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NOTICE OF WORKSHOP MEETING

The City of Lake Elmo
Planning Commission will conduct a Workshop on
Monday, March 25, 2013 at 6:30 p.m.

AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes - *None*
4. Business Items
 - a. REVIEW OF FUTURE ZONING CODE UPDATES. Staff will present their recommendations to the Planning Commission regarding the future organization of the Zoning Code, as well as highlight future Code updates that are of high priority.
 - b. ZONING TEXT AMENDMENT - TREE PRESERVATION ORDINANCE. The planning Commission is asked to discuss a zoning text amendment pertaining to tree preservation in all development and building activities in Lake Elmo. The Planning Commission reviewed a proposed ordinance at the meeting on 3/11/13 and requested that additional information and background research be provided.
 - c. ZONING TEXT AMENDMENT - PARKING REGULATIONS. The Planning Commission is asked to discuss 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.
 - d. ZONING TEXT AMENDMENT - VILLAGE MIXED USE ZONING DISTRICT. The Planning Commission is asked to discuss a proposed Village Mixed-Use Zoning District. This district will provide the base zoning regulations for all of the parcels guided for mixed-use in the downtown area of the Village.
5. Updates
 - a. City Council Updates
 - i. Zoning Text Amendment – Rural Districts passed at the 3/19/13 City Council meeting.
 - b. Staff Updates
 - i. Upcoming Meetings:
 1. Planning Commission Meeting, 4/8/13

2. Training Webinar “21st Century Planning Commission”: 4/13/13
@9:00 am

c. Commission Concerns

6. Adjourn



Planning Commission
Date: 3/25/13
Item: 4a
Business Item

ITEM: Review of Future Zoning Code Updates

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

Staff will give a presentation highlighting the scope of upcoming ordinance updates. Future code updates are intended to prepare the community for sewer growth in the I-94 Corridor and Village. First, Staff will explain how the Zoning Code is being reorganized to make the document more user-friendly and intuitive. Second, to proceed through various updates to the Code in an efficient manner, Staff will recommend that the updates be prioritized according to greatest need or deficiency.

ADDITIONAL INFORMATION:

Given the upcoming growth that is set to occur in the I-94 Corridor and Village, now is a critical time to complete a “spring cleaning” of sorts of the Lake Elmo Zoning Code to evaluate areas that are deficient or missing altogether. Not only are some areas of the Zoning Code inadequate, but the organization of the Code could be improved as well. This process of updating the Zoning Code began in August of 2012 with the adoption of the new sewer residential and commercial zoning districts. In making major changes to the Code, Staff felt it was an opportune time to start reorganizing the Zoning Code.

Regarding the overall organization of the Zoning Code, Staff is recommending the structure found in attachment #1. This recommendation is based upon previous work reviewing other zoning codes from communities in the Twin Cities Metro Area and beyond. In addition, the Planning Director has been directly involved in two major Zoning Code overhauls (Lake City and Red Wing). Staff feels that the proposed structure is the best method of organizing the Zoning Code. In attachment #1, Staff has coded the Articles according to whether or not an update has been completed, and the priority of future updates. In addition to the overall structure or organization, attachment #1 includes additional information pertaining to the organization within several Articles that need to be updated. In most cases, the City does have some existing standards in place that just need to be reorganized into the new structure. In other instances, standards need to be improved or rewritten all together. As the City completes these updates to the Zoning Code, Staff will have to audit the Code and conduct clean-up efforts to ensure that all of the provisions are appropriately linked and consistent.

RECCOMENDATION:

No formal action is required. The Planning Commission is asked to provide Staff with feedback regarding future ordinance updates and the organization of the Zoning Code.

ATTACHMENTS:

1. Zoning Code Update – Proposed Organization

ORDER OF BUSINESS:

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



Zoning Code Update – March 2013 Proposed Organization

	Complete
	Low Priority: Existing standards in place
	Medium Priority: Some standards in place (Articles 5 & 6)
	High Priority: Limited or no standards in place

Section Range		Article	Title
Start	End		
154.001	154.008	1	Introductory Provisions
154.009	154.012	2	Definitions
154.100	154.149	3	Administration and Enforcement
154.150	154.199	4	Non-Conforming Uses and Structures
154.200	154.249	5	General Regulations
154.250	154.299	6	Environmental Performance Standards
154.300	154.349	7	Specific Development Standards
154.350	154.399	8	Zoning Districts, Zoning Map, and Uses
154.400	154.449	9	Rural Districts
154.450	154.499	10	Residential Districts
154.500	154.549	11	Village Mixed-Use District
154.550	154.599	12	Commercial Districts
154.600	154.649	13	Public and Semi-Public Districts
154.650	154.699	14	OP District
154.700	154.749	15	OP-Alt District
154.800	154.849	16	Planned Unit Development

Organization within Specific Articles

Article 5 – General Regulations

§154.200	Purpose
§154.201	Applicability
§154.202	Permits Required
§154.203	Essential Services
§154.204	Lot and Yard Controls
§154.205	Fencing
§154.206	Accessory Parking and Vehicle Storage, Residential Districts
§154.207	Relocating Structures
§154.208	Traffic Control
§154.209	Access Drives
§154.210	Off-Street Parking
§154.211	Off-Street Loading
§154.212	Sign Regulations

Article 6 – Environmental Performance Standards

§154.250	Purpose
§154.251	Site Suitability
§154.252	Bluff Protection
§154.253	Steep Slope Protection
§154.254	Wetlands Preservation
§154.255	Grading and Storm Water Management
§154.256	Site Erosion and Sediment Control
§154.257	Tree Preservation
§154.258	Landscape Requirements
§154.259	Outdoor Lighting
§154.260	General Performance Standards
§154.261	Sewage Treatment

Article 7 – Specific Development Standards

§154.300	Purpose and Applicability
§154.301	Standards for Residential and Related Uses
§154.302	Standards for Public and Civic Uses
§154.303	Standards for Services
§154.304	Standards for Food Services
§154.305	Standards for Automotive/Vehicular Uses
§154.306	Standards for Outdoor Recreation Uses
§154.307	Standards for Indoor Recreation/Amusement
§154.308	Standards for Industrial and Extractive Uses
§154.309	Standards for Transportation, Utility and Communications Uses
§154.310	Standards for Accessory Uses



Planning Commission
Date: 3/25/13
Item: 4b
Business Item

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 major construction activities. The Planning Commission reviewed a proposed Tree Preservation Ordinance presented by Staff at the meeting on 3/11/13 and requested additional information. Staff has reviewed multiple tree preservation ordinances from communities in the Twin Cities Metropolitan Area. The ordinances researched by Staff shed light on best practices and current standards employed in other communities. The Planning Commission is asked to recommend that best policy direction for the formulation of a tree preservation ordinance in preparation of future development and building activities in Lake Elmo.

ADDITIONAL INFORMATION:

At the Planning Commission meeting on 3/11/13, Staff presented a proposed Tree Preservation Ordinance that would preserve a ratio of significant trees on all sites that qualify as “tree protection zones”. In order to qualify as a tree protection zone, a site must contain at least 40% woodland coverage (10 or more significant trees per acre). When presented with the ordinance, the Planning Commission discussed and or requested additional information around several topics, including:

- Financial security or guarantees
- Recommendations regarding preferred tree species
- Protections for specimen trees (hardwood trees larger than 30” in diameter)
- Clarification regarding tree removal within the building envelope
- Requirement of providing a tree inventory

Staff has updated the previously proposed Tree Preservation Ordinance to address some of the questions and concerns of the Planning Commission. The updated ordinance can be found in attachment #1.

In addition, the Planning Commission also requested to review other ordinances to learn about methods that are utilized in other communities. As part of the agenda item, Staff

has provided two additional ordinances from Woodbury and Lake City, attachments #2 and #3 respectively. These two examples offer a good comparison of the range of methods that are utilized.

The ordinance from Lake City represents a more simplified approach to tree preservation. Less detailed in specifics, the Lake City ordinance requires applicants to restore the density of trees that existed previous to development or construction activities, up to a maximum replacement of 10 trees per acre. While there are some advantages to a more simplistic ordinance, it is important to note that the Lake City ordinance does not provide significant operational direction in terms of administering the ordinance.

Taking a different approach, the preservation ordinance from the City of Woodbury utilizes diameter of significant trees on an entire site as a benchmark for the allowed amount of tree removal, as well as the required amount of tree replacement. Per the Woodbury ordinance, an applicant is allowed to remove up to 30% of diameter inches of significant trees on the property without triggering tree replacement. Once tree replacement is required, the Woodbury ordinance establishes a hierarchy of valued trees by requiring the greatest amount of replacement for hardwood deciduous trees (1/2 the diameter inches replaced), then coniferous trees (1/4 the diameter inches replaced), and finally common or softwood trees (1/8 the diameter inches replaced). It is important to note that replacement trees do count towards landscaping requirements in cases of commercial or industrial properties, but not residential properties.

In addition to comparing these two ordinances to get a better flavor of the different approaches out there, Staff has also provided a comparison chart detailing the standards of the various tree preservation ordinances that Staff has researched. The comparison chart can be found in attachment #4.

RECCOMENDATION:

No formal action is required. The Planning Commission is asked to provide Staff with feedback regarding the best approach to tree preservation during development and building activities.

ATTACHMENTS:

1. Draft Tree Preservation Ordinance (§154.257) – Updated
2. City of Woodbury Tree Preservation Ordinance
3. City of Lake City Tree Preservation Ordinance
4. Tree Preservation Ordinance Comparison Chart

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- 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:

Building Envelope. The physical separation between the interior and exterior of a building or structure.

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.

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.

Woodland Coverage. A density of trees equal or greater to 10 significant trees per acre.

- C. *Applicability*

1. This section applies to any application for development or subdivision approval except as otherwise provided in this section. This section applies to all developers and/or owners of real property involved with the erection, repair, alteration or removal of any building or structure as well as grading in anticipation of development.
2. 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.
3. This section does not apply to the issuance of a development approval for a single-family residence on an existing platted lot of record.

D. Tree Protection Zone

1. For the purposes of this section, a "tree protection zone" is established for any lot or parcel that has a woodland coverage of at least forty (40) percent. The tree preservation zone includes all woodland areas within the required setbacks and outside the designated building envelopes. The percentage of significant trees that must be preserved within the tree protection zone is established in Table 6-1.

Table 6-1: Preservation Ratios

Area or Category	Preservation Ratio of Significant Trees (Percent of Tree Protection Zone)
All areas within a riparian buffer.	75%
Lots within any commercial, industrial or mixed-use zoning district.	20%
Lots within any urban residential districts, or within a planned development.	35%

2. For the purposes of determining the preservation ratio for a parcel of land, the more restrictive area or category always applies.

E. Significant Trees

For the purposes of this section, a "significant tree" means any hardwood deciduous tree that is equal to or larger than 6-inch diameter breast height (DBH), any coniferous/evergreen tree that is equal to or larger than 8-inch diameter breast height and any common tree that is equal to or larger than 12-inch diameter breast height.

- F. *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.

- G. *Tree Preservation Plan Requirements.* The Tree Preservation Plan shall be a separate plan sheet(s) that includes the following information:

1. The name(s), telephone number(s) and address(es) of the person(s) responsible for tree preservation during the course of the development project.
2. 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.

3. 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.
 4. 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.
 5. 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.
 6. 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.
 7. Outer boundary of all contiguous wooded areas, with a general description of trees not meeting the significant tree size threshold.
 8. Locations of the proposed buildings, structures, or impervious surfaces.
 9. Delineation of all areas to be graded and limits of land disturbance.
 10. 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.
 11. Measures to protect significant trees.
 12. Size, species, number and location of all replacement trees proposed to be planted on the property in accordance with the Mitigation Plan, if necessary.
 13. Signature of the person(s) preparing the plan.
- H. *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.
- I. *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.
- J. *Allowable tree removal.* Significant trees on any parcel of land being developed may be removed without replacement as long as the Preservation Ratio of Significant Trees (Table 6-1) is maintained per the applicable area or category. Replacement according an approved Mitigation Plan is required when the removal of significant trees exceeds the Preservation Ratio found in Table 6-1.
- K. *Mitigation Plan.* In the event that the removal of significant trees exceeds the amount required to maintain the Preservation Ratio (Table 6-1), the applicant is required to prepare a Mitigation Plan.
1. Any application where the allowable tree removal is exceeded, the applicant shall mitigate the tree loss by either:
 - a. Planting replacement trees in appropriate areas within the development to meet the applicable Preservation Ratio;
 - b. Planting an equivalent number of replacement trees on City property under the direction of the Public Works Superintendent; or

- c. Some combination of above subsections (a) and (b) to total the equivalent number of required amount of replacement trees to meet the Mitigation Plan.
 2. The form of mitigation to be provided by the applicant shall be determined by the City.
 3. *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.
 4. *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.
 5. The planting of trees for mitigation on residential projects shall be in addition to any other landscape requirements of the City.
 6. All trees, except ornamental trees, planted as landscaping on commercial projects may be counted towards tree replacement requirements.
- L. *Specimen Trees.* The removal of any specimen trees shall require a special permit and be subject to a replacement schedule for the purpose of mitigating great tree loss.
- M. *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.
- N. 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 three (3) 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.

Woodbury, Minnesota, Code of Ordinances >> - CITY CODE >> Chapter 27 - ENVIRONMENTAL
MANAGEMENT >> DIVISION 4. - PROTECTION OF WOODLANDS >>

DIVISION 4. - PROTECTION OF WOODLANDS

[Sec. 27-38. - Purpose.](#)

[Sec. 27-39. - Definitions.](#)

[Sec. 27-40. - Tree protection standards for developing properties.](#)

[Sec. 27-41. - Tree protection standards for nondeveloping properties.](#)

[Sec. 27-42. - Exceptions.](#)

[Secs. 27-43—27-51. - Reserved.](#)

Sec. 27-38. - Purpose.

The purpose of this division is to identify trees that are to be saved when development or land disturbing activity is occurring in wooded areas. It is the city's intent to protect, preserve, and enhance the natural environment of Woodbury and to encourage a resourceful and prudent approach to the development of wooded areas. In the interest of achieving these objectives, the city has established tree preservation regulations to promote the following:

- (a) Protection and preservation of the environment and natural beauty of the city.
- (b) Assurance of orderly development within wooded areas to minimize tree and habitat loss.
- (c) Evaluation of the impacts to trees and wooded areas resulting from development.
- (d) Establishment of minimum standards for tree preservation and the mitigation of environmental impacts resulting from tree removal.

(Ord. No. 1839, § 1839.01, 3-9-2011)

Sec. 27-39. - Definitions.

Unless specifically defined below, words or phrases used in this division shall be interpreted so as to give them the same meaning as they have in common usage and to give this chapter its most reasonable application. For the purpose of this division, the words "must" and "shall" are mandatory and not permissive.

City is the City of Woodbury.

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

Coniferous/Evergreen tree is 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.

Construction activity is any disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and nonvegetative), or the existing soil topography that may result

in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling, excavating, building construction and landscaping.

Construction damage is any action such as filling, scraping, trenching, or compacting the soil around trees or wounding trees in such a manner that it may result in the eventual death of the tree.

Critical root zone is 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 tree has a critical root zone with a radius of twenty (20) feet.

Deciduous tree is a woody plant which, at maturity, is at least fifteen (15) feet or more in height, having a defined crown, and which sheds leaves annually.

Density is the number of dwelling units per net acre of land.

Diameter means the diameter of the main stem of the tree at a point four and one-half (4.5) feet above the ground.

Drip line is 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.

Hardwood deciduous tree includes Birch, Black Cherry, Hickory, Ironwood, Hard Maples, Oak, and Walnut. These species are subject to the replacement requirements of [section 27-40](#), and [section 27-41](#).

Landscaping means plantings such as trees, grass and shrubs.

Lot is a parcel of land. Where a lot is adjacent to a street or road with a curb and gutter the lot shall include the right-of-way between the property and the curb.

Nuisance tree is:

- (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 under the direction of the city forester-tree inspector.
- (3) Any standing dead trees or limbs which may threaten human health or property.

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

Shade tree pest is Emerald Ash Borer (*Agrilus plannipennis*), European elm bark beetle (*Scolytus multistriatus*), Native elm bark beetle (*Hylurgopinus rufipes*) or any other shade tree pest with potential to cause widespread damage.

Significant tree is 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 is a healthy hardwood deciduous tree measuring equal to or greater than thirty (30) inches in diameter.

Tree preservation plan is a plan prepared by a certified forester or landscape architect which clearly shows which trees on a site are to be preserved, and what measures will be taken to preserve them. The plan will also include calculations to determine the number of replacement trees required.

(Ord. No. 1839, § 1839.01, 3-9-2011)

Sec. 27-40. - Tree protection standards for developing properties.

- (a) *Tree preservation plan.* A tree preservation plan shall be submitted to and approved by the city, and implemented in accordance therewith in connection with any of the following:
- (1) New development in any zoning district.
 - (2) New building construction in any zoning district.
 - (3) Expansion of any existing commercial, industrial or institutional building or impervious surface by ten percent or greater, where an approved tree preservation plan is not on file with the city.
 - (4) Any project for which a city land disturbance permit is required.
 - (5) Removal of any healthy specimen tree on any parcel.
 - (6) Removal of more than thirty (30) percent of the diameter inches of the significant trees on any parcel.

The tree preservation plan shall reflect the developer's best effort to determine the most feasible and practical layout of buildings, parking lots, driveways, streets, storage and other physical features, so that that the fewest significant trees are destroyed or damaged.

- (b) *Tree preservation plan requirements.* All applicants shall submit a tree preservation plan prepared in accordance with the provisions of this subdivision. The tree preservation plan shall be a separate plan sheet(s) that includes the following information:
- (1) The name(s), telephone number(s), and address(es) of the person(s) responsible for tree preservation during the course of the development project.
 - (2) A tree inventory, indicating 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.
 - (3) 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.
 - (4) A listing of the total diameter inches of healthy significant trees inventoried in subsection (2) above. Dead, diseased, or dying trees do not need to be included in the totals.
 - (5) A listing of the total diameter inches of healthy significant trees removed, total diameter inches of healthy hardwood deciduous trees removed, total diameter inches of healthy coniferous/evergreen trees removed, and total diameter inches of common trees removed.
 - (6) Outer boundary of all contiguous wooded areas, with a general description of trees not meeting the significant tree size threshold.
 - (7) Locations of the proposed buildings, structures, or impervious surfaces.
 - (8) Delineation of all areas to be graded and limits of land disturbance.
 - (9) 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.

- (10) Measures to protect significant trees.
 - (11) Size, species, number and location of all replacement trees proposed to be planted on the property in accordance with the tree replacement schedule.
 - (12) Signature of the person(s) preparing the plan.
- (c) *Submission requirements.* The tree preservation plan shall be submitted with any preliminary subdivision plan or site plan as required by the subdivision regulations of this Code; incorporated as a part of any landscape plan as required by the zoning regulations of this Code; or incorporated as part of a land disturbance plan and an application for any land disturbance permit as required by this Code. All tree preservation plans must be certified by a forester or landscape architect retained by the applicant.
- (d) *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.
- (e) *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:

- (1) Dead, diseased, or dying trees;
 - (2) Trees that are transplanted from the site to another appropriate area within the city;
 - (3) Trees that were planted as part of a commercial business such as a tree farm or nursery; or
 - (4) Trees that were planted by the current property owner. In making such determination, the city shall consider consistency of the age of the trees, any patterns in the location of the trees, historical aerial photography, and evidence of intentional planting such as invoices, formal planting plans, or cost sharing agreements.
- (f) *Mitigation.*
- (1) In any development where the allowable tree removal is exceeded, the applicant shall mitigate the tree loss by either:
 - a. Planting replacement trees in appropriate areas within the development in accordance with the tree replacement schedule;
 - b. Planting replacement trees on city property under the direction of the parks and recreation director or a designee; or
 - c. Paying to the city a cash mitigation, based on the diameter inches of required replacement in accordance with the tree replacement schedule. The fee per diameter inch of required replacement is set forth in the city's fee schedule. The payment shall be deposited into an account designated specifically for tree planting.
 - (2) The form of mitigation to be provided by the applicant shall be determined by the city.
 - (3) The planting of trees for mitigation on residential projects shall be in addition to any other landscape requirements of the city.
 - (4) All trees, except ornamental trees, planted as landscaping on commercial projects may be counted towards tree replacement requirements.

- (g) *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:

- (1) Tally the total number of diameter inches of significant trees on the site.
- (2) 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.
- (3) Tally the total diameter inches of common trees that will be removed, and subtract this number from the allowable tree removal limit.
- (4) If there are any allowable inches left, tally the total diameter inches of coniferous/evergreen tree species that will be removed, and subtract this number from the remaining allowable inches.
- (5) 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.

If at any point in the above calculation procedure 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 (h).

- (h) *Tree replacement schedule.* Tree removals over the allowable tree removal limit on the parcel shall be replaced according to the following schedule:

- (1) Common tree species shall be replaced with new trees, at a rate of one-eighth ($\frac{1}{8}$) the diameter inches removed. Replacement trees must be a minimum of one (1) inch in diameter.
- (2) Coniferous/evergreen species shall be replaced with new trees, either coniferous or deciduous, at a rate of one-fourth ($\frac{1}{4}$) the diameter inches removed. Replacement trees must be a minimum of one (1) inch in diameter. Since coniferous species are often sold by height rather than diameter inch, the following conversion formula can be used:
Height of replacement coniferous tree/2 = Diameter inches of credit.
- (3) Hardwood deciduous tree species shall be replaced with new hardwood deciduous trees at a rate of one-half ($\frac{1}{2}$) the diameter inches removed. Replacement trees must be a minimum of one (1) inch in diameter.

- (i) *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.

- (j) *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.

- (k) *Required protective measures.* The tree preservation plan shall identify and require the following measures to be utilized to protect significant trees:

- (1) 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 area.
- (2) 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.
- (3) Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.
 - (4) Removal of any nuisance trees located in areas to be preserved.
- (l) *Additional protective measures.* The following tree protection measures are suggested to protect significant trees that are intended to be preserved according to the submitted tree preservation plan, and may be required by the city:
- (1) Installation of retaining walls or tree wells to preserve trees.
 - (2) Placement of utilities in common trenches outside of the drip line of significant trees, or use of tunneled installation.
 - (3) Use of tree root aeration, fertilization, and/or irrigation systems.
 - (4) Therapeutic pruning.
- (m) *Incentives.* As an incentive to protect contiguous wooded areas that include a large proportion of significant trees, the city will allow the following:
- (1) *Density transfer.* Contiguous wooded areas shall be platted as outlots and dedicated at no cost to the city. These areas can be utilized for a density transfer or for a reduction in gross development area subject to area charges. Some or all of the density associated with the dedicated area may be transferred for use elsewhere in the project area at the sole discretion of the city consistent with an approved planned unit development in accordance with [chapter 24](#), article IV. If allowed density for the outlot area is transferred elsewhere within the development, the outlot area will remain as part of the gross developable area for the purpose of calculating area charges, park dedication and other development fees. If the density transfer is not used, dedicated outlot areas will be subtracted from the gross development area for the purpose of calculating area charges, park dedication, and other development fees. Density calculations will be documented with a recorded document for future reference.
 - (2) *Unit bonus.* Projects that provide for dedication of contiguous wooded areas to the city over and above normal park dedication requirements may be eligible for a density bonus in accordance with the city's adopted density bonus policy.
- (n) *Compliance with the 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.
- (1) No significant trees shall be removed until a tree preservation plan is approved and except in accordance with the approved tree preservation plan as approved by the city. If a significant tree(s) intended to be preserved is removed or damaged to the point that city staff believes the tree will not survive, a cash mitigation, calculated per diameter inch of the removed/damaged tree in the amount set forth in the city fee schedule, shall be remitted to the city.
 - (2) 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 compliance with the tree preservation plan has been met.
- (o) *Specimen trees.* Removal of any specimen tree shall require a special permit in addition to the other requirements in [section 27-40](#)

(Ord. No. 1839, § 1839.01, 3-9-2011)

Sec. 27-41. - Tree protection standards for nondeveloping properties.

(a) *Undeveloped parcels.*

- (1) There are no restrictions or permit requirements for removal of dead, diseased, or dying trees.
- (2) Landowners not developing their property may remove up to thirty (30) percent of the trees on their property, based on wooded area as of the date of approval of this chapter, provided fourteen (14) days prior notice is given to the city.
- (3) If more than thirty (30) percent of the trees on the property are to be removed for forest management purposes, the landowner must notify the city fourteen (14) days before the removals are to take place and supply the city with an approved forest management plan developed and approved by the department of natural resources' regional forester.
- (4) If a forest management plan is not prepared, a permit for the removals must be obtained from the city. The permit application must include a tree inventory, certified by a forester or landscape architect, which includes the size, species, and location of all existing significant trees located on the property.
- (5) Upon receipt of a completed tree removal permit application, and compliance with this division the city will issue a permit within fourteen (14) days to allow removal of the trees.
- (6) If, within a ten-year time period of receiving a tree removal permit the property is developed, the developer will be responsible for replacing the trees that were previously removed in accordance with [section 27-40\(g\)](#), tree replacement calculations, and [section 27-40\(h\)](#), tree replacement schedule.

(b) *Unauthorized tree removal on undeveloped parcels.*

- (1) The city may record a notice of tree replacement requirement against non developing property if any of the following situations occur:
 - (i) A landowner removes more than thirty (30) percent of the trees on their property (on an areal basis) without supplying the city with an approved forest management plan developed and approved by the department of natural resources' regional forester; or
 - (ii) A landowner removes more than thirty (30) percent of the trees on their property (on an areal basis) without supplying the city with a tree inventory before the removals take place.
- (2) The calculation for potential future tree replacement requirement will be made based on the area of trees removed. Baseline tree cover will be calculated from the April 10, 2009 aerial photos provided by Washington County.
- (3) Tree replacement for trees removed as outlined in subsection (b)(1) above will be calculated by applying a formula of two (2) inches of replacement for every one hundred (100) square feet of trees removed.
- (4) If, within ten (10) years of the date of the removals the property is developed, a fee equivalent to the tree replacement fee in effect at the time of development will be required to be paid to the city, or the appropriate amount of tree replacement must be planted as part of the development plan.
- (5) If more than ten (10) years have passed from the date of the removals, no fee or tree replacement will be required.

(c) *Platted residential lots.*

- (1) Owners of platted residential lots may remove up to one hundred (100) percent of the trees on the lot without replacement, with the exception of specimen trees.
- (2) Before a specimen tree is removed, an owner must obtain a permit from the city.

(d) *Existing developed commercial properties.*

- (1)

Trees that are removed that were part of an approved landscaping plan must be replaced in accordance with the original landscaping plan, unless city approval is obtained for an alternative landscaping scheme.

- (2) Trees that are removed that were part of a designated tree preservation area must be replaced in accordance with the tree replacement requirements outlined in [section 27-40\(h\)](#). The thirty (30) percent allowable tree removal limit does not apply in these situations.

(Ord. No. 1839, § 1839.01, 3-9-2011)

Sec. 27-42. - Exceptions.

- (a) *Exception standards.* Notwithstanding the city's desire to accomplish the tree protection goals outlined in [section 27-38](#), there may be instances where these goals are in conflict with other city objectives. These conflicts are most likely to occur on small, heavily wooded parcels. At the discretion of the city council, exceptions may be granted if all of the following conditions exist:
 - (1) The subject parcel is five (5) acres in size or less;
 - (2) It is not feasible to combine the subject parcel with adjacent parcels that could use the parcel as required green space;
 - (3) Strict adherence to the requirements of the tree ordinance would prevent reasonable development that is consistent with the comprehensive plan and desirable to the city on the parcel; and
 - (4) The exception requested is the minimum needed to accomplish the desired development.
- (b) *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.

(Ord. No. 1839, § 1839.01, 3-9-2011)

Secs. 27-43—27-51. - Reserved.

Lake City, MN

§ 155.081 Tree and Woodland Preservation

Natural vegetation, including ground cover and trees, shall be preserved and maintained to the greatest extent possible in order to control erosion and runoff, moderate extremes of temperature, preserve habitat, and enhance the quality of the physical environment. The following restrictions shall apply to all development:

- A. Structures and other amenities shall be located in such a manner that the optimum number of trees shall be preserved.
- B. Prior to the granting of a any permit required under Article 3 of this Chapter, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees. If trees are cut, he or she will restore the density of trees to that which existed before development, but shall not be required to raise the density above ten trees per acre.
- C. Forestation, reforestation or landscaping shall utilize a variety of tree species consistent with the City of Lake City Community Forestry Plan, and shall not utilize any species presently under insect or disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
- D. The root zone of existing trees shall be preserved and protected by fencing prior to any development, including grading, contouring or other development activities, so that the trees are not adversely affected by the work.
- E. Notwithstanding the above, the removal of trees seriously damaged by storms or other natural causes, or diseased trees shall not be prohibited.
- F. Timing of tree trimming shall be such as to minimize tree loss.

Tree Preservation Ordinance Comparison Chart							
Ordinance	Allowed removal before replacement/mitigation	Tree preservation required for single family home?	Tree Inventory required?	Tree Classification	Tree Replacement Schedule/Formula	Tree replacement fulfills landscaping requirements?	Special protections for Specimen Trees?
Proposed Ordinance (3-25-13)	Depends on Land Use ^a	No	Yes	Standard	Maintain Preservation Ratio	Residential: No Commercial: Yes	Yes
City of Woodbury	30%	No	Yes	Standard	<u>Diameter Inches Replaced</u> Common: 1/8 replaced Coniferous: 1/4 replaced Deciduous: 1/2 replaced	Residential: No Commercial: Yes	Yes
City of Cottage Grove	Depends on Land Use ^b	Yes	Yes or Tree Inventory Sampling	Standard	See Cottage Grove Schedule ^c	No	No ^d
City of Eagan	Depends on Land Use ^e	Yes	Yes	Standard	See Eagan Schedule ^f	No	No ^d
City of St. Louis Park	0%	No ^g	Yes	Standard	See St. Louis Park Schedule ^h	No	
City of Lake City	0%	No	No	None	Maintain existing density of trees up to 10 trees/acre	No	No
City of Medina	Depends on Lot Size ⁱ	Yes	Yes	Deciduous and Coniferous ^j	1:1 caliper inch replacement	No	No

Notes:

a: Residential: 65%, Commercial: 80%

b: See Exhibit A

c: See Exhibit B

d: Greater replacement required for specimen trees

e: See Exhibit C

f: See Exhibit D

g: Tree removal permit required, but no replacement necessary

h: See Exhibit E

i: See Exhibit F

j: Does not separate hardwood and softwood deciduous trees

Exhibit A: Cottage Grove Allowed Tree Removal

a. Single lot development:

- (1) Single unit residential, twenty percent (20%).
- (2) Commercial, industrial, institutional and multi-unit residential, thirty percent (30%).

b. Single phase, multi-lot development:

- (1) Single unit residential, forty percent (40%).
- (2) Commercial, industrial, institutional and multi-unit residential, fifty percent (50%).

c. Two-phase development:

- (1) Initial site development, twenty five percent (25%).
- (2) Individual lot development:

(A) Single unit residential, twenty percent (20%).

(B) Commercial, industrial, institutional and multi-unit residential, thirty percent (30%).

Exhibit B: Cottage Grove Tree Replacement Schedule

Size Of Qualifying Tree Damaged Or Destroyed	Category A	Category B	Category C
Coniferous:			
12 to 24 feet high	1	2	4
24 feet or higher	2	4	8
Hardwood deciduous:			
6 to less than 20 inches dbh	1	2	4
20 to less than 30 inches dbh	2	4	8
Softwood deciduous ¹ :			
12 to 24 inches dbh	1	2	4
Greater than 24 inches dbh	2	4	8
Specimen tree	3	6	12
Woodland:			
Per 1,000 square feet	1.5	3	6

Replacement Tree	Category A	Category B	Category C
Deciduous	No less than 4 inches	No less than 2.5 inches	No less than 1.5 inches
Coniferous	No less than 12 feet	No less than 6 feet	No less than 4 feet

Exhibit C: City of Eagan Allowed Tree Removal

- D. Allowable tree removal.
1. *Tree removal allowance.* Specimen tree, significant tree, and significant woodland removal shall be in accordance with the city-approved tree preservation plan and in no case shall the amount of removal exceed the following percentages:
 - (a) Single lot development.
 - (1) Single-unit residential, 20 percent.
 - (2) Commercial and multiunit residential, 30 percent.
 - (b) Multi-lot development.
 - (1) Single-phase development process.
 - (aa) Single unit residential, 40 percent.
 - (bb) Commercial and multiunit residential, 47.5 percent.
 - (2) Two-phase development.
 - (aa) Initial site development, 25 percent.
 - (bb) Individual lot development.
 - a. Single unit residential, 20 percent.
 - b. Commercial or multi-unit residential, 30 percent.

Exhibit D: City of Eagan Tree Replacement Schedule

- E. Tree replacement.
1. *Schedule.*

Size of Tree Damaged or Destroyed	NUMBER OF REPLACEMENT TREES		
	Category A	Category B	Category C
Coniferous, 12 to 24 feet high	1	2	<u>4</u>
Coniferous, 24 feet or higher	2	<u>4</u>	<u>8</u>
Hardwood deciduous, 6 to 20 inches diameter	1	2	<u>4</u>
Hardwood deciduous, 21 to 30 inches diameter	2	<u>4</u>	<u>8</u>
Softwood deciduous, 12 to 24 inches diameter	1	2	<u>4</u>
Softwood deciduous, greater than 24 inches diameter	2	<u>4</u>	<u>8</u>
Specimen tree	<u>3</u>	6	<u>12</u>

3. *Size of replacement trees.*
- (a) Category A trees shall be no less than the following sizes:
 - 1. Deciduous trees, not less than four inches in diameter.
 - 2. Coniferous trees, not less than 12 feet in height.
 - (b) Category B trees shall be no less than the following sizes:
 - 1. Deciduous trees, not less than two and one-half inches in diameter.
 - 2. Coniferous trees, not less than six feet in height.
 - (c) Category C trees shall be no less than the following sizes:
 - 1. Deciduous trees, not less than one and one-half inches in diameter.
 - 2. Coniferous trees, not less than four feet in height.
-

Exhibit E: City of St. Louis Park Tree Replacement Schedule

- c. Approval of a permit for the removal of any significant tree or for land alteration which results in tree destruction shall be subject to and conditioned upon the owner or developer replacing the loss or reasonably anticipated loss of all live significant trees. The amount of trees to be provided in replacement shall be determined by the following formula:

$$((A/B)-0.20) \times C \times A = D$$

A	=	Total diameter inches of significant trees lost as a result of land alteration or removal.
B	=	Total diameter inches of significant trees situated on the land.
C	=	Tree replacement constant (1.5).
D	=	Replacement trees (number of caliper inches).

Exhibit F: City of Medina Allowed Tree Removal

Subd. 6. Allowed Tree Removal.

- (a) The following amount of Significant Trees may be removed from a site and replacement shall not be required.

Initial Site Development		Activities other than Initial Site Development	
Total property area included in the land use application or served by improvements	Allowed percent of Significant Trees that may be removed	Lot Size	Allowed percent of Significant Trees that may be removed
0.1-1.0 acre	15%	0.1-1.0 acre	20%
1.1-5.0 acres	15%	1.1-5.0 acres	15%
5.1-10.0 acres	10%	5.1-10.0 acres	15%
10.1-20.0 acres	10%	10.1-20.0 acres	10%
20+ acres	10%	20+ acres	5%

- (b) For activities that include the Subdivision of property or dedication of public or private right-of-way, the allowed number of Significant Trees that may be removed for Initial Site Development shall be based on the lot size prior to Subdivision. After the property is subdivided, the allowed number of Significant Trees that may be removed shall be based on the individual lot sizes within the Subdivision.
-



Planning Commission
Date: 3/25/13
Item: 4c
Business Item

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 discuss a zoning text amendment pertaining to off-street parking regulations for various uses that are included in the City's sewerer zoning districts. This effort is another step in preparing the Lake Elmo Zoning Code for future sewerer growth in the I-94 Corridor and Village. The text amendment before the Planning Commission is intended to clearly establish requirements for parking based upon different use classifications that the City anticipates will be included in the future sewerer zoning districts.

ADDITIONAL INFORMATION:

In terms of how parking is currently addressed, the Zoning Code provides dimensional standards and other requirements related to off-street parking in §154.095. However, the standards in this section of the Code do not include any provisions related to the number of parking stalls per the associated use classification. To address the number of parking stalls required depending on the use classification, the current Code lists parking requirements for a limited amount of use classifications in three specific zoning districts: General Business (§154.051), Convenience Business (§154.052) and Highway Business (§154.053). Given the newly adopted sewerer residential and commercial zoning districts, it is important to note that the City does not currently have parking requirements for many of the use classifications that would be allowed in these districts. Moving forward, Staff would like to establish parking requirements based upon use classifications as opposed to specific zoning districts. The only exception to this rule or approach would be the Village Mixed-Use District, where parking requirements may be waived, recognizing the availability of on-street and shared parking facilities.

The proposed ordinance pertaining to off-street parking will be organized into Article 5 of the new Zoning Code. Article 5 is titled General Regulations and will include standards that are applicable to all zoning districts unless otherwise specified. Regulations to be organized in Article 5 include off-street parking, fencing, access drives, and other regulations that are applicable to all of the City's zoning districts. The

proposed ordinance before the Planning Commission also includes Off-Street Loading (§154.211).

Regarding the regulations for off-street parking (§154.210), the ordinance sets standards for design and maintenance. In addition, the ordinance specifies dimensional standards for multiple types of parking spaces, such as 45° (angled) parking, as well as drive aisles. These dimensional standards are found in Table 5-1. Moving forward, Table 5-2 sets all of the parking requirements for all use classifications included in the previously adopted definitions section (§154.012) of the Lake Elmo Zoning Code. Overall, the parking requirements are based upon the number of employees or dwelling units associated with the use, or gross floor area in cases of general retail or other similar uses. Finally, the proposed ordinance also includes provisions for off-street loading (§154.211). The current Zoning Code does contain similar provisions for off-street loading areas, but does not specify a required number of loading berths based upon the gross square-footage of the facility. The proposed ordinance does include such a number requirement of loading berths based upon square footage.

RECCOMENDATION:

No formal action is required. The Planning Commission is asked to provide Staff with feedback on the proposed ordinance in preparation of a future public hearing.

ATTACHMENTS:

1. Draft Off-Street Parking Ordinance (§154.210)

ORDER OF BUSINESS:

- Introduction.....Planning Staff
- Report by Staff.....Planning Staff
- Questions from the Commission..... Chair & Commission Members
- 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 six (6) feet from the boundary of any adjacent lot zoned or used for residential purposes.
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. 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.

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.

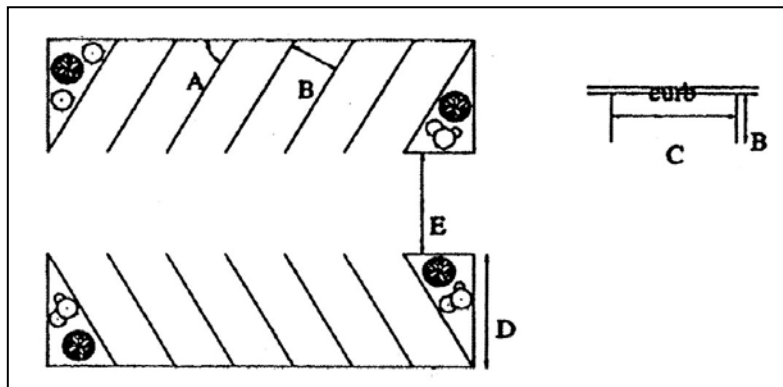
Table 5-1: Minimum Parking Space and Aisle Dimensions

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	
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

Use	Minimum Parking Requirement	Notes
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	
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.

Use	Minimum Parking Requirement	Notes
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	
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

Use	Minimum Parking Requirement	Notes
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	
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

Use	Minimum Parking Requirement	Notes
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	
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	

Use	Minimum Parking Requirement	Notes
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.



Planning Commission
Date: 3/25/13
Business Item
Item: 4d

ITEM: WORKSHOP REVIEW: Draft VMX Village Mixed Use Zoning District

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 review a preliminary draft of a Village Mixed Use Zoning District that will be situated in Article 11 of the City's revised Zoning Ordinance. The draft ordinance is very much still a working document, and before proceeding any further with the draft, Staff will be seeking direction from the Commission on a number of issues. Since this district is intended to regulate land uses within the central portion the Village area, it has been designed to allow a wide range of uses and encourages the mixing of different use types. Most of the proposed ordinance has been completed in at least draft form with the exception of the proposed Design Standards for the district. Staff is presently working to develop a set of standards to incorporate into this ordinance that are consistent with the proposed Design Standards Manual (to be completed this spring).

ADDITIONAL INFORMATION

The proposed ordinance has been drafted to be consistent with the vision for the Village Area as documented in the recent Comprehensive Plan amendment reviewed and recommended by the Planning Commission. This includes a large area in the central portion of the Village Area that is guided for mixed-use development. Staff is recommending that this district include language that prescribes a design review process for development activity and that it also include a set of design standards that are consistent with the City's Design Standards Manual. The design standards section is not yet finished, but Staff will bring some additional recommendation for this section to the workshop.

Staff will review the entire ordinance in greater detail with the Planning Commission at the workshop.

RECOMMENDATION:

Staff recommends that the Planning Commission review the proposed amendments to Article 11 – VMX Village Mixed Use District and provide comments and feedback to Staff at the meeting.

ATTACHMENTS (1):

1. Draft Article 11 – VMX Village Mixed Use District Amendment

Article 11 - VILLAGE MIXED USE DISTRICT

§154.500	Purpose and District Description
§154.501	Permitted and Conditional Uses
§154.502	Lot Dimensions and Building Bulk Requirements
§154.503	Dimensional Requirements and Preservation of Open Space
§154.504	General Site Design Considerations - LMX District
§154.504	Development Standards for Specific Uses
§154.505	LMX District Design and Demolition Review
§154.506	LMX District Design Standards
§154.507	Accessory Uses and Structures
§154.508	Residential Accessory Structures
§154.509	Accessory Uses
§154.510	Accessory Uses and Structures Not Listed

§154.500 Purpose.

The purpose of the VMX district is to provide an area for compact, mixed use development made mutually compatible through a combination of careful planning and urban design and coordinated public and private investment. This district is intended to continue the traditional mixed use development that has occurred in the Village area by allowing retail, service, office, civic and public uses as well as residential units. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. The placement of building edges and treatment of building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian friendly environment envisioned for the VMX district. The standards in this chapter are intended to implement and effectuate the principles and relationships established in the Village Master Plan, which will be carried out through specific standards related to site planning, signage, architecture, building materials, and landscaping. Renovation and infill of traditional storefront-type buildings is encouraged, and parking standards may be waived to recognize the availability of on-street and shared parking facilities.

§154.501 Permitted and Conditional Uses.

Table 11-1 lists all permitted and conditional uses allowed in the urban residential districts. "P" indicates a permitted use, "C" a conditional use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standards" indicate the location within this Ordinance of specific development standards that apply to the listed use.

- A. *Combinations of uses.* The following use types may be combined on a single parcel:
1. Principal and accessory uses may be combined on a single parcel.
 2. A principal and secondary dwelling unit may be combined according to the standards of [Section 155.137](#).
 3. Single-family attached or multi-family complexes designed for rental or condominium occupancy, since these typically include multiple units and buildings on a single parcel.
 4. Other permitted or conditional uses allowed within the district may be combined on a single parcel, provided that a unified and integrated site plan is approved. The entire development must be approved as a conditional use.
 5. A mixed-use building that combines permitted or conditionally permitted residential, service, retail and civic uses may be developed meeting the form standards of this Article. Office or studio uses on upper stories are encouraged.

Table 11-1: Permitted and Conditional Uses, VMX Districts

	VMX	Standard
Residential Uses		
Household Living		
Single-family detached dwelling	P	154.454.B,H
Two-family dwelling	P	154.454.E
Single-family attached dwelling	C	154.454.F,J
Multifamily dwelling	C	154.454.G,K
Secondary dwelling	C	154.454.C
Live-work unit	P	154.454.L
Group Living		
Group Home	P	155.102.C
Group Residential Facility	C	155.102.D
Halfway House	-	155.102.D
Congregate Housing	C	155.102.E
Semi-Transient Accommodations	C	155.102.F
Public and Civic Uses		
Community Services	P	155.103.C
Day Care Center	P	155.103.D
Public Assembly	C	
Religious Institutions	P	
Schools, Public and Private	C	155.103.E
Services		
Business Services	P	
Business Center	P	
Offices	P	154.454.M
Communications Services	P	
Education Services	P	
Financial Institution	P	
Funeral Home	C	154.454.I
Lodging	C	
Medical Facility	C	
Membership Organization	P	
Nursing and Personal Care	C	155.104.C
Personal Services	P	154.454.M
Repair and Maintenance Shop	C	
Trade Shop	C	
Veterinary Services	P	

Food Services		
Standard Restaurant	P	
Restaurant with Drive-through	C	
Drinking and Entertainment	P	
Sales of Merchandise		
Retail Trade ¹	P	
Farmer's Market	P	
Garden Center	C	
Neighborhood Convenience Store	P	154.454.N
Shopping Center	C	
Wayside Stand	P	154.454.D
Wholesaling	-	
Automotive/Vehicular Uses		
Automobile Maintenance Service	C	
Automobile Parts/Supply	P	
Car Wash	-	
Gasoline Station	C	
Parking Facility	C	
Sales and Storage Lots	C	
Outdoor Recreation		
Outdoor Recreation Facility	P	
Parks and Open Areas	P	
Indoor Recreation/Entertainment		
Indoor Athletic Facility	C	
Indoor Recreation	C	
Transportation and Communications		
Broadcasting or Communications Facility	C	155.110.B
Accessory Uses		
Home Occupation	P	155.111.A,B
Bed and Breakfast	C	155.111.C
Domestic Pets	P	
Family Day Care	P	155.111.G
Group Family Day Care	C	155.111.G
Temporary Sales	P	155.107.B
Parking Facility	P	
Solar Equipment	P	155.111.I
Swimming Pools, Hot Tubs, Etc.	P	155.111.J

Water-Oriented Accessory Structures	P	
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	

Note: Standards listed in Table 11-1 are listed by Article, Section and Subsection.

¹ Retail Trade in the VMX District includes all uses and activities defined as Retail Trade in §155.507.B.5 with the exception of building supplies sales and warehouse club sales.

§154.502 Lot dimensions and building bulk requirements.

Lot area and setback requirements shall be as specified in Table 11-2, Lot Dimension and Setback Requirements.

Table 11-2: Lot Dimension and Setback Requirements, VMX District

	VMX
Minimum Lot Area (sq. ft.)^a	
Non-Residential Use	None
Single Family Detached Dwelling	5,000
Two-Family Dwelling (per unit) ^b	3,000
Single-Family Attached (per unit) ^c	2,500
Multi-Family Dwelling (per unit)	1,800
Secondary Dwelling	See 154.454.C
Live-Work Unit	3,000
Congregate Housing	See 155.102
Minimum Lot Width (feet)	
Single Family Detached Dwelling	50
Two-Family Dwelling (per unit) ^b	30
Single-Family Attached (per unit) ^c	25
Multi-Family Dwelling (per building)	75
Live-Work Unit	25
Maximum Height (feet/stories)	
	35/3 ^d
Maximum Impervious Coverage	
Residential Structures	75%
Other Structures	No Limit

Minimum Building Setbacks (feet)	
Front Yard ^e	See 155.506
Interior Side Yard ^f	10
Corner Side Yard ^g	0
Rear Yard	10

Notes to VMX District Table

- a. No development may exceed the residential density range as specified in the Comprehensive Plan for the Village Mixed Use land use category.
- b. Two-family units may be side-by-side with a party wall between them ("twin") or located on separate floors in a building on a single lot ("duplex"). The per-unit measurements in this table apply to "twin" units, whether on a single lot or separate lots. The standards for single-family detached dwelling shall apply to a "duplex" containing two vertically-separated units on a single lot.
- c. In the case of single-family attached dwellings that are not situated on individual lots, minimum lot size shall be applied to each unit as a measure of density; i.e. 1 unit per 2,500 square feet. This standard is also used for multifamily dwellings.
- d. Buildings up to 45 feet in height may be permitted as part of a PUD.
- e. The front yard setback for single family homes shall be 25 feet.
- f. Side yard setbacks in the VMX District apply only along lot lines abutting residentially zoned parcels or those parcels with residential uses as the sole use.
- g. Corner properties: the side yard façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be shown in the table.

§154.503 Dimensional Requirements and Preservation of Open Space

- A. *Averaging of Lot Area.* When lots are clustered within a development to provide common open space, the open space may be used to calculate an average density per lot to determine compliance with the individual lot area requirements.
- B. *Lot Dimension Reductions.* Other reductions in dimensional standards may be considered as part of a Planned Unit Development if these reductions provide for common open space within a development.

§154.504 General Site Design Considerations VMX District

Development of land within the commercial districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in [Articles 5, 6 and 7](#).

- A. *Circulation.* New access points to State Highway 5 may be refused or restricted to right-in right-out movement if alternatives exist. Internal connections shall be provided between parking areas on adjacent properties wherever feasible.
 - 1. The number and width of curb-cuts shall be minimized. To promote pedestrian circulation, existing continuous curb-cuts shall be reduced to widths necessary for vehicular traffic, and unnecessary or abandoned curb cuts shall be removed as parcels are developed.
- B. *Fencing and screening.* Fencing and screening walls visible from the public right-of-way shall be constructed of materials compatible with the principal structure.
- C. *Lighting design.* Lighting shall be integrated into the exterior design of new or renovated structures to create a greater sense of activity, security, and interest to the pedestrian.
- D. *Exterior Storage.* Exterior materials storage must be screened from view from adjacent public streets and adjacent residential properties, by a wing of the principal structure or a screen wall constructed of the same materials as the principal structure. Height of the structure or screen wall must be sufficient to completely conceal the stored materials from view at eye level (measured at six feet above ground level) on the adjacent street or property.

§154.505 Development Standards for Specific Uses

Development of land within the VMX District shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in [Articles 5, 6 and 7](#). The following standards apply to specific uses; other standards related to design and building type may be found at [§154.506](#).

- A. *Single-Family and Two-Family Dwellings.* Unless otherwise specified in this Article, Single and Two Family dwellings in the VMX district shall adhere to the MDR district setbacks as specified in [§154.452](#).
- B. *Single-Family Attached Dwellings.*
 - 1. A maximum of eight (8) units shall be permitted within a single building.
 - 2. Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of fifteen (15) feet of public street frontage. No parking shall be located in the front yard or between the front façade and the street.
 - 3. The primary entrance to each unit shall be located on the façade fronting a public street; an additional entrance may be provided on the rear or side façade.
 - 4. Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise a minimum of three hundred (300) square feet per unit.
- C. *Multi-Family Dwelling Units.* Dwelling units (both condominium and rental) are restricted to the upper floors or rear or side ground floors of a mixed-use building.
 - 1. No parking shall be located in the front yard or between the front façade and the street
- D. *Secondary Dwellings.* Restricted to lots occupied by single-family dwellings, and must meet the standards for secondary dwellings in residential districts, [§154.134.C](#).
- E. *Repair and Maintenance Shop.* No outdoor storage is permitted.
- F. *Trade Shop.* Exterior materials storage must be totally screened from view from adjacent public streets and adjacent residential properties by a wall of the principal structure or a screen wall constructed of the same materials as the principal structure.
- G. *Veterinary Services.* All activities must be conducted within an enclosed building.
- H. *Garden Center.*

1. The storage or display of any materials or products shall meet all setback requirements of a structure, and shall be maintained in an orderly manner. Screening along the boundaries of adjacent residential properties may be required, meeting the standards of [Article 6, Section 155.89.F](#).
 2. All loading and parking shall be provided off-street.
 3. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
- I. *Automobile Maintenance Service and Automobile Parts/Supply.*
1. All vehicle repairs shall be conducted in a completely enclosed building.
 2. The storage or display of inoperable or unlicensed vehicles or other equipment shall meet all setback requirements of a structure, and shall be totally screened from view from adjacent public streets and adjacent residential properties.
- J. *Live-Work Unit.* The purpose of a live-work unit is to provide a transitional use type between a home occupation and a larger commercial enterprise, and to provide neighborhood-oriented commercial services, while maintaining a generally residential character in which the work space is subordinate to the residential use.
1. The work space component shall be located on the first floor or basement of the building.
 2. The dwelling unit component shall maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.
 3. The work space component of the unit shall not exceed thirty (30) percent of the total gross floor area of the unit.
 4. A total of two (2) off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit, or underground/enclosed.
 5. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit on floor area would require the building to be classified as a mixed-use building.
 6. The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing (by appointment only) associated with fine arts, crafts, or personal services. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.
 7. The business of the live-work unit must be conducted by a person who resides on the same lot. The business shall not employ more than two (2) workers on-site at any one time who live outside of the live-work unit.
- K. *Parking Facility.* Structured parking is permitted as a ground floor use within a mixed-use building, provided that it is located on side or rear facades, not facing the primary abutting street. The primary street-facing façade shall be designed for retail, office or residential use.
- L. *Outdoor Dining Accessory to Food Services.* Outdoor dining is allowed as an accessory use in the commercial districts, provided that tables do not block the sidewalk. A minimum of five (5) feet of sidewalk must remain open.

§154.506 VMX District Design Review and Demolition Review

- A. *Design Review Process.* All development activity within the VMX District shall be reviewed for compliance with the standards in [§154.506](#) and [§154.507](#) and for consistency with the Lake Elmo Design Standards Manual. Design review shall occur concurrently with the review of site and building plans by the Zoning Administrator or Planning Commission.

- B. *Demolition Review Process.* Applications for demolition of structures within the VMX District shall be reviewed by the Planning Commission for compliance with the following standards.
1. *Demolition Defined.* The demolition review process shall be required for any work that requires a demolition permit in accordance with **Section 155.34 (A)** of this Chapter. Demolition does not include the removal of non-structural components of a building, including, but not limited to, ornamental features, staircases, decks, balconies, and other features.
 2. No application to demolish any structure more than fifty (50) years old shall be approved unless the applicant demonstrates:
 - a. That the rehabilitation of a structure or construction of a new structure will have a greater positive impact upon the District's economic vitality and appearance than the preservation of the structure proposed to be demolished and the rehabilitation of the structure or the construction of the new structure would not be possible or economically feasible without the demolition of the structure proposed to be demolished; or
 - b. That the applicant cannot obtain a reasonable economic return from the property or structure unless the structure is demolished; or
 - c. That the structure has serious structural defects and represents a threat to public health and safety, and that it is not economically feasible to repair these defects in a manner consistent with this Ordinance.
 3. No application for demolition shall be approved without concurrent approval of a plan for construction of a new structure to replace the demolished structure that shall reinforce and enhance the character of the District.

§154.507 VMX District Design Standards

Design standards within the VMX District are based on the recommendations of the Lake Elmo Design Standards Manual, which shall be used as a reference for new development or rehabilitation of all buildings within the district.

- A. **Building Placement and Design**
- B. **Parking and Loading Requirements**
- C. **Building Type Standards**
- D. **Site Design**

(TO BE COMPLETED)

§154.508 Accessory Uses and Structures.

Accessory uses are listed in the VMX District Use Table as permitted or conditional accessory uses. Accessory uses and structures in the VMX District shall comply with the following standards and all other applicable regulations of this ordinance:

- A. *Phasing.* No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.
- B. *Incidental to Principal Use.* The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.
- C. *Subordinate to Principal Use.* The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.
- D. *Function.* The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

- E. *Location.* The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

§154.509 Residential Accessory Structures.

On parcels used for residential structures within the VMX District, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to or compatible with the main building or shall be commonly associated with residential construction.

- A. *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. All attached accessory structures shall be subject to the following requirements:
1. The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
 2. The structure shall not exceed the height of the principal building to which it is attached.
- B. *Attached Garages.*
1. Attached garages are encouraged to be side or rear loaded. If facing the primary street, garages shall be designed using one of the following techniques, unless specific physical conditions on the lot in question require a different approach:
 - a. The front of the garage is recessed at least four (4) feet behind the plane of the primary façade; or
 - b. The front of the garage is recessed at least four (4) feet behind a porch if the garage is even with the primary façade; or
 - c. The width of the attached garage shall not exceed 60% of the width of the entire principal building façade (including garage) fronting the primary street.
 2. Attached garages shall not exceed one thousand (1,000) square feet in area at the ground floor level except by conditional use permit.
 3. Garage doors or openings shall not exceed fourteen (14) feet in height.
- C. *Detached structures.* Detached accessory structures shall be permitted in residential districts in accordance with the following requirements:
1. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the required front yard or within a side yard abutting a street.
 2. Detached garages shall not exceed one thousand (1,000) square feet at ground floor level and shall not exceed a height of twenty-two (22) feet or the height of the principal structure, whichever is higher. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
 3. Pole barns, as defined herein, exceeding one hundred twenty (120) square feet shall be prohibited.
 4. No more than thirty (30) percent of the rear yard area may be covered by accessory structures.
 5. Garage doors or openings shall not exceed fourteen (14) feet in height.

§154.510 Accessory Uses.

- A. *Exterior Storage on Residential Parcels.* All materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:
1. Laundry drying,
 2. Construction and landscaping materials and equipment currently being used on the premises. Materials kept on the premises for a period exceeding six (6) months shall be screened or stored out of view of the primary street on which the house fronts.
 3. Agricultural equipment and materials, if these are used or intended for use on the premises.
 4. Off-street parking and storage of vehicles and accessory equipment, as regulated in [Article 5, Section 155.67](#).
 5. Storage of firewood shall be kept at least ten (10) feet from any habitable structure and screened from view from adjacent properties.
 6. Outdoor parking.
- B. *Temporary Sales.* Temporary sales, also known as yard or garage sales, are permitted in all residential districts, limited to two (2) per calendar year per residence, not to exceed four (4) days in length.

§154.511 Accessory Uses and Structures Not Listed.

Standards for accessory uses and structures that are permitted in all districts, or in all residential buildings in any district, are listed in [Article 7, Specific Development Standards](#). These include uses such as family and group family day care, bed and breakfast facilities, and home occupations, and structures such as swimming pools and solar equipment.