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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, April 8, 2013 at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. February 25, 2013
 - b. March 11, 2013
4. Public Hearing
 - a. ZONING MAP AMENDMENT. The Planning Commission is asked to consider a zoning map amendment to bring the City Zoning Map into conformance with the recent amendments to the City's Comprehensive Plan and Zoning Code.
 - b. ZONING TEXT AMENDMENT - TREE PRESERVATION ORDINANCE. The planning Commission is asked to consider a zoning text amendment pertaining to tree preservation in all development and major grading activities in Lake Elmo.
 - c. ZONING TEXT AMENDMENT - PARKING REGULATIONS. The Planning Commission is asked to consider a zoning text amendment pertaining to off-street parking. The proposed ordinance would set parking requirements for all use classifications in the Lake Elmo Zoning Code and would be organized under Article 5 – General Regulations.
5. Updates
 - a. City Council Updates
 - i. Adopted the Comprehensive Plan Amendment containing the I-94 Land Use Plan and Housing Element at the 4/2/13 City Council meeting.
 - b. Staff Updates
 - i. Upcoming Meetings:
 1. City Council Workshop, 4/9/13: Joint City Council – Planning Commission Workshop to discuss zoning, design standards and form-based codes.
 2. Training Webinar “21st Century Planning Commission”: 4/13/13 @9:00am.
 3. Planning Commission Meeting, 4/22/13.

c. Commission Concerns

6. Adjourn



**City of Lake Elmo
Planning Commission Meeting
Minutes of February 25, 2013**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:01 p.m.

COMMISSIONERS PRESENT: Obermueller, Fliflet, Hall, Larson, Kreimer, Reeves, Morreale, and Williams;

COMMISSIONERS ABSENT: Haggard; and

STAFF PRESENT: Planning Director Klatt, City Planner Johnson and City Administrator Zuleger.

Approve Agenda:

The Planning Commission accepted the agenda as presented.

Approve Minutes: *February 11, 2013*

M/S/P; Reeves/Morreale to accept the minutes of February 11, 2013 as amended; **Vote: 5-0, Motion Carried**, Hall did not vote.

Public Hearing: *Zoning Text Amendment – Urban Residential Zoning Districts*

Klatt explained the purpose behind the proposed changes to the urban residential zoning districts. He noted that proposed changes to the minimum district standards include minimum lot width and side-yard setbacks. Klatt noted that the setback for the principal structure will be 10 feet, whereas the setback for the garage will be reduced to 5 feet.

Moving forward, Klatt explained the motivation for pursuing these proposed changes. The motivations include the desire to allow for greater clustering in residential subdivisions. In addition, many people from the building community have expressed the desire to allow for smaller residential lots, as well as reduced side-yard setbacks for the garage.

Kreimer asked about the variance process at the preliminary plat level. Fliflet mentioned that it would be difficult to grant a variance due to a lack of findings of fact.

Reeves asked if these proposed changes would affect existing property owners. Klatt noted that these changes are only for the urban residential districts. Therefore, existing properties would not be affected by these minimum district standards.

Larson asked where these zoning districts are located in the future land use plans for the community. Klatt noted that these zones are located in the I-94 Corridor and Village.

Williams asked about dimensional standards related to the HDR Zoning District. Klatt explained that the dimensional requirements are different for the HDR district because of the variety of different types of residential uses that may occur. He noted that it is important to take the bulk and massing standards into account as well.

Williams opened the Public Hearing at 7:18pm.

No one spoke

Williams closed the public hearing at 7:19pm.

Kreimer noted that he did not support reducing the lot size because he felt that a 60-foot lot feels extremely dense. Klatt noted that the Comprehensive Plan determines that allowed density of a land use category for a piece of land, regardless of the minimum lot size within the applicable zoning district. Larson noted that the ability to plat smaller lots does not change the density requirements on the Comprehensive Plan. Klatt noted that his sentiment is correct. Staff feels that the smaller lot will allow for greater amounts of open space.

M/S/P: Reeves/Hall, move to recommend approval of the proposed changes to the minimum standards of the urban residential districts: **Vote: 5-2, Motion Carried**, with Obermueller and Kreimer voting no.

In response to the proposed motion, Obermueller presented an amendment to the motion to keep the 70' minimum width in place for the LDR district.

M/S/P: Obermueller/Kreimer, move to amend the motion to keep the lot width 70' for LDR and 50' for MDR: **Vote 2-5, motion to amend fails**, with Williams, Larson, Hall, Fliflet and Reeves voting no.

Public Hearing: *Village Comp Plan Amendment*

Klatt began by giving a presentation about the purpose of the Comprehensive Plan Amendment. He explained how the process of formulating the Village Land Use Plan occurred. As part of explaining the process, Klatt highlighted the many meetings and opportunities for public engagement that were offered as part of the process. Klatt explained the role of the Village Work Group, noting their great efforts to refine the plan to prepare it for public hearing. In terms of integrating the document into the existing Comprehensive Plan, Klatt explained the necessary work to combine the Village Land Use Plan into the Comp Plan.

Moving on, Klatt explained some of the key decision point leading up to the formulation of the Village Land Use Plan. The key decision points include the following:

- Guiding the Village for 934 residential units per the Council's decision in 2009.
- Consideration of the Village Green or master planned mixed-use development downtown.
- Reconsideration of the MUSA boundary
- Elimination of State Highway 5 realignment proposal
- Establishment of the mixed-use planning area.

Klatt then presented how the City's overall Land Use Map would look as incorporated into the Comp Plan.

Johnson presented an overview of the proposed Village Comprehensive Plan Amendment and reviewed the proposed land use categories that are being recommended for this planning area. He reviewed the planned implementation measures that will be considered by the City, including development of a mixed-use zoning district, a form-based code, adopting design standards and working with property owners to realize the open space plan.

Johnson discussed various components of the land use plan, including the proposed open space plan, transportation plans, parks and other elements.

Klatt wrapped up the Staff presentation by explaining the next steps for the Village Land Use Plan. He noted that if the Planning Commission and City Council authorize the Village Land Use Plan, then the plan would need to be reviewed by adjacent communities and the Metropolitan Council.

Klatt finished the presentation by noting that the proposed draft of the Land Use Plan builds off of numerous previous planning efforts, most importantly the Village Master Plan. He thanked the members of the Village Work Group for their tireless efforts during the process.

Public Hearing opened at 8:12pm

Neil Krueger, 4452 Lake Elmo Ave. N., noted that he represents the 3rd generation of his family to live in Lake Elmo. He noted that he hopes to see the Village Center develop in a natural manner, not artificially. Second, Mr. Krueger noted that he would like his property removed from the urban portion of the Village in order to continue agricultural activities on his land. Third, Mr. Krueger noted that he adamantly supports the development of trails in the Village. Fourth, Mr. Krueger noted that he would like to see more small-scale single family uses continue in the Village.

Deb Krueger, 4452 Lake Elmo Ave. N., noted that she is pleased that the current plan takes many of the principles of the previous planning efforts forward. She also noted that residents offered input at a meeting at Oakland Jr. High School several years ago. She asked if the City is considering the transfer of density rights. She also noted that the City should consider the extension of greenbelt corridors up Lake Elmo Ave. to the north. Third, Ms. Krueger noted that she is concerned about the City not carrying forward cluster developments. She stated that cluster developments should be done in a way so that residents can see the maximum amount of open space.

Marjorie Williams, 3025 Lake Elmo Ave. N., noted that she previously served on the Planning Commission and Village study groups. She noted that she is concerned that historical preservation is not adequately addressed in the plan. In addition, the zoning code does not maintain the existing pattern of the built environment. It is important that the Village maintain the look and character as it stands today. Ms. Williams noted that she treasures the old homes in the Old Village.

Larry Lanoux, from the City of Grant, noted that the City of Lake Elmo is looking at growth due to Met Council Mandates. He noted that the City of Grant is experiencing some similar pressure. He reported that the Planning Commission was disbanded in the City of Grant. He stated that the City of Grant will be one of the communities to review the draft of the Comprehensive Plan. He wanted to applaud the efforts of the Planning Commission. He reported that there is no planning Staff in the City of Grant to review the Comprehensive Plan.

Klatt noted that Staff needs to clarify the communities and jurisdiction that should review the Comprehensive Plan Amendment.

Ann Bucheck, 2301 Legion Ave. N., also served on the previous Village efforts. She noted that she appreciates the efforts of Staff, but urges the Planning Commission to vote against the proposed Comp Plan. She noted that there is too much passive language in the Comp Plan allowing for too much flexibility in the document. She also noted that the plan should only allow for 934 units, not up to 1100 units. She also noted that there is another addition needed to the physical context of the Village, mentioning the storm water problems. Commercial should not be allowed in the Northeastern portion of the Village. She also noted that TIF financing should not be allowed. She submitted her comments in writing.

Todd Bruchu, 3150 Klondike Ave. N., noted that he is a lifelong resident. He wanted to know where the Village parkway will be located. He also wanted to know why the recreation area is labeled as a regional park. Mr. Bruchu also inquired about the difference between the Village Boundary and the MUSA Boundary. Mr. Bruchu noted that he is concerned about the recreation area being divided by the railroad tracks. Finally, he reported that he supports the preservation of Lions and VFW parks, but he is concerned about the amount of parking available to these parks.

Susan Dunn, 11018 Upper 33rd St. N., noted that she has reflected on what has made Lake Elmo special. She wanted to add the context of the Metropolitan Council mandates to the history of the planning process. She also added some key components of the physical context. She noted that the original Village Plan called for 600 residential units. She wanted the passive language to be removed from the document. She asked that the Art Center be added to the public spaces section. Ms. Dunn noted that she did not find any portion of the Comp Plan that discussed the protection of compliant and functioning septic systems. She also noted that the costs are not included in the document. She is glad that existing homes in the VMX area will not be considered non-conforming uses. She wanted to share her concerns pertaining to the ongoing problem to the lack of drinking water in the aquifers in the East Metro. She noted that she is glad that attention is paid to Hwy-5 safety. She wished to have images in the document. She is glad that the City is looking at design standards. The design standards should be considerate of building height, particularly near the existing Old Village. Finally, she thanked everyone who is working on these plans. However, she also emphasized that the financial issues related to sewer are very real for the residents.

Chairman Williams spoke about three letters that were submitted to the Planning Commission. The City received letters from Michael Lynskey, James MacCleod and Steve DeLapp. Secretary Hall read the letters into the record.

Steve DeLapp, Lake Jane Trail, had three key points: (1) the residents should always come first; (2) Sustainability is a key practice, particularly in Lake Elmo. This is very important for storm water management; and (3) the residents should not accept anything that does not meet a high standard. Mr. DeLapp also noted that residents of Lake Elmo have always had the ability to use their property for agricultural purposes. He also noted that the level of density in the downtown reflects the needed density to create the critical mass of people to have a thriving downtown. In addition, Mr. DeLapp noted that the issue of the Met Council mandates should be included in the plan. Chairman Williams read other key points from Mr. DeLapp's letter.

Williams closed the Public Hearing at 9:12pm.

Fliflet asked for two clarifications pertaining to the storm water and runoff in the Village, as well as the letter submitted by James MacCleod. Staff addressed these clarifications.

Reeves asked Chairman Williams about the best method to digest all of the public comment made during the Public Hearing. He is looking for direction regarding due process. He suggested that the Staff respond and incorporate the comments to the best of their judgment.

Commissioner Obermueller asked how the City will address architecture of single family homes (LDR and MDR). Administrator Zuleger noted that the City wants continuity with the new residential in the community in terms of character. In addition, the City is interested in life-cycle housing that is available for all generations. Zuleger added that Staff has communicated to developers that we are looking for a sense of place and special character. He suggested that the City use a document that outlines the City's architectural preferences.

Regarding process, Administrator Zuleger suggested that each Planning Commissioner share their thoughts that were generated from the Public Hearing. Chairman Williams liked the proposed process.

Reeves started by expressing his support for the Comprehensive Plan Amendment. He also wanted to reconcile the difference between 934 new housing units and the range that Staff is proposing. He also added that he enjoyed the policy discussion about existing septic systems that are functioning well and are compliant.

Obermueller noted that she does not support putting the language about the Met Council mandates into the introduction. She also liked the comment about the lack of drinking water in the aquifers. In addition, she supports the Commercial land use in the northeast corner of the Village. She stated she supports the document.

Fliflet started by addressing the letter from Mr. James MacCleod regarding the land use near 30th St. She would be open to addressing that through an adjustment to the greenbelt. Next, Fliflet asked that the overall land use plan for the City reflect categories that are specific to the Village. In addition, the categories should be named "Village Low Density" for example. Fliflet noted that she could see some benefit in adding the Met Council mandate language if it is done in a tasteful manner. Moving forward, Fliflet noted that parking should be given a bigger priority in the planning of the Village. Regarding the passive language, Fliflet noted that she supports the language having some flexibility so that the City can proceed with an open mind. She also agrees with Mr. DeLapp that the City should demand great, not second best.

Kreimer noted his support of the Village Land Use Plan. He also noted that he is concerned about the recreation fields being bisected by the railroad. Johnson explained the reasoning behind the location of the park space of the map. Next he concurred that there needs to be a policy regarding existing open space. Kreimer also suggested that the City look at connections to the Gateway Corridor Trail. Finally, Kreimer noted that he does not understand how the mechanics of the Open Space are addressed.

Hall noted that he supports the document. He supports the language pertaining to the Met Council mandate, as long as it is done in a tasteful manner. Next, he supports the addition of storm water as a physical challenge in the Village. Moving forward, Hall supports the range of densities because it ensures that the City meets its Met Council obligations.

Morreale noted that he supports the document. He did want to explore the policy surrounding the situation of compliant septic systems. He also noted that he liked the comment pertaining to access to drinking water and the shortage in the aquifers.

Larson started by stating that it is difficult to know where the line bends in terms of how specific the document should be. Regarding the passive language, Larson noted that most of it is acceptable, but some things should be critical and not contain passive language. The City should always expect the higher standard. Larson noted that he supports smaller lots because it lessens the impact on the land. In addition, smaller lots would fit well with the existing context. Larson noted that the future Village square should connect the existing Old Village and the newer residential areas. This should act as a connection point. Finally, Larson noted that the regional Village park must include different uses so that kids aren't forced to walk across the railroad tracks frequently. He also noted that he would like to see tournaments being held at this facility. For this to occur, he would like to see the clustering of facilities.

Williams started by noting that he is concerned that not enough attention is paid to the historic preservation in the Village. Regarding passive language, he noted that he supports less passive language, but the City Council may feel differently. In addition, he supports the statement that storm water management is a definite physical challenge to the Village. Next, Williams asked where the Village Green should be. Administrator Zuleger noted that if the Council supports the Village Green, they would like to see it as close to Lake Elmo Ave. as possible. Williams asked about TDR and TIF. Johnson explained the City research pertaining to TDR programs. Next, Zuleger explained his experience with Tax Increment Financing (TIF). He explained that if a private or public project comes forward, the City can structure a TIF based upon an irrevocable letter of credit to conduct improvements related to infrastructure. The deal is structured in a way that the City draws off a letter of credit until the developer is able to pay off the increment. Further payments pay the general fund back. TIF in the manner that he has used it is not a handout.

Staff moved on to address many of the comments from the Planning Commission and from the Public Hearing, including the following:

- Klatt explained the purpose behind the density ranges. He also noted that it makes sense creating other land use categories for Village specifically given the different ranges of density.

- Klatt also discussed the issue surrounding the policy of compliant and well-functioning septic systems. Staff will add language to the public services section.
- Klatt addressed the issue of the MOU. He noted that the introduction of the Land Use Chapter addresses this issue. Zuleger noted that the City is working through various channels to look at relief from some of the requirements of the MOU.
- Next, Klatt addressed the issue of access to good groundwater. He suggested that Staff can add some discussion of this item. In addition, this can be tied to sustainability.
- Moving forward, Klatt suggested looking at some land use changes to address the concerns of Mr. MacCleod.
- Next, Klatt noted that the land use categories should be changed to reflect the land uses in the Village. This will be reflected on the overall Land Use Map.
- Klatt noted that issue of trails can be further addressed.
- Moving forward, Klatt addressed the issue of the greenbelt, noting that it was part of the land use visions all along. This is different from the buffer in the I-94 Corridor.
- Klatt noted that Staff will certainly add the storm water as a physical challenge in the Village.
- Regarding passive language, Klatt explained that there is stronger language in the necessities of the land use plan. Williams noted that historic preservation has been discussed for 20 years, and yet it has never been enacted. Staff noted that some language can be added to support historic preservation.
- Regarding minimum home standards, Klatt noted that the earlier zoning text amendment allows for smaller lots in urban residential districts. In addition, language can be added to encourage life-cycle housing.
- Speaking on the recreation facility, Staff noted that the facility should be noted as a community facility, not regional.

Klatt wrapped up Staff's responses to the comments from the public hearing and from the Planning Commission.

Williams suggested

M/S/P: Fliflet/Hall, move to recommend approval of the Comprehensive Plan Amendment with the changes agreed upon by the Planning Commission, **Vote: 7-0, Motion Carried.**

Fliflet asked the Planning Commission to reaffirm its support of the Village Green concept in order to advise the City Council of its support of the concept. Larson supported Fliflet's motion in that he is passionate about the Village Green concept. Reeves explained that he is uncomfortable supporting the motion because he supports many other elements of the plan with the same passion as the Village Green concept. Williams agrees that there is no need to single out the need of the Village Green because it is already in the plan.

M/S/P: Fliflet/Larson, move to advise the Council of the Planning Commission's support of the Village Green concept, **Vote: 4-3, Motion Carried**, with Williams, Hall and Reeves voting no.

Williams wanted to publicly thank the members of the Village Work Group.

City Council Updates

City Council approved the PUD Ordinance at the meeting on 2/19/13.

Staff Updates

Staff updates include the upcoming public hearings on the updates to the rural zoning districts and a tree preservation ordinance.

Commission Concerns - *None*

Meeting adjourned at 10:45pm

Respectfully submitted,

Nick Johnson
Planner



**City of Lake Elmo
Planning Commission Meeting
Minutes of March 11, 2013**

Chairman Williams called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Obermueller, Larson, Kreimer, Reeves, Morreale, Haggard and Williams;

COMMISSIONERS ABSENT: Hall and Fliflet; and

STAFF PRESENT: Planning Director Klatt and City Planner Johnson

Approve Agenda:

The Planning Commission accepted the agenda as presented.

Approve Minutes - None

Public Hearing: *Zoning Text Amendment – Tree Preservations Ordinance*

Johnson presented an overview of a proposed ordinance that would regulate the preservation of trees and wooded areas within the community in instances of subdivision or other development activities. He explained the purpose of the ordinance and reviewed the new provisions with the Planning Commission. In instances of heavily wooded parcels, the proposed ordinance would require developers to inventory the significant trees on a development site and maintain a preservation ratio, preserving a certain amount of significant trees.

Larson asked who would be preparing and reviewing these applications. Johnson noted that the applicants would need to prepare the plan through a certified forester or landscape architect. Staff would review the Tree Preservation Plan along with Preliminary Plats, grading permits and other actions.

Reeves asked if an applicant would have to submit a tree inventory if the parcel did not include 40% woodland coverage. In addition, he asked what major components from other tree preservation ordinances were carried forward in the proposed ordinance. Johnson noted that aspects of mitigation and replacement were carried forward, in addition to process. He indicated that other communities have significant replacement programs. Finally, Reeves asked if other communities required a full tree inventory. Johnson indicated that other communities do require tree inventories.

Obermueller asked how consistent the various tree preservation ordinances around Metro. Johnson noted that the ordinances of other communities vary quite a bit. Obermueller also asked how the City would verify the Tree Preservation Plan. Johnson noted that the applicant

would submit the plan through a certified forester, and that Staff would have the option to make a necessary field verifications.

Kreimer wanted to clarify that if a parcel did not have 40% woodland coverage, than no preservation would be required. In addition, Kreimer asked if any tree preservation ordinances apply to individual lost with single family homes and individual property owners. Johnson confirmed Kreimer first point, and indicated that some preservation ordinances protect trees that are classified as specimen trees, which are very large and valued trees.

Haggard asked if trees removed for a parking lot would be included as part of the maintenance of the preservation ratio. In other words, Haggard asked if the parking lot part of the building envelope. Johnson noted that he believed that the parking lot is not part of the envelope.

Williams asked for clarification concerning whether the trees that are preserved are just in the areas that qualify as woodland coverage, or if the preservation ratio applies to the whole lot. Johnson replied that the replacement requirements would apply to all of the significant trees on the site as a whole, as opposed to just the trees in the area considered woodland coverage.

Williams asked about the section, *Irreparable Damage*, indicating that the requirements of replacement are not adequately spelled out. In addition, Williams noted that there is no reference to a performance bond to ensure completion. Johnson noted that as part of a preliminary plat, the City has a financial security from the applicant. The City can hold or use this security to mitigate any necessary work related to trees. In reference to the irreparable damage section, Reeves asked if the applicant is responsible to pay for the tree replacement. Johnson confirmed that the applicant is responsible for the costs.

Reeves asked a clarifying question about whether the preservation ratio applies to the entire site or just the woodland coverage area. Johnson noted that the preservation ratio applies to all the significant trees on the entire site. To clarify the issue, Johnson suggested removing the wording "Percent of Tree Protection Zone".

The Public Hearing was opened at 7:39pm.

No one spoke.

The Public Hearing was closed at 7:39pm.

Williams noted that some significant changes may be needed to the ordinance, and he would not be opposed to postponing consideration of the ordinance.

Obermueller commented on her experiences managing trees on her property and expressed concern about an ordinance that encourages preservation of trees with a short life span. She suggested adding a definition for specimen trees, and identify trees that the community values.

Reeves stated that he supports efforts to develop a tree preservation plan, but noted his concern regarding a tree inventory. He suggested a less onerous system that would still provide protection while not overburdening developers and landowners. Haggard asked if other communities require tree inventories. Johnson noted that it is generally a standard for

communities to require an inventory, with the key differentiator being the size of trees that must be surveyed.

Haggard stated her support for requiring a preservation plan, but did not want to see standard that were too onerous. She suggested more of an emphasis on larger trees and more significant specimens. Johnson discussed the Woodbury code concerning tree preservation. He indicated that some communities place more of an emphasis on preservation versus replacement plantings.

There was a general discussion concerning the relationship between the proposed tree preservation and protection ordinance and landscaping requirements.

Williams pointed out the difference between common and hardwood trees how they were similar to fast growing and slow growing trees. He also suggested that the community may want to identify its high value and low value trees.

Williams recommended additional corrections to the text.

Larson asked about diseased, dead or dying trees and how these would be addressed. He questioned how these types of trees would be identified. Reeves noted that in the proposed ordinance, diseased or dying trees do not need to be inventoried.

Obermueller suggested that the Commission review an aerial image of certain sites with significant woodland coverage. Johnson provided an example of a site immediately north of City Hall as a parcel with significant woodland coverage.

There was a general discussion concerning the most appropriate method to encourage tree preservation, and how to best calculate the replacement requirements for trees that are removed from a site.

Williams stated that the Planning Commission is seeking additional information and clarity concerning the ordinance. Reeves suggested obtaining benchmarks from other communities to help determine the direction Lake Elmo should take. Also, he noted that it is difficult to understand what the percentage preservation ratio should be in order to balance the ability to develop with the preservation of significant trees.

Larson stated that there may be additional issues that need to be addressed when dealing with different types of topography.

M/S/P: Reeves/Williams, move to postpone consideration on the ordinance until further information is provided, **Vote: 7-0, Motion Carried.**

The Planning Commission is seeking clarification and additional information on the following:

- Dr. Widin's opinion on classifications of tree species
- Tree inventory
- Trees in the building envelope
- Removal and replacement of large specimen trees
- Performance bond

In addition, the Planning Commission requested to see Woodbury's tree preservation ordinance, as well as a less restrictive ordinance for the sake of comparison.

Public Hearing: Zoning Text Amendment – Rural Zoning District Updates

Klatt stated the purpose behind the proposed update to the rural zoning districts. He highlighted the zoning districts that are part of the update aimed at the rural districts. More specifically, Klatt noted that the R-1, R-2, R-3 and R-4 are proposed to change to RS- Rural Single Family. In addition, Klatt noted that the City currently has 18 holding districts. Staff is recommending that these 18 districts get replaced by one Rural Development Transitional District (RT), which would act as the holding district for areas guided for future sewer development.

Moving forward, Klatt explained all of the major revisions that are included in the proposed Rural Districts update. These include purpose statements for all of the rural zoning districts. In addition, Klatt noted that Staff has incorporated all of the use classifications that were previously developed as part of the urban district updates. This way, the Zoning Ordinance stays consistent throughout the entire chapter. He explained that the use classifications permitted in the rural districts has remained the same as the previous rural districts.

Next, Klatt discussed the bulk and dimensional requirements of the rural districts. These standards have also remained the same, with the one exception that the rear-yard setback for accessory buildings has been reduced to 10 feet. This action was intended to maintain consistency with another section of the existing Code. In addition, setbacks for accessory structures were added for the RE district. Finally, Klatt explained that Staff is recommending to remove the clustering provisions that are allowed in the Agriculture zoning district. Staff is not aware of any developments that have occurred using the clustering provision.

Regarding septic, Klatt explained that the current ordinance requires a minimum of 1.5 acres for rural single family lots that are served by septic systems. Due to the fact that Washington County regulates the use of septic systems, it makes sense to move the City standards closer to the county. The RE district requires 20,000 square feet for septic, so Staff thinks this is a good standard.

Finally, Staff is recommending a height of 22 feet, unless otherwise specified, for accessory structures. Klatt noted that Staff is recommending approval of the proposed ordinance with two additions related to accessory structures.

Haggard asked Staff to explain which areas of the community are currently zoned as rural districts. Klatt demonstrated the location of the rural land uses with the Lake Elmo Zoning Map. In addition, Klatt highlighted the great variety of sizes of lots with the R-1 zoning district due to platting irregularities before zoning was in place.

Reeves asked about the OP zoning. Klatt explained that the early OP developments were zoned with the OP zoning designation. However, later OP neighborhoods were developed with the RR or A zoning with the OP acting as a Conditional Use. Moving forward, the City may want to make all the OP neighborhoods consistent.

Haggard asked about the R-2 zoning of Carriage Station. Johnson explained that Carriage Station was developed as a planned development, or PUD. Therefore, the R-2 standards do not govern the land use, as they are determined by the rules of the PUD development agreement.

Obermueller asked if the property owners of parcels zoned R-1 should be notified that the name of the zoning district for their property is changing. Klatt explained that the change is in name only, and that the standards remain the same as R-1. Reeves commented that the City should communicate the changes in zoning district via the website and newsletter. Transparency to all the residents is essential.

Haggard asked about the use restricted recreation. Klatt explained that this use includes amusement parks, target ranges, and other recreational uses that have more potential for nuisance. He noted that this is a conditional use only in the Agricultural district. Haggard noted that any application for such a use would require a public hearing. Klatt confirmed that it would require a public hearing.

Haggard asked Staff if they would provide an example where the 10' rear-yard setback in the RR district could negatively impact neighbors. Klatt explained instances when this issue has occurred. He noted that Staff is looking for direction on the rear-yard setback for accessory buildings in the RR district.

Larson asked about the ownership aspect of land that is zoned Public Facility. Klatt noted that whether the land is private (Tartan Park) or public (Lake Elmo Regional Park Reserve), the zoning is the same.

Kreimer asked about the difference between the minimum lot size of 2.5 acres in RE, whereas the purpose statement says the average should be 3.33 acres. Johnson noted that 2.5 acres is the minimum lot size, whereas 3.33 should be the average lot size when these neighborhoods are platted.

Obermueller asked about the accessory uses that are allowed in the R-1 district. Klatt noted that all of the accessory uses that were allowed before in R-1 would be allowed in the RS district.

Kreimer asked about private kennels. Johnson noted that the purpose of restricting private kennels is to set a threshold for the number of dogs that can live at a residence. If the number of dogs increases over a certain number, it can become a nuisance. Klatt added that a private kennel is different from a commercial kennel in that the activity is not intended for profit.

Haggard asked if the standards for accessory buildings in the rural districts remain the same. Klatt confirmed that the standards are in fact the same.

Williams noted that the use classifications are not on the online version of the Code.

Williams asked about the provision of preparing rural district areas for public utilities. Klatt noted that this provision requires that when future subdivisions come forward, they must be laid out in a manner so that future transportation or utility extensions are possible. In addition,

Williams asked about the use classification of Agricultural Services and Agricultural Support. Klatt read the definitions of these use classifications

Public Hearing opened at 9:25pm

No one spoke

Public Hearing closed at 9:25pm.

Williams asked if the Commission was comfortable with the dimensional requirements within Table 9-2. Reeves noted that he would support moving the rear-yard setback for accessory structure in RR to 40'. In addition, the Commission engaged in a discussion about interior side-yard setbacks. Regarding the rear-yard setback for accessory structures in the RR district, there was consensus that the setback should be 40'.

Obermueller asked about the RT district. Williams noted that a single family home would be allowed in the RT district before sewer was available under similar rules as the RR district. The Planning engaged in a discussion about the use of the RT district.

Williams noted that the section referring to lots that are not served by urban services should not be planned for utilities as a whole, but just water service.

M/S/P: Reeves/Kreimer, move to approve the zoning text amendment to the rural zoning districts as amended: **Vote: 6-1, Motion Carried**, with Obermueller voting no.

Obermueller added that residents should be well informed about any zoning changes that may occur on their property. Williams suggested that the website and newsletter is the best vehicle for this notice. Johnson noted that before physical changes to a property's zoning can occur, the zoning map will have to be amended. When the changes are proposed to the zoning map, this may be the appropriate opportunity to notify all property owners about the change in zoning.

City Council Updates

The City Council authorized the Comprehensive Plan Amendment – Village Land Use Plan for distribution to adjacent jurisdictions and the Metropolitan Council for review at the meeting on 3/5/13.

The City Council approved the zoning text amendment pertaining to the minimum lot widths and side-yard setbacks in the urban residential districts.

Staff Updates

The Staff indicated that with all of the additional zoning text amendments proposed for the upcoming months, it would be helpful to host a Planning Commission workshop as opposed to a regular meeting at the next regularly scheduled meeting. The Planning Commission acquiesced the request.

Commission Concerns

Lake Elmo Planning Commission Minutes; 3-11-13

Williams noted that he felt that the Planning Commission was not properly prepared for the zoning text amendment pertaining to the proposed Tree Preservation Ordinance.

Meeting adjourned at 10:02pm

Respectfully submitted,

Nick Johnson
Planner



Planning Commission
Date: 4/8/13
Business Item
Item: 4a

ITEM: PUBLIC HEARING: Consideration of Zoning Map Amendments
REQUESTED BY: Planning Department
SUBMITTED BY: Kyle Klatt, Planning Director
REVIEWED BY: Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider adoption of a revised Zoning Map for the City that incorporates the new Zoning Districts that have been approved as part of the Commission's ongoing work to update the Zoning Ordinance. The proposed map incorporates all of the new zoning districts, but also leaves some of the existing categories in tact pending future amendments. Staff is recommending that the Commission consider further amendments to the Map once the Village Land Use Plan has been formally adopted by the City Council.

BACKGROUND INFORMATION

The Zoning Map serves as the key piece of the City's zoning regulations since it is the official document that designates the zoning district for any given property in the community. The zoning map also serves as the primary mechanism for implementing the Comprehensive Plan for the City, and this map is required to be consistent with the Comprehensive Plan in accordance with State Statutes. With the recent adoption of the revised land use plan for the I-94 Corridor, Staff is recommending that the Planning Commission consider revisions to the Zoning Map to align the map with the updated plan. In addition, the City has adopted several amendments to the Zoning Ordinance, including several new or amended zoning districts that should also be reflected on the map.

Because the City is working on incremental updates to the Zoning Ordinance (as opposed to a complete overhaul of the entire ordinance at one time), the Zoning Map will also need to be amended in stages as this work progresses. The next major update to the map will incorporate the Village Land Use Plan, at which point the remaining rural districts should also be revised to remain consistent with the updated Comprehensive Plan.

Please note that because some of the City's existing districts, including the GB – General Business District and R2 – Two Family Residential District have not yet been rescinded, these districts still are included on the Zoning Map. Should the City move forward with the Village Mixed Use Zoning, the GB district will no longer be used as a land use category either in the Zoning Ordinance or on the map. Staff is also still waiting to determine the most appropriate zoning for the existing R2 district until after the Village land use plan is adopted.

Additionally, Staff is still researching the most appropriate manner in which to zone the parcels that have been identified as "in-holding" parcels for the Lake Elmo Park Reserve. There are several parcels in the

southwest portion of the park that are guided for park purposes, and that are planned for future acquisition by the County for the expansion of the park.

The other significant changes to the map as proposed are noted as follows:

- All existing holding zones have been eliminated from the map and replaced with the RT Rural Transition zoning district, with the exception of:
 - Three parcels immediately east of the Eagle Point Business Park that have been zoned C Commercial.
 - The Cimarron Manufactured Home Park, which has been zoned MDR (a manufactured home park is allowed as a conditional use in this zone).
 - The parcels that make up the Brookman Addition north of 39th Street in the Village and the parcels that comprise the old lumber yard along the railroad right-of-way. These parcels retain their GB zoning since they represent existing platted lots with the Village planning area.
 - The small commercial parcel within Cimarron at the intersection of 10th Street and Lake Elmo Avenue that is zoned CC Convenience Commercial
- The R-1 Single Family Residential District is now called the RS – Rural Single Family District.
- A parcel at the intersection of 55th Street and Keats Avenue was zoned A Agriculture. Staff has previously found documentation that this parcel should be zoned RE Residential Estates similar to the other parcels in the Lake Elmo Vista Subdivision.
- The property east of Lake Jane that was at one time considered for a public works building has been changed back to RR Rural Residential.
- The property on which the Holiday gas station is located at the intersection of Highway 5 and Manning Avenue has been changed from HB Highway Business to CC Convenience Commercial.
- The Zoning Map now includes a revised municipal boundary that incorporates the northeast area detachment. The resulting parcel boundary includes a small parcel that retains the previous A Agriculture zoning in this area.
- Parcels that were zoned Limited Business have been changed to LC Neighborhood Office/Limited Commercial.
- The LDR, HDR, and VMX districts are listed as new districts, but do not yet show up on the map.

Staff is recommending that the zoning within the future sewer service areas be addressed at the time subdivisions or other developments are proposed. As an alternative, the City may elect to rezone parcels in conjunction with public projects that extend sewer and water services into these areas.

Staff will continue to revisit the Zoning Map as future text amendments are considered by the Planning Commission, and will also be bringing back further amendments to the map later this summer after the Village land use plan has been formally adopted by the City.

ADDITIONAL INFORMATION

Attached to this memorandum is a brief informational item that has been posted to the City's web site concerning some of the recent zoning changes. Staff thought this information may be useful for consideration by the Planning Commission as we continue discuss revisions and amendments to the Zoning Ordinance.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the revised Zoning Map as presented.

ORDER OF BUSINESS:

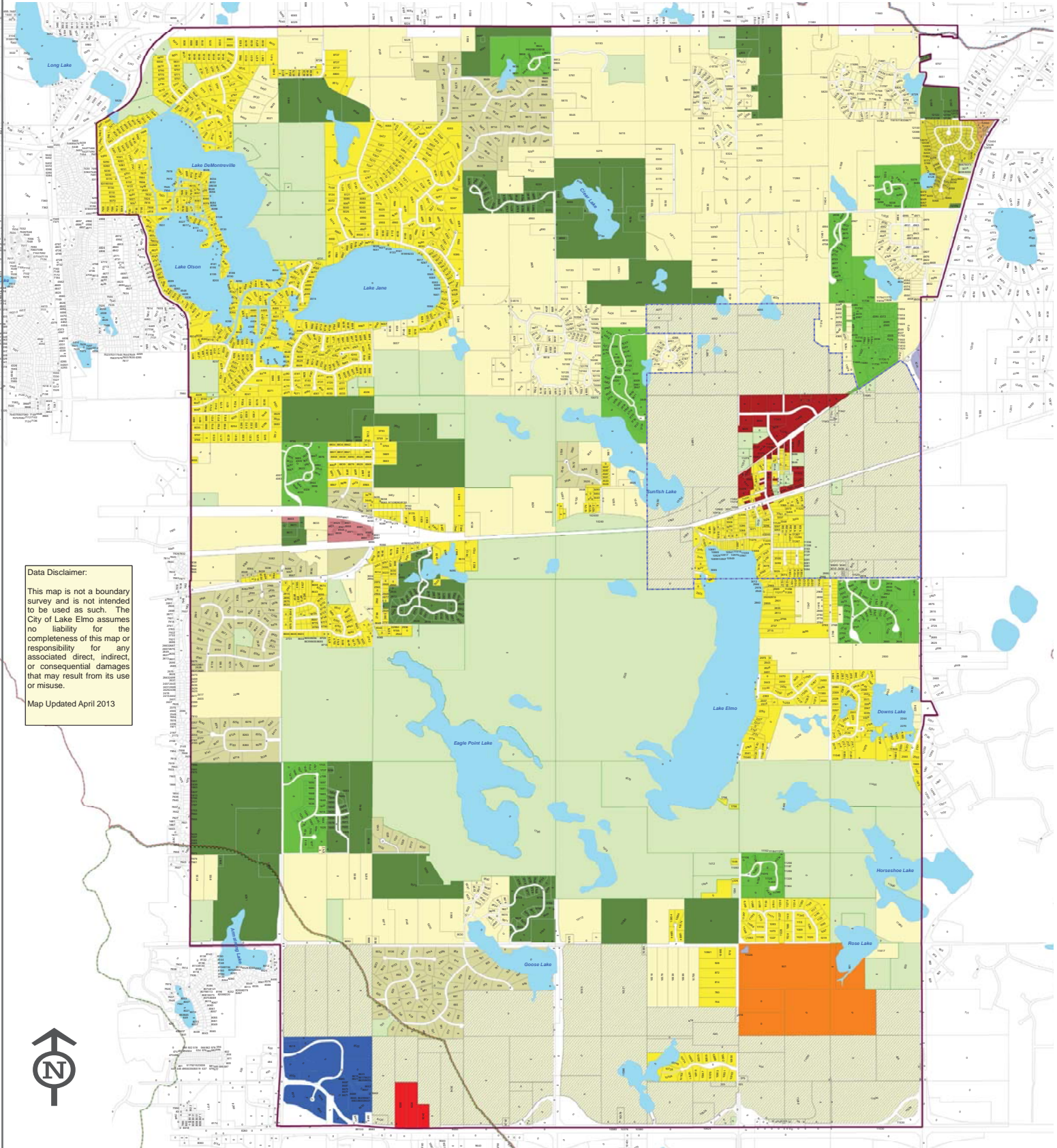
- Introduction Kyle Klatt, Planning Director
- Report by staff Kyle Klatt, Planning Director
- Questions from the Commission Chair & Commission Members
- Open the Public Hearing Chair
- Close the Public Hearing Chair
- Call for a motion Chair Facilitates
- Discussion of Commission on the motion Chair Facilitates
- Action by the Planning Commission Chair & Commission Members

ATTACHMENTS (1):

1. Draft Zoning Map – 4/8/13
2. Web Site Information Sheet Concerning Zoning Updates

Lake Elmo Zoning Map - Draft 4/8/13

Data Disclaimer:
 This map is not a boundary survey and is not intended to be used as such. The City of Lake Elmo assumes no liability for the completeness of this map or responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse.
 Map Updated April 2013



Legend

- General**
- Village Area
 - Lakes
 - Lake Elmo Boundary
 - Shoreland District Boundary

- Watershed Districts**
- Browns Creek
 - South Washington
 - Valley Branch

Zoning Districts

- | | | | | |
|----|--------|-----|--------|----|
| A | OP | HDR | CC | RT |
| RR | R2-PUD | BP | LC | PF |
| RE | LDR | C | LC-PUD | |
| RS | MDR | GB | VMX | |

Map created by the Lake Elmo Planning Department - April 2013





Planning Commission to Review Amendments to the Lake Elmo Zoning Map

The City of Lake Elmo is proceeding with various amendments to its official Zoning Map in order to bring the City into conformance with recent Comprehensive Plan and Zoning Code amendments. The City is holding a Public Hearing at the Planning Commission meeting on Monday, April 8th at 7:00pm at Lake Elmo City Hall (3800 Laverne Ave. N., Lake Elmo, MN). These amendments to the Lake Elmo Zoning Map are triggered by two ongoing planning efforts of the City;

1. **Zoning Code Reorganization.** As part of an ongoing effort to make structural and organizational improvements to the City's Zoning Code, Staff has been reorganizing the existing standards within the Zoning Code into a new and improved structure. These type of efforts are common amongst cities, and represent a "spring-cleaning" effort to ensure that all of the standards are well organized and do not conflict with other provisions within the Zoning Code. Related to these efforts, Staff reorganized the existing rural zoning districts into the new format and location within the Zoning Code, taking special care to not alter these districts in any manner that would change the character of each district. The fundamental rules and regulations for how land can be used in the rural districts have not been amended. Below are the highlights of the changes that were initiated as part of the amendments to the rural zoning districts:

- **R-1 Zoning District Renamed to Rural Single Family (RS) Zoning District.** In order to incorporate one cohesive naming system for the City's zoning districts, Staff recommended that the zoning districts containing numbers (i.e. R-1, R-2, R-3, etc.) either be renamed or, in cases which the zoning district is not currently being utilized, be phased out. This necessitated the renaming of the R-1 district to Rural Single Family to be consistent with the naming system. The other districts with numbers (R-2, R-3 and R-4) will be phased out or replaced due to limited or no properties having these zoning classifications. Overall, the critical point to highlight is that the existing standards of the rural districts have been left in place.
- **Rural Development Transitional (RT) District Created to Replace City's 18 Holding Districts.** In addition to reorganizing the existing rural zoning districts, Staff also recommended the creation of the RT zoning district to replace the 18 existing holding districts on the zoning map. Holding districts are utilized to guide land use for parcels that are guided for sewer development and development, but have yet to develop. In other words, the RT district allows for the same rural activities as Agricultural or Rural Residential Zoning, but is placed on parcels that are guided for sewer development. Previous to this action, the City employed 18 different holding districts based upon location (I-94 Corridor vs. Village) and base zoning (A, RR, GB, R-1, etc.). Therefore this action is intended to simplify the Zoning Code by replacing these different holding districts in favor of the single RT district, which accomplishes the same goal as the 18 holding districts.

As Staff continues to proceed through the process of reorganizing and improving the Zoning Code, it is our intention to honor and bring forward all of the existing standards that are currently in place.

2. **Comprehensive Plan Amendment.** The City Council recently approved the adoption of an amendment to the City's Comprehensive Plan pertaining to the changes in land use to parcels guided for sewer development in the I-94 Corridor. In order to prepare the I-94 Corridor, and

eventually the Village, for sewer growth, Staff recommends replacing the current holding districts in these areas with the previously discussed RT zoning district. Through this effort, landowners will be able to execute against the recently amended Comprehensive Land Use Plan.

Staff understands that many of these updates are complicated and contain procedural nuance. We will do the best we can to answer any questions that residents may have regarding these Zoning Code and Zoning Map changes. Any questions that you may have can be directed to the Planning Department:

Kyle Klatt, Planning Director

651-747-3911

kklatt@lakeelmo.org

Nick Johnson, City Planner

651-747-3912

njohnson@lakeelmo.org



Planning Commission
Date: 4/8/13
Item: 4b
Public Hearing

ITEM: Zoning Text Amendment - Tree Preservation Ordinance

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to discuss a zoning text amendment pertaining to the preservation of significant trees during development and grading activities. The Planning Commission reviewed an initial attempt at a Tree Preservation Ordinance presented by Staff at the meeting on 3/11/13 and requested additional information. At a workshop meeting on 3/25/13, Staff shared additional background research related to other preservation ordinances of surrounding communities. Based upon this research, the Planning Commission identified the tree preservation approach utilized by the City of Woodbury to be the most effective approach to tree preservation. Based on this feedback, Staff has prepared an ordinance utilizing a similar approach and standards to the City of Woodbury's ordinance.

ADDITIONAL INFORMATION:

Through the direction of the Planning Commission, Staff has prepared a Tree Preservation Ordinance (§154.257) that consistent with the approach and standards of the ordinance found within the City of Woodbury. After sufficient research was conducted, the Planning Commission determined that the Woodbury approach was the most effective of the other ordinances reviewed. The proposed Tree Preservation Ordinance includes the following features:

- *Applicability.* The proposed ordinance is applicable to all new development activity, including subdivision and major construction, as well any grading or excavation project that results in the movement of over 400 cubic yards of material per acre. Conversely, the ordinance does not apply to tree removal on existing single family residential lots of record.
- *Tree Inventory.* The ordinance does require a tree inventory to be conducted as part of the Tree Preservation Plan. This requirement is consistent with most of the communities researched.
- *Allowed Tree Removal.* As opposed to maintaining a tree preservation ratio on a site, the proposed ordinance allows applicants to remove of up to 30% of the total diameter inches of significant trees without requiring tree replacement.
- *Mitigation Plan.* If the applicant proposes to remove over 30% of the total diameter inches of significant trees on the site, a Mitigation Plan must be submitted, including required tree replacement. Tree replacement may occur on-site, or on City property, such as a park, if it is not feasible to locate the replacement trees on-site. Replacement trees

do not count towards landscaping requirements for residential properties, whereas replacement trees do count towards landscaping requirements for commercial properties.

- *Tree Replacement Schedule.* The proposed ordinance requires tree replacement at the following rates depending on the type of significant tree replaced:
 - Common trees: 1/8 of diameter inches to be replaced.
 - Coniferous trees: 1/4 of diameter inches to be replaced.
 - Deciduous hardwood trees: 1/2 of diameter inches to be replaced.

Through this replacement schedule, the proposed ordinance is in effect placing preference and priority on deciduous hardwood trees. This preference is also displayed in the methodology of counting the significant trees to be removed.

- *Specimen Trees.* The proposed ordinance includes a protection provision for specimen trees located in urban zoning districts. Given the proximity between properties and greater impact of tree loss in more dense neighborhoods, the removal of specimen trees shall require a permit. In addition, removal of specimen trees may be subject to the Tree Replacement Schedule. This provision does not apply to the rural districts given the larger lots and greater distance between structures.

There are other procedural elements that are included in the ordinance as well. These elements are intended to ensure performance and compliance with the Tree Preservation Plan. Staff feels that this is a step forward in preparing the City for sewered growth and future development activity. It should also be noted that the proposed ordinance focuses on development activity, whereas other cities do include standards for tree removal on non-developing properties. However, given the rural character of the community, Staff feels that focusing on developing properties is the best approach.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the proposed Tree Preservation Ordinance with the following motion:

“Move to recommend approval of the Tree Preservation Ordinance.”

ATTACHMENTS:

1. Tree Preservation Ordinance (§154.257)

ORDER OF BUSINESS:

- Introduction..... Planning Staff
- Report by Staff..... Planning Staff
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing..... Chair
- Close the Public Hearing Chair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission Chair & Commission Members

ARTICLE 6. ENVIRONMENTAL PERFORMANCE STANDARDS

§154.250 Purpose

§154.257 Tree Preservation

§154.250 Purpose

The purpose of this section is to provide regulations of general applicability for property throughout the City that are intended to protect or enhance natural resources and processes, and minimize conflicts among land uses.

§154.257 Tree Preservation

A. *Purpose.* Within the city of Lake Elmo, trees and woodlands are considered a valuable asset to the community. The City places a priority on protecting this asset and finds that it is in the best interest to regulate the development and alteration of wooded areas within the community. All builders, developers and subdividers shall comply with all the provisions in the Zoning Code which address the preservation of existing significant trees. All builders, developers and subdividers are encouraged to preserve all healthy trees of significant value even if the trees do not meet the size requirements to be considered significant trees.

B. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Common Tree. Includes Ash, Aspen, Basswood, Box Elder, Catalpa, Cottonwood, Elm, Hackberry, Locust, Poplar, Silver Maple, Willow and any other tree not defined as a hardwood deciduous tree or a coniferous/evergreen tree.

Coniferous/Evergreen Tree. A wood plant, which, at maturity, is at least twelve (12) feet or more in height, having foliage on the outermost portion of the branches year-round. Tamaracks are included as a coniferous tree species.

Critical Root Zone (CRZ). An imaginary circle surrounding the tree trunk with a radius distance of one (1) foot per one (1) inch of tree diameter. E.g. a twenty-inch diameter has a critical root zone with a radius of twenty (20) feet.

Deciduous Hardwood Tree. Includes Birch, Cherry, Hickory, Ironwood, Hard Maples, Oak and Walnut.

Diameter Breast Height (DBH). The diameter of trees at breast height, measured 4 ½ feet (54 inches) above the ground.

Drip Line. The farthest distance away from the trunk of a tree that rain or dew will fall directly to the ground from the leaves or the branches of the tree.

Nuisance Tree. (1) Any living or standing tree or part thereof infected to any degree with a shade tree disease or shade tree pest; (2) Any logs, stumps, branches, firewood or other part of dead or dying tree(s) infected with a shade tree disease or shade tree pest unless properly treated; and (3) Any standing dead trees or limbs which may threaten human health or property.

Shade Tree Disease. Dutch elm disease (*Ophiostoma ulmi* or *Ophiostoma novo-ulmi*), oak wilt (*Ceratocystis fagacearum*) or any other tree disease of epidemic nature.

Significant Tree. A healthy tree measuring a minimum of six (6) inches in diameter for hardwood deciduous trees, eight (8) inches in diameter for coniferous/evergreen trees, or twelve (12) inches in diameter for common trees, as defined herein.

Specimen Tree. A healthy hardwood deciduous tree measuring equal to or greater than thirty (30) inches in diameter breast height.

Tree Preservation Plan. A plan prepared by a certified forester or landscape architect indicating all of the significant trees in the proposed development or parcel. The Tree Preservation Plan includes a tree inventory which includes the size, species and location of all significant trees proposed to be saved and removed on the area of development, and the measures proposed to protect the significant trees to be saved.

C. Tree Preservation Standards for Developing Properties

1. *Applicability.*

- a. A Tree Preservation Plan shall be submitted and approved for the following activities:
 - i. *New Development in Any Zoning District.* A Tree Preservation Plan shall be required as part of any development or subdivision application.
 - ii. Any grading or excavation project that result in the movement of greater than 400 cubic yards of material per acre of site per §151.017.
- b. A Tree Preservation Plan is not required for the following activities:
 - i. This section does not apply to the issuance of a development approval for a single-family residence on an existing platted lot of record.
 - ii. This section does not apply to the harvesting of trees. For purposes of this section, "harvesting" means cutting or clearing trees for purposes relating to forestry operations, as defined in §154.012. "Harvesting" does not include the clearing of land for the purposes of development, even where the trees are sold for purposes of creating lumber for related purposes.

2. *Tree Preservation Plan.* All applicants shall submit a tree preservation plan prepared by a certified forester or landscape architect in accordance with the provisions of this section. During the review of an application for a building permit, grading permit or Preliminary Plat, the tree preservation plan will be reviewed according to the best layout to preserve significant trees and the efforts of the subdivider to mitigate damage to significant trees.

3. *Tree Preservation Plan Requirements.* The Tree Preservation Plan shall be a separate plan sheet(s) that includes the following information:
- a. The name(s), telephone number(s) and address(es) of the person(s) responsible for tree preservation during the course of the development project.
 - b. A tree inventory, including the size, species, general health and location of all existing significant trees located within the area to be developed or within the parcel of record. All significant trees must be tagged in the field for reference on the Tree Preservation Plan. These significant trees should be identified on the plan sheet in both graphic and tabular form.
 - c. Trees that were planted as part of a commercial business such as a tree farm or nursery do not need to be inventoried on an individual tree basis. A general description of the trees and an outer boundary of the planted area must be provided. The burden of proof shall be on the applicant to provide evidence to support the finding that the trees were planted as part of a commercial business.
 - d. A listing of healthy significant trees inventoried in subsection (2) above. Dead, diseased or dying trees do not need to be included in the totals.
 - e. A listing of the healthy significant trees removed, identified by the tree tag or some other form of identification used in the tree inventory in subsection (2) above.
 - f. A listing of the healthy significant trees to remain, identified by the tree tag or some other form of identification consisted with the tree inventory in subsection (2) above.
 - g. Outer boundary of all contiguous wooded areas, with a general description of trees not meeting the significant tree size threshold.

- h. Locations of the proposed buildings, structures, or impervious surfaces.
 - i. Delineation of all areas to be graded and limits of land disturbance.
 - j. Identification of all significant trees proposed to be removed within the construction area. These significant trees should be identified in both graphic and tabular form.
 - k. Measures to protect significant trees.
 - l. Size, species, number and location of all replacement trees proposed to be planted on the property in accordance with the Mitigation Plan, if necessary.
 - m. Signature of the person(s) preparing the plan.
4. *Implementation.* All sites shall be staked, as depicted in the approved Tree Preservation Plan, and the required tree protection fencing shall be installed before land disturbance is to commence. The City shall inspect the construction site prior to the beginning of the land disturbance to ensure that protective fencing and other protective measures are in place. No encroachment, land disturbance, trenching, filling, compaction, or change in soil chemistry shall occur within the fenced areas protecting the critical root zone of the trees to be saved.
5. *Allowable Tree Removal.* Up to thirty (30) percent of the diameter inches of significant trees on any parcel of land being developed may be removed without replacement requirements. Replacement according to the Tree Replacement Schedule is required when removal exceeds more than thirty (30) percent of the total significant tree diameter inches. The following types of trees do not need to be included as part of the tally of tree removals:
- a. Dead, diseased or dying trees;
 - b. Trees that are transplanted from the site to another appropriate area within the city;
 - c. Trees that were planted as part of a commercial business, such as a tree farm or nursery; or
 - d. Trees that were planted by the current property owner. In making such a determination, the City shall consider consistency of the age of the trees, any patterns in the location of trees, historical aerial photography and evidence of intentional planting such as invoices, formal planting plans or cost sharing agreements.
6. *Mitigation Plan.*
- a. In any development or grading project where the allowable tree removal is exceeded, the applicant shall mitigate the tree loss by either:
 - i. Planting replacement trees in appropriate areas within the development in accordance with the Tree Replacement Schedule;
 - ii. Planting replacement trees on City property under the direction of the Public Works Superintendent; or
 - iii. Some combination of above subsections (i) and (ii) to total the equivalent number of replacement trees to meet the Mitigation Plan.
 - b. The form of mitigation to be provided by the applicant shall be determined by the City.
 - c. The planting of trees for mitigation on residential projects shall be in addition to any other landscape requirements of the City.
 - d. All trees, with the exception of ornamental trees, planted as landscaping on commercial projects may be counted towards tree replacement requirements.
7. *Tree Replacement Calculations.* Thirty (30) percent of the total diameter inches of significant trees on the site may be removed without replacement. The allowable thirty

(30) percent removal is first credited to the common trees removed, then the conifers, and lastly the hardwood species. The following calculation procedure must be used to determine tree replacement requirements:

- a. Tally the total number of diameter inches of significant trees on the site.
 - b. Calculate thirty (30) percent of the total diameter inches of significant trees on the site. This is the allowable tree removal limit, or the number of inches that can be removed without replacement.
 - c. Tally the total diameter inches of common trees that will be removed and subtract this number from the allowable tree removal limit.
 - d. If there are any allowable inches left, tally the total diameter inches of conifer/evergreen tree species that will be removed and subtract this number from the remaining allowable inches.
 - e. If there are any allowable inches left, tally the total diameter inches of hardwood deciduous tree species that will be removed and subtract this number from the remaining allowable inches.
 - f. If at any point in the above calculation procedure (a-e) the number of inches to be removed exceeds the thirty (30) percent allowable removal limit, the remaining inches of removal above the allowable limit must be replaced according to the Tree Replacement Schedule in subsection 8.
8. *Tree Replacement Schedule.* Tree removals over the allowable tree removal limit on the parcel shall be replaced according to the following schedule:
- a. Common tree species shall be replaced with new trees at a rate of one-eighth ($1/8$) the diameter inches removed.
 - b. Coniferous/evergreen tree species shall be replaced with new coniferous or evergreen trees at a rate of one-fourth ($1/4$) the diameter inches removed. Since coniferous species are often sold by height rather than diameter inch, the following conversion formula can be used:
$$\text{Height of Replacement Coniferous Tree}/2 = \text{Diameter Inches of Credit.}$$
 - c. Hardwood deciduous tree species shall be replaced with new hardwood deciduous trees at a rate of one-half ($1/2$) the diameter inches removed.
 - d. *Replacement Tree Size.* Replacement trees must be a minimum of one (1) inch in diameter.
9. *Species Requirement.* The City must approve all species used for tree replacement. Ornamental trees are not acceptable for use as replacement trees. Where ten or more replacement trees are required, not more than thirty (30) percent of the replacement trees shall be of the same species of tree.
10. *Warranty Requirement.* Any replacement tree which is not alive or healthy, as determined by the City, or which subsequently dies due to construction activity within two (2) years after the date of project closure shall be removed by the applicant and replaced with a new healthy tree meeting the same minimum size requirements within eight (8) months of removal.
11. *Protective Measures.* The Tree Preservation Plan shall identify and require the following measures to be utilized to protect significant trees:
- a. Installation of snow fencing or polyethylene laminate safety netting placed at the drip line or at the perimeter of the critical root zone, whichever is greater, of significant trees, specimen trees and significant woodlands to be preserved. No grade change, construction activity, or storage of materials shall occur within this fenced in area.

- b. Identification of any oak trees requiring pruning between April 15 and July 1. Any oak trees so pruned shall be required to have any cut areas sealed with an appropriate nontoxic tree wound sealant.
 - c. Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.
 - d. Removal of any nuisance trees located in areas to be preserved.
12. *Compliance with the Tree Preservation Plan.* The applicant shall implement the Tree Preservation Plan prior to and during any construction. The tree protection measures shall remain in place until all land disturbance and construction activity is terminated or until a request to remove the tree protection measures is made to, and approved by, the City.
- a. No significant trees shall be removed until a tree preservation plan is approved and except in accordance with the approved Tree Preservation Plan.
 - b. The City shall have the right to inspect the development and/or building site in order to determine compliance with the approved Tree Preservation Plan. The City shall determine whether the Tree Preservation Plan has been met.
 - c. *Irreparable Damage.* Where the City determines that irreparable damage has occurred to a healthy significant tree that is designated to be preserved as part of the Tree Preservation Plan, the tree shall be removed and replaced, and protective fencing shall be provided.
- D. *Specimen Trees.* The removal of any specimen trees on a property located in any of the urban zoning districts shall require a special permit and be subject to the Tree Replacement Schedule for the purpose of mitigating great tree loss.
- E. *Financial Security.* In cases where mitigation or tree replacement is required, the City may require that a financial security, in a form acceptable to the City, be provided as part of a development agreement or applicable permit to ensure compliance and performance of the Mitigation Plan. The financial security will be released to the applicant upon verification by the City that the Mitigation Plan was followed, and that all replacement trees are planted and in a reasonable state of health. The financial security may be used to replace any replacement trees that have become damaged or diseased after planting.
- F. Exceptions
1. *Exception Standards.* Notwithstanding the City's desire to accomplish tree preservation and protection goals, there may be instances where these goals are in conflict with other City objectives. These conflicts will most likely occur on small, heavily-wooded parcels. At the discretion of the City Council, exceptions may be granted if all of the following conditions exist:
 - a. The subject parcel is five (5) acres in size or less;
 - b. It is not feasible to combine the subject parcel with adjacent parcels that could use the parcel as required green space;
 - c. Strict adherence to the Tree Preservation Ordinance would prevent reasonable development that is consistent with the Comprehensive Plan and desirable to the City on the parcel; and
 - d. The exception requested is the minimum needed to accomplish the desired development.
 2. *Reduced Mitigation for Exceptions.* If an exception is granted, relief from the requirements of the ordinance may take the form of reduced mitigation requirements, greater allowable tree removal, higher thresholds for determining significant trees, or any combination of the

above. The City Council will determine which form of relief best balances the objectives of the City and tree preservation.



Planning Commission
Date: 4/8/13
Item: 4c

ITEM: Zoning Text Amendment – Off-Street Parking Regulations

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to hold a public hearing on a zoning text amendment pertaining to off-street parking regulations for various use classifications. Many of these use classifications will be permitted in the areas guided for future sewered growth in Lake Elmo. Therefore, it is important to establish parking standards before any applications for development are received. The Staff recommendation to the Planning Commission is to recommend approval of the zoning text amendment related to off-street parking regulations.

ADDITIONAL INFORMATION:

The Planning Commission reviewed a preliminary draft of the Off-street Parking and Loading Ordinance at the meeting on 3/25/13. As part of the review, Staff highlighted the existing standards pertaining to off-street parking in the Zoning Code. The existing standards are found within 4 specific zoning districts (General Business, Highway Business, Convenience Business and Limited Business) and only apply to a few use classifications. Suffice to say that the existing standards are incomplete. As opposed to designating off-street parking requirements within zoning districts, the proposed ordinance sets parking requirements according to use classifications. In other words, these standards will be applied across zoning districts solely according to the proposed use.

The proposed ordinance (§154.210), found in attachment #1, includes off-street parking standards related to dimensions, location and quantity. These standards were reviewed by the Planning Commission at the previous workshop meeting. While reviewing the ordinance, the Planning Commission requested additional information or consideration on the following provisions:

- The Planning Commission was concerned about the setback of off-street parking areas adjacent to residential lots. The standard was previously six (6) feet. Staff has adjusted this setback to twenty (20) feet, with the exception of lots zoned Village Mixed-Use (VMX).
- Related to the setback issue, Staff referenced the required setbacks of parking areas in commercial districts (§154.552).
- Pertaining to the number of vehicles allowed to be parked in front of residential properties, Staff removed provisions related to a set allowance of vehicles per the

number of residents of the dwelling. Related to this provision, Staff added language that off-street parking areas may not be utilized for the sale of goods or for the storage of vehicles which are inoperable or for sale or rent. This should address the nuisance issue. Any other nuisance related to on-street parking can be addressed at a later date.

The changes proposed by Staff are provided in red. These changes should address the questions that were raised at the Planning Commission workshop.

In addition, the proposed ordinance includes provisions related to off-street loading areas. The existing Zoning Code contains similar provisions, except that there is not a requirement for the number of loading births required per the size of the facility. The proposed ordinance addresses this deficiency.

Finally, it should be noted that the Off-Street Parking and Loading Ordinance is to be organized under Article 5, General Regulations. Standards and provisions that apply across all zoning districts, except where otherwise indicated, are organized under General Regulations. Relocating this proposed ordinance is another step in the ongoing effort to reorganize the structure of the Zoning Code. Following up on this effort, Staff recommends that the Planning Commission recommend the removal of the old off-street parking and loading provisions. The existing provisions to be removed are highlighted in attachment #2.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the Off-Street Parking and Loading Ordinance (§154.210), thereby striking the existing off-street parking and loading provisions, with the following motion:

“Move to recommend approval of the proposed Off-Street Parking and Loading Ordinance.”

ATTACHMENTS:

- 1. Off-Street Parking Ordinance (§154.210)
- 2. Proposed Code Revisions

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission.....Chair & Commission Members
- Open the Public HearingChair
- Close the Public HearingChair
- Discussion by the Commission.....Chair & Commission Members
- Action by the Commission.....Chair & Commission Members

ARTICLE 5 GENERAL REGULATIONS

§154.200	Purpose
§154.201	Applicability
§154.202	Permits Required
§154.203	Essential Services
§154.210	Off-Street Parking
§154.211	Off-Street Loading

§ 154.200 Purpose

The purpose of this Article is to establish regulations for activities that may occur in many zoning districts or in association with a variety of land uses, including parking, signage, and activities within yards, to promote the orderly development or use of land and minimize conflicts among land uses.

§ 154.201 Applicability

The provisions of this Article shall be applied to all zoning districts and shall be in addition to the requirements in any specific zoning district. A permit shall not be issued unless all applicable general regulations are met.

§ 154.202 Permits Required.

Permits are required for all changes in use and all development activities, with the exception of signs, in compliance with the standards of Article 3, Administration. Signs shall require a sign permit in compliance with Section 151.115 and Article 3.

§ 154.203 Essential Services

Essential services as defined by this Ordinance are permitted in any district, provided that a site plan for any new or expanded service facility is filed with the Planning Department. The City Council may require site plan review of large facilities, upon the recommendation of the Planning Director.

§ 154.210 Off-Street Parking

- A. *Purpose.* The intent of this section is to prevent or alleviate congestion and promote the public safety and welfare by establishing minimum requirements for off-street parking, and requiring that parking areas are located and constructed in a manner that provides for optimum visibility to vehicles enter and exiting said parking area, accessibility and safety. It is the responsibility of property owners to provide adequate parking to meet their specific needs.
- B. *Applicability.* Off-street parking in accordance with this section shall be provided for all new uses and all expansions of existing uses in all districts. Parking requirements may be waived in the Village Mixed-Use District (VMX), recognizing the availability of on-street and shared parking facilities.
- C. *Location.* All required off-street parking facilities shall be located outside of any street right-of-way, and as follows:
 1. Spaces accessory to one- and two-family dwellings shall be located on the same lot as the principal use served. Spaces within garages are counted toward the required number of spaces.
 2. Spaces accessory to multiple-family dwellings and nonresidential uses shall be located on the same lot as the principal use served or within four hundred (400) feet of the main entrance to the principal building served.
 3. Off-street parking located elsewhere than on the lot where the principal use being served is located shall be under the same ownership and control, either by deed or long-term lease, as the principal use. The owner of the principal use must file a recordable document with the City requiring permanent provision of off-street parking during the existence of the principal use.

4. Off-street surface parking areas containing more than four parking spaces shall be located a minimum of twenty (20) six (6) feet from the boundary of any adjacent lot zoned or used for residential purposes, with the exception of lots zoned Village Mixed-Use (VMX).
5. Other Parking in Residential Areas. Parking in residential areas (off-street and on-street) shall be limited to the use of the residents of those homes and their guests. Except for short-term parking (eight hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having automobile drivers' licenses.
6. Off-Street Parking in Commercial Areas. Off-street surface parking areas in commercial districts shall be located in a manner consistent with the setback requirements in §154.552.
- 5-7. Required off-street parking spaces shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or rent.

D. *Parking Area Design and Maintenance.*

1. *Access to Parking Spaces.* Each required off-street parking space shall open directly to an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to the parking space, as shown in Table 5-1, Minimum Parking Space and Aisle Dimensions, except where accessory to residential uses of up to four (4) units.
2. *Maneuvering Area.* All parking areas except those serving one and two family dwellings on local streets shall be designed so that cars shall not be required to back into the street. If deemed necessary for traffic safety, turn-around areas may be required.
3. *Surfacing and Drainage.* All off-street parking areas shall be surfaced as follows:
 - a. Single-family and two-family dwellings shall provide a durable surface with suitable drainage.
 - b. In all residential, commercial and mixed use districts, all areas intended to be utilized for parking space for five (5) or more vehicles and associated driveways shall be paved with a durable surface including, but not limited to, hot asphalt, bituminous or concrete.
 - c. In industrial districts, all areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage. Plans for surfacing and drainage for nonresidential uses shall be submitted for review and the final plan shall be subject to written approval.
 - d. Storage areas for heavy construction equipment that would damage the pavement may be exempt from the paving and surfacing requirement with an acceptable surface approved by the City Engineer.
 - e. Farm dwellings and farm operations are exempt from the paving requirement.
 - f. City parks shall be exempt from the parking requirement if approved by the City Council.
4. *Marking of Parking Spaces.* All parking areas containing five (5) or more spaces or containing angled parking shall be marked with painted lines at least four (4) inches wide. Such markings shall be maintained in a clearly legible condition.
5. *Curbing.* All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than five (5) feet from the side property line or a barrier of normal bumper height not less than three (3) feet from the side property line.
6. *Landscaping and Screening.* Parking areas shall be screened and landscaped as provided in Article 6, Section 154.258.
7. *General Maintenance.* Parking areas and driveways shall be kept free of dirt, dust, debris and waste. In winter months, required parking areas shall be cleared of snow and ice within a reasonable time.

8. *Accessible Parking.* Accessible parking spaces for the disabled shall be provided as required by the International Building Code.

E. *Dimensions.* The minimum dimensions for required parking spaces are as shown in Table 5-1, Minimum Parking Space and Aisle Dimensions and Figure 5-1, Minimum Parking Dimensions Diagram.

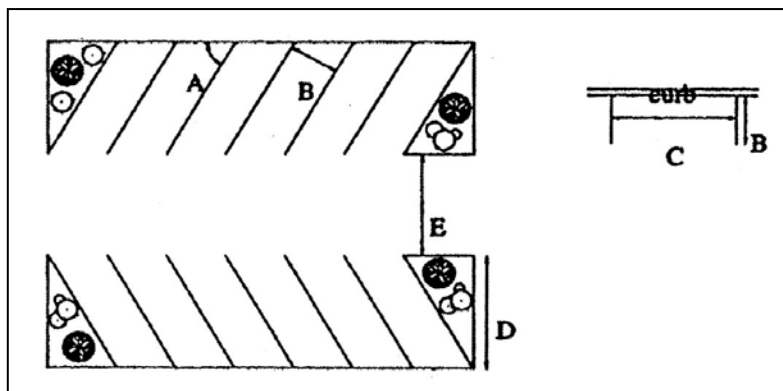
Table 5-1: Minimum Parking Space and Aisle Dimensions

Angle (A)	Width (B) ^a	Curb Length (C)	Stall Depth (D) ^b	1 Way Aisle Width (E)	2-Way Aisle Width (E)
0 (Parallel)	9'	22'	8'6"	14'	22'
45°	9'	12'	18'9"	14'	22'
60°	9'	9'10"	19'10"	18'	22'
90°	9'	8'6"	18'	20'	22'

^a For parking areas containing more than ten (10) parking spaces, compact spaces may account for up to twenty percent (20%) of the total parking area required. They may be reduced in size to a width of eight (8) feet and a stall depth of twelve percent (12%) less than (D) above, and must be grouped and signed appropriately

^b Parking spaces that use an appropriately sized curb overhang over a landscaped island or buffer may be reduced in depth by one and one-half feet (1' 6"). A concrete curb or other means shall be provided to prevent parked vehicles from damaging plant materials.

Figure 5-1: Minimum Parking Dimensions Diagram



F. *Parking Requirements.* Accessory, off-street parking shall be provided as specified in Table 5-2, Specific Off-street Parking Requirements, except as otherwise specified in this section.

1. In addition to the requirements in Table 5-2, one (1) parking space shall be provided for each commercial vehicle or vehicle necessary for the operation of the use that is maintained on the premises.

2. Parking spaces for uses with multiple components, such as hotels with dining and conference facilities, shall be based on the sum of the parking requirements of the separate components. Shared parking standards may be used where applicable.
 3. Proof of parking. The Planning Commission may allow parking requirements for a particular use to be relaxed or lessened in response to an expected demand that is lower than the required standard in this section, provided that one of the following conditions exists:
 - a. Sufficient open area is set aside on the parcel to meet the required standard, if determined to be necessary at a later date.
 - b. If parking will be needed less than twenty-five (25%) of the time during typical hours of use, on-street parking accessible by sidewalk within two blocks of the site may be used in lieu of required off-street parking.
 4. Where a parking study is required, a qualified transportation engineer or transportation planner shall perform the study. The study shall contain information on the anticipated number of employees, customers, visitors, clients, shifts, events, or deliveries to the use, and may refer to other studies or similar situations elsewhere.
- G. *Shared Parking.* Joint use of required parking spaces is encouraged where two or more uses on the same or adjacent sites are able to share the same parking spaces because their parking demands occur at different times. The applicant(s) must submit an analysis showing that peak parking times of the uses will occur at different times and the parking area will be adequate for both uses. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses shall be submitted.
- H. *Truck parking in residential areas.* No commercially licensed trailer shall be parked or stored in a residential district except when loading, unloading or rendering a service. Recreation vehicles and pickups are not restricted by the terms of this provision.

Table 5-2. Specific Minimum Off-Street Parking Requirements

Use	Minimum Parking Requirement	Notes
Residential Uses		
Household Living		
Single-family detached dwelling	2 spaces per dwelling unit	No fee shall be charged for required spaces
Two-family dwelling	1 space per 1-bedroom unit	
Single-family attached dwelling	2 spaces per 2-bedroom or larger unit	
Multifamily dwelling	Single-family attached dwellings shall provide an additional 10% of parking spaces for visitor parking Multifamily dwellings shall also provide 1 visitor space per 4 units	
Senior (elderly) housing	1 space per dwelling unit	If senior housing may be converted to general housing in the future, proof of additional parking shall be required
Secondary dwelling	1 space per secondary dwelling unit	
Live-work unit	2 spaces per dwelling unit	At least one of the required spaces shall be accessible for client parking
Mobile home park	2 spaces per dwelling unit	

Use	Minimum Parking Requirement	Notes
Group Living		
Group home, group residential facility, halfway house, congregate housing	1 space per employee on the largest shift plus 1 visitor space for every 4 residents based on capacity	
Semi-transient accommodations	1 space per bedroom, plus one space for each fulltime staff equivalent	Parking study required
Public and Civic Uses		
Cemetery	As determined by the Planning Director	
College or university, other adult learning center	To be determined by the Planning Director based on parking study	Parking study required
Community services	Parking equal to 30 percent of the capacity of persons or as determined by the Planning Director based on parking study	
Day care center (see under Accessory Uses for Family day care)	1 space per employee on largest shift plus 1 space per 7 students based on capacity; or 1 space per 10 students if an off-street drop-off and pick-up space is provided	
School, public or private	1 space per staff member plus 1 space per 5 students of legal driving age based on design capacity	Existing schools not meeting this standard may be required to develop a parking management plan, but shall not be required to add the minimum number of spaces
Public assembly	1 space per each 4 seats based on design capacity	
Religious institution, place of worship	1 space per each 6 seats or 10 feet of pews in the main assembly hall	Existing institutions not meeting this standard may be required to develop a parking management plan, but shall not be required to add the minimum number of spaces
Services		
Business center	Total of parking requirements for individual uses, excepting any that meet the shared parking requirements in Section 154.210.G	
Commercial kennel, commercial stable	1 space per employee on the largest shift plus 1 space per 6 animals	
Communication services	1 space per 400 square feet of gross floor area, plus 1 space per company vehicle stored on the site	
Educational services	1 space per staff member plus 1 space per 5 students of legal driving age based on design capacity	
Financial institution	1 space per 100 square feet of usable floor area	

Use	Minimum Parking Requirement	Notes
Funeral home	1 space per 100 square feet of floor area in the main assembly room plus one space per staff member	
Transient Accommodations, Lodging	1 space per guest room, plus additional space for meeting or restaurant facilities	Meeting and restaurant facilities may require additional parking, based on square footage of each use as defined in this table.
Medical facilities	5 spaces per medical professional, or 1 space per 200 square feet of gross floor area	
Membership organization (clubs, lodges, etc.)	1 space per 300 square feet of gross floor area	
Nursing and personal care	1 space for each 4 beds, plus 1 space per employee on the largest work shift	
Offices	3 spaces per 1,000 square feet of gross floor area	
Personal services	1 space per 300 square feet of gross floor area	
Repair and maintenance shop	1 space per 400 square feet of gross floor area	
Self-service storage facility	1 space per 300 square feet of office or sales area	The apron in front of the storage units shall be wide enough for two cars to pass
Trade shop	1 space per 300 square feet of office or sales area, plus 1 space per 3,000 square feet of storage area	
Transportation services	1 space per 300 square feet of office or sales area, plus 1 space per vehicle kept on premises	
Veterinary service	3 spaces per veterinarian, or 1 space per 200 square feet of gross floor area	
Food Services		
Drinking and Entertainment	1 space per 3 customer seats or each 100 sq. ft. of interior space (the greater), plus 1 space per 200 sq. ft. exterior seating area.	
Drive-in Restaurant, Fast Food Restaurant, Standard Restaurant	1 space per 3 customer seats or each 100 sq. ft. of interior space (the greater), plus 1 space per 200 sq. ft. exterior seating area. Drive-throughs shall provide queuing space for at least 3 vehicles in advance of the menu board and 3 vehicles between the menu board and pick-up window	

Use	Minimum Parking Requirement	Notes
Sales of Merchandise		
Garden Center, Building Supplies Sales	1 space per 250 sq. ft. of gross floor area plus 1 space per 2,000 sq. ft. of outside sales or display area	
Furniture and Appliance Sales	1 space per 800 sq. ft. of gross floor area	
General Retail	1 space per 250 sq. ft. of gross floor area	Includes any retail uses not specifically listed in this table
Shopping Center	1 space per 250 sq. ft. of gross floor area	Shared parking provisions (Section 154.210.G. of this Article) are encouraged to be used where applicable
Wayside Stand	1 space per 400 sq. ft. sales area	Spaces need not be paved, but shall be adequately separated and screened from the street and adjacent properties, as determined by the Planning Director
Wholesaling	1 space per 250 sq. ft. of indoor sales area plus 1 space per 2,000 square feet of storage area	
Automobile/Vehicular Uses		
Automobile Maintenance Services, Commercial Vehicle Repair, Gas Station	1 space per 250 sq. ft. of gross floor area used for sales or customer service plus 2 spaces per service bay	Service bay shall not be counted as a parking space
Automobile Parts/Supply	1 space per 250 sq. ft. of indoor sales area plus 1 space per <u>2,000</u> square feet of storage area	
Automobile Rental	1 space per 250 sq. ft. of gross floor area plus adequate storage space for rental vehicles maintained on site	
Car Wash	1.5 spaces per bay, plus 4 stacking spaces per bay, plus 1 space per employee on the largest shift,	
Vehicle Sales and Storage Lots	1 space per 250 sq. ft. of indoor sales area plus 1 space per 2,000 sq. ft. of outside sales or display area and 1 space per 2,000 square feet of storage area	
Outdoor Recreation Uses		
Campgrounds and Trailering	1 space per site, plus spaces required for other uses	
Golf Course	5 spaces per hole plus additional space for meeting or restaurant facilities	
Marina	As determined by the Planning Director	Parking study may be required for large or multiple-use facilities
Outdoor Entertainment	As determined by the Planning Director	

Use	Minimum Parking Requirement	Notes
Outdoor Recreation Facility	1 space per 3 persons based on maximum occupancy load, plus 1 space per employee on the largest shift or as determined by parking study	Parking study may be required for large or multiple-use facilities
Parks and Open Areas	No requirement	
Restricted Recreation	As determined by the Planning Director	Parking study may be required
Swimming pool	1 space per 150 square feet of pool area	
Indoor Recreation/Entertainment		
Adult Establishment	1 space per 250 sq. ft. of gross floor area	
Indoor Athletic Facility	1 space per 250 square feet floor area plus 2 spaces per tennis or racquet games court and 1 space per 150 square feet of pool area	
Indoor Recreation	Bowling alleys: 5 spaces per lane Other facilities: 1 space per 3 persons based on maximum capacity	
Agricultural and Related Uses		
Agricultural Production and Services;	No requirement	
Agricultural Support	1 space per 300 sq. ft. of indoor sales or office area plus 1 space per 1,000 sq. ft. of outside sales or display area and 1 space per 2,000 square feet of storage area	
Forestry Operations	As determined by the Planning Director	
Production, Processing and Storage		
Non-production Industrial Light Industrial Heavy Industrial	1 space per 1,000 sq. ft. gross floor area up to 20,000 sq. ft. plus 1 space per 2,000 sq. ft. in excess of 20,000 sq. ft., or per 5 regular employees, whichever is greater.	Additional parking may also be required for office or retail space, as specified in this table Includes other industrial uses largely carried on in enclosed buildings and not individually listed
Motor freight and warehousing	1 space per 300 sq. ft. of office or sales area, plus 1 space per 3,000 sq. ft. of storage area	
Landfill, Resource Extraction, Salvage/Recyclable Center	2 spaces per 3 employees on the largest shift, based on maximum planned employment	Includes other industrial uses largely carried on outdoors
Utilities, Transportation and Communications		
Air transportation	As determined by the Planning Director	
Broadcasting or Communication Tower	No requirement	
Essential Services	As determined by the Planning Director	

Use	Minimum Parking Requirement	Notes
Local Transit, Railroad Transportation	2 spaces per 3 employees on the largest shift, based on maximum planned employment	
Accessory Uses		
Animals, Domestic	No requirement	
Home Occupation	No requirement unless specified in Conditional Use Permit	
Bed and breakfast	1 space per guest room in addition to dwelling unit requirements	
Family Day Care, Group Family Day Care	1 space per employee not residing on the premises plus one drop-off space	
Kennel, Private; Stable, Private	No requirement	
Interim Uses		
Interim Use	As determined by the Planning Director	

§ 154.211 Off-Street Loading Areas.

Off-street loading space shall be provided in all districts for any nonresidential use which will involve the receipt or distribution of materials or merchandise by trucks or similar vehicles and has a gross floor area of five thousand (5,000) square feet or more, in accordance with the following standards. Off-street loading area requirements may be waived in the Village Mixed-Use District (VMX).

- A. *Number.* For facilities with less than twenty thousand (20,000) square feet gross floor area, a designated loading zone may be provided on site, rather than constructing a loading berth. For facilities with twenty thousand (20,000) square feet gross floor area or greater, one (1) off-street loading berth shall be provided for every thirty thousand (30,000) square feet gross floor area or fraction thereof.
- B. *Location.* All required loading berths shall be off-street. A loading berth shall be located at least twenty-five (25) feet from the intersection of two street rights-of-way and at least fifty (50) feet from a residential district unless within a building. Loading berths shall not occupy the required front yard setback.
- C. *Size.* Unless otherwise specified in this chapter, a required loading berth shall be not less than twelve (12) feet in width, fifty (50) feet in length and fourteen (14) feet in height, exclusive of aisle and maneuvering space.
- D. *Access.* Each required loading berth shall be located with appropriate means of vehicle access to a street or public alley in a manner which will least interfere with traffic. Driveway design is specified in Section 154.209 of this Article.
- E. *Surfacing.* All loading berths and access ways shall be improved with a durable material to control the dust and drainage.
- F. *Accessory use.* Any space allocated as a loading berth or maneuvering area in accordance with this Section shall not be used for the storage of goods, inoperable vehicles or required off-street parking.



City of Lake Elmo Zoning Code
Proposed Code Revisions
4-8-2013

Code Sections to be Removed:

 ~~§ 154.095 OFF-STREET PARKING.~~

~~—(A)— *General provisions.*~~

~~—(1)— *Existing spaces.* Existing off-street parking spaces and loading spaces existing on the date of the adoption of this code shall not be reduced in number unless the number exceeds the requirements set forth in this chapter for a similar use.~~

~~—(2)— *Benches in places of public assembly.* In stadiums, sport arenas, churches, and other places of public assembly, in which patrons or spectators occupy benches, pews or other similar seating facilities, each 22 inches of seating facilities shall be counted as 1 seat for the purpose of determining requirements for off-street parking facilities under this chapter~~

~~—(3)— *Parking spaces.* Each parking space shall not be less than 10 feet wide and 20 feet in length, exclusive of an adequately designed system of access drives. Parking lots that separate vehicles based on size may be designed with parking spaces less than or greater than 10 feet wide and 20 feet in length depending upon the size of the vehicle, as long as adequate space is provided for easy and safe ingress and egress for the vehicle. Proposed reductions in, or additions to, the parking space size must be submitted in a dimensioned site plan with size of vehicle to use parking spaces indicated to the Zoning Administrator for review and approval. Signs specifying the vehicle size to use the parking space may be required by the Zoning Administrator. Parking spaces for the handicapped shall not be less than 12 feet wide and 20 feet in length.~~

~~—(4)— *Use of parking facilities.* Off-street parking facilities accessory to residential use shall be utilized solely for the parking of passenger automobiles and/or 1 truck not to exceed 9,000 pounds gross capacity for each dwelling unit. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to employees, owners, tenants, or customers of nearby business or manufacturing establishments.~~

~~—(5)— *Joint parking facilities.* Off-street parking facilities for a combination of mixed buildings, structures, or uses may be provided collectively in any district (except residential districts) in which separate parking facilities for each separate building, structure, or use would be required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak hour parking period.~~

~~—(6)— *Control of off-street parking facilities.* When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long term lease, as the property occupied by the principal use, and the owner of the principal use shall file a recordable document with the county requiring the owner and owner's heirs and assigns to maintain the required number of off-street parking spaces during the existence of the principal use.~~

~~—(7)— *Use of parking area.* Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for sale, or for rent.~~

~~—(8) *Driveway or storage.* In residential districts, no more than 25% of the required yard area shall be surfaced or utilized for driveway or vehicle storage space.~~

~~—(9) *Surfacing and drainage.* Off street parking areas shall be improved with a curable and dustless surface. The areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area. Durable and dustless surface may include crushed rock and similar treatment for parking access to 1, 2, 3, and 4-unit residential structures; all other uses shall utilize asphalt or concrete. All surfacing must be completed prior to occupancy of the structure.~~

~~—(10) *Location.* All accessory off street parking facilities required by this division shall be located as follows:~~

~~—(a) Spaces accessory to 1 and 2 family dwellings on the same lot as the principal use served;~~

~~—(b) Spaces accessory to multiple family dwellings on the same lot as the principal use served and within 200 feet of the main entrance of the principal building served;~~

~~—(c) Spaces accessory to uses located in a business or industrial district shall be within 800 feet of a main entrance to the principal building served;~~

~~—(d) There shall be no off street parking spaces within 20 feet of any street right of way; and~~

~~—(e) No off street parking area shall be located closer than 10 feet from an adjacent lot zoned or used for residential purposes, except when adjoining an existing parking area on the adjacent lot.~~

~~—(B) *Design and maintenance of off street parking area.*~~

~~—(1) *Parking areas.* Parking areas shall be designed so as to provide adequate means of access to public alley or street. The driveway access widths shall be in accordance with the State of Minnesota Highway Department standards, but in no case shall they exceed 32 feet in width. Driveway access shall be so located as to cause least interference with traffic movement. See also §§ 93.20 through 93.27 of this Code.~~

~~—(2) *Calculating space.* When the calculation of the number of all off street parking spaces required results in a fraction, the fraction shall require a full space.~~

~~—(3) *Signs.* No signs shall be located in any parking area except as necessary for orderly operation of traffic movement, and the signs shall not be a part of the permitted advertising space.~~

~~—(4) *Lighting.* Any lighting used to illuminate an off street parking area shall be so arranged so it is not directly visible from the adjoining property and in a downward vertical direction.~~

~~—(5) *Curbing and landscaping.* All open off street parking area designed to have head in parking along the property line shall provide a bumper curb not less than 5 feet from the side property line.~~

~~—(6) *Planting requirements with parking and vehicular use areas.* For surface parking areas of more than 15 vehicles, all parking areas and all zoning districts shall include the following minimum requirements in order to provide interior landscaping within vehicular parking areas, to break up the large expanses of pavement, to provide relief from reflected glare and heat, and to guide vehicular and pedestrian traffic:~~

~~—(a) Not less than 10% of the interior of a parking lot shall be landscaped. The interior of a parking lot shall be calculated by multiplying the number of parking spaces to 310 square feet. Plantings required along the perimeter of a parking lot shall not be considered as part of the interior parking requirement.~~

~~(b) Landscaping and planting areas shall be reasonably dispersed throughout the parking lot.~~

~~(c) The interior dimensions of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to ensure proper growth. In no event shall any such area be less than 5 feet in width. Vertical curbs or other such structures shall protect each area.~~

~~(d) The primary landscaping materials used in parking lots shall be trees that provide shade or are capable of providing shade at maturity. Shrubbery, hedges, and other planting materials shall be used to complement the tree landscaping, but shall not be the sole means of landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscape plan.~~

~~(e) In those instances where plant materials exist on a parking lot site prior to its development, those materials may be used if approved as meeting the requirements.~~

~~(f) No landscaping, shrub, fence, wall, or similar item shall be placed in entrance areas or in the intersections of a public right of way, which would obstruct the visibility of traffic.~~

~~(Am. Ord. 9725, passed 3-2-1998)~~

~~(7) Screening. See § 150.020.~~

~~(8) Maintenance of off street parking space. It shall be the joint responsibility of the operator and owner of the principal use or building to reasonably maintain the parking space, accessways, landscaping, and required fences.~~

~~(9) Access. All off street parking spaces shall have access from driveways and not directly from the public street.~~

~~(10) Determination of areas. The parking space per vehicle shall not be less than 300 square feet, or an area equal to the width of the parking space multiplied by the length of the parking space plus 11 square feet.~~

~~(11) Vicinity to building. No parking space shall be closer than 5 feet to any building.~~

~~(12) Fire access lanes. Fire access lanes shall be provided as required by the Building or Fire Code.~~

~~(C) Truck parking in residential areas. No motor vehicle over 1 ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored in a residential district except when loading, unloading, or rendering a service.~~

~~(D) Parking in residential areas. Off street and on street parking shall be limited to the use of the residents and their guests, except for short term parking (6 hours or less).~~

~~(E) Off street parking spaces. Off street parking spaces shall not be reduced in number unless the number exceeds the requirements set forth in this division.~~

~~(1997 Code, § 300.13 Subd. 6)~~

 ~~§ 154.096 OFF-STREET LOADING AND UNLOADING AREAS.~~

~~—(A) *Location.* All required loading berths shall be off street and shall be located on the same lot as the building or use to be served. A loading berth shall be located at least 25 feet from a residential district, unless within a building. Loading berths shall not occupy the required front yard space.~~

~~—(B) *Size.* Unless otherwise specified in this chapter, a required loading berth shall not be less than 12 feet in width, 50 feet in length, and 14 feet in height, exclusive of aisle and maneuvering space.~~

~~—(C) *Access.* Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.~~

~~—(D) *Surfacing.* All loading berths and accessways shall be improved with a hard surface to control the dust and drainage before occupancy of the structure.~~

~~—(E) *Accessory use.* Any space allocated as a loading berth or maneuvering area so as to comply with the terms of this chapter shall not be used for the storage of goods, inoperable vehicles, or be included as part of the space requirements necessary to meet the off street parking area.~~

~~—(F) *Remodeled structures or uses.* Any structure erected or substantially altered for a use which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, shall provide off street loading space as required for a new structure.~~

~~—(G) *Screening.* See § 150.020.~~

(1997 Code, § 300.13 Subd. 7)

§ 154.051 GB – GENERAL BUSINESS.

~~Off Street Parking: (Also See §§ 154.095 and 154.096) The off street parking requirements for properties located in the Old Village District and south of Minnesota Highway 5 may be waived by the Zoning Administrator upon demonstration that there are no suitable locations to provide off street parking in a manner that complies with requirements found below and in §§ 154.095 and 154.096.~~

–Eating and Drinking Places	One space for every 2 seats and 1 space for every 2 employees on the average maximum shift
–Automobile Service Stations	Three spaces for each enclosed bay plus 1 space for each day shift employee plus a minimum of 2 spaces for service vehicles and 1 additional space for each service vehicle over 2 in number
–Retail Stores or Centers	Eleven spaces for the first 1,000 square feet of gross floor area or fraction of floor area; 8 spaces for each 1,000 square feet of gross floor area in excess of 1,000 square feet, but not exceeding 15,000 square feet; 6 spaces for each 1,000 square feet of gross floor area in excess of 15,000 square feet of gross floor area exceeding 30,000 square feet.
Motels and Hotels	One space for each unit plus 1 space for each employee on any 1 shift.

Medical and Dental Clinics	Four spaces for each doctor or dentist, plus 1 space for every employee or 1 for each 150 square feet of gross floor area, whichever requirement is greater.
Other Commercial Uses (excluding wholesale)	One space for each 200 square feet of gross floor area.

 **§ 154.055 HB – HIGHWAY BUSINESS.**

Off Street Parking (also see § 154.095)	Eating and drinking places: one space for every 2 seats, and 1 space for every 2 employees on the average maximum shift. (Parking spaces for “drive in” customers shall not be credited as a part of the off street parking area needed to serve the sales operation conducted within the buildings.)
	Automobile service stations: three spaces for each enclosed bay plus 1 space for each day shift employee plus a minimum of 2 spaces for service vehicles and 1 additional space for each service vehicle over 2 in number
	Motel and hotels: 1 space for each unit plus 1 space for each employee on any 1 shift

 **§ 154.056 CB – CONVENIENCE BUSINESS.**

Off Street Parking	
Retail Stores or Centers:	Eleven spaces for the first 1,000 square feet of gross floor area or fraction of gross floor area; Eight spaces for each 1,000 square feet of gross floor area in excess of 1,000 square feet
Other Commercial Uses, excluding Wholesale:	One space for each 200 square feet of gross floor area

 **§ 154.057 LB – LIMITED BUSINESS.**

Off Street Parking (Also see § 154.095)	
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