



**MAYOR AND COUNCIL COMMUNICATION**

DATE: 8/20/2013

**REGULAR**

ITEM #: 10

**AGENDA ITEM:** Zoning Text Amendment – Landscape Requirements

**SUBMITTED BY:** Nick Johnson, City Planner

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Kyle Klatt, Planning Director

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item.....Staff
- Report/Presentation.....Staff
- Questions from Council to Staff.....Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion.....Mayor & City Council
- Discussion.....Mayor & City Council
- Action on Motion.....Mayor Facilitates

**SUMMARY AND ACTION REQUESTED:**

The City Council is asked to consider a Zoning Text Amendment, establishing new landscape requirements in Lake Elmo. These landscaping provisions will be organized under Article 6 – Environmental Performance Standards under the new organizational structure of the Zoning Code. This action is part of the ongoing effort to reorganize and improve the Lake Elmo Zoning Code.

*The Planning Commission recommends the City Council approve Ordinance 08-087 through the following motion:*

***“Move to approve Ordinance 08-087, establishing new landscape requirements in the Lake Elmo Zoning Code.”***

*In addition, Staff recommends that the City Council approve Resolution No. 2013-65, authorizing summary publication of Ordinance 08-087, through the following motion:*

***“Move to approve Resolution No. 2013-65, authorizing summary publication of Ordinance 08-087.”***

**BACKGROUND AND STAFF REPORT:**

Staff is continuing to progress on a large project aimed at incrementally reorganizing and improving the Lake Elmo Zoning Code. Some of the provisions that were identified as a prime candidate for update were the landscaping provisions in the City Code. The existing landscaping provisions are currently located in three different sections of the City Code, all with different requirements depending on the different types of development activity. Staff recommends to streamline these landscaping provisions into one ordinance to make the requirements more straightforward. In addition, the proposed landscaping ordinance is organized under Article 6 – Environmental Performance Standards within the new structure

of the Zoning Code. Given the upcoming development applications on the horizon, it is important to continue to streamline and improve the Zoning Code to make it better organized and less confusing.

Regarding the existing landscaping provisions in the City Code, landscaping requirements are located in three sections:

1. Subdivision Ordinance – Preliminary Plat (§153.07)
2. Open Space Preservation (OP) Ordinance – Development Standards (§150.180)
3. Site and Building Plan Review (§151.070)

The landscaping provisions of the three different sections differ significantly. The differences between the provisions include the methodology and the size of plant materials. The Preliminary Plat and OP Ordinances require plantings along boulevard areas at a similar ratio. However, the OP Ordinance requires an additional 10 trees per building site, whereas the Preliminary Plat Ordinance requires 6 trees per acre. The Site and Building Plan Review Ordinance, utilized in instances of development on a preexisting platted lot of record, takes a drastically different approach than the other landscaping provisions. The landscaping requirements within the Site and Building Plan Review are based upon the total valuation of the project. Depending on the valuation of the project, the developer must spend 1-2% of the project valuation on landscaping materials. The existing landscaping provisions are found in Attachment #4. In addition to reorganizing the landscaping provisions into the Zoning Code, the great variation of the existing landscaping provisions was a key motivating factor in updating the ordinance to have one set of streamlined requirements.

Regarding the proposed landscaping ordinance, the provisions are more similar to the requirements of the Preliminary Plat Ordinance than the other existing provisions. The proposed ordinance establishes minimum sizes of plan materials that are based on the standards proscribed in the American Standards for Nursery Stock. Research of other landscaping ordinances from communities in the Metropolitan area revealed that these sizes are consistent with other ordinances in the Metro. In addition, these sizes are similar to the landscaping material proposed in the Lennar Preliminary Landscape Plan for the Savona Preliminary Plat application. Regarding the amount of required tree plantings, the proposed ordinance requires 1 tree for every 50 lineal feet for boulevard plantings, and 5 trees per acre of land impacted included in development activity. These requirements are similar to the Preliminary Plat Ordinance. In addition to required plantings in setback areas, the proposed ordinance establishes base landscaping requirements for the perimeter and interior of parking areas. The City does not currently have landscaping requirements for parking areas, as what little standards did exist were removed with the previous off-street parking ordinance. The inclusion of the landscaping for parking areas represents an improvement to the landscaping provisions that reflect best practices. In addition to these landscaping requirements and minimum standards, the proposed ordinance also establishes the framework to address screening when it is required by other areas of the Code. Finally, the proposed ordinance requires that a financial security be posted to ensure performance of the Landscape Plan. The security is used to guarantee performance for a two year period. Staff also researched other ordinances to establish common practice in relation to timeline of financial guarantee for landscaping. It was discovered that a two-year period is an established common practice.

The Planning Commission reviewed the proposed landscaping ordinance at a regular meeting on July 22, 2013. At this meeting, the Planning Commission had some questions and recommendations, and Staff made minor refinements in response. The Planning Commission held a Public Hearing on the landscaping ordinance on August 12, 2013. Mr. Greg McGrath, 1509 15<sup>th</sup> Street Court North, spoke at the Public Hearing, stating that he supports the landscaping ordinance. In addition he shared his frustration that the landscape material that was required to be installed as part of the Cardinal View development was never fully realized. Based on his testimony, the Planning Commission discussed the importance of the City holding financial security until all of the landscape material is correctly planted and established. The Planning Commission wanted to ensure that the City is doing everything within its power to ensure that the implementation of development goes according to plan. For this reason, the Planning Commission suggested that the City Attorney review the ordinance to ensure that the language is strong enough to guarantee performance of the landscape plan. The Planning Commission unanimously

recommended the proposed ordinance for approval subject to legal review by the City Attorney (Vote: 6-0). It should also be noted that Staff raised a concern from Council Member Nelson regarding the use of professional services in reviewing landscape plans. Staff recommended to the Planning Commission that the review of plans by professional services does not need to be referenced in the ordinance, as the review of these plans is more of an administrative and operational function. For example, it is expected that development applications will be reviewed by engineers, attorneys, and other professional services. Review of landscape plans by a certified landscape architect or other professional should fall in this same category. The Planning Commission felt comfortable not including the need for professional review directly into the ordinance.

Finally, it should be noted that Staff is recommending to delete all of the existing landscaping provisions as part of an upcoming “house-cleaning” amendment to the City Code. These existing provisions can be removed along with other elements of the Subdivision and other ordinances that need to be cleaned up to be consistent with new section of the Zoning Code. These “house-cleaning” amendments are common during periods of significant revision to the City Code. In order to change these sections of the Code, Staff needs to publish notification of public hearing on these ordinances separately.

**RECOMMENDATION:**

*The Planning Commission recommends the City Council approve Ordinance 08-087 through the following motion:*

***“Move to approve Ordinance 08-087, establishing new landscape requirements in the Lake Elmo Zoning Code.”***

*In addition, Staff recommends that the City Council approve Resolution No. 2013-65, authorizing summary publication of Ordinance 08-087, through the following motion:*

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**ATTACHMENT(S):**

1. Ordinance 08-087
2. Resolution No. 2013-65
3. Excerpt from Draft Planning Commission Minutes, 8-12-13
4. Existing Landscaping Provisions