consumption of THC.
<b>Product Compliance – All Products</b>				
Does the business ensure that all sales are made to persons 21 years old or older?				Only persons 21 years of age or older may purchase hemp-derived cannabinoid products, with the exception of topicals. These products may be sold to anyone.
Does the business have all edible cannabinoid products, except beverages, behind the counter or in a locked cabinet?				Businesses must ensure all edible cannabinoid products are secure and inaccessible to customers.

Question	Yes	No	Comments	Additional Information
Only delta-8 and delta-9 are allowed for human consumption. Does the business sell edibles or beverages with any other intoxicating cannabinoids?				MDH has identified products containing many different intoxicating cannabinoids, such as HHC, THC-O, THC-P, PHC, delta-10, delta-11, delta-8p, delta-9p, etc. The product must contain only delta-8 and/or delta-9.
Does the business sell any edible products that are similar to a product marketed to or consumed by children?				Edible products that appear similar to candy or snacks marketed toward or consumed by children are not allowed.
Does the label on the edible or beverage state “Keep out of reach of children”?				All products must include the warning label “Keep out of reach of children.”
Is the manufacturer’s name, address, website, and contact phone number included on the label or provided through a QR code?				If not, the product is not in compliance.
Does the QR code on the product bring the user to a Certificate of Analysis on the website, which includes the name of the independent testing laboratory, cannabinoid profile, and product batch number?				All products must be tested by batch in an independent, accredited laboratory. The results must include the cannabinoid profile.
Does the label on the product indicate the cannabinoids by serving and in total?				The label must indicate the potency by individual serving as well as in total.

Question	Yes	No	Comments	Additional Information
Does the label on the product make any claim the product offers any kind of health benefit?				Health claims are not permitted on hemp or cannabis products unless approved by the FDA. At this time, there is not an approved statement.
Does the label on the product state that the product does not claim to diagnose, treat, cure or prevent any disease?				The manufacturer cannot claim the product will provide any health benefit unless the product has been formally approved by the FDA.
Does the business sell CBD (or other forms of cannabidiol) in the form of a softgel, tablet, or tincture?				Non-intoxicating cannabinoids may only be sold in the form of an edible, beverage, or topical. Therefore, softgels and tablets cannot be sold. Tinctures must be labeled as either an edible or beverage and comply with the edible or beverage requirements.
<b>Product Compliance – Edibles</b>				
Does the edible product contain more than 5 mg delta-8 and/or delta-9 per serving?				Edibles may not exceed 5 mg delta-8 and/or delta-9 per serving.
Does the edible product package/container contain more than 50 mg total THC (delta-8 and/or delta-9)?				Edibles may not exceed 50 mg total delta-8 or delta-9 per package. The edible cannot contain any other form of THC or intoxicating cannabinoid.
Are all the edible product's servings clearly marked, wrapped, or scored <u>on</u> the product?				Edible product servings must be clearly distinguished on the product. Bulk products that require the consumer to measure are not allowed.

Question	Yes	No	Comments	Additional Information
Does the business sell any edible products in the shape of bears, worms, fruits, rings, ribbons?				Edibles in shapes that appeal to children are not allowed.
Is the edible product in a child-proof, tamper-evident, opaque container?				All edibles must be in a container that is child-resistant and tamper evident. If the container is clear, the business must place the edible into an opaque bag at the point of sale. Clear bags are not allowed.
<b>Product Compliance - Beverages</b>				
Does the beverage product contain more than 5 mg delta-8 or delta-9 per serving?				Beverages may not exceed 5 mg delta-8 and/or delta-9 per serving.
Does the beverage product contain more than 2 servings?				Beverages cannot exceed two servings, regardless of the THC potency.
Is the beverage product in an opaque container?				If the beverage is in a clear container, the business must place the beverage in an opaque bag at the point of sale.
<b>Product Compliance – Smokables (non-flower)</b>				
Does the business sell vapes, pre-rolls, dabs, or other smokable products which contain more than 0.3% THC?				<p>A product’s certificate of analysis will show the concentration of THC the product contains. The certificate typically is found through the QR code on the product package. In MDH’s experience, most vapes contain 50% - 90%+ THC.</p> <p>Pre-rolls may consist of raw hemp flower. These products are not regulated by 151.72. However, if a pre-roll is labeled as “infused” or “coated” have additional cannabinoids applied to the material, of which the product typically exceeds the 0.3% THC limit.</p>

Question	Yes	No	Comments	Additional Information
Does the business sell vapes, pre-rolls, dabs, or other smokeable products that contain other intoxicating cannabinoids, such as HHC?				MN Statutes do not allow any cannabinoid, other than delta-8 or delta-9, to be sold if the cannabinoid is intended to alter the structure or function of the body. HHC is a cannabinoid known to have potency greater than THC.
Does the business sell vapes, pre-rolls, dabs, or other smokable products which contain CBD?				Non-intoxicating cannabinoids cannot be smoked, vaped, or inhaled.
<b>Product Compliance – Flower</b>				
Does the business sell raw hemp flower?				<p>Raw hemp flower must contain 0.3% or less of delta-9 on a dry weight basis. Products exceeding 0.3% delta-9 dry weight are marijuana, and are illegal for sale.</p> <p>THC-A is the non psychoactive precursor to delta-9. Once heated THC-A converts to delta-9. In that process some amount of THC-A is lost.</p> <p>To determine whether, once heated, the hemp flower will exceed the allowable 0.3% of delta-9, one can use a decarboxylation formula which takes into account the conversion of THC-A into delta-9.</p> <p>That formula is as follows:  Total THC = (0.877 X THC-A) + d-9 THC)</p> <p>Raw flower must include a certificate of analysis to show testing below 0.3% delta-9.</p> <ul style="list-style-type: none"> <li>• A lack of a certificate of analysis would constitute an illegal sale.</li> </ul>

Question	Yes	No	Comments	Additional Information
				<ul style="list-style-type: none"> <li>A certificate of analysis showing that under the decarboxylation formula that delta-9 would exceed the 0.3% threshold would also indicate the flower is cannabis and not hemp and therefore being sold illegally.</li> </ul>
<b>Product Compliance – On-Site Consumption</b>				
If the business offers on-site consumption, do they serve the edible or beverage in its original packaging?				The business may not pour out or remove an edible from its original packaging.
If the business offers on-site consumption, do they mix a cannabis-infused beverage with alcohol?				The business may not mix cannabis-infused products with alcohol.
If the business offers on-site consumption, do they permit customers to remove from the premises products which have been removed from their original packaging?				Products which have been removed from their original packaging cannot be removed from the premises by the customer.

NOTE: If a person suspects that a hemp-derived cannabinoid product is being sold in violation of Minnesota law, they can use the complaint form at [Submitting Hemp-Derived Cannabinoid Product Complaints \(www.health.state.mn.us/people/cannabis/edibles/complaints.html\)](http://www.health.state.mn.us/people/cannabis/edibles/complaints.html).

# ***Appendix D: Enforcement Notice from the Office of Cannabis Management***

## Enforcement Notice from the Office of Cannabis Management

Dear Registered Hemp Derived Cannabinoid Business:

The Office of Cannabis Management (OCM), established in 2023, is charged with developing and implementing the operational and regulatory systems to oversee the cannabis industry in Minnesota as provided in Minnesota Statutes Chapter 342.

When Minnesota legalized the sale of adult-use of cannabis flower, cannabis products, and lower-potency hemp edibles/ hemp-derived consumer products, the Minnesota Legislature included statutory provisions, [Minnesota Statutes, chapter 152.0264](#), making the sale of cannabis illegal until a business is licensed by OCM. The Office of Cannabis Management has not yet issued licenses for the cultivation, manufacture, wholesale, transportation or retail sale of cannabis, therefore any retail sales of cannabis products, including cannabis flower, are illegal.

The Office of Cannabis Management has received complaints of retailers selling cannabis flower under the label of hemp flower. Under an agreement between The Minnesota Department of Health (MDH) and OCM, inspectors from MDH will begin to examine any flower products being sold during their regular inspections to determine whether they are indeed hemp flower or cannabis flower.

In distinguishing between hemp and cannabis flower, OCM, consistent with federal rules and regulations related to hemp under 7 CFR 990.1, will consider the total concentration of THC post- decarboxylation, which is the process by which THC-A is converted into Delta-9 to produce an intoxicating effect. The examination of raw flower products will include reviewing the certificate of analysis for compliance in several areas, including:

Compliance with the requirement that raw flower listed for sale includes a Certificate of Analysis (COA). Products for sale without a COA will constitute an illegal sale.

A COA that affirms concentrations of 0.3% or less of Delta-9 on a dry weight basis. Products exceeding 0.3% Delta-9 dry weight are considered marijuana and are therefore illegal to sell.

A COA that confirms that the total levels of Delta-9 and THC-A after the decarboxylation process do not exceed 0.3%. A COA that indicates the raw flower will exceed 0.3 percent Delta-9 post-decarboxylation, or a subsequent test conducted by an independent laboratory utilized by OCM that confirms Delta-9 in excess of 0.3 percent will be considered illegal.

[Minnesota Statutes, Chapter 342](#) governs Minnesota’s cannabis market, and empowers OCM to ensure regulatory compliance. [Minnesota Statutes, chapter 342.09, subdivision 4](#) prohibits the retail sale of cannabis flower and cannabis products “without a license issued under this chapter that authorizes the sale.”

To date, the Office of Cannabis Management has not issued any cannabis licenses, applications for licenses are expected to be available in the first half of 2025. As such, selling cannabis is a clear violation of law. Be aware that under [Minnesota Statutes, 342.09, subdivision 6](#), OCM may assess fines in excess of a \$1 million for violations of this law. Likewise, under [Minnesota Statutes, chapter 342.19](#), OCM is empowered to embargo any product that it has “probable cause to believe . . . is being distributed in violation of this chapter or rules adopted under this chapter[.]” Furthermore, violations of law may be considered in future licensing decisions made by OCM.

As inspectors enter the field, we encourage you to review the products you are currently selling to ensure they fall within the thresholds outlined above. If you have any questions related to the products you are selling, please send an email to [cannabis.info@state.mn.us](mailto:cannabis.info@state.mn.us).

Thank you for your attention to this matter.

A handwritten signature in black ink, appearing to read "Charlene Briner", with a long horizontal flourish extending to the right.

Charlene Briner  
Interim Director  
Office of Cannabis Management

# ***Appendix E: Notice to Unlawful Cannabis Sellers***

## Notice to Unlawful Cannabis Sellers

This notice is to inform you that your current course of action may run afoul of Minnesota law, and continuing this course of action may result in civil actions and potential criminal prosecution. To avoid such outcomes, you should immediately cease and desist any plans to engage in the unlicensed sale of cannabis and cannabis products.

[Minnesota Statutes, Chapter 342 \(www.revisor.mn.gov/statutes/cite/342\)](http://www.revisor.mn.gov/statutes/cite/342) governs Minnesota's cannabis market, and empowers OCM to ensure regulatory compliance. [Minnesota Statutes, chapter 342.09, subdivision 4 \(www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.4\)](http://www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.4) prohibits the retail sale of cannabis flower and cannabis products "without a license issued under this chapter that authorizes the sale." To date the Office of Cannabis Management has not issued any retail, or other, cannabis licenses. As such, your plan to sell cannabis in a retail setting at this date would be in flagrant violation of the law. Be aware that under [Minnesota Statutes, 342.09, subdivision 6 \(www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.6\)](http://www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.6), OCM may assess fines in excess of a \$1,000,000 for violations of this law.

Likewise, under [Minnesota Statutes, chapter 342.19 \(www.revisor.mn.gov/statutes/cite/342.19\)](http://www.revisor.mn.gov/statutes/cite/342.19), OCM is empowered to embargo any product that it has "probable cause to believe . . . is being distributed in violation of this chapter or rules adopted under this chapter[.]" It is believed that products attempted to be sold at your retail location might be distributed in violation of the law, and would therefore be subject to embargo by OCM. Under [Minnesota Statutes, chapter 342.19, subd. 2 \(www.revisor.mn.gov/statutes/cite/342.19#stat.342.19.2\)](http://www.revisor.mn.gov/statutes/cite/342.19#stat.342.19.2), once embargoed OCM "shall release the cannabis plant, cannabis flower, cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer product when this chapter and rules adopted under this chapter have been complied with or the item is found not to be in violation of this chapter or rules adopted under this chapter."

While Minnesota has legalized the sale of adult-use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products, the legislature did add new statutory provisions, [Minnesota Statutes, chapter 152.0264 \(www.revisor.mn.gov/statutes/cite/152.0264\)](http://www.revisor.mn.gov/statutes/cite/152.0264), making illegal the unlawful sale of cannabis. As there are not yet any licenses issued by OCM for the cultivation, manufacture, wholesale, transportation, or retail of cannabis, any sales of cannabis products in excess of the limits in 152.0264 is illegal.

If you are only planning to sell cannabinoid products that are derived from hemp, you should ensure that the sale of those products is consistent with [Minnesota Statutes, chapter 151.72 \(www.revisor.mn.gov/statutes/cite/151.72\)](http://www.revisor.mn.gov/statutes/cite/151.72), including but not limited to the requirement that your business be registered with the Commissioner of Health, and that all products are in compliance with the relevant statutes.

Finally, in addition to the state laws outlined above, please be aware that any retail location must be in compliance with local government ordinances and zoning requirements.

OCM takes seriously its charge to enforce Minnesota Statutes, Chapter 342, and its responsibility to ensure a safe and legal cannabis market. In order to avoid the above-described actions, all attempts to open a cannabis retail dispensary in Minnesota without the appropriate license should be ceased.

**Regular Planning Commission****Meeting Date:** 09/26/2024**Primary Strategic Plan Initiative:** Create a positive image for residential neighborhoods, business districts and key corridors.**Information****Title:**

Consider a variance for a lean-to structure at 6850 148th Lane NW (Michael Ploumen)

**Purpose/Background:**

*At the July 25, 2024, Planning Commission meeting, action on this request was tabled to allow the applicant time to measure his boat and determine if any excess portion of the lean-to can be removed. The applicant has provided measurements and photos (attached) explaining that the amount that can be removed is minimal and would pose difficulty in maneuvering the boat into the space.*

The homeowner, Mr. Michael Ploumen (the applicant), constructed a lean-to structure over a concrete parking slab on the east side of the attached garage. The slab was installed in the summer of 2017 and the lean-to in the summer of 2023. A lean-to is a roof extension supported on one side by the garage or house and on the other side by posts. This structure was constructed without the proper building permits and zoning permits (required for driveways in 2017) and encroaches in the required 5-foot side yard setback. The structure and parking slab were brought to staff's attention through a code enforcement complaint. The variance request is a part of the applicant's due process rights to remedy the infraction.

The property is zoned R-1A Single-Family Residential District and guided Low Density Residential on the Comprehensive Plan. The property is 0.62 acres in size and the lot includes a portion of a large wetland.

Zoning Issues

Driveways, parking spaces, and structures within the R-1A zoning district are required to have a 5-foot side yard setback. The slab was installed at approximately 3-feet 8-inches from the property line. The lean-to extends over the slab with the posts outside of it at approximately 2-feet 5-inches from the property line. The roof overhang and gutters are within inches of the property line.

Architecturally, the lean-to is open-aired. The roof of the structure is a metal product while the roof of the house and attached garage is a typical residential asphalt shingle. To be compliant with the architectural design requirements of City Code, the fascia should be painted to match the house and the metal roofing replaced with a matching asphalt shingle.

Building Code Issues

The structure was constructed without a building permit. Any structure that is added to the main house is required to have a building permit. The building permit review process looks at several things including, and most notably in the case of lean-tos, frost footing depth, structural attachment to the garage, and the materials that are used in relationship to the property line. Within 5 feet of a property line, structures need to be constructed in a way that would prevent a fire from jumping to the next structure.

Should the variance be approved, the structure will need to have a building permit. It is likely that the structure will need to be rebuilt to meet the fire rating requirements. Variances to the Building Code are not possible since this is a state-wide regulation. The applicant has met with the City's Building Official to discuss ways to bring the structure into compliance.

## **Variance**

The applicant is requesting a variance to the side yard setback requirement of 5 feet for both the slab and the lean-to structure. City Code mirrors state law on the possible justification criteria for granting variances. Overall, the request must be reasonable and unique to the property. The following is the section of City Code addressing variances:

### **Sec. 106-220. - Variances.**

*(a) Variances shall only be permitted when they are in harmony with the general purposes and intent of this chapter and when the variances are consistent with the comprehensive plan.*

*(b) Public hearing notice mailing distance is 350 feet.*

*(c) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning code. "Practical difficulties," as used in connection with the granting of a variance, means:*

*(1) That the property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*

*(2) The plight of the landowner is due to circumstances unique to the property not created by the landowner;*

*(3) The variance, if granted, will not alter the essential character of the locality.*

*(4) Economic considerations alone do not constitute practical difficulties;*

*(5) Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems; and*

*(6) Public takings of property due to condemnation.*

*(7) Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, subd. 14, when in harmony with this chapter.*

*(d) The planning commission may not permit as a variance any use that is not allowed under the zoning code for property in the district where the affected person's land is located.*

*(e) The planning commission may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.*

The applicant provided a narrative outlining his justification for the variances attached to this report. He stated that his variance request meets criteria 1 and 3 above.

### **Additional Consideration**

The structure was constructed in a platted drainage and utility easement. Per City Code, driveways are allowed in these easements provided that they do not inhibit the flow of water and at the owner's expense for removal in the event that the easement area is needed for its intended use. The lean-to, however, is not permitted. Therefore, an encroachment agreement is necessary if the variance is approved.

### **Notification:**

Mailed notifications were sent to property owners within 350 feet of the site. A "proposed development" sign was placed on the property. A legal notice was placed in the July 12 Anoka Union Herald Newspaper.

### **Time Frame/Observations/Alternatives:**

#### **Alternatives to Consider**

1. Approve the variance as requested and justified by the applicant.
2. Approve a variance for the concrete slab only.
3. Deny the variance, citing a lack of adequate practical difficulties in justifying the variance.

### **Funding Source:**

All costs associated with this project are the responsibility of the applicant.

### **Recommendation:**

Staff's recommendation is that, as it exists today, does not look out of character of a typical residential property. However, the closeness of the structure to the property line will appear out of place should the applicant or the neighbor decide to build a fence along the property line. Granting a variance cannot restrict a neighboring property owner from their right to do something. It is recommended that the structure be removed. Staff is taking no position on the placement of the slab.

**Outcome/Action:**

Motion to direct staff to prepare a resolution... [pick one]

1. ...approving the variance for a slab and lean-to structure based on the following practical difficulties: [insert findings here].
2. ...approving the variance for a slab only based on the following practical difficulties: [insert findings here].
3. ...denying the variance for a slab and lean-to structure based on inadequate practical difficulties.

The resolution for the selected option will be brought back to the next Planning Commission and placed on the consent agenda for adoption.

---

**Attachments**

Location Map

Applicant's Original Narrative

Photos

Site Plan Air Photo

Building Official's Memo

Applicant's Measurement Letter

**Form Review**

**Inbox**

Brian Hagen

Form Started By: Todd Larson

Final Approval Date: 09/19/2024

**Reviewed By**

Brian Hagen

**Date**

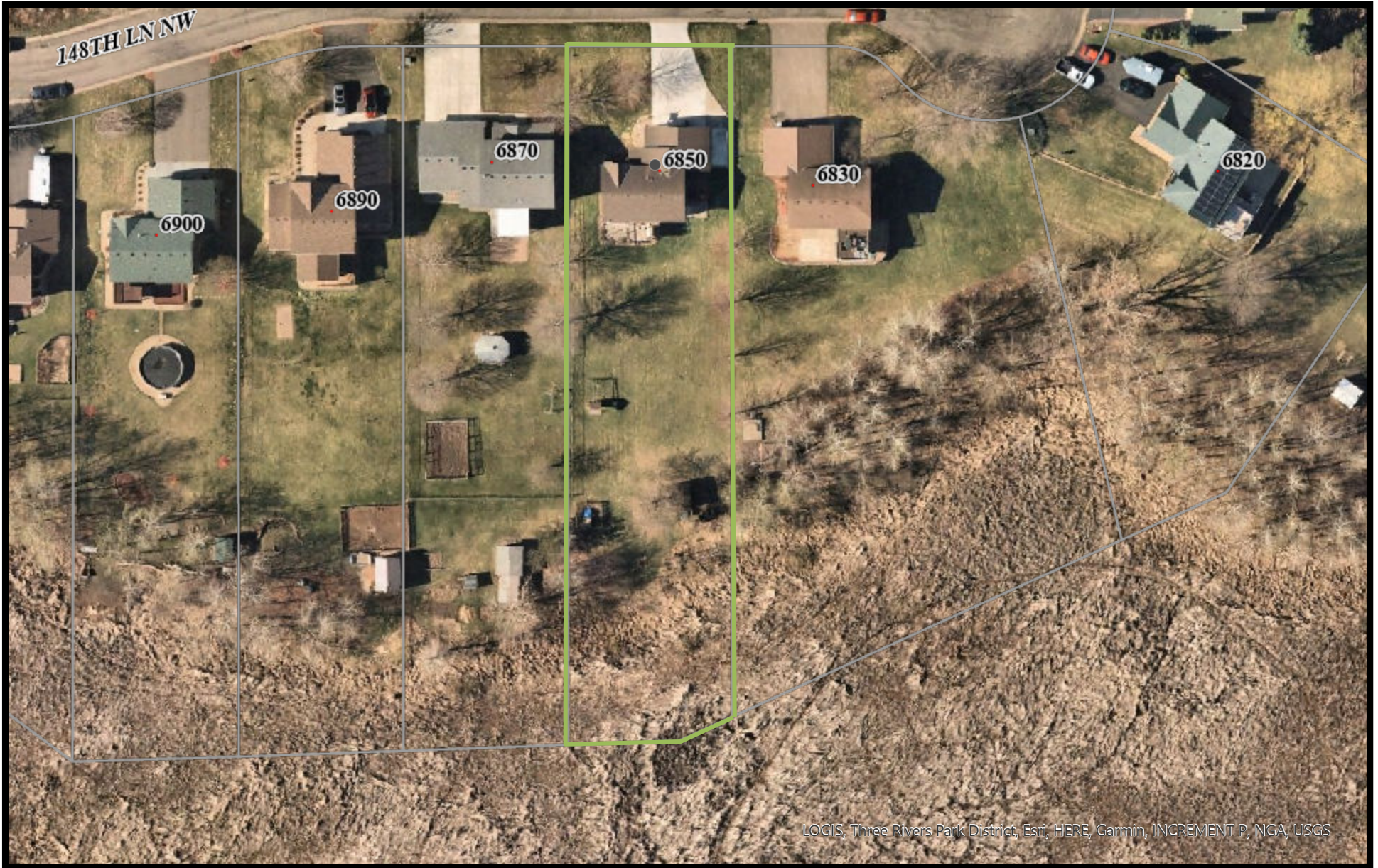
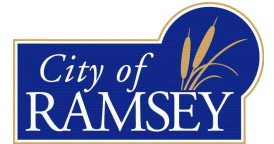
09/19/2024 09:55 AM

Started On: 07/29/2024 11:24 AM

27-32-25-21-0041  
6850 148th Lane NW

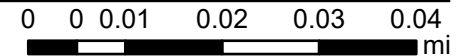
# MIKE PLOUMEN

Variance



LOGIS, Three Rivers Park District, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Print Date: June 21, 2024



6850 148th LN NW Ramsey MN 55303 Variance Request

Greetings members of the City of Ramsey planning commission. This letter serves as my narrative in a request for a variance at my residence of 6850 148th LN NW.

This spring I was issued a code violation notice regarding a concrete slab and recently constructed lean-to on the east side of my house. The notice indicated that the concrete pad, which is used to park my boat on, and the lean-to covering my boat appeared to be too close to the property line set back of 5 feet.

I reached out to Code enforcement officials with the city. I was advised to locate my underground property markers to verify that. This was to be done by either having an official lot survey done or use a metal detector. Once the pins could be located I could measure my structures distance to the property line.

I used a metal detector to attempt to locate my property pins. I believed I had located them given where I truly thought my property line was. A metal stake in the south east corner of the lot near the wet land confirmed that. My neighbor who resides on this side of my property stated this stake was put there when the properties were first built. I was asked to exposed the pins, in an attempt to dig them up, I was successful.

On July 1<sup>st</sup>, 2024 I hired Northwind Land Surveying LLC to conduct a lot survey of my property. After the completion of the survey my initial measurements were off. As it stands now my concrete pad is 3 feet 8 inches from the property line.

My lean-to is attached to the side of my garage and is anchored to studs of my garage. It is being held up and supported by three 6x6 posts that are dug into the ground 48 inches. These posts are 15 inches from the concrete pad. So from the posts to the set back line the distance is about 2 feet 5 inches.

Under Ramsey section code 106.220 sub (c-1) and (c-3) I feel my request for such a variance should be given strong consideration in that I still plan to use the property in a reasonable manner and if granted, the variance will not alter the essential character of the locality. I have had numerous compliments on the lean-to and feel it looks presentable, serves a purpose on the property, and enhances property value.

As for the building permit I failed to get. I can only say I simply got out of sequence. At the time I constructed the lean, I had the financial means for materials and assistance with labor and simply overlooked getting one. For that I apologize, I can assure you there was no ill intent behind my mishap. I'm confident that the lean is structurally sound and to code. Along with my photographs I have also submitted my site plan for a building inspector to review.

I understand the planning commission is comprised of community volunteers. Thank you for your time that you donate to the City of Ramsey and its residents.

Finally, thank you for your time and consideration of my request.

Sincerely,

Michael Ploumen

6850 148th LN NW

Ramsey, MN 55303

**Photos of 6850 148<sup>th</sup> Lane NW**

July 12, 2024



Photo 1. Looking south inline with the property line stakes.



Photo 2. Looking southwesterly from the neighbor's yard.



Photo 3. Looking southeasterly from the applicant's driveway.



Photo 4. Looking southeasterly.



Photo 5. Closer view from near the property line.



From NearMap



July 19, 2024

Todd Larson  
Planning Manager, City of Ramsey  
7550 Sunwood Drive NW  
Ramsey, MN 55303

Regarding 6850 148th Lane NW:

The identified residential property in the City of Ramsey is subject to the following facts and violations.

Minnesota Rule 1300.0120 **Permits**, cites the fact that an owner who intends to construct, enlarge, or otherwise alter a structure shall *first* make application and obtain the required permit. Work has been performed absent the required application, review, payment of fees, permit and inspections. This work includes an addition to the attached garage. The improvements do not appear to meet the required setbacks and possibly over the adjoining property line.

Additionally, the work is not in conformance with prescriptive provisions of the MN Residential Code as published and adopted, site specific engineering may be required to ensure code provisions are met for structural integrity and fire resistive construction.

Individual projects must be located within required setbacks and the owner shall be able to clearly identify the property line and structure location. A site inspection was not able to confirm the exact location of the property line as it relates to the construction of the framing, foundation and roof overhang.

Minnesota State Building Code Chapter 1309 Section 302 Fire-Resistant Construction cites walls within the existing setback must be of 1 hour fire resistance rating. As this structure does not contain walls, but instead support posts, a special design would be required to ensure both structural integrity as well as the requirements for fire resistance.

In summary, as established processes and procedures were not followed, I am not able to confirm the viability of this project nor its potential to adequately meet state nor city codes and ordinances.

Respectfully submitted

Andy Schreder, Owner- CBO  
Rum River Construction Consultants

9-11-2024

Good day Todd

The commission asked me to take measurements of my boat and what the structure would look like if i were to modify it to code. Attached are 4 pictures, each depicting what the structure would look like.

In image 8852- A measurement of 109" (9 ft 1 in) is from the side of the garage to the 6x6 post marked as a blue square.

The boat, at its widest point (wheel to wheel) is 102" (8ft 6 in). which gives me about 7 inches of play, 3.5 inches on each side

Image 8853- shows more of the side. The boat could be moved over a bit, but it gives the commission an idea of the space im working with.

Image 8854- This photo is from the 6x6 post to the neighboring house. The distance is 17 feet. I don't foresee a fire hazard here but if the commission requests, I can treat the cedar wood posts with a fire retardant (FS2)

Image 8860 - a solid brown line has been drawn from where the edge of the pad would sit. Bringing it back 1 foot 4 inches.

Practical difficulties- If the structure is "downsized" I will have about 3.5 inches on each side of the boat. This will create a significant safety concern when trying to back the boat into the spot. It will also make it nearly impossible to back in at an angle. I would have to drive straight back on my grass, potentially damaging irrigation lines and tearing up the lawn. Thus the structure would no longer be suitable.



Image 8852



Image 8853



Image 8854



Image 8860

**Regular Planning Commission****Meeting Date:** 09/26/2024**Primary Strategic Plan Initiative:** Create a positive image for residential neighborhoods, business districts and key corridors.**Information****Title:**

Sign Code Update - Preliminary Discussion

**Purpose/Background:**

Ramsey's Sign Code (currently split between Chapter 117, Article II, Division 8, and the COR Framework) has been updated several times over the years as individual issues or topics have surfaced. Staff have noted several areas, mostly minor items, that need to be cleaned up, clarified, or rearranged. One of the major items that needs to be addressed is how to incorporate the signage regulations in the COR Framework into the rest of the City's Sign Code for consistency in application and administration.

The goals of updating the Code are the ease of use by property owners, developers, and staff:

- Consistency in terms and definitions
- Clear purpose and intent of the sign code
- Clear distinctions between what sign types and sizes are allowed in each zoning district
- Consistency with how the Sign Code is interpreted and administered
- Reorganization of Chapter 117 and the COR Framework language to eliminate redundancies and contradictions
- Streamline processes
- Create an improved Sign Code that is easier to read and understand for all users.

Both sections of Ramsey's Sign Code are attached to this staff report for reference.

**Funding Source:**

This work is being done as a part of staff's normal duties.

**Recommendation:**

No formal recommendation is applicable at this time.

**Outcome/Action:**

No formal action is requested at this time. Rather, Staff is looking for the Planning Commission to provide direction on any areas of interest to explore or discuss. Staff will schedule time over the next several months, keeping mindful of other public hearings and development proposals on each meeting's agenda, to discuss various sign-related topics of the Planning Commission's interest.

**Attachments**

Sign Regulations - Chapter 117

Sign Regulations in the COR Framework

**Form Review****Inbox**

Brian Hagen

**Reviewed By**

Abdi Sahal

**Date**

09/19/2024 11:08 AM

Form Started By: Adam Martin  
Final Approval Date: 09/19/2024

Started On: 09/18/2024 10:15 AM

## *DIVISION 8. SIGNS*

### **Subdivision I. In General**

#### **Sec. 117-457. Purpose.**

The purpose of this division is to protect and promote the general welfare, health, safety and order within the city through the establishment of a comprehensive and impartial series of standards, regulations and procedures governing the erection, use and/or display of devices, signs or symbols serving as a visual communicative media to persons situated within or upon public rights-of-way or properties. The provisions of this division are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication and a sense of concern for the visual amenities on the part of those designing and displaying communicative media for the types regulated by this division, while at the same time assuring that the public health and welfare is not endangered.

(Code 1978, § 9.12.01; Ord. No. 94-02, 2-28-1994; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

#### **Sec. 117-458. Substitution clause.**

The owner of any sign that is otherwise allowed by this division may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. The owner of any sign that is otherwise allowed by this division may substitute commercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this division is to prevent any inadvertent favoring of commercial speech over noncommercial speech, favoring of noncommercial speech over commercial speech, favoring any particular commercial speech over any other commercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This division prevails over any more specific provision to the contrary.

#### **Sec. 117-459. Variations.**

Request for variations from the provisions of this division shall be processed by the applicant applying to the zoning administrator for a conditional use permit, which conditional use permit procedure shall be as prescribed in section 117-50.

(Code 1978, § 9.12.24; Ord. No. 94-02, 2-28-1994; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

#### **Sec. 117-460. Conflict.**

If any portion of this division is found to be in conflict with any other provision of any zoning, building, fire, safety or health ordinance of the city, the provision that establishes the higher standard shall prevail.

(Code 1978, § 9.12.25; Ord. No. 94-02, 2-28-1994; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

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### **Sec. 117-461. Violations.**

- (a) When, in the opinion of the zoning administrator, a violation of this Code exists, the zoning administrator shall issue a written order to either the owner of the sign, or the owner of the property, or tenant leasing the property, on which the sign is placed. The order shall specify those sections of this Code involved, describe the violation and shall direct that the violation be corrected within five days from the date of the order, unless otherwise specified by the zoning administrator. If the violation is not corrected, the violation will be penalized through the administrative citation or removal, whichever is appropriate.
- (b) If the zoning administrator or building official finds that a sign is abandoned or is structurally, or electrically defective, or in any way endangers the public, the zoning administrator or building official shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring repair or removal of the sign within 60 days of the date of the order.

(Code 1978, § 9.12.21; Ord. No. 94-02, 2-28-1994; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

### **Sec. 117-462. Removal of signs by the zoning administrator.**

- (a) The zoning administrator may cause the removal of any illegal sign, any sign remaining after a business permanently closes, or any sign not properly maintained in cases of emergency, or after failure to timely comply with written orders for removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner and owner of the property where the sign was located stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the zoning administrator together with an additional 50 percent for inspection and incidental costs.
- (b) If the amount specified in the notice is not paid within 30 days after mailing of the notice, it shall become a lien against the parcel where the sign was located and shall be certified as an assessment against the property together with ten percent interest for collection in the same manner as the real estate taxes.
- (c) The owner of the parcel upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the zoning administrator.
- (d) In case of emergency, the zoning administrator or building official may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the state building code.

(Code 1978, § 9.12.22; Ord. No. 94-02, 2-28-1994; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

### **Sec. 117-463. General restrictions.**

- (a) *Address sign.* One address sign shall be required per main building in all districts.
- (b) *Bench sign.* Bench signs shall be permitted only at bus stops.
- (c) *Ground sign.* A ground sign shall not project higher than 25 feet as measured from base of sign or grade of the nearest adjacent roadway, whichever is lower. Any ground sign within 50 feet of any intersection of street right-of-way lines and/or driveway entrances shall have a minimum vertical clearance of 12 feet above the centerline of the pavement unless it can be shown that it can comply with subsections (e)(2)a and b of this section.

- 
- (d) *Canopies or marquees.* Canopies and marquees shall be considered to be an integral part of the structure to which they are an accessory. Signs may be attached to a canopy or marquee, but such structures shall not be considered as part of the wall area and thus shall not warrant additional sign area.
- (e) *Location.*
- (1) No sign other than governmental signs shall be erected or temporarily placed within any street or public right-of-way or upon any public easement.
  - (2) A permit for a sign to be located within 50 feet of any street or highway regulatory or warning sign, or any traffic sign or signal, or of any crossroad or crosswalk, will not be issued unless:
    - a. The sign will not interfere with the ability of drivers and pedestrians to see any street or highway sign, or any traffic sign or signal, or any crossroad or crosswalk; and
    - b. The sign will not distract drivers nor offer any confusion to any street or highway, sign, or any traffic sign or signal.
  - (3) A sign shall not be located so as to extend over any lot line or within 15 feet of any point of vehicular access from a parcel to a public roadway.
- (f) *Dynamic display and illumination.*
- (1) Based on findings conducted by scientific studies, the city finds that dynamic displays should be allowed on signs with appropriate regulation in order to minimize their proliferation and their potential threats to public safety.
  - (2) Regulations. Dynamic displays on signs are subject to the following conditions:
    - a. Size. On-premise signs may include dynamic displays. Dynamic display signs shall not exceed the size allowed by this chapter. Dynamic displays are not in addition to the size allowed for static signs.
    - b. Frequency of display change. A dynamic display may not change more often than once every three seconds, and no part of the display may include flashing or scrolling text. The images display must be static, and the transition from one display to another must be instantaneous without special effects. The dynamic display shall not be allowed to project full-motion video. Subtle transition animations shall be allowed.
    - c. Brightness. No sign may be brighter than is necessary for clear and adequate visibility, or that it interferes with the effectiveness of a traffic sign or signal, or that it distracts a driver from motor vehicle operation.
    - d. Troubleshooting. Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The display must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this section.
- (g) *Institutional and recreational identification sign.* One wall and/or ground sign shall be permitted to identify the civic, philanthropic, educational, public or religious organization or recreational use occupying the parcel. There shall not be more than one ground sign for each parcel. The gross surface area of a ground sign shall not exceed 100 square feet for each exposed face nor exceed an aggregate gross surface area of 200 square feet. Such facilities having more than one point of entrance or street frontage may erect secondary identification signs not to exceed 50 square feet for each exposed face at the additional entrance points or street frontages.
- (h) *Institutional attraction boards.* There shall not be more than one institutional attraction board for each principal building and it may be either wall or ground type or constructed as a part of the institutional

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identification sign. The gross surface area of an attraction board shall not exceed 50 square feet for each exposed face nor exceed an aggregate gross surface area of 100 square feet. An attraction board shall not be located so as to extend over any lot line or within 15 feet of any point of vehicular access from any parcel to a public roadway. Attraction boards shall not exceed 15 feet in height as measured from the base of the sign or building to which the sign is to be affixed or the grade of the nearest adjacent roadway, whichever is higher.

- (i) *Pennants.* The use of pennants is permitted in any commercial district provided the pennants are securely anchored and maintained in good repair, including replacement or removal when weather damage is evident. The zoning administrator, or his designee, shall have the authority to identify and notify property owners and/or occupants of the parcel on which the pennants have been determined to be in violation of this Code. Failure to remove or replace the pennants within ten days of notification shall be sufficient cause for the zoning administrator or his designee to remove said pennants. The property owner shall be billed for all costs incurred by the city in administering this subdivision.
- (j) *Banners.* The use of banners is permitted in any commercial district as permanent wall signage provided the banner is securely anchored and maintained in good repair, including replacement or removal when weather damage is evident. The square footage dedicated to banners is limited to 50 percent of the total square footage allowance for wall signs. Facilities choosing to utilize wall banners in addition to other permanent wall signage shall be required to obtain a separate sign permit for the maximum square footage allowed for banners and payment of the permanent sign fee.
- (k) *Flags.* The display of flags shall be permitted in all districts. However, the total square footage area of any flags used as advertising copy or as attention getting devices for commercial purposes shall be considered as permanent signage and counted towards the total allowable sign area permitted by this section for the parcel on which the flag is displayed. Flag height is restricted to 25 feet.
- (l) *Directional signs.* Directional or instructional signs are restricted to on-site direction and instruction, with the exception of governmental signs, temporary real estate signs and public event signs, and shall not exceed four square feet in size. Such signs shall only provide direction or instruction to guide persons to facilities intended to serve the public.
- (m) *Maintenance.*
  - (1) The surface and structure of all signs must be kept refinished as necessary to prevent the sign surface from becoming unkempt in appearance. The zoning administrator shall use the following guidelines to determine if the sign is unkempt: evidence of rust, peeling paint, structural damage, message damage, and/or weathering.
  - (2) When any sign for which a permit is required is removed, the zoning administrator shall be notified and the entire sign and its components shall be removed.
  - (3) The permit owner shall be responsible for all of the requirements of this section, including the liability for expense of removal and maintenance incurred by the city.
- (n) *Sign content.* No sign shall contain obscene images or statements in violation of Minn. Stats. § 617.241.

(Code 1978, § 9.12.03; Ord. No. 94-02, 2-28-1994; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008; Ord. No. 12-20, § 1, 11-27-2012)

### **Sec. 117-464. Prohibited signs.**

- (a) *"A" frame or sandwich board signs.* "A" frame or sandwich board signs are prohibited.
- (b) *Advertising device signs.* Advertising device signs are prohibited except as provided for in section 117-465.

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- (c) *Whirling devices, searchlights, streamers, balloons and other gas-filled figures.* Whirling devices, searchlights, streamers, balloons, and other gas filled figures, are prohibited except as a temporary sign as provided for in section 117-465.
  - (d) *Flashing or scrolling signs, devices or lights.* Flashing signs, devices, or lights are not permitted in any district except as provided for in section 117-463(f).
  - (e) *Portable signs.* Portable signs are prohibited except as temporary signs as provided for in section 117-465.
  - (f) *Projecting signs.* No projecting sign shall be permitted in any district.
  - (g) *Roof signs.* Roof signs are prohibited in any zoning district.
  - (h) *Signs on parked vehicles.* Signs painted or mounted on or attached to vehicles, trailers or equipment where the apparent primary purpose of the vehicle or equipment is to display said sign are prohibited. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle, trailer and/or any other type of mobile equipment.
  - (i) *Signs on trees and utility poles.* Signs which are attached or otherwise affixed to trees or other vegetation or utility poles are prohibited.
  - (j) *Signs painted on walls.* Signs painted on an exterior wall, fascia, parapet or a chimney of a building or on a fence are prohibited.
  - (k) *Signs which imitate traffic control devices.* Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device are prohibited.
  - (l) *Billboards.* No billboards shall be permitted in any zoning district of the city, except as otherwise provided in this division and except that off-premise signs may be located on adjacent parcels or at shared entrances. Shared entrances shall be encumbered by a recordable easement, filed with the Anoka County Recorder.
- (Code 1978, § 9.12.04; Ord. No. 94-02, 2-28-1994; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008; Ord. No. 12-20, § 1, 11-27-2012)

### **Sec. 117-465. Temporary signs.**

- (a) Temporary signs are defined as signs which are erected or displayed for a limited period of time and not affixed to a state building code approved structure. A sign is considered temporary if it is not intended to remain on the property permanently and has not received a permanent sign permit and/or is not intended to be constructed per the state building code.
  - (1) *Duration.* Temporary signs shall be permitted for up to six weeks per year per parcel, or per business on multitenant business parcels. The six-week limit may be extended up to four weeks if there have been no sign violations in the past year by the entity who erects the sign.
    - a. *Temporary Highway 10 construction provision (city-wide).* The timeframes described above shall be permitted up to 12 weeks and may be extended in eight-week periods if there have been no sign violations in the past year by the entity who erects the sign and if the sign is in good repair. This temporary provision expires on December 31, 2025.
  - (2) *Location.* Temporary signs must be located fully on private property, with the permission of the property owner. The city will remove any signs in the public right-of-way, or erected without permission from the property owner.
  - (3) *Number.* All properties are limited to two temporary signs per parcel. In locations where there are multiple businesses on one parcel (a multitenant facility), three signs are permitted.

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- (4) *Size.* Temporary signs shall be limited to 50 square feet in size.
  - (5) *Permits and fees.* All temporary signs shall be required to obtain a temporary sign permit. The temporary sign permit application shall specify the exact times and dates the temporary sign is to be erected, the size of the sign, the location of the sign, contact information, and other information deemed necessary by the zoning administrator to determine that the temporary sign is erected within applicable code. The temporary sign permit shall be clearly displayed on the temporary sign. The fee for the temporary sign permit shall be established by ordinance as part of the rates and charges. The fee shall only be collected for the first permit per parcel or per business in a multi-tenant facility. The provisions of this division apply to all temporary signs, and appropriate penalties for violations will be assessed, as outlined in section 117-461.
    - a. *Exemptions from temporary sign Permit.* Signs less than 15 square feet in size and all temporary signs in residential districts (R-1 Residential, R-2 Residential, R-3 Residential) are exempt from temporary sign permitting requirements.
  - (6) *Dynamic display.* Temporary signs may consist of dynamic display, provided all standards of section 117-463(f) are complied with.
- (b) Balloons, gas filled figures, streamers, whirling devices and revolving searchlights or any such attention-getting device that is not specifically a sign may be permitted up to four weeks per year, for one week at a time.
- (Code 1978, § 9.12.05; Ord. No. 94-02, 2-28-1994; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008; Ord. No. 10-11, § 2, 7-27-2010; Ord. No. 12-20, § 1, 11-27-2012; Ord. No. 23-19, § 2, 1-9-2024)

### **Secs. 117-466. Other temporary signs.**

- (a) *Real estate signs.* One temporary real estate sign constructed of durable materials located on the premises is permitted for sale or lease of building or vacant lot for each street frontage.
  - (b) *Construction signs.* One temporary construction sign constructed of durable materials located on the premises is permitted on each street frontage of a development under construction.
- (Ord. No. 12-20, § 1, 11-27-2012)

### **Secs. 117-467. Unified development signs.**

- (a) *General provisions.* A unified development is a development that consists of multiple parcels of similar zoning district and bound by major roadways consisting of arterial or collector designation or higher. Signs for multi-tenant commercial and employment developments may be erected to include off-premise copy under the following conditions:
  - (1) The sign must identify the development at the top of the sign and may include provisions for individual users within the development.
  - (2) The sign must be located within 500 feet of the development and may not be separated from the development by an arterial road.
  - (3) The sign must not exceed 250 square feet per face (500 square feet aggregate) and 30 feet in height.
  - (4) The sign may include dynamic display not to exceed 100 square feet per face (200 square feet aggregate).
  - (5) The sign will not be included in the total signage permitted for the property in which it is located.

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- (6) The general location of area identification signs for commercial and employment districts must be approved by the planning commission as part of a master sign plan approved as part of site plan approval.

(Ord. No. 12-20, § 1, 11-27-2012)

### **Sec. 117-468. Off-premise digital billboard signs.**

- (a) *Findings, purpose, and intent.* The city council finds it necessary for the promotion and preservation of the health, safety, welfare, and aesthetics of the community that the construction, location, size, conspicuity, brightness, legibility, operational characteristics, and maintenance of off-premises digital billboard signs be controlled. Off-premises digital billboard signs have a direct and substantial impact on traffic safety, pedestrian safety, community aesthetics and property values. If left uncontrolled, off-premises digital billboard signs, designed to catch the eye of persons in their vicinity and hold it for extended periods of time, including video display signs, constitute a serious traffic safety threat. The city council intends by this subsection to establish a legal framework for off-premises digital billboard sign regulation in the city to facilitate an easy and agreeable communication between people while protecting and promoting the public health, safety, welfare and aesthetics of the community. It is not the purpose or intent of this subsection to prefer or favor commercial messages or speech over noncommercial messages or speech or to discriminate between types of noncommercial speech or the viewpoints represented therein. Rather, the purpose of the off-premises digital billboard sign regulations promulgated in this subsection is:
  - (1) To eliminate potential hazards to motorists and pedestrians using the public streets, sidewalks, and rights-of-way;
  - (2) To safeguard and enhance property values;
  - (3) To control nuisances;
  - (4) To preserve and improve the appearance of the city through adherence to aesthetic principles, in order to create a community that is attractive to residents and to nonresidents who come to live, visit, work, or trade;
  - (5) To eliminate excessive and confusing sign displays;
  - (6) To encourage signs which by their design are integrated with and harmonious to the surrounding environment and the buildings and sites they occupy;
  - (7) To maintain the character of the mainstreet core downtown but allow local businesses the opportunity to reach a wider audience by advertising along Highway 10; and
  - (8) To promote the public health, safety, and general welfare.
- (b) *Location of off-premises digital billboard signs.* Notwithstanding anything to the contrary contained within this Code, off-premises digital billboard signs may be located only within the off-premises digital billboard sign overlay district. Off-premises digital billboard signs are prohibited in all zoning districts of the city other than the off-premises digital billboard sign overlay district. Off-premises digital billboard signs located in the off-premises digital billboard sign overlay district must comply with all Code requirements for permitted off-premises digital billboard signs.
  - (1) *Permitted districts.* The off-premises digital billboard sign overlay district shall commence along Highway 10 within 250 feet of the Highway 10 centerline within the Ramsey city limits. Off-premises digital billboard signs are not allowed in any residential or planned unit development (PUD) zoning district.

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- (2) *Number of off-premises digital billboard signs.* A total of three off-premises digital billboard signs shall be permitted within the entirety of the off-premises digital billboard sign overlay district.
  - (3) *Separation distance between off-premises digital billboard signs.* Off-premises digital billboard signs shall have a separation distance of at least two miles between each site in which they are located.
  - (4) *Size.* Off-premises digital billboard signs shall not exceed 700 square feet in surface area per sign surface.
  - (5) *Number of surfaces.* Off-premises digital billboard signs shall not contain more than two sign surfaces. Said sign surfaces shall face in opposite directions with an interior angle not to exceed 45 degrees.
  - (6) *Height.* Off-premises digital billboard signs shall not exceed 50 feet in height as measured from the established grade of the site upon which the off-premises signs and digital billboards is located.
  - (7) *Conditional use.* Off-premises digital billboard signs shall be processed in accordance with the procedures established for conditional use permits in section 117-51.
- (c) *Off-premises digital billboard sign overlay district performance standards:* The off-premises digital billboard sign overlay district is hereby established as a separate zoning district within the city. Within the off-premises digital billboard sign overlay district, off-premises digital billboard signs are permitted subject to the following conditions:
- (1) No off-premises digital billboard signs shall be erected that, by reason of position, shape, movement, or color, interferes with the proper functioning of a traffic signal or which constitutes a traffic hazard.
  - (2) Off-premises digital billboard signs shall not be located so as to extend over any property line or within a drainage and utility easement, or within 15 feet of any point of vehicular access from a parcel to a public roadway.
  - (3) Off-premises digital billboard signs must have an architecturally enhanced base.
  - (4) Off-premises digital billboard signs must have minimum display duration of seven seconds. Such display shall contain static messages only; change from one static message to another shall be instantaneous without any special effects, through dissolve or fade transitions, or with the use of another subtle transition technique that does not have the appearance of moving text or images.
  - (5) Off-premises digital billboard signs must be rectangular in shape and all messages must be contained within the off-premises digital billboard frame.
  - (6) All off-premises digital billboard signs shall have ambient light monitors installed as part of the off-premises digital billboard sign and shall, at all times, allow such monitors to automatically adjust the brightness level of the electronic sign based on light conditions.
  - (7) Off-premises digital billboard signs shall meet the following brightness standards:
    - a. Off-premises digital billboard signs shall not exceed 7,500 nits (candelas per square meter) between the hours of civil sunrise and civil sunset and shall not exceed 500 nits (candelas per square meter) between the hours of civil sunset and civil sunrise as measured from the face of the sign. The light level shall not exceed 0.3-foot candles above ambient light as measured from a pre-set distance depending on sign size. Measuring distance shall be determined using the following equation: the square root of the message center sign area multiplied by 100. Example: 12 square foot sign  $\sqrt{(12 \times 100)} = 34.6$  feet measuring distance.
  - (8) Off-premises digital billboard signs shall have a fully functional monitoring off switch system that shuts the dynamic display off-premises sign off when the display deteriorates, in any fashion, five percent or greater until the dynamic display sign has been repaired to its fully functional factory specifications.
  - (9) Off-premises billboard signs must be part of the State of Minnesota's public safety alert system.

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- (10) Applicants for an off-premises digital billboard signs permit shall enter into an agreement with the city to provide the city no less than 20 hours (provided in 9,000 eight-second spots) per month per dynamic display off-premises sign face in the city for community and public service messages at such times as shall be reasonably determined by the city. This agreement must be approved by the city council before a permit for the construction or conversion of an off-premises signs and digital billboard may be issued by the building official.

(Ord. No. 22-19, § 2, 6-28-2022)

**Secs. 117-469—117-483. Reserved.**

**Subdivision II. Permit**

**Sec. 117-484. Required; exemptions.**

- (a) All permanent signs shall obtain a permit prior to installation. This permit is reviewed by the zoning administrator and the building official, or their assigns, for conformance with the regulations described herein. Temporary signs shall obtain a permit in accordance with section 117-465.
- (b) Exemptions. The exemptions permitted by this section shall apply only to the requirement of a permit and fee and shall not be construed as relieving the installer of the sign, or the owner of the property upon which the sign is located, from conforming with the other provisions of this division.
- (1) A window sign not exceeding 30 percent of the window area.
  - (2) Holiday decorations temporarily displayed on traditionally accepted civic, patriotic, or religious holidays.
  - (3) On-premises address or nameplate identification signs having a sign area of four square feet or less.
  - (4) Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events that are noncommercial in nature.
  - (5) Interior signs which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, or in the lobby or entrance of any theater which are intended solely for information relating to the interior operation of the building in which they are located.
  - (6) Pennants.
  - (7) Noncommercial speech signs, as exempted in the Minnesota Statutes.

(Code 1978, §§ 9.12.14, 9.12.16; Ord. No. 94-02, 2-28-1994; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008; Ord. No. 10-11, § 2, 7-27-2010)

State law reference(s)—Exemptions for noncommercial signs, Minn. Stats. § 211B.045.

**Sec. 117-485. Application.**

Application for permits shall be made upon forms provided by the zoning administrator and shall state or have attached thereto the following information:

- (1) The names, addresses, and telephone numbers of the applicant, the owner of the parcel on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
- (2) Type of sign.

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- (3) Type of construction materials to be used.
  - (4) Location of building, structure or parcel to which, or upon which, the sign is to be attached or erected.
  - (5) Position of the sign or other advertising structures in relation to the nearest buildings, structures, public streets, rights-of-way and property lines, along with location and square footage areas for all existing signs on the same premises. The drawing showing such position shall be prepared "to scale."
  - (6) Blueprint or ink drawing of the plans and specifications, and method of construction or attachment to the building or in the ground, including all dimensions, locating all light sources, wattage, type and color of lights and details of any light shields or shades.
  - (7) Copy of stress sheets and calculations, showing the structure is designated for dead load and wind velocity in the amount required by this division and all other ordinances of the city, if required by the zoning administrator or building official. The zoning administrator or building official may require additional information concerning safety.
  - (8) An agreement with the city which would authorize and direct the city to remove the sign and sign structure, at the expense of the applicant, where maintenance is required and the maintenance is not furnished, but only after a notice of 60 days specifying the maintenance required by the city.

(Code 1978, § 9.12.17; Ord. No. 94-02, 2-28-1994; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008;)

#### **Sec. 117-486. Administration.**

The zoning administrator shall process applications for permits. The building official is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or parcel in the city for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances.

(Code 1978, § 9.12.20; Ord. No. 94-02, 2-28-1994; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

#### **Sec. 117-487. Permit issuance or denial.**

- (a) The zoning administrator shall issue a permit for the erection, alteration, or relocation of a sign within 14 days of receipt of a completed application and nonrefundable application fee provided that the sign complies with all applicable laws and regulations of the city.
- (b) When a permit is denied, written notice shall be provided to the applicant along with a brief statement of the reasons for denial. The zoning administrator or building official may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

(Code 1978, § 9.12.18; Ord. No. 94-02, 2-28-1994; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

#### **Sec. 117-488. Permit fees.**

The permit fee for permanent and temporary signs shall be as provided by ordinance.

(Code 1978, § 9.12.15; Ord. No. 94-02, 2-28-1994; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

State law reference(s)—Fees, Minn. Stats. § 462.353, subds. 4, 4a.

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**Sec. 117-489. Fee refunds and permit expiration; commencing work without permit.**

- (a) If an issued permit is withdrawn by the applicant within 90 days of issuance, and if no inspections have been made and no work authorized by the permit has been performed, 50 percent of the permit fee may be refunded to the applicant.
- (b) A permit issued by the zoning administrator becomes null and void if work is suspended or abandoned or not completed within six months of issuance, but may be reinstated with an additional payment of one-half of the original fee.
- (c) Any sign installed or placed on any parcel prior to receipt of a permit, the specified permit fee shall be doubled. However, the payment of the doubled fee shall not relieve any person of any other requirement or penalties prescribed in this section.

(Code 1978, § 9.12.19; Ord. No. 94-02, 2-28-1994; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

**Secs. 117-490—117-516. Reserved.**

**Subdivision III. District Regulations**

**Sec. 117-517. District regulations.**

In addition to those signs permitted or required in all districts as described in sections 117-463 and 117-465, the following signs are permitted in each specific district and shall be regulated as to size, location and character according to the requirements herein set forth.

(Code 1978, § 9.12.06; Ord. No. 94-02, 2-28-1994; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

**Sec. 117-518. Residential type districts.**

- (a) *Area identification signs.* One sign per vehicular access to a development, not to exceed 32 square feet in area is permitted.
- (b) *Temporary signs.* Temporary signs are permitted in accordance with section 117-465.
- (c) *Home occupation signs.* Home occupations signs may be permitted in accordance with section 117-351.

(Code 1978, § 9.12.07; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

**Sec. 117-519. Business type districts.**

- (a) *Business use signs.*
  - (1) *Wall, canopy or marquee sign.* Total sign area may not exceed 15 percent of the front building facade. Businesses in multitenant buildings shall be allowed the proportionate share of the total wall sign area. The total wall signage permitted may be distributed on any other building facade. Sign height shall not exceed the top of the parapet wall or, if no parapet wall, sign height shall not exceed the height of the eaves. A wall, canopy or marquee sign may be located on the outermost wall of any principal building but shall not project more than 16 inches from the wall to which the sign is to be affixed. The gross surface area of a wall, canopy or marquee sign may be increased by ten percent if such wall sign:

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- a. Consists only of individual, outlined alphabetic, numeric and/or symbolic characters without background except that provided by the building surface to which the sign is to be affixed; and
  - b. Illumination, if any, is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting but not any lighting where the light source is visible or exposed on the face or sides of the characters.
- (2) *Ground sign.* There shall not be more than one ground sign for each parcel or per road frontage on parcels with more than one road frontage, not to exceed an aggregate of two ground signs. The gross surface area of a ground sign shall not exceed 100 square feet for each exposed face nor exceed an aggregate gross surface area of 200 square feet. For parcels qualifying for two ground signs, the second ground sign shall not exceed 50 square feet for each exposed face nor exceed an aggregate gross surface area of 100 square feet and may not exceed 12.5 feet in height as measure in section 117-463(c) of this section.
- (3) *Service bay identification signs.* Service bay identification signs providing direction or instruction to persons using the facility and containing no advertising material of any kind shall be subject to the following:
- a. All service bay identification signs shall be wall signs.
  - b. There shall not be more than one service bay identification sign for each service bay located on the parcel.
  - c. A service bay identification sign may be located on the outermost wall of any principal building adjacent to a service bay entrance.
  - d. A service bay identification sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
- (4) *Fuel pump island identification sign.* Fuel pump island identification signs indicating the type of service offered; the price of gasoline; and other relevant information, within reason, pertaining to the facility; or direction to persons using the facility shall be subject to the following: The gross surface area of a service island identification sign shall be counted against the maximum allowable sign area for the subject parcel.
- (5) *Menu board.* Menu board for drive-up or walk-up lane of a drive-in business are allowed up to a maximum of 50 square feet of total signage. Menu boards are allowed a message on one side only and cannot contain an advertising message.
- (6) *Directional signs.*
- a. Directional or instructional signs are permitted in accordance with section 117-463(l).
  - b. Parking lot directional signs designating parking area entrances and exits are limited to one sign for each entrance and/or exit and shall not exceed four square feet for each exposed face. Parking lot directional signs shall not project higher than five feet in height, as measured from the established grade of the parking area to which such signs are accessory.
  - c. Parking lot instructional signs designating the conditions of use or identifying parking areas shall not exceed eight square feet and shall not project higher than ten feet in height for wall signs and seven feet in height for ground signs, as measured from the established grade of the parking area to which such signs are accessory.
  - d. Window signs are restricted to 30 percent of the area of the window in which the sign is to be displayed.

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- (b) *Shopping center signs.* In accordance with section 117-54, the developer shall submit a sign plan for approval, drawn to scale with elevations, at the time application is made for site plan approval. The sign plan shall include but not be limited to the following information: number of signs, type of signs, sign sizes, type of construction materials, sign messages, and proposed sign locations.
  - (c) *Permitted freestanding signs* under previous section 117-519(a) (business use signs), and located within the Highway 10 Signage Overlay District as defined by this section and not further regulated by the Mississippi River Corridor Critical Area Overlay District, shall be allowed to a height of not more than 75 feet and an area of not greater than 150 square feet (for a single-user sign) or 300 square feet (for a multi-user sign). Signs permitted under this section shall have a monument style base constructed of materials that are consistent with the principal building to a minimum height of six feet.

(Code 1978, § 9.12.08; Ord. No. 94-02, 2-28-1994; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008; Ord. No. 10-11, § 2, 7-27-2010; Ord. No. 13-15, § 2, 8-27-2013; Ord. No. 22-20, § 3, 7-26-2022)

### **Sec. 117-520. E-1 and E-2 Employment Districts.**

- (a) *Wall, canopy or marquee sign.* Total sign area may not exceed 15 percent of the front building facade. Sign height shall not exceed the top of the parapet wall or, if no parapet wall, sign height shall not exceed the height of the eaves. A wall, canopy or marquee sign may be located on the outermost wall of any principal building but shall not project more than 16 inches from the wall to which the sign is to be affixed. Where a principal building is devoted to two or more permitted uses, the operator of each such use may install a wall sign upon his proportionate share of the building wall to which the sign is to be affixed. The maximum gross surface area of each such wall sign shall be determined by calculating the proportionate share of the area of the building wall, including doors and windows to which the sign is to be affixed and applying such proportion to the total permitted wall sign aggregate gross surface area for the building. The gross surface area of a wall sign may be increased by ten percent if such wall sign:
  - (1) Consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background except provided by the building surface to which the sign is to be affixed; and
  - (2) Any illumination, if any, is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting but not any lighting where the light source is visible or exposed on the face or sides of the characters.
- (b) *Ground signs.* There shall not be more than one ground sign for each parcel or per road frontage on parcels with more than one road frontage, not to exceed an aggregate of two ground signs. The gross surface area of a ground sign shall not exceed 100 square feet for each exposed face nor exceed an aggregate gross surface area of 200 square feet. For parcels qualifying for two ground signs, the second ground sign shall not exceed 50 square feet for each exposed face nor exceed an aggregate gross surface area of 100 square feet and may not exceed 12.5 feet in height as measured in section 117-463(c) of this section.
- (c) *Directional signs.*
  - (1) Directional or instructional signs are permitted in accordance with section 117-463(l).
  - (2) Parking lot directional signs designating parking area entrances and exits are limited to one sign for each entrance and/or exit and shall not exceed four square feet for each exposed face. Parking lot directional signs shall not project higher than five feet in height, as measured from the established grade of the parking area to which such signs are accessory.
  - (3) Parking lot instructional signs designating the conditions of use or identification of parking areas shall not exceed eight square feet and shall not project higher than ten feet in height for wall signs and

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seven feet in height for ground signs, as measured from the established grade of the parking area to which such signs are accessory.

- (d) *Window signs.* Window signs shall not exceed 30 percent of the area of the window in which the sign is proposed to be displayed.

(Code 1978, § 9.12.09; Ord. No. 94-02, 2-28-1994; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008; Ord. No. 17-01, § 2, 1-10-2017)

### **Sec. 117-521. Business and industrial park signs.**

- (a) *Park identification signs.* Industrial or business park signs shall be permitted to contain the following information: the name and address of the park, the management or the developer thereof, and the names of the individual businesses located within said park. Park identification signs shall contain no advertising material of any kind, and shall be subject to the following:

- (1) All industrial and business park signs shall be ground or wall signs.
- (2) There shall not be more than one industrial or business park sign for each point of vehicular access to an office or industrial park.
- (3) The gross surface area of an industrial or business park sign shall not exceed 100 square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of 200 square feet.
- (4) A ground industrial or business park sign shall not project higher than ten feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

- (b) *Park member identification signs.*

- (1) There shall not be more than one wall sign for each principal building or tenant or use within a building, except where the building abuts two or more streets, additional such signs, one oriented to each abutting street, shall be permitted.
- (2) There shall not be more than one ground sign for each principal building.
- (3) The gross surface area of a wall sign shall not exceed 15 percent of the occupant's proportionate share of the building wall to which the sign is to be affixed. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
- (4) The gross surface area of a ground sign shall not exceed 100 square feet for each exposed face nor exceed an aggregate gross surface area of 200 square feet.
- (5) A ground sign shall not project higher than ten feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

(Code 1978, § 9.12.10; Ord. No. 94-02, 2-28-1994; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

### **Sec. 117-522. Construction specifications.**

- (a) All signs permitted by this division in excess of 16 square feet shall be painted, lettered, or faced to the workmanship standards and best commercial practices of companies normally engaged in the business of providing commercial signs, using materials designed and marketed specifically for use on outdoor signs.

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- (b) In addition to complying with the provisions of this division, all signs shall be constructed in accordance with the applicable provisions of the 1991 Edition of the Uniform Sign Code and State Electrical Code and as subsequently amended.
  - (c) All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communication lines.
  - (d) All signs and their supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage or surface or underground water.
  - (e) All signs, except those attached flat against the wall of a building, shall be constructed to withstand minimum wind loads as follows:
    - (1) Solid signs: 30 pounds per square foot per face of the sign.
    - (2) Open signs: 36 pounds per square foot of the total face area of the letters and other sign surfaces, or ten pounds per square foot of the gross surface area of the sign, whichever is greater.

(Code 1978, § 9.12.12; Ord. No. 94-02, 2-28-1994; Ord. No. 03-31, 9-15-2003; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008)

**Secs. 117-523—117-554. Reserved.**

## Overall Framework - Signage

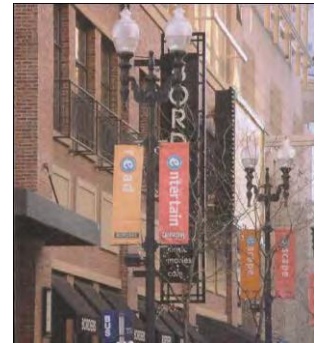
### Overview

Signage within The COR should provide a system for clear wayfinding for all modes of transportation and should ensure successful business operation while maintaining the design aesthetic of this unique project. These sign standards are intended to allow flexibility and creativity while maintaining the design concepts of The COR. Due to the distinctive nature of The COR, the sign standards from the City Code are not applicable and signage shall be allowed as prescribed by the Design Framework. A Master Sign Plan identifies the location of key sign locations (see Figure 5: Signage Plan).

### Guideline Recommendations

The COR development manager shall prepare a Master Sign Plan for the public elements of the project, which are in compliance with the design framework and will be adopted by reference. The Master Sign Plan will specifically address public signs including:

- The three (3) off-site community signs
- Banner signs on light poles
- Signage for public parks
- Signage for public parking ramps
- Signage for public buildings
- Community kiosks



### Objectives

Signage should be used as a tool to help identify businesses and neighborhoods with The COR and should have elements that are focused on the pedestrian nature of The COR as well as the signage needs for businesses.

- Signage and lighting which is integrated into the design of the building is encouraged.

### Definitions

*Awning Sign* means a sign incorporated into or attached to an awning.

*Community sign* means an off-site sign identifying the development name and key tenants. Community signs may also include public information. Reader boards are allowed to be incorporated into community signs within The COR. Gateway and kiosk signs are part of this category.

*Temporary Sign* means a sign which is erected or displayed for a limited period of time and not affixed to a Minnesota State Building Code approved structure.

*Project sign* means a freestanding area identification sign which identifies a single-family or multifamily residential subdivision, a commercial development or an industrial park or office park and which is located on the same site as the development it identifies. A site shall be identified as the block in which the use is located.

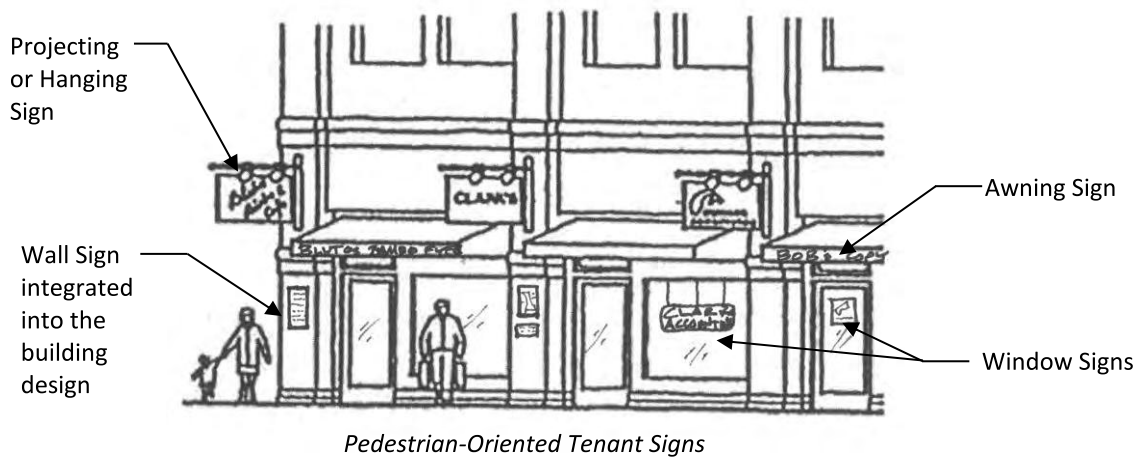
*Projecting sign* means any sign, all or any part of which extends beyond the surface of the building or wall by more than 16 inches.

*Public Realm/Streetscape sign* means any sign erected and maintained by public officials or public agencies, or approved and authorized for use by state or local governmental authorities.

*Sandwich Board Signs* means a self-supporting, freestanding temporary sign with only two (2) sides that are situated adjacent to a business with the intent to attract pedestrian traffic to businesses. Sandwich board signs are not meant to be read by vehicular traffic.

*Wall sign* means any sign which is affixed to a wall of any building. This definition includes individual letter signs and signs on mansards.

*Window sign* means a sign installed inside a window, or any sign placed within a building for the purpose of being visible from the public right-of-way. This does not include merchandise on display.





## *Standards*

### *Public Realm/Streetscape Signs*

The pedestrian oriented nature of The COR requires unique signage that will build on the design concepts for The COR. These types of signs include banner signs on the streetlights, kiosks, street signs, wayfinding signs, signage for public parking ramps, etc. As the design concept for The COR has been refined, so has the signage plan. The Master Sign Plan is included as Appendix B. Size, location, and construction specifications of these signs shall be determined by the Master Sign Plan, which must be approved by the City Council, after a recommendation by the Planning Commission. Careful foresight has been given to size of signs based on needs of the adjacent roadways in order to maintain adequate safety standards that may otherwise be compromised by poor design. Roadways with higher speeds warrant larger lettering to maintain safe travel.

### *Community and Gateway signs*

Community signs include are planned to include three (3) signs on Highway 10, as shown on the Signage Plan (see Figure 5: Signage Plan). The signs include the existing Community Sign near the future transit plaza, the sign at the northwest corner of Highway 10 and Ramsey Boulevard and the planned sign at the northwest corner of Highway 10 and Armstrong Boulevard.

Gateway signs are planned at multiple locations at entrances to The COR from major roadways, as shown on the Signage Plan. General gateway signs may identify The COR only. Retail Gateway signs may include provisions for off-premise, tenant sign panels.

These off-site signs, part of a unified development, are allowed as shown on the signage plan and shall have consistent materials and colors. Community and Gateway Signs shall conform to the design of the Master Sign Plan. Tenants within the unified development shall be allowed to utilize tenant panels on the Community and Retail Gateway Signs.

Amendments to the Master Sign Plan and Approved Community Signs. As the Master Sign Plan is adopted as part of the zoning ordinance, and has the effect of being a zoning ordinance, amendments to the Master Sign Plan must be processed by Ordinance and approved by City Council after review and recommendation by the Planning Commission.

Sign Type	Allowable Size	Architecture	Allowable Height
Community Sign	300 Square Feet	Per Appendix B	30 Feet *
Gateway Sign	50 Square Feet	Per Appendix B	10 Feet
Retail Gateway Sign	150 Square Feet	Per Appendix B	12 Feet
Community Kiosk	32 Square Feet	Per Appendix B	10 Feet*
Parking Ramp Signage	100 Square Feet	Per Appendix B	(Wall Signage)

\* From highest point of adjacent road centerline



*Desirable signs are designed to be architecturally compatible with buildings within the development and other signage within the development*

### Project Signs

Project signs are permitted within all COR sub-districts.

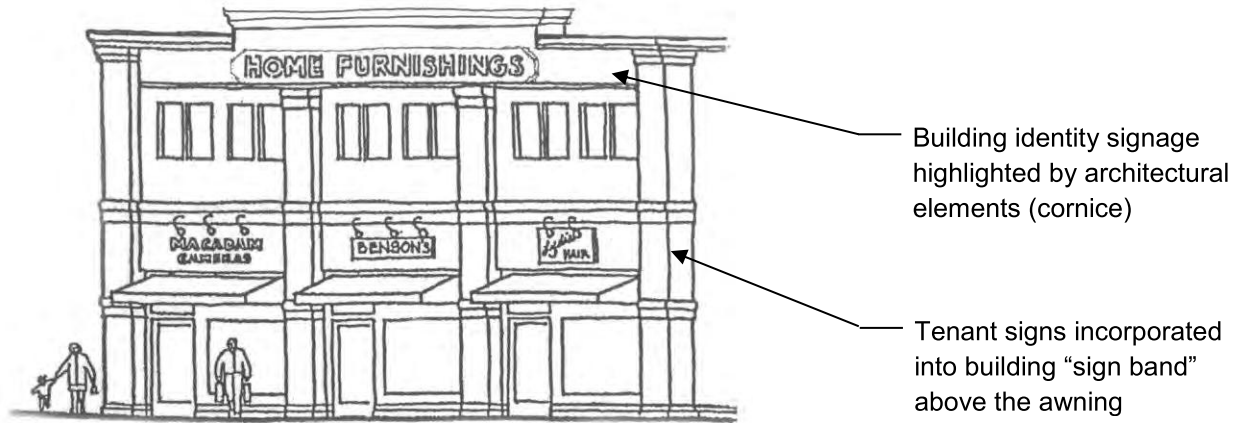
One (1) freestanding sign is allowed per building, provided that the following standards are met:

- A. The building in which the advertising business is located, shall be set back a minimum of six (6) feet from a public street right-of-way.
- B. The area of each face of the signboard shall not exceed six (6) square feet and the signboard shall not have more than two (2) readable faces. The signboard may exceed six (6) square feet, but not more than 32 square feet, provided that the sign consists of individual letters, without internally illuminated box letters. Lighting may be achieved through 'halo' lighting effects.
- C. The height of the top of the signboard, or of any posts, brackets, or other supporting elements shall not exceed six (6') feet from the ground.
- D. The signboard shall be constructed of wood, acrylic, aluminum or metal and shall be architecturally compatible with the style, composition, materials, colors and details of the building.
- E. No part of the sign shall encroach on the right-of-way and its location shall not interfere with pedestrian or vehicular circulation.
- F. Limited to one (1) sign per building and shall not be in addition to wall-mounted, applied letter or projecting signs.

- G. The readable faces of the sign shall be perpendicular to the adjacent street.

In the COR2 District, the following signage shall be allowed:

- A. Ground sign. There shall not be more than one (1) ground sign for each parcel. The gross surface area of a ground sign shall not exceed one hundred (100) square feet for each exposed face nor exceed an aggregate gross surface area of two hundred (200) square feet. Ground signs may be shared and combined at areas of shared entrances for multiple users. Shared ground signs shall not exceed 150 square feet. A shared sign shall be allowed for each entrance to the site (defined as bordered by public streets).
- B. Menu board. One (1) on-site menu board per drive-up or walk-up lane of a drive-in restaurant up to a maximum of thirty-two (32) square feet each and a maximum height of three (3) feet. Menu boards are allowed a message on one (1) side only and cannot contain an advertising message.
- C. Directional signs.
  - 1. Directional or instructional signs are permitted in accordance with Section 117-463(I).
  - 2. Parking lot directional signs designating parking area entrances and exits are limited to one (1) sign for each entrance and/or exit and shall not exceed four (4) square feet for each exposed face. Parking lot directional signs shall not project higher than five feet (5') in height, as measured from the established grade of the parking area to which such signs are accessory.
  - 3. Parking lot instructional signs designating the conditions of use or identification parking areas shall not exceed eight (8) square feet and shall not project higher than ten (10) feet in height for wall signs and seven (7) feet in height for ground signs, as measured from the established grade of the parking area to which such signs are accessory.



Building identity signage highlighted by architectural elements (cornice)

Tenant signs incorporated into building “sign band” above the awning

### Wall Signs

Wall signs are permitted within all COR sub-districts.

Wall signs shall be permitted on one (1) wall, except that lots with frontage on more than one (1) street may have signage on one (1) wall per street frontage.

Within the COR1, COR3, COR4 and COR5 districts, the following standards apply:

- A. Wall-mounted or painted signs, provided the following standards are met:
  1. The sign shall be affixed to the front facade of the building, and shall project outward from the wall to which it is attached no more than six inches (6”).
  2. Single Tenant Buildings. Each building shall be allowed one (1) wall sign per street frontage. Signage must be located on the street elevation. The area of the sign shall not exceed fifteen (15%) percent of the ground floor building facade area. Individual signs may not exceed.
  3. Multi-Tenant Buildings.
    - a. Each building shall be allowed wall signage on the street frontage elevation. For buildings with multiple street frontages, the allowable signage is per street frontage. Signage must be located on the street elevation.
    - b. Each building is allowed wall signage that shall not exceed 5% of the wall area of the building façade adjacent to the street. Individual signs may not exceed 50 square feet.
    - c. Tenant signage must be located on the tenant lease space.
    - d. At least fifty (50%) percent of the allowed signage must be allocated to ground floor tenants and located on the ground floor.
    - e. Signage is limited to a maximum of one (1) sign per business/tenant, except that tenants with frontage on multiple streets may be permitted to have signage on each street frontage.
    - f. Multi-tenant buildings must have wall signs of similar design. Sign permits for

tenants in multi-tenant buildings shall only be permitted by the City after the building owner has submitted a comprehensive sign plan approved by the Zoning Administrator. The comprehensive sign plan for the building shall include similar design standards including sign material, color, style, spacing and size.

4. Signs for buildings facing Highway 10. Single or multi-tenant buildings that have frontage on Highway 10 or are separated from Highway 10 only by other public right-of-way, shall be allowed to have signage on that street elevation that is up to fifteen (15%) percent of the wall area of that building façade with no maximum square footage.
- B. Wall-mounted building directory signs identifying the occupants of a commercial building, including upper story business uses, provided the following standards are met:
1. The sign is located next to the entrance.
  2. The sign shall project outward from the wall to which it is attached no more than six inches (6”).
  3. The sign shall not extend above the parapet, eave, or building facade.
  4. The height of the lettering, numbers, or graphics shall not exceed twelve inches (12”).
  5. One (1) such sign is allowed per public building entrance and is allowed in addition to other permitted wall signage.
- C. Applied letters may substitute for wall-mounted signs, if constructed of painted wood, painted cast metal, bronze, brass, acrylic or black anodized aluminum. The height of applied letters shall not exceed 12 inches.
- D. Logos are considered signs and shall be included in the maximum allowable sign area.
- E. Window or door signs, provided that the following standards are met:
1. The sign shall not exceed ten percent of the window or door area or four (4) square feet, whichever is less.
  2. The sign shall be silk screened, hand painted, applied letters/graphics, neon tubing or other sign technologies that meet these standards.
  3. Limited to one (1) sign per business, applied on either the window or the door, but not on both.
  4. The sign shall not have an opaque backing of any type although smoked glass is allowed.
  5. Window signage (includes graphics) shall be permitted on the same building walls that have, or are allowed to have, wall signage pursuant to Item A above. Window signage

shall be deducted from the allowable wall signage area.

Within the COR2 district, where more conventional suburban development is expected, rather than the neo-traditional development planned for the other COR sub-districts, the following standards apply:

- A. Wall, canopy or marquee sign. Total sign area may not exceed 15 percent of the front building facade. At least 50 percent of the signage area must be placed on the measured wall with remaining signage area, if desired, distributed on any other wall. Sign height shall not exceed the top of the parapet wall or, if no parapet wall, sign height shall not exceed the height of the eaves. The gross surface area of a wall, canopy or marquee sign may be increased by ten percent if such wall sign:
  1. Consists only of individual, outlined alphabetic, numeric and/or symbolic characters without background except that provided by the building surface to which the sign is to be affixed;
  2. Illumination, if any, is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting but not any lighting where the light source is visible or exposed on the face or sides of the characters; and
  3. A wall, canopy or marquee sign may be located on the outermost wall of any principle building but shall not project more than 16 inches from the wall to which the sign is to be affixed. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
- B. Window signs are restricted to 30 percent of the area of the window in which the sign is to be displayed.

In all COR sub-districts, restaurants and cafes shall be permitted one (1) wall-mounted display featuring the actual menu as used at the dining table, to be contained within a shallow wood or metal case and clearly visible through a glass front. The display case shall be attached to the building wall, next to the main entrance, at a height of approximately five feet (5'), shall not exceed a total area of two square feet, and may be lighted. This signage is allowed in addition to other permitted wall signage.

### Projecting Signs

Projecting signs are permitted within all COR sub-districts.

Projecting signs, including graphics or icon signs, mounted perpendicular to the building wall, are encouraged in all sub-districts, provided the following standards are met:

- A. The sign area shall not exceed thirty-two (32) square feet.
- B. The distance from the ground to the lower edge of the signboard shall be ten feet or greater.
- C. The height of the top edge of the signboard shall not exceed the height of the wall from which the sign projects, if attached to a single story building, or the



height of the sill or bottom of any second story window, if attached to a multistory building.

- D. The distance from the building wall to the signboard shall not exceed six inches (6").
- E. The width of the signboard shall not exceed three (3) feet.
- F. Limited to one (1) sign per business. Projecting sign area shall be deducted from the allowable wall signage area.
- G. Granted to ground floor commercial uses only.

### Awning Signs

Awning signs are allowed in all COR sub-districts. Awning signs are allowed for ground floor uses only, provided that the following standards are met:

- A. If acting as the main business sign, it shall not exceed 24 square feet in area.
- B. If acting as an auxiliary business sign, it shall be located on the valance only, shall not exceed four (4) square feet in area, and the height of the lettering, numbers, or graphics shall not exceed four inches (4").
- C. Limited to two such signs per business, per frontage.
- D. If acting as the main business sign, it shall not be in addition to a wall-mounted or applied letter sign.

### Sandwich Board Signs

Sandwich board signs are permitted within all COR sub-districts.

- A. One (1) sandwich board sign per business is permitted in any business, commercial and mixed use district and shall be located within five feet (5') of the main building entrance to the business it advertises.
- B. Sandwich board signs shall be displayed only during open business hours and must be removed daily.
- C. Sandwich board signs shall be no more than a total of two feet (2') in width and three feet (3') in height
- D. Sandwich board signs must leave a minimum of five feet (5') of clearance for pedestrian access if placed on a public or private sidewalk. Sandwich board signs may not hinder the ability of persons to access vehicles parked at the curb and/or access to a building.



- E. Acceptable materials for sandwich board signs shall include the following: metal, wood synthetic materials such as a chalk board and whiteboard. Sandwich board signs shall not be illuminated, nor shall they contain moving parts, or have balloons, streamers, stringers, pennants or similar adornments attached to them. Sandwich board signs shall be maintained in a good appearance at all times.
- F. No sandwich board sign shall be secured, tethered or installed on traffic devices, utility equipment, street furniture, street lights, or any other public fixture.
- G. Sandwich board signs are temporary signs and shall not be counted towards the total sign area of the site for permanent signage.

### Temporary Signs

Temporary signs are allowed per Section 117-465 (Temporary signs) of the Zoning Ordinance, except as noted below:

- A. Freestanding temporary signs shall only be allowed in the COR2 and COR3 Districts.
- B. In all other COR districts, temporary signs shall be limited to temporary sandwich board signs or temporary wall signage, without interchangeable letters.
- C. Real estate and leasing signs shall be exempt from temporary and permanent sign regulations, provided that these signs do not exceed thirty-two (32) square feet.

### Off-Site Signs

Off-site signs are prohibited except for wayfinding and community signage specifically allowed by the Design Framework.

**Table 2**

<b>Sign Standards</b>					
<b>Development Standard</b>	<b>COR1</b>	<b>COR2</b>	<b>COR3</b>	<b>COR4</b>	<b>COR5</b>
<b>Project Signs</b>					
Number of signs allowed	1*	1*	1*	1*	1*
Size of Sign (maximum)	6 sq. ft./6 feet high***	100 sq. ft./6 feet high	6 sq. ft./6 feet high***	6 sq. ft./6 feet high	6 sq. ft./6 feet high
Menu Board**	N/A	1 per drive-through lane/40 sq. ft. max.	N/A	N/A	N/A
Directional Sign	N/A	Per 117-463(l)	N/A	N/A	N/A
<b>Wall Sign</b>					
Number of signs allowed	1*	1*	1*	1*	1*
Size of Sign					
Single Tenant Building	15% of the ground floor façade area, - or- 15% of the front façade area when facing Highway 10.	15% of façade area	15% of the ground floor façade area,	5% of the ground floor façade area,	5% of the ground floor façade area,
Multi-Tenant Buildings	15% of the façade area,	15% of façade area	15% of the façade area,	15% of the façade area,	15% of the façade area,
Building Facing Highway 10	15% of the façade area	15% of façade area	15% of the façade area	15% of the façade area	15% of the façade area
<b>Window Sign</b>					
Number of signs allowed	1	1	1	1	1
Size of Sign	10% of area of window or 4 sq. ft., whichever is less. Deducted from allowable wall sign area.	30% of area of window. Deducted from allowable wall sign area.	10% of area of window or 4 sq. ft., whichever is less. Deducted from allowable wall sign area.	10% of area of window or 4 sq. ft., whichever is less. Deducted from allowable wall sign area.	10% of area of window or 4 sq. ft., whichever is less. Deducted from allowable wall sign area.
<b>Directory Sign</b>					
Number of signs allowed	1 per building entrance	1 per building entrance	1 per building entrance	1 per building entrance	1 per building entrance
Size of Sign	3 sq. ft. maximum	3 sq. ft. maximum	3 sq. ft. maximum	3 sq. ft. maximum	3 sq. ft. maximum
<b>Projecting Sign</b>					
Number of signs allowed	1*	1*	1*	1*	1*
Size of Sign	6 sq. ft./3 feet wide	6 sq. ft./3 feet wide	6 sq. ft./3 feet wide	6 sq. ft./3 feet wide	6 sq. ft./3 feet wide
<b>Awning Sign</b>					
Number of signs allowed	2 per business	2 per business	2 per business	2 per business	2 per business
Size of Sign	24 sq. ft./max. letter height 12-inches for main business sign or 4 sq. ft./max letter height 4-inches if auxiliary. Area is deducted from allowable wall sign area.	24 sq. ft./max. letter height 12-inches for main business sign or 4 sq. ft./max letter height 4-inches if auxiliary. Area is deducted from allowable wall sign area.	24 sq. ft./max. letter height 12-inches for main business sign or 4 sq. ft./max letter height 4-inches if auxiliary. Area is deducted from allowable wall sign area.	24 sq. ft./max. letter height 12-inches for main business sign or 4 sq. ft./max letter height 4-inches if auxiliary. Area is deducted from allowable wall sign area.	24 sq. ft./max. letter height 12-inches for main business sign or 4 sq. ft./max letter height 4-inches if auxiliary. Area is deducted from allowable wall sign area.

\*One (1) sign is allowed per street frontage (either wall or project)

\*\*Restaurants and cafes in all districts are allowed one (1) wall mounted menu board not to exceed 2 sq. ft. in addition to other permitted wall signage.

\*\*\*See Page 32, 'Project Signs' for allowances up to 32 square feet.

### Additional standards

- A. Businesses with service entrances may identify these with one (1) wall-mounted or applied letter sign not exceeding two square feet.
- B. One (1) directional sign, facing a rear parking lot. This sign may be any type of permitted sign other than a freestanding sign, but shall be limited to four (4) square feet in area.

### Creative Sign Standards

- A. *Purpose.* This section establishes standards and procedures for the design, review, and approval of creative signs. The purposes of this creative sign program are to:
  - 1. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
  - 2. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the city, while mitigating the impacts of large or unusually designed signs.
- B. *Applicability.* An applicant may request approval of a sign permit for a creative sign to authorize onsite signs that employ standards that differ from the other provisions of this chapter but comply with the provisions of this section.
- C. *Application Requirements.* A sign permit application for a creative sign shall include all information and materials required by the City.
- D. *Procedure.* A sign permit application for a creative sign shall be subject to review and approval by the City as part of the Site Plan review process. When the creative sign is proposed after site plan review is complete, a creative sign may be approved by the Zoning Administrator when the proposed sign is fifty square feet or less, and shall be approved by the City Council when the sign is larger than fifty square feet.
- E. *Design Criteria.* In approving an application for a creative sign, the review authority shall ensure that a proposed sign meets the following design criteria:
  - 1. Design Quality. The sign shall:
    - a. Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;
    - b. Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
    - c. Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.
  - 2. Contextual Criteria. The sign shall contain at least one (1) of the following elements:
    - a. Classic historic design style;

- b. Creative image reflecting current or historic character of the City;
  - c. Inventive representation of the use, name, or logo of the structure or business.
3. Architectural Criteria. The sign shall:
- a. Utilize or enhance the architectural elements of the building; and
  - b. Be placed in a logical location in relation to the overall composition of the building's façade and not cover any key architectural features and details of the façade.
4. Neighborhood Impacts. The sign shall be located and designed not to cause light and glare impacts on neighboring residential uses.

### Prohibited signs

The following signs are prohibited:

- A. Box signs or cabinet signs, whether on a wall, projecting or on canopies are prohibited except for logo signs permitted as part of an overall sign plan.
- B. Signs employing mercury vapor, low pressure and high pressure sodium and metal halide lighting; plastic panel rear-lighted signs.
- C. Signs on roofs, dormers, and balconies.
- D. Billboards.
- E. Signs painted or mounted upon the exterior side or rear walls on any principle or accessory building or structure, except as otherwise permitted hereunder.
- F. Free standing pylon signs over six (6) feet in height, except community signs.
- G. Back-lit awnings.
- H. Interchangeable letter boards or panels.
- I. Flashing signs.
- J. Off-premises signs, except community signs.

**Regular Planning Commission****Meeting Date:** 09/26/2024**Primary Strategic Plan Initiative:** Promote economic growth and development.**Information****Title:**

2025 Planning Commission Meeting Schedule Discussion

**Purpose/Background:**

Staff will soon be preparing the 2025 calendar for Planning Commission review and adoption so that potential applicants can plan accordingly. The Planning Commission has met at 7:00 pm on the fourth Thursday of the month for several years. Staff is asking if the current schedule is still desired.

This year, the City has had several projects come through the entitlement process. One of the required components of a standard entitlement package is a Lower Rum River Watershed Management Organization (LRRWMO) permit. This is required on any project where at least one acre of land is disturbed. The deadline for submitting to the LRRWMO is the third Thursday of the month for the next month's meeting, also on the third Thursday. They will not accept an application until after the Planning Commission has at least discussed the proposal. With the Planning Commission's meeting on the fourth Thursday, the LRRWMO application cannot be made until the following month. This winds up being after the City Council reviews the proposal too. Therefore, LRRWMO approval can come five to six weeks after City Council approval. This is a big delay for developers, builders, and businesses looking to do projects in Ramsey and several have complained about this schedule.

A shift in the Planning Commission's meeting schedule to a Monday or Wednesday just before the third Thursday could make it so the applicants do not have to wait as long to submit to the LRRWMO. Tuesday nights City Council and Public Works Committee Meetings. Park and Recreation Commission meets on the second Thursday. The Environmental Policy Board meets on the third Monday.

Additionally, does the Commission still prefer a 7:00 pm start time or would an earlier start be desired (5:30, 6:00, etc.)?

**Recommendation:**

Please direct staff on the desired night and time for the Planning Commission meeting.

**Outcome/Action:**

Direct staff to prepare a 2025 calendar with the meetings being on \_\_\_\_ .

**Attachments**

*No file(s) attached.*

**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Chris Anderson	Chris Anderson	09/17/2024 03:56 PM
Brian Hagen	Brian Hagen	09/19/2024 10:58 AM
Form Started By: Todd Larson		Started On: 09/17/2024 12:58 PM
Final Approval Date: 09/19/2024		

