



AGENDA
PLANNING COMMISSION
WORK SESSION MEETING

February 8, 2024 - 6:00 PM
City Hall Council Chambers

1. Call to order
2. 2024 Ordinance Update
 - a. Subdivision and Zoning Ordinance Update summary
3. Adjourn

2024 ORDINANCE LANGUAGE UPDATES

11-65/66 – Mixed Use Districts and the uses allowed within these districts. When the mixed-use districts were created, the focus was on encouraging a mix of commercial and high-density residential uses that would be pedestrian friendly, given the proximity to transit facilities. Feedback has been received from developers and those marketing properties zoned for mixed use that there are other uses they would like to see considered for these zoning districts. A representative of one such parcel will be in attendance to discuss ideas for the M-2, Mixed Use Cedar Corridor District.

Subdivision Ordinance

10-4-11 and 11-21-11: Tree Preservation: Consider amendments to the Tree Preservation language to bring efficiency and effectiveness to tree preservation efforts in addition to encourage reforestation. Language may include reductions in the amount of tree inventory requirements for those areas of the property not to be impacted by development and allow the planting of trees on public property in lieu of significant trees removed during development.

Zoning Ordinance

11-2-3: Definitions: The Commercial Uses definition includes definitions for several types of business, including offices, restaurants, and service businesses. The examples included in the definition of Service Business (On Site) (see below) includes banks and funeral homes and mortuaries, both of which are listed separately within the commercial zoning districts in which they are permitted. Staff recommends removing these examples from the definition to eliminate confusion where the uses are permitted.

11-2-3.G. Service Business (On Site): An establishment that provides labor, maintenance, repair and activities incidental to business production or distribution where the customer patronizes the location of the operation, such as ~~banks~~, copy centers, barber/beauty salons, tanning salons, laundromats, dry cleaners, ~~funeral homes and mortuaries~~, animal grooming, appliance repair, tailor shops, travel bureaus.

11-19: Off Street Parking Requirements. Due to recent changes in the office and commercial retail employment and shopping environment, consideration of amendments to the required number of off-street parking spaces is warranted. Similar changes to economies of scale for manufacturing and warehousing due to automation has affected the number of parking spaces necessary per employee related to building square footage, as demonstrated by an increase in the requests for deferred parking with site plan approvals. Research of other Twin Cities area municipalities has shown a varying number of requirements but overall worth consideration for amendments to Lakeville's parking requirements.

In addition to looking at the number of spaces required for various uses, Staff concurs that the entirety of Chapter 19, Off Street Parking Requirements, should be reviewed and discussed for updates, due to the various amendment over the years, to make it easier to find information and be more concise.

11-21-7: General Mandatory Landscaping and Maintenance: On July 1, 2023, a new state law went into effect that required cities to allow managed natural landscapes on private property. The definition of managed natural landscape is a planned, intentional, and maintained planting of native or nonnative grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants. Managed natural landscapes does not include turf-grass lawns left unattended for the purpose of returning to a natural state. A summary of the legislation from the League of Minnesota Cities is attached to this memo.

The city is required to amend the ordinance to allow managed natural landscapes, but the City Engineer and Public Works Director both support continuing to require turf grass within the public right-of-way. Staff will request input from Environmental Resources staff as to how we confirm those properties utilizing a managed natural landscape to minimize code enforcement action should a complaint be received regarding long grass and/or weeds.

The current ordinance language is as follows:

11-21-7: General Mandatory Landscaping and Maintenance:

A. All exposed ground areas, including street boulevards, and areas not devoted to off street parking, drives, sidewalks, patios or other such improvements shall be landscaped with grass, shrubs, trees (except in boulevard portions of the public right of way) or other ornamental landscape materials within one year following the date of building occupancy, as determined by the certificate of occupancy.

B. All landscaped areas shall be maintained by the property owner and kept neat, clear and uncluttered, and where landscaping is required as part of city approvals, any plant material which is diseased or dies shall be replaced with like kind of the original size. No landscaped area shall be used for the parking of vehicles or for the storage or display of materials, supplies or merchandise, unless specifically approved by the city.

11-21-9: Required Screening and Landscaping: Planning Department staff recommends consideration of reducing the minimum evergreen tree size requirements from 8 feet to 6 feet. Evergreen tree height is measured from the top of the root or the root ball to the bottom of the uppermost leader of the tree. The 8-foot-tall requirement has resulted in less available nursery evergreen tree stock and has limited the species of evergreen trees available. The City Forester has indicated support for consideration of an amendment to these requirements.

11-22-5: Exceptions; Accessory Use:

B. Accessory Use: Outdoor storage within the I-1, I-2, I-CBD and P-OS districts shall be an allowed accessory use under the following conditions:

3. The outdoor storage area is surfaced with asphalt, concrete or pavers with perimeter concrete curb, unless the city engineer exempts all or portions of the curb for stormwater management purposes.

11-22-7: Land/Sea Containers or Parking of Semitractor Trailers:

D. Surface: All land/sea containers and semitractor trailers used for outdoor storage shall be parked on a concrete, bituminous, one hundred percent (100%) crushed rock, or crushed concrete surface.
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The Zoning Ordinance has long required that parking and drive aisles and outdoor storage areas require bituminous, concrete, or paver brick surfacing. The impetus for the hard surfacing requirement was to address the problem of sand, gravel, and silt from discharging into on-site and public storm sewer systems, particularly in the industrial park areas of the city which subject to Shoreland and Vermillion River Watershed regulations to limit impacts to the South Creek Tributary in that area. Amending 11-22-7.D to match the language in 11-22-5.B.3 provides consistency in these areas.

11-23: Signs: The Signs chapter of the Zoning Ordinance has had many amendments, and staff concurs that the chapter would benefit from a comprehensive review. Ordinance language from other metro-area communities would be gathered for review and comparison to assist in crafting the updated language.

11-32: Home Occupations: Due to recently changes to the office work environments, consideration is recommended to allow one non-resident employee to work at a home occupation provided off-street parking is available. Presently, no employees are allowed to work in the home that do not live in the home.

11-37: Motor Vehicle Fuel Facilities. Changes were previously made to allow signage on a motor vehicle fuel canopy in addition to a wall sign on the building. Planning Consultant Daniel Licht brought to Staff's attention minor updates that should be made to language in Chapter 37, Motor Vehicle Fuel Facilities to be consistent with the changes made in Chapter 23, Signs. The proposed changes are attached to this memo, and the changes are shown with deleted portions stricken and additions double underlined.

Educational Facilities and Uses Within Residential and Commercial Districts. Public and private education institutions limited to accredited elementary, middle or junior high and senior high schools are a conditional use within residential zoning districts. Community preschool, latchkey, and adult education facilities are conditional uses within the city's commercial zoning districts. Staff recommends that adding preschool and adult education as uses allowed by conditional use in residential districts when those activities occur at an educational institution.

Latchkey is an older term generally used to describe afterschool care for students. Currently, before- and after-school care is available to students at all elementary schools in ISD 194. This type of program is now standard at schools and is utilized by the students attending that same elementary school. Staff recommends that Latchkey as a separate use be eliminated as a separate use in the Zoning Ordinance.

Consideration should be given as to whether preschool and adult education facilities should be a permitted use within commercial zoning districts, like the change that was made last year for daycare facilities, rather than maintaining these as conditional uses in commercial zoning districts.

11-58/59: Transition Requirement: The RM-1 and RM-2 Districts require a transition of housing types when a development occurs adjacent to single family homes. This requirement can be exempted if there is an open space or landscape buffer, separation by arterial or major collector street, railroads, wetland, water body, etc. that is a minimum of 100' in width across the entirety of the development area and the land is in public ownership or restricted from development, or the adjacent use is non-residential. However, the ordinance currently exempts this transition requirement when the developments are all within the same preliminary plat. Staff recommends removing that exemption for parcels in the same preliminary plat and to consider adding the transition requirement language to the RM-3 District for consistency.

Medium and High Density Residential Districts. To provide additional flexibilities for developers of attainable/affordable housing with the RM and RH districts, Staff would like to review the density requirements within these districts for ways to accommodate additional units when projects are meeting affordability limits.

Commercial Car Washes in C-1, C-2, and C-3 districts. Commercial car washes are a conditional use in the C-1, C-2, and C-3 districts and require the following:

5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.

a. Where the car wash operation is within five hundred feet (500') of a residential district, the exterior vehicle doors of the car wash must remain closed during the entire operation cycle.

6. The location and operation of vacuum machines must not interfere with magazines or stacking areas, on site circulation or on-site parking and loading areas, and may not be located in a yard abutting residentially zoned property.

The ordinance requires that the wash bay doors remain closed during the entire operation cycle when a commercial car wash is within 500 feet of a residential district, but regarding the vacuums, the only limitation they have is that the vacuum machines may not be in a yard abutting residentially zoned property. In an effort to provide additional buffering for the residentially-zoned property, consideration should be given to options such as additional setbacks, requiring that the vacuums be located such that the building is between them and the residential area, or that there is a wall to deflect the noise away from the residential area.

11-75-13: OP Design and Performance Standards. These standards include outdoor storage as a permitted accessory use with conditions, but outdoor storage isn't listed as a permitted accessory use in Section 11-75-5. Amend Section 11-75-5 to include outdoor storage as a permitted accessory use, provided compliance with Section 11-75-13.J.

I-1, Light Industrial and I-2, General Industrial District Overlay District. Many of the buildings located within the industrial area are older and are smaller in size and were constructed with lower ceiling clearances than those facilities constructed in recent years. To ensure the viability of these buildings, Staff would like to consider an overlay district that could allow other uses that may not be suited for the large buildings but could be appropriate for the smaller buildings. Last year, the Community Development was approached about a retail use of automobiles that would occur indoors, with no or limited outdoor display, but that use is not currently permitted in the I-1 District. Flexible with uses in an overlay district can help older buildings remain in use, which generates jobs and activity within the industrial park. Modifications to sites to accommodate new parking or loading facilities may require stormwater improvements, many of which were developed with little to no stormwater treatment on site.



Focus on New Laws: Managed Natural and Native Landscaping Permitted in Cities

July 7, 2023

Cities must now allow managed natural landscaping to be installed and maintained on all parcels.

Effective July 1, 2023, municipalities are required to allow property owners and occupants to install and maintain managed natural landscapes.

Chapter 62 (HF 1830*/SF 1426) is the omnibus state government finance bill that was signed into law on May 24, 2023. Article 3, section 9 creates a new provision of law as Minnesota Statutes, section 412.925:

- Subpoint (a) requires all statutory cities or home rule charter cities to allow an owner, authorized agent, or authorized occupant of any privately owned lands or premises to install and maintain a managed natural landscape and defines a number of associated.
- Subpoint (b) states that managed natural landscapes may exceed 8 inches in height and be allowed to go to seed, but must be maintained and cannot include noxious weeds.
- Subpoint (c) states that weeds and grasses that are not part of a managed natural landscape cannot exceed 8 inches in height or be allowed to go to seed.

City ordinances that are not consistent with this change would not be enforceable and may need to be amended or repealed.

Managed natural landscape defined

“Managed natural landscape” is defined as a planned, intentional, and maintained planting of native or nonnative grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants. Managed natural landscapes does not include turf-grass lawns left unattended for the purpose of returning to a natural state.

The bill permits landowners to maintain managed natural landscapes in excess of 8 inches in height. However, weeds or grasses that are growing on land in a city, are taller than 8 inches, have gone to seed, and are not a part of a managed natural landscape are prohibited. The law went into effect July 1, 2023, and supersedes any local regulations requiring residents to maintain a managed turf-grass lawn.

Lawn law history

Minnesota is not the first state to pass legislation loosening local requirements with respect to residential lawns. In 2009, the Florida Legislature passed Florida Statutes 373.185, establishing

a definition for “Florida-Friendly Landscaping” in the interest of preserving water and protecting local wetlands and waterfronts from lawn care runoff.

This legislation encouraged, but did not require, local government authorities to consider permitting Florida-friendly landscaping, including the use of more native plants and grasses in residential yards. Similarly, in 2021, Maryland passed House Bill 322, which prohibited homeowners’ associations from imposing unreasonable limitations on low-impact landscaping.

The Minnesota bill follows the nationwide trend, but expands its authority significantly by not merely encouraging the use of native plants and grasses, or limiting only homeowners’ associations from restricting such landscaping choices, but requiring cities to allow them and setting height requirements for turf-grass surfaces.

Next step for cities

The League recommends that cities and their attorneys review their local codes and ordinances to determine whether they have contradictory policies on the books.

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Motor Vehicle Fuel Facilities amendments:

11-23-15.O.2: Wall signs:

- a. One (1) wall sign shall be allowed on the canopy elevation in addition to the wall signs allowed by Section [11-23-19](#) of this title.
- b. The area of the individual wall signs shall not exceed the area allowed for wall signs within the zoning district as established by Section [11-23-19](#) of this title.

SECTION 11-37-3:

E.6.b. The canopy elevation(s) may have contrasting colors as follows:

- (1) The contrasting colors shall be located only on an elevation not facing a residential district and shall not be used on the canopy supports or other elements of the structure.
- (2) The area of the contrasting colors and wall sign(s) shall not exceed seventy-five (75%) of the area of an individual canopy elevation where it is allowed.
- (3) Use of lighting on the canopy elevation shall be limited to LED sources that is to be shielded and complies with the provisions of Section [11-23-15.F](#) of this title.
- ~~(4) The use of contrasting colors upon the canopy elevations shall be in lieu of a wall sign(s) mounted upon the principal building.~~

F4. Canopy lighting shall consist of canister spotlights recessed into the canopy with no portion of the light source or fixture extending below the bottom face of the canopy. Total canopy illumination may not exceed the limits established by subsection [11-16-17.A](#) of this title. The fascia of the canopy shall not be illuminated except as allowed by Section [11-37-3.E.6](#) of this title.

F6. Signage may be allowed on a detached canopy ~~in lieu of wall signage on the principal structure~~ as provided for by Section 11-23-15.O of this title, provided that:

- a. The individual canopy sign does not exceed more than twenty percent (20%) of the canopy facade facing a public right-of-way.
- b. The canopy fascia shall not be illuminated, except for permitted canopy signage.

SECTION 11-37-7:

B.6.f.(2) The canopy elevation(s) may have contrasting colors as follows:

- (A) The contrasting colors shall be located only on an elevation not facing a residential district and shall not be used on the canopy supports or other elements of the structure.

- (B) The area of the contrasting colors and wall sign(s) shall not exceed the seventy five percent (75%) of the area of an individual canopy elevation where it is allowed.
 - (C) Use of lighting on the canopy elevation shall be limited to LED sources that is to be shielded and complies with the provisions of Section [11-23-15.F](#) of this title.
 - ~~(D) The use of contrasting colors upon the canopy elevations shall be in lieu of a wall sign(s) mounted upon the principal building.~~
- B.7.d. Canopy lighting shall consist of canister spotlights recessed into the canopy with no portion of the light source or fixture extending below the bottom face of the canopy. Total canopy illumination may not exceed the limits established by subsection [11-16-17.A](#) of this title. The fascia of the canopy shall not be illuminated except as allowed by Section [11-37-7.B.6.f](#) of this title.
- B.7.f. Signage may be allowed on a detached canopy ~~in lieu of wall signage on the principal structure~~ as provided for by Section 11-23-15.O of this title, provided that:
- (1) The individual canopy sign does not exceed more than twenty percent (20%) of the canopy facade facing a public right-of-way.
 - (2) The canopy fascia shall not be illuminated, except for permitted canopy signage.