



AGENDA

PLANNING COMMISSION MEETING

July 17, 2025 - 6:00 PM
City Hall Council Chambers

Members of the public can participate in person at Lakeville City Hall, 20195 Holyoke Avenue. Members of the public may join the meeting via [Teams Meeting](#), **Meeting ID: 245 615 488 056, Passcode: k7Fh3Ma9**, or by calling **Toll Number 1-323-433-2142; Conference ID: 266 393 852#**. The Chair will allow for public comments and questions at the appropriate time.

The City Council is provided background information for agenda items in advance by staff and appointed commissions, committees, and boards. Decisions are based on this information, as well as City policy, practices, input from constituents, and a council member's personal judgment.

1. Call to order and flag pledge
2. Roll Call
3. Approval of Minutes
 - a. June 26, 2025 Draft Planning Commission meeting minutes
4. Announcements
5. City of Lakeville
Public hearing to consider amendments to Title 10 (Subdivisions) and Title 11 (Zoning) of the City Code relating to tree preservation.
 - a. July 10, 2025 memo - Tree Preservation
6. City of Lakeville
Public hearing to consider amendments to Title 10 (Subdivisions) and Title 11 (Zoning) of the City Code, relating to development and residential districts.
 - a. July 9, 2025 memo - Development and Residential Districts
7. Staff Notices
 - a. Planning Manager's Memo
8. Adjourn

CITY OF LAKEVILLE.
PLANNING COMMISSION MEETING MINUTES
June 26, 2025

Chair Zimmer called the meeting to order at 6:00 p.m. in the Council Chambers at City Hall. The Pledge of Allegiance to the flag was given.

New Planning Commission members, Dylan Duckworth and Erin Duckworth, were sworn in by Community Development Recorder Dawn Erickson.

Members Present: Chair Christine Zimmer, Vice Chair Scott Einck, Pat Kaluza, John Swaney, Jason Swenson, Amanda Tinsley, Mark Traffas

Members Absent: Ex-Officio Jeff Hansen

Staff Present: Tina Goodroad, Community Development Director; Kris Jenson, Planning Manager; Heather Botten, Senior Planner; Jon Nelson, Assistant City Engineer; Dawn Erickson, Community Development Recorder.

4. Approval of the Meeting Minutes

The May 22, 2025 Planning Commission meeting minutes were approved as presented.

5. Announcements

Planning Manager Kris Jenson stated there is an additional Findings of Fact for Heritage Commons 10th Addition PUD Amendment; and if the agenda items are not tabled they will move forward to the July 7 City Council meeting.

6. Divine Encounter Church

Chair Zimmer opened the public hearing to consider the application of Divine Encounter Church for a conditional use permit for a religious institution to be located at 17685 Juniper Path.

Pastor Zipporah Bogonko introduced the project. Senior Planner Heather Botten presented the staff report. The subject property consists of a 36,623 square foot office building; the proposed church would utilize about 2,385 square feet of the building. The property is 3.19 acres in area and consists of a 154-space parking lot to accommodate the lease spaces in the building. The subject property is zoned C-3, General Commercial District. The Zoning Ordinance allows religious institutions by conditional use permit subject to certain criteria.

The applicant submitted a narrative of the proposed church and its related activities. Staff has reviewed the narrative and has determined that the activities indicated are compatible with the proposed site.

The narrative indicates that the church anticipates approximately 50 attendees for weekly Sunday worship services. Other planned activities include weekly meetings as well as special services, workshops, and events help throughout the year. Existing parking on site is adequate to accommodate the church's parking demand.

Chair Zimmer opened the hearing to the public for comment.

There was no public comment.

Motion was made by Einck, seconded by Kaluza to close the public hearing at 6:07 p.m.

Voice vote was taken on the motion.

Ayes – unanimous

Chair Zimmer asked for comments from the Planning Commission.

- Commissioner Traffas asked what the signage would look like. Ms. Botten stated that signage is not included with this request. Pastor Bogonko stated they will do whatever the owner of the building would like them to do.

Motion was made by Einck, seconded by Tinsley to recommend to City Council approval of the conditional use permit for a religious institution to be located at 17685 Juniper Path, subject to the following stipulations, and approval of the Findings of Fact dated June 26, 2025:

1. The floor plan shall be consistent with the plan and narrative described in the application and approved by the City Council to ensure compliance with Zoning Ordinance requirements.
2. A building permit shall be issued prior to commencing interior alterations on the building interior that require a permit.
3. Signs shall require a sign permit and must meet Zoning Ordinance requirements.
4. Parking shall be restricted to the on-site parking lot and shall not occur on any public street.
5. Any cumulative increase of more than 20% in the lease space of 2,385 square feet requires an amendment to the conditional use permit.

Ayes: Traffas, Kaluza, Zimmer, Einck, Swaney, Swenson, Tinsley

Nays: 0

7. Laurent Deconinck/Pickle in the Middle

Chair Zimmer opened the public hearing to consider the application of Laurent Deconinck/Pickle in the Middle for a conditional use permit for an indoor commercial recreation use in the OP District at 21300 Juniper Way.

Laurent Deconinck introduced the project, stating they currently have locations in Brooklyn Park and Woodbury.

Ms. Botten presented the staff report. The applicant would like to use approximately 42,000 square feet of the new 190,000 square foot building as a pickleball facility. The multi-tenant building is located in the Lakeville 35 Logistics Center North Addition located at 21300 Juniper Way. Section 11-75-7.B allows commercial recreation facilities in the OP, Office-Park District subject to approval of a conditional use permit.

The proposed commercial recreation facility will include 15 pickleball courts, storage lockers, lobby/check-in and a meeting room. The proposed use would be open 24 hours a day, seven days a week. Guests would be granted access with a unique 4-digit pin. The facility is monitored by security cameras and a facility manager who visits daily at varying times. No food or beverage is available on-site. The applicant has stated that peak hours are typically evenings and weekends.

Chair Zimmer opened the hearing to the public for comment.

There was no public comment.

Motion was made by Einck, seconded by Swenson to close the public hearing at 6:13 p.m.

Voice vote was taken on the motion.

Ayes – unanimous

Chair Zimmer asked for comments from the Planning Commission.

- Commissioner Swenson asked if anything is done to manage the acoustics inside. Mr. Deconinck stated they have not done anything for acoustics at the two existing locations.
- Chair Zimmer asked if operating 24 hours/7 days a week has been a problem with crime. Mr. Deconinck stated the Brooklyn Park location has been operating for 2 ½ years, and Woodbury has been operating for 1 year. During this time the only issue is that sometimes people play 20-25 minutes longer.
- Commissioner Swenson stated he appreciated where the facility is located in the building.
- Commissioner Traffas asked about the party room on the plans and whether people can bring food and drink. Mr. Deconinck stated that is the intent of the party room, and they currently have food at the Brooklyn Park location.

Motion was made by Swenson, seconded by Traffas to recommend to City Council approval of the conditional use permit for an indoor commercial recreation use in the OP District at 21300 Juniper Way, subject to the following stipulations and approval of the Findings of Fact dated June 26, 2025:

1. No H (Hazardous) Occupancy tenants are allowed in the multiple tenant industrial building as long as the commercial recreation use is a tenant in the same building.
2. The current tenant and any future tenants of the building being jointly occupied by this commercial recreation use shall submit Material Data Safety Sheets (MSDS) to the City including any periodic updates as they might appear.

Ayes: Kaluza, Zimmer, Einck, Swaney, Swenson, Tinsley, Traffas

Nays: 0

8. Crossroads East Third Addition

Chair Zimmer opened the public hearing to consider the applications of LFPC Properties LLC (Lakeville Family Pet Clinic) for a preliminary and final plat of one lot and one outlet to be known as Crossroads East Third Addition as well as a conditional use permit to allow a veterinary clinic. The property is located at the southwest corner of Glacier Way and 175th Street.

Brady Hickcox, architect with Terwisscha Construction and representing LFPC Properties LLC, introduced the project. Mr. Hickcox stated the new project is a new building with approximately 9,000 square feet of general practice veterinary care.

Ms. Jensen presented the staff report. The proposed development is for a 9,000 square foot veterinary clinic and 48 parking spaces. The building includes a fenced relief area for animals

being treated at the clinic and will not providing boarding for animals, other than for those receiving medical care.

The Lakeville Family Pet Clinic is currently located just west of the proposed site in a multi-tenant and was granted a CUP in 2016. Because the CUP is tied to the property, a CUP must be granted for the new location.

Chair Zimmer opened the hearing to the public for comment.

There was no public comment.

Motion was made by Kaluza, seconded by Swenson to close the public hearing at 6:24 p.m.

Voice vote was taken on the motion.

Ayes – unanimous

Chair Zimmer asked for comments from the Planning Commission.

- Chair Zimmer asked about the relief area. Mr. Hickcox stated there is a relief area in the front as well as a relief area in the back that will be surrounded by eight-foot-high opaque fences.
- Commissioner Swenson stated that he's happy to see the business expanding and thriving in Lakeville.

Motion was made by Einck, seconded by Tinsley to recommend to City Council approval of the Crossroads East Third Addition preliminary and final plat and conditional use permit, subject to the following stipulations and approval of the Findings of Fact dated June 26, 2025:

1. Implementation of the recommendations listed in the June 11, 2025 engineering report.
2. The site shall be developed according to the site development plans approved by the City Council.
3. An agreement for shared driveway access and parking shall remain in full force and effect at all times between the lots in Crossroads East commercial development.
4. The fencing for the relief yard must be an opaque design and maintenance free material.
5. A sign permit is required prior to the installation of any signage.
6. Exterior lighting shall be down-cast only and shall not glare onto road right-of-way.
7. Snow storage shall not occur within required parking spaces.
8. Prior to City Council consideration, the landscape plan must be revised per the City Forester's comments. The landscape plan shall be installed in accordance with the approved landscape plan. A \$63,320 security shall be submitted to guarantee installation of the approved landscaping. Prior to a landscape inspection, an as-built landscape plan must be submitted to the city.

Ayes: Zimmer, Einck, Swaney, Swenson, Tinsley, Traffas, Kaluza

Nays: 0

9. Heritage Commons 10th Addition

Chair Zimmer opened the public hearing to consider the applications of HVP V Epic Heritage, LLC and SMNPT 1, LLC for a preliminary plat of one lot and two outlot subdivision to be known

as Heritage Commons 10th Addition; a conditional use permit for two convenience restaurants; a planned unit development amendment to add property to the Heritage Commons PUD; and the vacation of public drainage and utility easements. The property is located at the northeast corner of 202nd Street (CSAH 50) and Dodd Boulevard (CSAH 9).

Paul Tucci with 2C Development introduced the project and noted that Bruce Tschida, owner of Lakeville Collision, was also present. Mr. Tucci requested support for the slight reduction in the number of parking spaces required to be provided

Ms. Botten presented the staff report. The proposed development includes two convenience restaurants on a single parcel and adds 0.14 acres of land from the Lake Marion Collision property into the Heritage Commons PUD. The perimeter drainage and utility easements on the parent parcel are proposed to be vacated and then dedicated on the new plat.

The proposed convenience restaurants require 51 parking spaces combined and the site plan proposes 49 parking spaces. The applicant is requesting flexibility from the minimum parking requirements due to the shared parking lot design and the complimentary peak hours of each restaurant. Community Development staff support this request.

Access to the site will be from Heritage Drive and direct access to the site from 202nd Street and/or Dodd Boulevard is not permitted. An agreement for shared access between the parcels in Heritage Commons 10th Addition and Heritage Commons 6th Addition (O'Reilly Auto) is required to be executed as part of the recording of the final plat.

Chair Zimmer opened the hearing to the public for comment.

There was no public comment.

Motion was made by Einck, seconded by Swaney to close the public hearing at 6:37 p.m.

Voice vote was taken on the motion.

Ayes – unanimous

Chair Zimmer asked for comments from the Planning Commission.

- Chair Zimmer asked about the drive-through and stacking space for each proposed user. Mr. Tucci stated that Chipotle's drive-through is a pick-up lane. Customers are not able to place orders at the drive-through, instead they must order ahead and when they receive notice that their order is ready for pick up, then they may enter the drive-through. Starbucks is a regular drive-through lane. There will also be parking spots in front of each restaurant for mobile order pick-ups.
- Commissioner Kaluza stated he is comfortable with the leniency on the parking spaces. He stated it looks like a well-designed location.
- Commissioner Swenson asked why they chose the underground storage facility as they typically see a surface water/filtration feature. Mr. Tucci stated economics played a large part, as well as made it easier for Outlot A to be developed. Jon Nelson, Assistant City Engineer, stated from previous Heritage Commons Additions there are underground sourced facilities to the east of this property and the soils are conducive for infiltration in this area.
- Commissioner Swenson stated he is comfortable with the parking situation. He stated he appreciates the different uses and timing effects to allow a smaller parking area to function and serve the needs of both.

- Commissioner Traffas asked about access from this area to Idealic Avenue and O'Reilly Auto Parts. Mr. Tucci stated there is an easement on the O'Reilly Auto Parts lot and that driveway will be a continuation of that easement. He also stated they will work together to make sure it is a safe environment.

Motion was made by Swenson, seconded by Kaluza to recommend to City Council approval of the Heritage Commons 10th Addition preliminary plat, PUD amendment, conditional use permit and easement vacation, subject to the following stipulations and approval of the Findings of Fact dated June 26, 2025:

1. Implementation of the recommendations listed in the June 16, 2025 engineering report.
2. The site shall be developed according to the plans approved by the City Council.
3. Execution of a Stormwater Maintenance Agreement shall be required between the Developer and the City of Lakeville for the maintenance of the stormwater system located on Lot 1, Block 1, Heritage Commons 10th Addition.
4. An agreement for shared driveway access shall be established between Lot 1, Block 1 and Outlot A, Heritage Commons 10th Addition and Lot 1, Block 1, Heritage Commons 6th Addition and Lake Marion Collision in conjunction with the recording of the final plat.
5. The hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M.
6. Any rooftop and/or ground-mounted mechanical equipment must be screened per Zoning Ordinance requirements.
7. The City Forester has reviewed and approved the landscape plan dated May 28, 2025. Landscaping on site must be installed per the approved plan. Prior to a landscape inspection, an as-built landscape plan must be submitted to the city.
8. The Developer must provide a security with the final plat to guarantee installation of the landscaping.
9. Exterior lighting shall be down-cast only and shall not glare onto road right-of-way.
10. Snow storage shall not occur within required parking spaces.

Ayes: Einck, Swaney, Swenson, Tinsley, Traffas, Kaluza, Zimmer,

Nays: 0

10. Staff Notices

The next Planning Commission meeting will be on July 17. There being no further business, the meeting was adjourned at 6:47 p.m.

Respectfully submitted,

Dawn Erickson, Community Development Recorder



Memorandum

To: Planning Commission
From: Tina Goodroad, Community Development Director
Date: July 10, 2025
Subject: Packet Material for the July 17, 2025 Planning Commission Meeting
Agenda Item: Zoning Text Amendment Related to Tree Preservation

BACKGROUND

Over the past several months City Forestry and Community Development staff have been evaluating our Tree Preservation Ordinance (Title 11, Chapter 21, Section 11) to consider amendments that would result in potential protection of valuable or significant trees. Staff have shared a summary of objectives, threshold limits and reforestation requirements with the City Council (two work sessions) and the Planning Commission and Parks, Recreation & Natural Resources Committee (joint work session). Staff have received support to proceed with an ordinance.

SUMMARY OF AMENDMENTS

Section 10-3-2 and 10-4-7 of the Subdivision Ordinance is amended to require a tree preservation plan as required by section 11-21-11 of the Zoning Ordinance. This amendment moves the requirements of tree preservation and reforestation to the Zoning Ordinance versus the Subdivision Ordinance.

Section 11-2-3 Definitions: This amendment is specifically related to adding tree preservation related definitions to the zoning ordinance definition section.

Section 11-21-9.B Landscaping: The amendment clarifies landscaping requirements for residential, commercial and institutional uses that are defined in development contracts and should also be stipulated in the ordinance.

Section 11-21-21: Fencing/Screening/Landscaping-Tree Preservation: This amendment includes the entirety of the tree preservation requirements starting with a clear purpose for this section. The scope of the ordinance is defined to include new development as well as infill under certain conditions. The ordinance includes a look back provision of two years (for removal greater than two acres).

Item E specifies all the requirements for preparing and submitting a tree preservation plan.

Item F includes the allowed tree removal thresholds. Residential is set at 40% (of the total diameter inches) while mixed use, commercial, industrial and special districts are set at 70%.

Item G includes tree replacement requirements which would apply if tree removal exceeded the threshold. Replacement requirements are based on tree type with standards for replacement tree sizes.

Items H-J -spells out required protective measures.

Forestry staff will be at the meeting and can address any specific questions.

Action

City staff recommends approval of the proposed amendments as presented.

Attachment

Ordinance Amendment

ORDINANCE NO. _____

**CITY OF LAKEVILLE
DAKOTA COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE AND ZONING ORDINANCE OF THE
LAKEVILLE CITY CODE**

THE CITY COUNCIL OF THE CITY OF LAKEVILLE ORDAINS:

Section 1. Section 10-3-2.C.3.d of the Subdivision Ordinance (Plat and Data Requirements – Preliminary Plat) is hereby amended to read as follows:

- D. A survey certified by a licensed or registered forester, registered landscape architect, International Society of Arboriculture (ISA) Certified Arborist, or a Registered Consultant Arborist (RCA) identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing. A tree preservation plan and tree replacement plan as required by section 11-21-11 of the Zoning Ordinance.

Section 2. Section 10-4-7.D of the Subdivision Ordinance (Design Standards – Tree Protected Areas) is hereby amended to read as follows:

- D. The submission of a tree preservation plan subject to the review of the parks, recreation, and natural resources committee and the approval of the city council subject to the requirements and procedures established by section 11-21-11 of the Zoning Ordinance.

Section 3. Section 10-4-11 of the Subdivision Ordinance (Design Standards – Tree Preservation) is hereby repealed in its entirety with subsequent sections renumbered accordingly.

Section 4. Section 11-2-3 of the Zoning Ordinance (Rules and Definitions - Definitions) is hereby amended add the following definitions alphabetically:

TREE PRESERVATION RELATED:

- A. Caliper Inches: Stem diameter of nursery stock as identified by the American Standard for Nursery Stock.
- B. Common Tree: A deciduous overstory tree including cottonwood, poplars/aspen, boxelder, willow, silver maple, elm or tree considered non-native to Minnesota.
- C. Coniferous Tree: A woody plant bearing seeds and cones having foliage on the outermost portion of the branches throughout the year; Tamaracks are included as a coniferous tree species.

- D. Construction Activity: Any disturbance to the land that results in a change in the topography or existing soil cover (both vegetative and nonvegetative) that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems including, but not limited to, clearing, grading, filling, excavating, building construction and landscaping.
- E. Construction Damage: 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.
- F. Critical Root Zone (CRZ). An imaginary circle surrounding the tree trunk with a radius distance of one foot (1') for each one inch (1") of tree diameter from the trunk outwards (e.g. a twenty-inch diameter tree has a critical root zone with a radius of twenty feet (20') as measured from the trunk).
- G. Deciduous Tree: A woody plant with a defined crown that shed leaves annually.
- H. Diameter Inches: The diameter of the main stem of the tree measured at a point four and one-half feet (4.5') above the ground.
- I. Drip Line: The furthest 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.
- J. Hardwood Deciduous: Any deciduous tree with the exception of those defined as common trees.
- K. Landscaping: Plantings such as trees, perennials, grass, and shrubs.
- L. Nuisance Tree: Any tree defined by section 4-4-4 of this code to be a public nuisance.
- M. Shade Tree Disease: Dutch elm disease (Ophiostoma ulmi or Ophiostoma novo-ulmi), oak wilt (Ceratocystis fagacearum), or any other tree disease of epidemic nature as defined by section 4-4-3 of this code.
- N. Shade Tree Pest: Any vertebrate or invertebrate animal, plant pathogen, parasitic plant or allied organism in the community threatening to cause significant damage on an epidemic level to a shade tree or community forest as defined by section 4-4-3 of this code.
- O. Significant Diameter Inches: The total diameter inches of all significant trees inventoried in each tree category (common, conifer, hardwood deciduous, heritage).
- P. Significant Tree: A healthy tree measuring a minimum of six inches (6") in diameter for deciduous trees or six (6) inches in diameter or twelve feet (12') in height for coniferous trees.
- Q. Significant Woodland: Two (2) acres or more of undisturbed woodland, predominantly composed of significant and/or heritage hardwood and/or coniferous trees.

- R. Heritage Tree: A healthy hardwood deciduous tree, measuring equal to or greater than thirty inches (30") inches in diameter or a healthy coniferous tree measuring forty feet (40') in height.
- S. Tree Certification: A certified inventory of trees on the site after work is complete listing all trees and their final disposition signed by a licensed or registered forester or registered landscape architect, International Society of Arboriculture (ISA) Certified Arborist, or a Registered Consultant Arborist (RCA).
- T. Tree Preservation Plan: A plan certified by a licensed or registered forester, registered landscape architect, International Society of Arboriculture (ISA) Certified Arborist, or a Registered Consultant Arborist (RCA) that identifies the species, size, and tag number of all significant trees and their locations within the subject property identifying trees to be saved, trees to be removed, the measures proposed to protect significant trees for the duration of construction, and the calculations to determine the number of replacement trees required.
- U. Tree Protection Zone (TPZ): An identified area around one (1) or more significant trees where construction activities are restricted to avoid damage to the tree(s) and root system(s) and to protect soils from compaction.

Section 5. Section 11-21-9.B of the Zoning Ordinance (Fencing/Screening/Landscaping – Required Screening and Landscaping) is hereby repealed in its entirety and amended to read as follows:

- ~~B. Landscaping: Required landscaping for new residential subdivisions and commercial, industrial or institutional uses shall include plantings at the property perimeter, off street parking perimeter landscaping and interior landscape plantings as well as required residential buffer yard or transitional buffer zone plantings.~~
- B. Landscaping: All residential, commercial, industrial, and institutional uses shall require the following landscaping:
 - 1. Single-family dwellings and two family uses within the RST-1 District shall provide a minimum of two (2) deciduous shade trees per lot. Tree species shall be limited to those identified on the City of Lakeville Building Permit Guidelines, except as otherwise approved by the City Forester
 - 2. Detached townhouses, two family, townhouse and multiple family uses shall comply with the landscape requirements of the RST-1, RM-1, RM-2, RM-3, RH-1, RH-1, M-1, and M-2 Districts.
 - 3. Commercial, industrial, and institutional uses shall submit a landscape plan as provided for by Section 11-21-9.C of this section with an emphasis upon the following areas:
 - a. The boundary or perimeter of the proposed site at points adjoining other property.
 - b. The immediate perimeter of the structure.

- c. The perimeter of off street parking areas and loading areas.
- 4. Residential buffer yards shall be installed as required by section 11-21-9.E of this chapter.

Section 6. Section 11-21-11 of the Zoning Ordinance (Fencing/Screening/Landscaping – Tree Preservation) is hereby repealed in its entirety and amended to read as follows:

11-21-11: TREE PRESERVATION:

- A. Purpose. The purpose of this section 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 Lakeville 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:
 - 1. Protection and preservation of the environment and natural beauty of the city.
 - 2. Assurance of orderly development within wooded areas to minimize tree and habitat loss.
 - 3. Evaluation of the impacts to trees and wooded areas resulting from development.
 - 4. Establishment of minimum standards for tree preservation and the mitigation of environmental impacts resulting from tree removal.
 - 5. Reflect the developer's best effort to determine the most feasible and practical layout of buildings, parking lots, driveways, streets, storage, stormwater basins, and other physical features such that that the minimum number of significant trees are damaged or removed as a result of development.
- B. Scope. The following types of development within the city shall require a tree preservation plan regardless of zoning district:
 - 1. New development at the time of application for subdivision approval in accordance with title 10 of this code.
 - 2. New development requiring site plan approval in accordance with chapter 9 of this title.
 - 3. Application for building permit for infill development involving new single family or two-family (duplex) construction on a vacant lot of record.
 - 4. Application for building permit for reconstruction or expansion of an existing residential principal building that enlarges the footprint of the original existing structure shall require a tree preservation plan for heritage trees located on the lot.

5. Land disturbing activities as regulated by section 11-16-7 of this title.

C. Incentives. As an incentive to protect heritage trees or significant woodlands, the city will allow the following:

1. Heritage Tree Credit. A credit may be applied to the required tree replacement if a healthy heritage tree within a subject property is preserved.

2. Significant Woodland Credit. A credit may be applied to the required tree replacement if a significant woodland area within a subject property is preserved. Credits will be given for significant or heritage trees within the significant woodland.

3. Trees eligible for the credits provided for by this section shall be approved by the city forester as healthy trees worth saving.

4. Credit shall not be approved for trees located within fifteen feet (15') of a building pad.

5. A credit in diameter inches will be applied at a ratio of two inches of replacement for one inch preserved (2:1) up to fifty percent (50%) of the required replacement diameter inches.

6. If a tree for which a credit is provided does not survive two (2) years after construction, the developer shall be required to pay the cash fee in lieu of replacement planting fee in accordance with the city fee schedule in effect at the time the tree preservation plan was approved.

D. Implementation, Administration, and Compliance:

1. No land disturbance or removal of trees shall occur within properties subject to the provisions of this section until a tree preservation plan and tree replacement plan has been approved by the city forester.

2. Tree Removal Prior To Development:

a. A developer shall be responsible for replacement tree planting for the total removal of trees within an area greater than two (2) acres occurring within two (2) years of an application for development subject to the provisions of this section.

b. The replacement schedule for tree removal prior to development shall be calculated at one (1) replacement tree that complies with section 11-21-11.G.2 of this section for every three hundred (300) square feet of trees removed, with fractions thereof rounded up to the next whole number.

3. Inspection. A developer shall implement the tree preservation plan as approved by the city forester prior to and during any land disturbance or construction activities; the city forester shall determine whether compliance with the tree preservation plan has been met and shall have the right to inspect the subject property to determine compliance with the approved tree preservation plan.

4. Tree Protection Removal. Tree protection measures as approved on the tree preservation plan shall remain in place until all land disturbing and construction activity is terminated or until a request to remove the tree protection measures is made to, and approved by, the city forester.
 5. Preserved Tree Mitigation. If significant tree(s) or heritage trees identified to be preserved on the approved tree preservation plan is removed or damaged to the point that the city forester believes the tree will not survive, the developer shall pay to the City a tree replacement fee in the amount set forth in the City fee schedule.
- E. Tree Preservation Plan Required. A tree preservation plan shall be prepared and submitted in accordance with the following provisions:
1. Information Required. The tree preservation plan shall be a separate plan sheet(s) that includes the following information:
 - a. The name(s), telephone number(s), email address(es), and mailing address(es) of the person(s) responsible for tree preservation during the course of the development project.
 - b. A tree inventory in both graphic and tabular form, indicating the size, species, general condition, and location of all existing significant and heritage trees located within the subject property. All significant and heritage trees shall be tagged in the field for reference on the tree preservation plan.
 - c. Trees that were planted as part of a commercial business, such as a tree farm or nursery, that the developer shall provide sufficient evidence of to support the determination by the city forester that the trees were planted as part of a commercial business do not need to be inventoried on an individual tree basis, but a general description of the trees and an outer boundary of the planted area must be provided.
 - d. A listing of the total diameter inches of healthy significant and heritage trees inventoried, not including diseased, dying, or dead trees.
 - e. A listing of the total diameter inches of healthy significant, heritage, and hardwood deciduous, and coniferous trees and common trees to be removed.
 - f. Delineation of all areas to be graded and limits of land disturbance.
 - g. Locations of the proposed buildings, structures, and impervious surfaces.
 - h. Identification in both graphic and tabular form of all significant and heritage trees proposed to be saved or removed within the construction area.
 - i. Outer boundary of all contiguous significant wooded areas to be saved.

- j. Tree protection measures to preserve significant and heritage trees to be saved, including required protective measures and any additional protective measures.
 - k. Size, species, number, and location of all replacement trees proposed to be planted on the property in accordance with the tree replacement schedule in both graphic and tabular form.
2. Certification. All tree preservation plans and tree replacement plans shall require the signature of the licensed or certified forester, licensed landscape architect, International Society of Arboriculture (ISA) Certified Arborist, or a Registered Consultant Arborist (RCA) preparing the plan.

F. Allowed Tree Removal:

1. Heritage Trees. Trees defined as heritage trees are unique to Lakeville due to their size and age. All reasonable measures shall be taken to preserve these trees; All diameter inches of heritage tree removed shall require replacement in accordance with the with the replacement schedule established by section 11-21-11.G of this section.
2. Residential Districts:
- a. Development in residential districts may remove or disturb up to forty percent (40%) of the total diameter inches of significant trees without replacement requirement; any tree removal or disturbance beyond this threshold shall require replacement tree planting.
 - b. The following calculation procedure shall be used to determine tree replacement requirements:
 - (1) Determine the total number of diameter inches of significant trees within the subject property.
 - (2) Calculate forty percent (40%) of the total diameter inches of significant trees within the subject property to determine the allowed tree removal limit, or the number of diameter inches allowed to be removed without replacement.
 - (3) Subtract the total diameter inches of common trees from the allowed tree removal limit;
 - (4) If any diameter inches remain, subtract the total diameter of significant coniferous trees from the remaining allowed tree removal limit;
 - (5) If any diameter inches remain, subtract the total diameter inches of significant hardwood deciduous trees from the remaining allowable tree removal limit.

(6) All diameter inches of significant trees above the forty percent (40%) allowed tree removal limit shall require replacement as provided for by section 11-21-11.G of this section.

3. Mixed Use, Commercial, Industrial, and Special Districts:

a. Development in mixed use, commercial, industrial, and special districts may remove up to seventy percent (70%) of the total diameter inches of significant trees without replacement; any removal or disturbance of trees beyond this threshold shall require replacement tree planting or mitigation.

b. The following calculation procedure shall be used to determine tree replacement requirements:

(1) Determine the total number of diameter inches of significant trees within the subject property.

(2) Calculate seventy percent (70%) of the total diameter inches of significant trees within the subject property to determine the allowed tree removal limit, or the number of diameter inches allowed to be removed without replacement.

(3) Subtract the total diameter inches of common trees from the allowed tree removal limit;

(4) If any diameter inches remain, subtract the total diameter of significant coniferous trees from the remaining allowed tree removal limit;

(5) If any diameter inches remain, subtract the total diameter inches of significant hardwood deciduous trees from the remaining allowable tree removal limit.

(6) All diameter inches of significant trees above the seventy percent (70%) allowed tree removal limit shall require replacement as provided for by section 11-21-11.G of this section.

4. Exceptions. Any trees removed or disturbed under the following circumstances shall be exempt from removal threshold calculation:

a. Dead trees.

b. Any living or standing tree infected to any degree with a shade tree disease or shade tree pest, unless properly treated under the direction of a professional arborist or City Forester.

c. Trees listed as invasive by the Minnesota Department of Agriculture;

d. Trees planned as part of a commercial operation including a tree farm or orchard.

- e. Trees located within the right-of-way of major collector and arterial streets.

G. Tree Replacement Requirements:

1. If the diameter inches of trees removed exceed the allowed removal threshold determined in accordance with section 11-21-11.F of this section, the remaining inches of removal above the removal limit shall be replaced according to the following replacement schedule, adjusted for tree type as follows:
 - a. Common trees: Twelve and one-half percent (12.5) of the diameter inches removed above the removal limit shall be replaced.
 - b. Conifer trees:
 - (1) Twenty five percent (25%) of the diameter inches removed above the removal limit must be replaced.
 - (2) Coniferous species shall be replaced with new trees, either coniferous or deciduous, at a rate of twenty five percent (25%) the diameter inches removed.
 - c. Hardwood deciduous trees: Fifty percent (50%) of the diameter inches removed above the removal limit shall be replaced with new deciduous or coniferous tree diameter inches.
 - d. Heritage trees: One hundred percent (100%) of diameter inches removed must be replaced.
 - e. Trees indicated on the tree preservation plan to be saved but ultimately were removed or damaged shall be replaced at 100% of the diameter inches removed.
2. Replacement trees shall consist of certified nursery stock that meet the American Standard for Nursery Stock and be not less than the following sizes:
 1. Deciduous: Not less than two and one-half caliper inches (2.5").
 2. Coniferous: Not less than six feet (6') feet in height, which shall be equivalent to 2.5" caliper when determining replacement requirements.
 3. Replacement trees may be larger than two and one-half caliper inches (2.5") or six feet (6') in height, as applicable, but the additional size shall only be credited for at the minimum required caliper inches or height.
 4. Replacement tree species shall be limited to those identified on the City of Lakeville Building Permit Guidelines, except as otherwise approved by the city forester, and the following:

- a. Where ten (10) or more replacement trees are required, not more than twenty percent (20%) shall be of the same genus.
 - b. Ornamental tree species of a lesser size may comprise up to fifteen percent (15%) of the required replacement diameter inches provided that the required total replacement diameter inches is met.
 - c. Recommended species for tree replacement for each natural environment type may be obtained from the Minnesota Department of Natural Resources, subject to review and approval of the city forester.
5. Required tree replacements shall be shown in graphic and tabular form on a landscape plan prepared and signed by a licensed forester or a registered landscape architect in accordance with section 11-21-9.C of this chapter and the following:
- a. The location of replacement trees shall be approved by the city forester.
 - b. Replacement trees shall be planted on the same property or development area from which the trees were removed. Replacement trees shall not be placed on easements or street rights-of-way, except as allowed by City Engineer.
 - c. If tree replacement is required within an individual lot because the builder removed or damaged a tree that identified to be saved on the approved tree preservation plan, the forester or landscape architect shall determine where the replacement trees shall be installed.
 - d. Trees planted on an individual lot basis as required by section 11-21-9.B of this chapter shall not be credited as replacement tree diameter inches, except for those trees planted as a residential landscape bufferyard in accordance with section 11-21-9.E of this chapter.
6. Cash Contribution:
- a. The city recognizes that there may be developments where required tree replacement cannot practically be accomplished within the subject property.
 - b. In lieu of planting replacement diameter inches, the city may require a cash fee as established by the city fee schedule.
 - c. The city may at its discretion, elect to require to receive a combination of planting of replacement trees and payment of cash fees in lieu of planting replacement trees.
 - d. Cash fees accepted by the city in lieu of (or in combination with) planting of replacement trees shall be placed in the community

planting fund and used only for reforestation projects, forest improvement projects, or public acquisition of forested lands in the city.

7. Warranty requirement.

a. All trees identified to be preserved shall be guaranteed to be alive, in good health, of good quality and structural condition, and insect and disease free for two (2) years from the date of project completion.

b. All trees planted as replacement trees in accordance with this section shall be guaranteed to be alive, in good health, of good quality and structural condition, and insect and disease free for twelve (12) months from the time of planting.

c. Warranty Replacement:

(1) Any tree identified to be preserved or replacement tree which is not alive or healthy, as determined by the city forester, before the expiration of the warranty period shall be removed and replaced with a new tree meeting the requirements for a replacement tree required by section 11-21-11.G of this section.

(2) The warranty replacement tree shall be planted within eight (8) months of removal.

(3) The warranty replacement tree shall be guaranteed to be alive, in good health, of good quality and structural condition, and insect and disease free for twelve (12) months from the time of planting.

H. Required Protective Measures. The tree preservation plan shall identify and require the following measures to be utilized to protect significant trees:

1. Prior to land disturbance or construction activity, orange polyethylene laminar safety netting or chain link fencing, four feet (4') in height shall be installed at the drip line or at the perimeter of the critical root zone, whichever is greater, of significant trees, heritage trees, and significant woodlands to be preserved to define the tree protection zone.

2. No land disturbance or construction activity shall occur within the tree protection zone.

2. Storage, operation, or parking of vehicles, construction equipment, or construction materials within a tree protection zone shall be prohibited.

3. Root pruning at the edge of a tree protection zone shall be completed by hand or with a machine designated for root sawing prior to grading or other soil disturbance.

4. Oak Trees:

- a. Oak trees shall not be pruned, wounded, or damaged (roots, bark, branches, etc.) between the dates of March 15 and July 30.
 - b. Contractors shall have a nontoxic tree wound dressing with them on the development site; if wounding of oak trees occurs, a nontoxic tree wound dressing must be applied immediately.
- 5. Implementation of measures approved by the city engineer to prevent of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.
- I. Additional Protective Measures. The following tree protection measures are recommended to protect significant trees that are to be preserved according to the approved tree preservation plan, and may be required as determined necessary by the city forester:
 - 1. Installation of retaining walls or tree wells to preserve trees.
 - 2. Placement of utilities in common trenches outside of the tree protection zone of significant trees, or use of tunneled installation.
 - 3. Use of tree root aeration to mitigate compacted soils
 - 4. Provision of supplemental irrigation during the growing season when dry weather occurs.
 - 5. Installation of tree protection measures to protect and preserve trees located on abutting properties or the public right-of-way.
- J. Performance Security. The developer shall provide a performance security as may be required by section 11-9-7 of this title.

(Remainder of this page intentionally blank)

Section 7. This Ordinance shall be effective immediately upon its passage and publication according to law.

ADOPTED by the Lakeville City Council this ____ day of _____, 2025.

CITY OF LAKEVILLE

BY: _____
Luke M. Hellier, Mayor

ATTEST

BY: _____
Ann Orlofsky, City Clerk



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

MEMORANDUM

TO: Community Development Director Tina Goodroad
Planning Manager Kris Jenson

FROM: D. Daniel Licht

DATE: 9 July 2025

RE: Lakeville – Zoning Ordinance; Missing Middle Housing

TPC FILE: 135.01

BACKGROUND

Mayor Luke Hellier convened a discussion on 26 August 2024 with several builders active in Lakeville regarding Missing Middle housing issues. Missing Middle housing is the gap in the market of new housing supply attainable by median or lower income households caused by economic and regulatory factors that include land values, materials, labor, interest rates, regional development policies, and development regulations. Mayor Hellier's intent for the discussion session is for the City to proactively engage with residential builders to collaborate on potential solutions that benefit Lakeville, its existing and future residents, and the residential builders. Session participants all agreed that changes only to local development regulations would not significantly address housing cost issues, but the residential builders believed that such changes may expand the range of new housing values available in Lakeville.

Many of the Lakeville development regulations mentioned by the residential builders at the discussion session were implemented following the completion of the 1994 Growth Management Strategic Plan, adoption of the 1998 Comprehensive Plan, and amendments of the Zoning Ordinance in 2000. Based on the history of our office's service to Lakeville and involvement in these and subsequent planning efforts, City staff requested we provide background information on these regulations for consideration by the Planning Commission.

The Planning Commission discussed Missing Middle housing issues and potential development regulation amendments at a work session on 5 December 2024. Based on the discussion of the Planning Commission, City staff began drafting language to amend the City's existing development regulations. This effort was set aside until after the conclusion of the receipt legislative session to ensure that any modifications didn't contradict statutory requirements that may have been approved and signed into law by the Governor. With the legislative session adjourned consideration of these proposed amendments has been noticed for a public hearing to be held by the Planning Commission on 17 July 2025.

Exhibits:

- Draft ordinance

ANALYSIS

Regional Density Requirements. The Metropolitan Council establishes minimum density thresholds for residential development within the Twin Cities Metropolitan Area within the regional development plan adopted every 10 years. The current ThiveMSP 2040 plan requires that the overall density of residential development in Lakeville be a minimum of 3.0 to 5.0 dwelling units per acre, which is effectively an increase from the prior 2030 regional plan requirement of a minimum of 3.0 dwelling units per acre. The Imagine 2050 regional development plan further increases the minimum residential density requirement to 3.5 dwelling units per acre. There is no reason to expect that the required minimum residential development density requirement will not stay the same or even increase with subsequent regional development plans. The increases in minimum development density required for residential land uses necessitates that the City review its development regulations to consider opportunities to achieve the required density with housing consistent with the City's goals.

1994 Growth Management Strategic Plan. The City initiated a strategic planning effort in 1994 to identify means of ensuring growth in Lakeville was managed and fiscally sustainable. Following approval of the 1994 Growth Management Plan, the Zoning Ordinance was updated to increase minimum lot area requirements, establish residential buffer yard and tree preservation requirements, include a provision that site plans for single family dwellings include space for three car garages, etc.. Many of these development regulations have been modified over time, but remain in place today.

2000 Zoning Ordinance Update. A fundamental goal of the 1998 Comprehensive Plan and 2000 Zoning Ordinance update was to standardize development requirements and allow for certain flexibilities through administrative permit, conditional use permit, or interim use permit processes. The objective of this effort was to minimize the use of Planned Unit Development as either a PUD, Planned Unit Development District that would allow for approval of any density or land use allowed by the Zoning Ordinance within a single project or as a Planned Unit Development – Conditional Use Permit that allowed for flexibility from any setback, height, lot area, width and depth, yards, or other dimensional standard.

PUDs are meant to allow for a higher level of development than can be realized through standard zoning requirements that benefit both the City and the developer. In practice, PUDs can be overutilized resulting in a myriad of standards applied from development-to-development with no consistency and providing no expectation on the part of residential builders as to what the City's minimum requirements are. A primary example of this would be townhouse developments in the City approved prior to 1998 that were required to be completed as PUD Districts as there were no performance standards set forth for multiple principal buildings on one lot, use of private drives, or design and construction standards for this form of residential land use.

The City prohibited use of PUD Districts for land guided by the Comprehensive Plan for Low Density Residential uses and eliminated Planned Unit-Development-Conditional Use permit as a planning tool with the 2000 Zoning Ordinance update. The 2000 Zoning Ordinance update also resulted in establishing the RST-2, Residential Single and Two Family District, RM, Residential Medium Density Districts, and RH, Residential High Density Districts that included lot requirements and design construction standards for townhouses and multiple family dwellings. The development of these

standards was based initially on ensuring sustainability of the City's housing supply in terms of livability, durability, and finance.

Residential builders participating in the discussion session were divided between wanting to see greater opportunity to utilize PUD Districts for their projects or a preference for the standardized approach implemented with the 2000 Zoning Ordinance Update.

Missing Middle Amendments: The following paragraphs outline specific provisions of the Zoning Ordinance noted at the discussion session that the Planning Commission proposes to be amended in response to Missing Middle housing issues. We have provided these in the order in which they are included in the Zoning Ordinance for ease of reference. The Planning Commission may discuss the opportunity to amend any or all of these provisions without regard to preference or priority.

- **Attached Garages.** The City established minimum area requirements for garages attached to single, two family, detached townhouse, and townhouse dwellings with the 2000 Zoning Ordinance update. The Zoning Ordinance was later amended to add minimum width requirements.

Dwelling Type	With Basement	Without Basement	Minimum Width
Single and Two Family	480sf.	540sf.	22ft.
Detached Townhouses and Townhouses	440sf.	540sf.	20ft.

The purpose of the minimum area requirements is to ensure that there is sufficient space within the garage for parking two vehicles, which is the off-street parking requirement established by the Zoning Ordinance for single family, two family, detached townhouse, and townhouse dwellings. The minimum area requirements also provide for storage space within the garage for storage of waste containers, bicycles, outdoor recreation equipment, seasonal decorations, etc. The minimum area required for dwellings without basements reflects that storage use within the garage is often needed when there is less space inside the dwelling itself.

Residential builders offered the following points regarding the minimum garage space requirements, particularly the additional space required for dwellings without basements:

- No other cities have a similar requirement for additional storage space for dwellings without basements.
- The minimum area requirement, especially that for dwelling units without basements, requires residential builders to modify their building plans specifically for Lakeville.
- A garage area less than 480 square feet is functional and other areas of the country are seeing increased use of one-car garages for townhouse dwellings.

The Planning Commission recommended amending the Zoning Ordinance to eliminate minimum area requirements for all dwellings without basements. City staff is also recommending that the provision requiring lots established after January 1, 1994 be required to provide a site plan accommodating a three-stall attached garage whether construction is intended or not. Development on the remaining vacant lots within the RS-1, RS-2, and RS-3 District are likely to include a three-stall attached garage. Single family lots within the RS-4, RST-1, RST-2 are sized

to allow for three-stall garages if the market desires them making the existing site plan requirement unnecessary.

- **Single Family Lot Requirements.** Single family zoning districts consisted of the R-1, R-2, and R-3 Districts until 2010. The RS-4 District was established with the 2010 Zoning Ordinance update to provide an additional “small-lot” single family district reflecting changes to the housing market after the Great Recession of the 2000s. The single family lot standards for the RS-4 District are used for single family lots allowed in the RST-1, RST-2 and RM-1 Districts, or where a transitional land use is required in the RM-1, RM-2, RH-1, or RH-2 Districts.

District		Minimum Lot Area ¹	Minimum Lot Width ¹
RS-1		20,000sf.	100ft.
RS-2		15,000sf.	100ft.
RS-3		11,000sf.	85ft.
RS-4		8,400sf.	70ft.
RST-2	Permitted	8,400sf.	70ft.
	By CUP	7,500sf.	55ft.
1. Interior lot			

The City recently amended the Zoning Ordinance to include Section 11-57-7.H allowing greater flexibility from the single family lot requirements within the RST-2 District by approval of a conditional use permit, shown above. The intent of these provisions was to codify the flexibilities allowed by the PUD Districts for Spirit of Brandtjen Farm and Avonlea such that lots of varied area and width could be incorporated into an individual neighborhood. Lots with varied lot areas and lot width expands housing choices within these developments, utilizes developable land more efficiently, and helps to achieve regional density requirements. Brookshire was the template development that these standards were first utilized for. These provisions of the lot area/width flexibility were raised at the developer discussion session and discussed by the Planning Commission:

- **Zoning District.** The lot area flexibility is limited to only the RST-2 District. The Planning Commission amending the Zoning Ordinance to make use of the lot flexibility more easily to implement in the RST-2 District by removing the requirement for a Conditional Use Permit. The Planning Commission also recommended expanding the opportunity to for this same lot area and width flexibility more to more areas of the City by allowing lots less than 8,400 square feet or 70 feet in width within the RS-4 and RST-1 District with approval of a Conditional Use Permit.
- **Minimum Lot Area.** The minimum lot area required is 7,500 square feet, but the existing Zoning Ordinance provisions includes additional limitations. The mean and median area of the lots within the preliminary plat must be equal to or greater than the base district allowance. By making the smaller lot area and width standards the minimum requirement in the RST-2 District, these limitations are removed allowing for ease of implementation. As for the allowance of smaller lots in the RS-4 District, the proposed conditional use standards only includes a maximum percentage of lots smaller than the district base standards, again with the intent to ease implementation. These changes are responsive to comments from the residential builders that the existing

provisions are cumbersome to navigate as part of the subdivision design process. City staff believes changes that make these provisions easier to administer would be beneficial and would help meet minimum regional density requirements.

One concern of City staff with reducing the minimum lot area and lot width requirement other than with these additional criteria or through a conditional use permit process is the City's ability to influence the subdivision design is minimized. The Comprehensive Plan encourages subdivision design to utilize a curvilinear street layout that responds to existing natural conditions of a parcel, results in variations in lot areas and widths, and minimizes through traffic and vehicle speeds opposed to a grid layout for streets and blocks. A condition requiring curvilinear subdivision design is proposed in combination with the other modifications to address this issue.

- **Minimum Plat Area.** A minimum preliminary plat area of 100 acres is required to qualify for the lot area flexibility as a conditional use. The intent was to approach such flexibility conservatively, at least initially, limiting the potential application to large tracts. The proposed ordinance amendment would eliminate the minimum preliminary plat area criteria for the RST-2 District. In order to provide a reasonable variety of lot areas/widths for plats within the RS-4 District, a development does need to have a certain scale. Thus, the allowance of lots less than the required based minimum lot area and width requirements for the RS-4 District would be available only for preliminary plats of at least 20 acres.
- **Base Lot Setbacks.** Detached townhouses and townhouse dwellings can be platted in two ways: as a unit and base lot or as a Common Interest Community. When townhouses are platted in a unit and base lot, the building and its dwellings are sited within an individual unit lot(s) surrounded by a base lot owned in common by the homeowners association. The Zoning Ordinance requires a 30 foot setback from a detached townhouse or townhouse building to the base lot perimeter lot line.

The 30 foot setback was established with the 2000 Zoning Ordinance update when the City required a typical 30 foot front yard setback requirement and was meant to separate the townhouse dwellings from surrounding land uses. The Zoning Ordinance has been amended to allow a smaller 20 foot setback on the side of a townhouse building to public rights-of-way. Interior to the base lot, a minimum setback of 14 feet between detached townhouse buildings and 20 feet between townhouse buildings is required and the garage face of a town house must be setback 25 feet from public rights-of-way.

The residential builders at the discussion session and City staff agree that overlapping and varied setback requirements are difficult to apply and reduce the efficiency of development. The Planning Commission recommends the following changes to the RST-2, RM-1, RM-2, RH-1 and RH-2 Districts, which mirror the requirements of the R-3 District:

- Reduce perimeter setback to 10 feet.
- Minimum setbacks between all buildings within the same base lot of 14 feet.
- **Exterior materials.** One of the requirements standardized with the 2000 Zoning Ordinance update was exterior finishes for detached townhouse and townhouse dwellings. The intent of

the regulations is to require durable materials that will minimize long-term maintenance for homeowners associations. These requirements have been modified over time to include new materials such as fiber cement siding or engineered wood:

1. *A minimum 25% of each elevation must be brick or stone.*
2. *No one elevation may have more than 75 percent of one finish except for brick or stone.*
3. *No material may be used for more than 60 percent of all elevations except for brick or stone.*
4. *Except on the front elevation, rock face block, cement fiberboard, or engineered wood qualifies for meeting the brick or stone requirement provided that it extends the full width of the foundation and is at least 60 percent of the area of the elevation.*

The Planning Commission recommended changes to these exterior material requirements, including eliminating the minimum requirements for brick or stone exterior materials for detached townhouse, two family, and townhouse buildings. The proposed amendments also allow for broader use of cement fiber or engineered wood exterior finishes towards meeting the percentages of high quality materials comprising the exterior of these buildings.

- **Planned Unit Development.** The 2000 Zoning Ordinance update include prohibiting use of PUD Districts for land guided Low Density Residential uses by the Comprehensive Plan. This provision was amended to provide for a PUD District for a development of at least 540 acres allowing for the Spirit of Brandjen Farm development and amended again to require a minimum of 320 acres allowing for the Avonlea development. Both of these developments were considered to extraordinary projects that had been the subject of years of planning and include amenities well over and above any City requirement, especially as it relates to parks and open space.

As Lakeville continues to develop at a sustained pace, the number of large tracts to which the option of using a PUD District for development will continue to decrease. Furthermore, remaining, smaller undeveloped parcels may have challenges that cannot be easily addressed through the conventional standards of the Zoning Ordinance. Areas west of I-35 Lakeville are examples. Whereas the 1994 Growth Management Strategic Plan recommended addressing these challenges through larger lot sizes and less dense development, such considerations are not practical given regional minimum residential development densities that are now required to be maintained. This approach to development also does not provide for the same level of natural resource or open space protection that the City achieved through the PUD Districts of Spirit of Brandtjen Farm and Avonlea.

The Planning Commission recommended eliminating the minimum area required for use of a PUD District to allow for greater flexibility in the use of such tools. Use of PUD District would remain at the discretion of the City with Planning Commission review and City Council approval. The purpose statements in Section 11-96-1 of the Zoning Ordinance provide guidance as to the appropriate use of PUD Districts:

- A. *Provide for the establishment of PUD districts in appropriate settings and situations to create or maintain a development pattern that complies with the comprehensive plan.*
- B. *Allow for the mixing of land uses within a development when such mixing of land uses could not otherwise be accomplished under this title.*
- C. *Provide for variations to the strict application of the land use regulations in this title in order to improve site design and operation, while at the same time incorporating design elements (e.g., construction materials, landscaping, lighting, etc.) that exceed the city's standards to offset the effect of any variations.*
- D. *Promote a more creative and efficient approach to land use within the city, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the city.*
- E. *Preserve and enhance natural features and open spaces.*
- F. *Maintain or improve the efficiency of public streets and utilities.*
- G. *Ensure the establishment of appropriate transitions between differing land uses.*

Other Amendments. The Planning Department initiates an annual review of the Zoning Ordinance, Subdivision Ordinance, and/or City Code to address issues identified in the course of ongoing administration of the City's development regulations and review of development applications. City staff and our office have collaborated on drafting of proposed amendment language to address the current list of housekeeping related items for consideration in conjunction with the proposed Missing Middle amendments. The following changes are included in the proposed ordinance amendment:

- **Encroachments.** Code enforcement staff requested a provision be added to the City Code specifically prohibiting land disturbing activities or placement of materials or structures on City properties. This umbrella provision added to Title 7 of the City Code will create the ability to address trespass on City properties through established code enforcement procedures.
- **Street Extensions.** Section 10-4-3.A of the Subdivision Ordinance requires that plats provide for arrangement and extension of streets to connect within existing subdivisions or provide opportunity for subdivision of adjacent unplatted parcels. The Subdivision Ordinance is proposed to be amended to specify that public streets constructed within a plat must be extended to the plat line to allow for continuation of the streets when adjacent parcels are subdivided.
- **Temporary Cul-De-Sacs.** Section 104-3.D.1 of the Subdivision Ordinance requires a temporary cul-de-sac be provided at the terminus end of streets that will be extended in the future, either as part of a future phase of the same plat or for an abutting unplatted parcel. The Subdivision Ordinance is proposed to be amended to clarify that a temporary cul-de-sac is required when the temporary dead-end street is more than two hundred feet in length or accesses more than two dwelling units.

- **Subdivision Ordinance Variances.** The City Attorney is recommending that the provisions for variance within the Subdivision Ordinance be amended to be the same as that of the Zoning Ordinance. The Zoning Ordinance provisions are consistent with the statutory language regarding practical difficulties versus the prior standard of undue hardship.
- **Definitions.** The definition of wall signs within the Zoning Ordinance is proposed to be amended to include canopy and marquee signs for greater clarity in applying the regulations for wall signs established in Chapter 23 of the Zoning Ordinance.
- **Application Administration.** The application sections of the Zoning Ordinance for amendment, conditional use permits, interim use permits, variances, and administrative permits reference fees as provided for by City Council resolution. The reference to City Council resolution is to be replaced by a cross reference to Section 11-1-19 of the Zoning Ordinance that addresses establishment of fees and responsibilities for costs related to zoning applications.
- **Approval Extension.** Approvals for conditional use permits, interim use permits, and variances expire one year from the date of City Council action unless an extension is requested. In order to streamline the extension process, the following modifications are proposed:
 - Terminate one year from the date of approval or from the date a final plat is recorded, whichever is later.
 - Allow administrative approval of a one year extension.
 - Require only City Council approval for extensions; the City Council may refer extension requests to the Planning Commission if warranted.
- **Interim Use Permits.** The Zoning Ordinance currently cross references the process, standards, and criteria for interim use permit applications with the provisions set forth for conditional use permits. Cross referencing was used in the past for duplicative sections of the Zoning Ordinance to reduce the bulk of the printed code book. However, as the regulations are now more often accessed online, reducing the number of clicks necessary to obtain information is a priority. As such, the Zoning Ordinance is to be amended to include procedures and standards for interim use permit applications within Chapter 5 of the Zoning Ordinance.
- **Variance Procedures.** The City Attorney is recommending amendments to the procedures for variance applications set forth by Section 11-6-7 of the Zoning Ordinance, including eliminating the distinct minor and major variance applications. All variance applications will require a public hearing at the Planning Commission with recommendation to the City Council, sitting as the Board of Adjustment, for a final decision consistent with the process outlined by Statute.
- **Exterior Finishes.** Section 11-17-9.B of the Zoning Ordinance establishes various grades of materials used for exterior finishes. This section of the Zoning Ordinance is often amended as new materials or finish techniques are developed that maintain desired aesthetics and durability. City staff is recommending that concrete based exterior cladding systems that are non-structural (opposed to pre-cast concrete panels) be included as a Grade A material.

- **Accessory Building Height.** City staff is recommending modifications of building height limits for detached accessory structures established by Section 11-18-9.C of the Zoning Ordinance for residential uses to better align the allowed heights with the character of development.
- **Off-Street Parking.** City staff is proposing amendment to the number of off-street parking spaces required by Section 11-19-13 of the Zoning Ordinance for commercial recreation uses. The proposed amendments include breaking down commercial recreation uses into various subcategories. The proposed number of spaces to be required for the specific uses are based on Institute of Transportation Engineer Parking Demand Studies, American Planning Association research, and review of other Twin Cities Metropolitan Area city zoning standards.
- **Signs.** The provisions of Section 11-23-15.R.3.a of the Zoning Ordinance require amendment to include the M-1 and M-2 District related signs for multiple tenant buildings.
- **Antennas:**
 - The City Attorney is recommending amendment of Section 11-25-1 and 11-30-23.C of the Zoning Ordinance to address placement of antennas within public rights-of-way, including exemptions from obtaining a conditional use permit.
 - Section 11-30-17.C.2 of the Zoning Ordinance must be amended to correct that a conditional use permit is required for placement of an antenna on other than a public structure or existing tower.
- **Renting Rooms.** The Zoning Ordinance allows renting of rooms within single family dwellings by administrative permit within the RH-1 and RH-2 Districts. As single family dwellings are no longer an allowed use within these districts, the renting of room provisions are proposed to be repealed.
- **RH Districts:**
 - City staff proposes that the Zoning Ordinance be amended to reduce the minimum lot area per dwelling unit requirement for townhomes within the RH-1 District from 5,000 square feet to 3,800 square feet consistent with RM-3 and RH-2 District density.
 - The design and construction standards for townhouses within the RH-1 and RH-2 Districts are also proposed to be revised to mirror the requirements of the RM-3 District rather than the RM-1 District.
 - The transition requirement for RH-1 and RH-2 District zoned property abutting RS Districts is proposed to be amended to only require one tier of townhouse dwellings in order to maintain the density guided by the Comprehensive Plan.
- **Downtown Lakeville.** Development in downtown Lakeville is guided by the Downtown Development Guide. City staff recommends making compliance with the Downtown Development Guide an overall requirement of the District. This change will allow for multiple family dwellings to be listed as a permitted instead of conditional use within the district. This change is proposed to make it easier to develop multiple family dwellings within downtown

Lakeville while adhering to the Downtown Development Guide as to appropriate locations for such uses.

- **Data Centers.** City staff recommends changing data centers from a permitted to conditional use within the O-P District due to potential infrastructure and compatibility issues with such uses and intended character of O-P District development. Data centers are to remain a permitted use within the I-1 and I-2 districts.

CONCLUSION

The information outlined herein is provided as background as to many of the development regulations discussed by Mayor Hellier, City staff, and residential builders current active in Lakeville related to Missing Middle housing issues.

City staff has expanded the list of proposed amendments to also address the routine annual review of the City's development regulations aimed at streamlining processes, maintaining best practices, or addressing administration and implementation issues.

City staff recommends approval of the proposed ordinance amendments of the City's development regulation in the form presented.

- c. Justin Miller, City Administrator
Zachary Johnson, City Engineer
Andrea McDowell Poehler, City Attorney

ORDINANCE NO. _____

CITY OF LAKEVILLE
DAKOTA COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE AND ZONING ORDINANCE
OF THE LAKEVILLE CITY CODE

THE CITY COUNCIL OF THE CITY OF LAKEVILLE ORDAINS:

Section 1. Title 7 of the City Code (Public Ways and Property) is hereby amended to add the following chapter:

CHAPTER 17
ENCROACHMENTS

Section:

7-17-1: Encroachments Generally

7-17-1: ENCROACHMENTS GENERALLY: It is a violation of this code for any person other than the City or its authorized representatives to conduct land disturbance activities or to erect and/or place any improvements, materials, structure or building upon City owned easements, right-of-way, parcels, lots, or outlots except as may be allowed by this code or by written agreement approved by the City Council.

Section 2. Section 10-4-3.A of the Subdivision Ordinance (Design Standards – Streets and Alleys) is hereby amended to read as follows:

- A. Streets, Continuous: ~~Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of arterial and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.~~

1. The arrangement of arterial and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff

of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served in accordance with Comprehensive Plan.

2. Streets within a plat shall connect with existing streets already dedicated in abutting subdivisions, or provide for future connections to adjoining unsubdivided tracts by providing a reasonable projection of streets constructed to the plat line and including a temporary cul-de-sac.
3. For streets within a plat connecting to existing streets in an abutting subdivision that were terminated at the plat line with a temporary cul-de-sac, the subdivider of the connecting plat shall be responsible at their cost for removal of the temporary cul-de-sac, replacement of the curb and street, and restoration of the boulevard and yard.

Section 3. Section 10-4-3.D.1 of the Subdivision Ordinance (Design Standards – Streets and Alleys) is hereby amended to read as follows:

1. In those instances where a street is terminated pending future extension in conjunction with future subdivision and there is more than two hundred feet (200') or more than two (2) dwelling units accessed between the dead end and the nearest intersection, a temporary turnaround shall be provided at the closed end in conformance with cul-de-sac requirements.

Section 4. Section 10-6-2 of the Subdivision Ordinance (Administration and Enforcement - Variances, Planning Commission Recommendations, Standards) is hereby repealed in its entirety and amended to read as follows:

10-6-2: VARIANCES

A. Board of Adjustment. The city council shall act as the board of adjustments and appeals.

B. Findings:

1. The planning commission may recommend, and the board of adjustment may approve a variance from the minimum standards of this title (not procedural provisions) when, in its opinion, the requirements of Section 10-6-2.B.3 have been met.
2. In recommending any variance, the planning commission shall prescribe and the board of adjustment shall impose any conditions related to and bearing a rough proportionality to the impact created by the variance that it deems necessary to or desirable for the public interest.

3. The planning commission shall not recommend and the board of adjustment shall not approve any variance request unless they find failure to grant the variance will result in practical difficulties. " Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by this title, the plight of the landowner is due to circumstances unique to the property not caused by the landowner, and the granting of the variance will not alter the essential character of the neighborhood in which the land is located. Economic considerations alone do not constitute practical difficulties. Practical difficulties includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. The following criteria must also be met:

a. That the variance would be consistent with the comprehensive plan.

b. That the variance would be in harmony with the general purposes and intent of this title.

c. That the variance would not allow a use that is not permitted in the zoning district in which the subject property is located, except as allowed by section 10-6-2.B.5 of this section.

4. Variances shall be granted for earth sheltered construction, as defined in Minnesota Statutes, Section 216C.06, subd. 14, when in harmony with this title.

5. Variances may be permitted for the temporary use of a single-family dwelling as a two-family dwelling.

C. Procedures. Pursuant to Minnesota statutes 15.99, an application for a conditional use permit shall be approved or denied within sixty (60) days from the date of its complete submission unless extended by the city pursuant to statute or a time waiver is granted by the applicant.

1. Requests for a variance shall be filed with the zoning administrator on an official application form.

2. The application shall be considered as being officially submitted complete when the applicant has complied with all of the following information requirements:

a. A written description of the request for the variance, including an explanation of compliance with the variance criteria set forth in section 10-6-2.B of this section.

b. Supporting materials as determined by the zoning administrator as applicable to be necessary for the complete and clear definition and understanding of the request.

- c. A fee as established by ordinance in accordance with Section 11-1-19 of this title, which shall not be refunded.
 - d. A list of property owners located within five hundred feet (500') of the subject property obtained from and certified by an abstract company.
 - d. Certification that there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the parcel of land to which the variance application relates.
- 3. If a variance application is deemed to be incomplete by the zoning administrator, the applicant shall be notified in writing of what information must be provided within fifteen (15) business days of the notice of incompleteness in order for the application to be deemed complete. Failure to provide the required information within fifteen (15) business days shall result in the application being denied as incomplete.
 - 4. Once a variance application is deemed complete by the zoning administrator, the zoning administrator shall direct the application materials to the appropriate city staff to assist the planning commission with developing a recommendation on the application to the board of adjustment. City staff may request additional information from the applicant concerning operational factors or retain expert testimony with the consent and at the expense of the applicant concerning operational factors.
 - 5. A public hearing before the planning commission shall be scheduled no later than thirty (30) days after the date of the completed variance application. The applicant or the applicant's representative shall have an opportunity to appear and discuss the requested variance at the public hearing.
 - 6. Notice of the public hearing before the planning commission shall be mailed to all property owners within five hundred feet (500') of the property to which the variance relates no later than ten (10) days in advance of the public hearing. Failure of a property owner to receive notice shall not invalidate the variance proceedings.
 - 7. The planning commission shall issue a recommendation and findings of fact to the board of adjustment no later than fifteen (15) days after the public hearing. The planning commission may recommend such conditions on the requested variance as may secure the objectives of the regulations or provisions to which the adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare in rough proportionality to the impact created by the variance.
 - 8. The board of adjustments shall make final findings of fact and approve or deny the variance application within thirty (30) days after the close of the public hearing before the planning commission, including any approved conditions for the variance. A variance application may only be approved by a four-fifths (4/5) vote of the full board of adjustment. A copy of this final decision shall be served upon the applicant or the applicant's representative.

9. Any person aggrieved by the final decision of the board adjustment on a variance application shall have the right to appeal that decision within thirty (30) days of the date of service of the final decision, to the Dakota County District Court. Any person seeking judicial review under this chapter must serve their appeal on the city and all necessary parties, including any landowners, within the thirty (30) day period defined above.
10. Whenever an application for a variance has been considered and denied by the board of adjustment, a similar application for a variance affecting substantially the same property shall not be considered again by the planning commission or board of adjustment for at least six (6) months from the date of the denial unless four-fifths (4/5) of the board of adjustment votes to reconsider the application.

D. Expiration:

1. Unless the board of adjustment specifically approves a different time when action is officially taken on the request, approvals which have been issued under the provisions of this chapter shall expire without further action by the planning commission or the board of adjustment, unless the applicant commences the authorized use or improvement within one (1) year of the date the variance is issued.
2. A request for extension of a variance use permit shall be in writing and filed with the City at least thirty (30) days prior to the expiration of the conditional use permit.
3. The request for extension of a variance shall state facts demonstrating that a good faith attempt has been made to complete or utilize the use or activity permitted in the variance.
4. The zoning administrator may administratively approve an extension of a variance, provided that:
 - a. The administrative extension shall not exceed one (1) year from the initial variance expiration date.
 - b. Only one (1) administrative extension shall be granted.
 - c. There shall be no fee for the filing of a request for an administrative extension.
5. The city council may grant an extension of the variance of greater than one (1) year or any additional extensions, provided that:
 - a. The city council may refer an extension request to the planning commission for review to consider if any circumstances related to the initial variance

have changed and provide a recommendation as to approval of an extension.

b. An extension approved by the city council shall not exceed one (1) year.

c. The filing of a petition to the city council for extension shall be accompanied by a fee as provided for by ordinance in accordance with section 1-1-9 of this title.

Section 5. Section 11-2-3 of the Zoning Ordinance (Definitions) is hereby amended to revise the following definition:

WALL SIGN: Any ~~building~~-sign attached parallel to, but within two feet (2') of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface; includes canopy and marquee signs.

Section 6. Section 11-3-2.A of the Zoning Ordinance (Amendment; Administration – Procedure) is hereby amended to read as follows:

A. Request for text and map amendments to the zoning ordinance shall be filed with the zoning administrator on an official application form. Such application shall be accompanied by a fee as provided by ~~city council resolution~~ordinance in accordance with Section 11-1-19 of this title. The request shall be considered as being officially submitted when all the information requirements are complied with as determined by the zoning administrator. In cases when an application is judged to be incomplete, the zoning administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days from the date of submission.

Section 7. Section 11-4-3.A of the Zoning Ordinance (Conditional Use Permits; Administration – Procedure) is hereby amended to read as follows:

A. Request for conditional use permits, as provided within this title, shall be filed with the zoning administrator on an official application form. Unless modified by the zoning administrator, such application shall be accompanied by a fee as provided for by ~~city council resolution~~ordinance in accordance with Section 11-1-19 of this title. The request shall be considered as being officially submitted when all the information requirements are satisfied. In cases where an application is judged to be incomplete, the zoning administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days from the date of submission.

Section 8. Section 11-4-13 of the Zoning Ordinance (Conditional Use Permits; Administration – Expiration) is hereby amended to read as follows:

11-4-13: EXPIRATION: ~~Unless the city council specifically approves a different time when action is officially taken on the request, conditional use permits which have been issued under the provisions of this chapter shall expire without further action by the planning commission or the city council, unless the applicant commences the authorized use within one year of the date the conditional use permit is issued; or, unless before the expiration of the one year period; the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by city council resolution. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. A request for an extension not exceeding one year shall be subject to the review and approval of the zoning administrator. Should a second extension of time or any extension of time longer than one year be requested by the applicant, it shall be presented to the planning commission for a recommendation and to the city council for a decision.~~

A. Unless otherwise specified at the time it is approved by the city council, a conditional use permit shall be null and void and expire if the applicant fails to utilize such conditional use permit and fulfill each and every condition attached thereto within one (1) year from the date of its authorization or from the date a final plat is recorded, whichever is later, unless a petition for an extension of time in which to complete or utilize an extension has been granted.

B. Extensions:

1. A request for extension of a conditional use permit shall be in writing and filed with the City at least thirty (30) days prior to the expiration of the conditional use permit.

2. The request for extension of a conditional use permit shall state facts demonstrating that a good faith attempt has been made to complete or utilize the use or activity permitted in the conditional use permit.

3. The zoning administrator may administratively approve an extension of a conditional use permit, provided that:

a. The administrative extension shall not exceed one (1) year from the initial conditional use permit expiration date.

b. Only one (1) administrative extension shall be granted.

c. There shall be no fee for the filing of a request for an administrative extension.

4. The city council may grant an extension of the conditional use permit of greater than one (1) year or any additional extensions, provided that:

a. The city council may refer an extension request to the planning commission for review to consider if any circumstances related to the initial conditional use permit have changed and provide a recommendation as to approval of an extension.

b. An extension approved by the city council shall not exceed one (1) year.

c. The filing of a petition to the city council for extension shall be accompanied by a fee as provided for by ordinance in accordance with section 1-1-9 of this title.

Section 9. Section 11-5-3 of the Zoning Ordinance (Interim Use Permits; Administration – Procedure) is hereby amended to read as follows:

11-5-3: PROCEDURE: ~~Uses defined as “interim uses” shall be processed according to the standards and procedures for a conditional use permit as established by chapter 4 of this title. Pursuant to Minnesota statutes 15.99, an application for an interim use permit shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the city pursuant to statute or a time waiver is granted by the applicant. Additional city requirements are as follows:~~

A. Request for interim use permits, as provided within this title, shall be filed with the zoning administrator on an official application form. Unless modified by the zoning administrator, such application shall be accompanied by a fee as provided for by city council resolution. The request shall be considered as being officially submitted when all the information requirements are satisfied. In cases where an application is judged to be incomplete, the zoning administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days from the date of submission.

B. Upon receipt of said application, the city clerk shall set a public hearing following proper hearing notification. The planning commission shall conduct the hearing, report its findings and make recommendations to the city council. Notice of said hearing shall consist of a legal property description, description of request and property location, and be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within five hundred feet (500') of the boundary of the property in question.

C. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this title.

- D. The zoning administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the city council.
- E. The planning commission shall consider possible effects of the proposed use with its judgment based upon, but not limited to, the following factors:
1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official city comprehensive plan.
 2. The proposed use is or will be compatible with present and future land uses of the area.
 3. The proposed use conforms with all performance standards contained in this code.
 4. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.
 5. Traffic generation by the proposed use is within capabilities of streets serving the property.
- F. The planning commission and city staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this title. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- G. Unless excused by the planning commission chair, the applicant or a representative thereof shall appear before the planning commission in order to answer questions concerning the proposed request.
- H. The planning commission shall make findings of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this title. Such recommendation shall be in writing and accompanied by the report and recommendation of the city staff, and shall be entered in and made part of the permanent written record of the city council meeting.
- I. The city council shall not grant an interim use permit until the planning commission has held a public hearing on the request. The city council shall act upon the conditional use permit within sixty (60) days from the date of submission of a complete application, unless an extension has been provided, pursuant to Minnesota statutes 15.99.

- J. Upon receiving the report and recommendation of the planning commission and the city staff, the city council shall have the option to set and hold a public hearing if deemed necessary, shall make recorded findings of fact and may impose any condition it considers necessary to protect the public health, safety and welfare.
- K. Subject to limitations of Minnesota statutes 15.99, if, upon receiving said report and recommendations of the planning commission and city staff, the city council finds that specific inconsistencies exist in the review process and thus the final recommendation of the city council may differ from that of the planning commission, the city council may, before taking final action, refer the matter back to the planning commission for further consideration. The city council shall provide the planning commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
- L. Approval of a request shall require passage by a majority vote of the city council.
- M. All decisions made by the city regarding an interim use permit shall be final, except that any aggrieved person shall have the right to appeal within thirty (30) days after delivery of the decision to the appellant, to the District Court in Dakota County. Any person seeking judicial review under this chapter must serve the city and all necessary parties, including any landowners, within the thirty (30) day period defined above
- N. Whenever an application for an interim use permit has been considered and denied by the city council, a similar application for the interim use permit affecting substantially the same property shall not be considered again by the planning commission or city council for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the planning commission or city council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by a majority vote of the city council.

Section 10. Section 11-5-5 of the Zoning Ordinance (Interim Use Permits; Administration – General Standards) is hereby amended to read as follows:

11-5-5: GENERAL PERFORMANCE STANDARDS: An interim use shall comply with the following:

- ~~A. Meet the standards of a conditional use permit set forth in subsection 11-4-3E of this title.~~
- ~~B. Conform to the applicable general performance standards of section 11-4-7 of this title.~~
- ~~C. The use is allowed as an interim use in the respective zoning district.~~

- A. In reviewing applications for interim use permits, the planning commission and the city council may attach whatever reasonable conditions they deem necessary to mitigate anticipated adverse impacts associated with these uses and to achieve the goals and objectives of the comprehensive plan including, but are not limited to, the following:
1. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated and adequate right of way shall be provided.
 2. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with chapter 19 of this title.
 3. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
 4. Adequate off street parking and off street loading shall be provided in compliance with chapters 19 and 20 of this title.
 5. Loading areas and drive-up facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any "adjacent" residential use or district, and provided in compliance with chapter 20 of this title.
 6. Whenever a nonresidential use "is adjacent to" a residential use or district, a buffer area with screening and landscaping shall be provided in compliance with chapter 21 of this title.
 7. General site screening and landscaping shall be provided in compliance with chapter 21 of this title.
 8. All exterior lighting shall be so directed so as not to cast glare toward or onto the public right of way or neighboring residential uses or districts, and shall be in compliance with section 11-16-17 of this title.
 9. Potential exterior noise generated by the use shall be identified and mitigation measures as may be necessary shall be imposed to ensure compliance with section 11-16-25 of this title.
 10. The site drainage system shall be subject to the review and approval of the city engineer.

11. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
12. Provisions shall be made for daily litter control, an interior location for recycling, and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with section 11-18-11 of this title.
13. All signs and informational or visual communication devices shall be in compliance with chapter 23 of this title.
14. The use and site shall be in compliance with any federal, state or county law or regulation that is applicable and any related permits shall be obtained and documented to the city.
15. Any applicable business licenses mandated by this code are approved and obtained.
16. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
17. The use complies with all applicable performance standards of the zoning district in which it is located and where applicable.

DB. The date or event that will terminate the use can be identified with certainty.

E. ~~The use will not impose additional unreasonable costs on the public.~~

FC. ~~The user agrees~~property owner shall agree to any conditions that the city council deems appropriate for permission of the use.

Section 11. Section 11-5-11 of the Zoning Ordinance (Interim Use Permits; Administration – Expiration) is hereby amended to read as follows:

11-5-11: EXPIRATION: ~~Unless the city council specifically approves a different time when action is officially taken on the request, permits which have been issued under the provisions of this chapter shall expire without further action by the planning commission or the city council, unless the applicant commences the authorized use within one year of the date the interim use permit is issued; or, unless before the expiration of the one year period; the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by city council resolution. The request for extension shall state facts showing a~~

~~good faith attempt to complete or utilize the use permitted in the interim use permit. A request for an extension not exceeding one year shall be subject to the review and approval of the zoning administrator. Should a second extension of time or any extension of time longer than one year be requested by the applicant, it shall be presented to the planning commission for a recommendation and to the city council for a decision.~~

A. Unless otherwise specified at the time it is approved by the city council, an interim use permit shall be null and void and expire if the applicant fails to utilize such interim use permit and fulfill each and every condition attached thereto within one (1) year from the date of its authorization or recording a final plat, whichever is later, unless a petition for an extension of time in which to complete or utilize an extension has been granted.

B. Extensions:

1. A request for extension of an interim use permit shall be in writing and filed with the City at least thirty (30) days prior to the expiration of the conditional use permit.

2. The request for extension of an interim use permit shall state facts demonstrating that a good faith attempt has been made to complete or utilize the use or activity permitted in the conditional use permit.

3. The zoning administrator may administratively approve an extension of an interim use permit, provided that:

a. The administrative extension shall not exceed one (1) year from the initial conditional use permit expiration date.

b. Only one (1) administrative extension shall be granted.

c. There shall be no fee for the filing of a request for an administrative extension.

4. The city council may grant an extension of the interim use permit of greater than one (1) year or any additional extensions, provided that:

a. The city council may refer an extension request to the planning commission for review to consider if any circumstances related to the initial interim use permit have changed and provide a recommendation as to approval of an extension.

b. An extension approved by the city council shall not exceed one (1) year.

- c. The filing of a petition to the city council for extension shall be accompanied by a fee as provided for by ordinance in accordance with section 1-1-9 of this title.

Section 12. Section 11-6-7 of the Zoning Ordinance (Variances; Administration – Procedures) is hereby repealed in its entirety and amended to read as follows:

11-6-7: PROCEDURES: Pursuant to Minnesota statutes 15.99, an application for a conditional use permit shall be approved or denied within sixty (60) days from the date of its complete submission unless extended by the city pursuant to statute or a time waiver is granted by the applicant.

A. Requests for a variance shall be filed with the zoning administrator on an official application form.

B. The application shall be considered as being officially submitted complete when the applicant has complied with all of the following information requirements:

1. A written description of the request for the variance, including an explanation of compliance with the variance criteria set forth in section 10-6-2.B of this section.

2. Supporting materials as determined by the zoning administrator as applicable to be necessary for the complete and clear definition and understanding of the request.

3. A fee as established by ordinance in accordance with Section 11-1-19 of this title, which shall not be refunded.

4. A list of property owners located within five hundred feet (500') of the subject property obtained from and certified by an abstract company.

5. Certification that there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the parcel of land to which the variance application relates.

C. If a variance application is deemed to be incomplete by the zoning administrator, the applicant shall be notified in writing of what information must be provided within fifteen (15) business days of the notice of incompleteness in order for the application to be deemed complete. Failure to provide the required information within fifteen (15) business days shall result in the application being denied as incomplete.

D. Once a variance application is deemed complete by the zoning administrator, the zoning administrator shall direct the application materials to the appropriate city staff to assist the planning commission with developing a recommendation on the application to the board of adjustment. City staff may request additional information from the applicant concerning

operational factors or retain expert testimony with the consent and at the expense of the applicant concerning operational factors.

- E. A public hearing before the planning commission shall be scheduled no later than thirty (30) days after the date of the completed variance application. The applicant or the applicant's representative shall have an opportunity to appear and discuss the requested variance at the public hearing.
- F. Notice of the public hearing before the planning commission shall be mailed to all property owners within five hundred feet (500') of the property to which the variance relates no later than ten (10) days in advance of the public hearing. Failure of a property owner to receive notice shall not invalidate the variance proceedings.
- G. The planning commission shall issue a recommendation and findings of fact to the board of adjustment no later than fifteen (15) days after the public hearing. The planning commission may recommend such conditions on the requested variance as may secure the objectives of the regulations or provisions to which the adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare in rough proportionality to the impact created by the variance.
- H. The board of adjustments shall make final findings of fact and approve or deny the variance application within thirty (30) days after the close of the public hearing before the planning commission, including any approved conditions for the variance. A variance application may only be approved by a four-fifths (4/5) vote of the full board of adjustment. A copy of this final decision shall be served upon the applicant or the applicant's representative.
- I. Any person aggrieved by the final decision of the board adjustment on a variance application shall have the right to appeal that decision within thirty (30) days of the date of service of the final decision, to the Dakota County District Court. Any person seeking judicial review under this chapter must serve their appeal on the city and all necessary parties, including any landowners, within the thirty (30) day period defined above.
- J. Whenever an application for a variance has been considered and denied by the board of adjustment, a similar application for a variance affecting substantially the same property shall not be considered again by the planning commission or board of adjustment for at least six (6) months from the date of the denial unless four-fifths (4/5) of the board of adjustment votes to reconsider the application.

Section 13. Section 11-6-9 of the Zoning Ordinance (Variances; Administration – Expiration) is hereby repealed in its entirety and amended to read as follows:

11-6-9: EXPIRATION:

- A. Unless the board of adjustment specifically approves a different time when action is officially taken on the request, approvals which have been issued under the provisions of this chapter shall expire without further action by the planning commission or the board of

adjustment, unless the applicant commences the authorized use or improvement within one (1) year of the date the variance is issued.

B. A request for extension of a variance use permit shall be in writing and filed with the City at least thirty (30) days prior to the expiration of the conditional use permit.

C. The request for extension of a variance shall state facts demonstrating that a good faith attempt has been made to complete or utilize the use or activity permitted in the variance.

D. The zoning administrator may administratively approve an extension of a variance, provided that:

1. The administrative extension shall not exceed one (1) year from the initial variance expiration date.

2. Only one (1) administrative extension shall be granted.

3. There shall be no fee for the filing of a request for an administrative extension.

E. The city council may grant an extension of the variance of greater than one (1) year or any additional extensions, provided that:

1. The city council may refer an extension request to the planning commission for review to consider if any circumstances related to the initial variance have changed and provide a recommendation as to approval of an extension.

2. An extension approved by the city council shall not exceed one (1) year.

3. The filing of a petition to the city council for extension shall be accompanied by a fee as provided for by ordinance in accordance with section 1-1-9 of this title.

Section 14. Section 11-7-9.A of the Zoning Ordinance (Appeals; Administration – Procedures) is hereby amended to read as follows:

A. The property owner or their agent shall file with the zoning administrator a notice of appeal stating the specific grounds upon which the appeal is made. Said application shall be accompanied by a fee as established by ~~city council resolution~~ ordinance in accordance with Section 11-1-19 of this title. In cases where the application is judged to be incomplete, the zoning administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days of the date of submission.

Section 15. Section 11-8-3.A.2 of the Zoning Ordinance (Administrative Permits and Approvals; Administration – Procedures) is hereby amended to read as follows:

2. ~~The application shall be accompanied by a fee as established by city council resolution.~~ Applications for amending administrative permits shall be accompanied by a fee as established by city council resolution ordinance in accordance with Section 11-1-19 of this title.

Section 16. Section 11-9-7.A of the Zoning Ordinance (Site Plan Review; Administration – Procedures) is hereby amended to read as follows:

- A. Filing Of Request: Request for site plan approval, as provided within this title, shall be filed with the zoning administrator on an official application form. Such application shall be accompanied by a fee as established by resolution ordinance in accordance with Section 11-1-19 of this title. Such application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the zoning administrator, fully explaining the proposed change, development, or use. The request shall be considered as being officially submitted and complete when the applicant has complied with all specified information requirements. In cases where an application is judged to be incomplete, the zoning administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days of the date of submission.

Section 17. Section 11-17-9.B.1.d of the Zoning Ordinance (General Yard, Lot Area, and Building Regulations – Building Type and Construction) is hereby amended to add the following provision with subsequent sections renumbered accordingly:

- d. Concrete exterior cladding systems (non-structural) with a brick, stone, or other masonry-type appearance.

Section 18. Section 11-17-9.F of the Zoning Ordinance (General Yard, Lot Area, and Building Regulations – Building Type and Construction) is hereby amended to read as follows:

F. ~~Site Plan:~~

1. ~~For lots of record and preliminary platted lots having legal standing established on January 1, 1994, all site plans for single family homes shall provide for the location of a two (2) stall garage, whether or not construction is intended.~~

2. ~~For lots of record established after January 1, 1994, all site plans for single family homes must provide for the location of a three (3) stall attached garage, whether or not construction is intended.~~

F. For lots of record established after January 1, 1994, each single family dwelling shall include an attached garage meeting the requirements of section 11-18-7.D of this title.

Section 19. Section 11-18-7.D of the Zoning Ordinance (Accessory Buildings, Structures, Uses and Equipment – Single Family Dwelling Accessory Uses) is hereby amended to read as follows:

D. Attached Garages:

1. The area and width of an attached garage shall be measured by interior dimensions.
2. ~~Attached garages shall comply with the following dimension standards~~Minimum Requirements:

a. ~~Minimum Floor Area Of An Attached Garage:~~

(1) ~~For dwellings with basements: Four hundred eighty (480) square feet.~~

(2) ~~For dwellings without basements: Five hundred forty (540) square feet.~~

a. The minimum floor area of an attached garage shall be four hundred (480) square feet.

b. Attached garages shall be a minimum of twenty two feet (22') in width.

c. The maximum width of the facade of an attached garage within the RS-4, RST-2, RM-1, and RM-2, ~~RH-1 and RH-2~~ Districts shall be thirty six feet (36').

3. Allowed Floor Area:

a. ~~The maximum floor area of an attached garage shall be one thousand (1,000) square feet except allowed by section 11-18-7.D.3.b of this title.~~

~~b. An attached garage for a single family dwelling with an above grade finished floor area of more than two thousand (2,000) square feet within the RS-1, RS-2, and RS-3 Districts:~~

~~(1) The maximum floor area shall be one thousand two hundred fifty (1,250) square feet.~~

~~(2) For lots greater than one (1) acre in area the maximum floor area may be greater than one thousand two hundred fifty (1,250) square feet by conditional use permit subject to the provisions listed in section 11-18-5 of this chapter.~~

ca. The area of the attached garage shall comply with the limitations specified in Section 11-18-9.D of this title.

db. Storage spaces located directly below attached garages shall not be considered in determining allowable accessory building floor area.

4. An attached garage shall comply with all building and setback requirements applicable to the principal building.

Section 20. Section 11-18-9.C of the Zoning Ordinance (Accessory Buildings, Structures, Uses and Equipment – All Zoning Districts) is hereby amended to read as follows:

C. Height: Accessory structures and buildings shall comply with the following height limitations, except as may be allowed by conditional use permit:

1. Buildings and Structures Accessory to Detached Single-Family Dwellings:

Zoning District	Maximum Height
A-P	20 feet
RA	20 feet
RS-1	20 feet
RS-2	15 feet
RS-3	15 feet
RS-4	15 feet
RS-CBD	15 feet
<u>RSMH</u>	<u>15 feet</u>
RST-1	15 feet
RST-2	15 feet

RM-1	15 feet
RM-2	15 feet
RH-1	15 feet
RH-2	15 feet

2. Structures and buildings accessory to Detached Accessory Buildings Other Than Garages: ~~Detached accessory buildings other than garages shall be limited to fifteen feet (15') in height on all two-family, or townhouse-unit lots, or multiple family uses: shall be limited to twenty feet (20') in height.~~
3. Structures and buildings accessory to Multiple-Family ~~And nonresidential uses:~~
 - a. ~~Detached accessory buildings and structures shall be limited to twenty feet (20') in height for all multiple family uses.~~
 - b. ~~Accessory buildings and structures for non-residential uses~~ shall be limited to the height allowed for principal buildings within the respective zoning districts, unless otherwise limited by this title.
4. Conditional Use Permit: Application for a conditional use permit to allow a structure or building with a height greater than that allowed under this section may be granted provided that:
 - a. There is a functional need for the additional height while maintaining that the structure is accessory to the principal use consistent with the intent of this title.
 - b. The additional height is necessary to maintain an evident architectural character compatible to the principal building.
 - c. In no case shall the height of an accessory building exceed that of the principal building on the lot on which it is located within the RS-3, RS-4, RST-1, RST-2, RM-1, RM-2, RH-1, RH-2, districts.

Section 21. Section 11-18-9.D of the Zoning Ordinance (Accessory Buildings, Structures, Uses and Equipment – All Zoning Districts) is hereby amended to read as follows:

- D. Except for agricultural buildings on farms, as expressly permitted by conditional use permit, the combination of accessory buildings and garages shall not exceed either of the following area limitations per unit or the total gross floor area of the principal structure, whichever is least:

Zoning District	Use	Percentage Of Lot Area That May Be Occupied By The Accessory Building	Maximum Combined Allowable Floor Area Per Unit (Square Feet)
A-P	All uses	Not applicable	Not applicable
RA	Single-family	40 percent	8,712
RS-1	Single-family	40 percent	2,000
RS-2	Single-family	40 percent	1,500
RS-3	Single-family	40 percent	1,500
RS-4	Single-family	40 percent	1,100 (interior lot) 1,250 (corner lot)
RS-CBD	Single-family	40 percent	840 (interior lot) 1,008 (corner lot)
RST-1	Single-family	40 percent	1,500
	Two-family	40 percent	750
RST-2	Single-family	40 percent	1,100 (interior lot) 1,250 (corner lot)
	Detached townhomes	40 percent	750
	Two-family	40 percent	750
RM-1, RM-2, and RM-3	Single-family	40 percent	1,100 (interior lot) 1,250 (corner lot)
	Two-family	40 percent	750
	<u>Detached townhomes</u>		<u>750</u>
	Townhouse	40 percent	750
RH-1 and RH-2	Single-family	40 percent	1,100 (interior lot) 1,250 (corner lot)
	Two-family	40 percent	750
	Townhouse	40 percent	750
	<u>Multiple Family</u>		<u>10 percent of lot area</u>

Section 22. Section 11-19-13.A of the Zoning Ordinance (Off-Street Parking - Number of Spaces Required) is hereby amended to include the following rows:

<u>Commercial/industrial:</u>			
=	<u>Commercial Recreation</u>	<u>Bowling alleys</u>	<u>5 spaces for each lane plus additional spaces for ancillary uses as required by this section</u>
		<u>Fitness centers</u>	<u>1 space for each exercise station, plus 1 space for every 2 persons design capacity for group activity areas, plus additional spaces for office, food service or other ancillary uses as required by this section</u>
		<u>Golf courses</u>	<u>4 spaces for each green plus 50 percent of the parking space requirement for any associated retail use; on site restaurant and/or banquet facilities shall provide additional spaces for that use as required by this section.</u>
		<u>Golf driving ranges</u>	<u>10 spaces plus 1 space for each 100 square feet of floor area.</u>
		<u>Pickleball, racquet, or tennis court</u>	<u>5 spaces for each court</u>
		<u>Skating rink</u>	<u>20 spaces plus 1 space for each 200 square feet over 2,000 square feet</u>
		<u>Other indoor facilities</u>	<u>1 space for every 2 persons at maximum fire code capacity</u>
		<u>Other outdoor facilities</u>	<u>1 space for every 2 persons of maximum design capacity.</u>

Section 23. Section 11-19-13.A of the Zoning Ordinance (Off-Street Parking - Number of Spaces Required) is hereby amended to delete the following rows:

Commercial/industrial:	
------------------------	--

	Bowling alleys	5 spaces per lane plus spaces as required for other uses within the principal structure.
	Fitness centers	1 space per exercise station (e.g., strength machine or cardiovascular) plus 1 space per employee on the largest shift plus additional parking required for ancillary uses.
	Golf courses	4 stalls per hole plus 50 percent of the parking stall requirement for any associated retail use; on site restaurant and/or banquet facilities shall provide parking stalls for that use as required by this section.

Section 24. Section 11-19-13.A of the Zoning Ordinance (Off-Street Parking - Number of Spaces Required) is hereby amended to revise the following rows:

Commercial/industrial:		
	Skating rink, b Banquet hall, private or public auction house	20 spaces plus 1 space per 200 square feet over 2,000 square feet.

Section 25. Section 11-23-15.R.3.a of the Zoning Ordinance (Signs – General Regulations) is hereby amended to read as follows:

a. Within the O-R, M-1, M-2, C-1, C-2, C-3, C-CBD, and O-P districts:

- (1) The number of individual wall, canopy, or marquee signs shall be limited to one (1) elevation per tenant space except additional sign(s) may be displayed on a second elevation for the tenant of a corner suite or a suite that extends through the building thus having two (2) exterior walls.
- (2) The tenant's business shall have an exclusive exterior entrance except when the tenant occupies greater than twenty percent (20%) of the net leasable area of the building.

- (3) The sign(s) shall be located only on the exterior wall of the tenant space to which the sign permit is issued, except when the tenant occupies greater than twenty percent (20%) of the net leasable area of the building, but is (are) not required to face a public street.
- (4) Each sign and the total area of all signs on a single elevation for an individual tenant shall be limited to the maximum wall sign size permitted in the applicable zoning district provisions in section 11-23-19 of this chapter.

Section 26. Section 11-25-1 of the Zoning Ordinance (Public Property/Rights of Way) is hereby repealed in its entirety and amended to read as follows:

11-25-1: COVERAGE: The erection and/or placement of any structure in the public right of way or on city property by any person, or group other than the city of Lakeville, Dakota County, metropolitan council, the state of Minnesota, federal government or franchised utility shall require the processing of a conditional use permit in accordance with chapter 4 of this title. Exceptions to this provision include newsstands; USPS mailboxes, essential services, signs allowed under chapter 23 of this title, radio receivers and transmitters as an accessory use to essential services, personal wireless communication antennas located on existing lattice electrical transmission towers, and small wireless facilities and wireless support structures as defined in Minnesota Statutes section 237.162, provided that the use and equipment comply with all applicable requirements of this title.

Section 27. Section 11-30-17.C.2 of the Zoning Ordinance (Antennas – Personal Wireless Service Antennas) is hereby amended to read as follows:

2. Antennas Not Located Upon An Existing Structure Or Existing Tower: Personal wireless service antennas not located upon a public structure or tower shall require the processing of an administrative conditional use permit and shall comply with the following standards:
 - a. If there is no existing structure which meets the height requirements for mounting the antennas, the antennas may be mounted upon a monopole tower not exceeding one hundred fifty feet (150') in height. The tower shall be located on a parcel having a setback equal to the height of the tower measured between the base of the pole or tower located nearest the property line and said property line, unless a qualified engineer specifies in writing that the collapse of the pole or tower will occur within a lesser distance under all foreseeable circumstances.
 - b. An administrative conditional use permit is issued in compliance with the provisions of chapter 84 of this title.

Section 28. Section 11-30-23.C of the Zoning Ordinance (Antennas – Telecommunications Right-of-Way Users) is hereby repealed in its entirety and amended to read as follows:

C. Conditional Use Permit Required: The following require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3.E and section 11-4-7 of this title.

1. Poles and towers used exclusively for the placement of wireless antennas, provided the pole or tower complies with the standards and criteria set forth in this chapter, except that a conditional use permit shall not be required for a wireless support structure as defined in Minnesota Statutes section 237.162.
2. Ground mounted equipment that exceeds the size limit specified in section 11-30-23.B.2 of this section.

Section 29. Section 11-53-7 of the Zoning Ordinance (RS-4 District – Conditional Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

H. Single-family detached dwellings; reduction of minimum lot area and width requirements, provided that:

1. The preliminary plat shall have a minimum net developable area of twenty (20) acres or greater.
2. Not more than thirty five (35) percent of the lots within the preliminary plat shall have a lot area or width less than the minimums required by Section 11-53-13 of this title.
3. The preliminary plat shall have direct access via minor collector or local streets to an arterial or major collector street as defined by the Comprehensive Plan.
4. Sewer and water utility capacity consistent with the Comprehensive Plan is sufficient and available to accommodate the preliminary plat, subject to review and approval of the City Engineer.
5. Lots less than the minimum area and width required by Section 11-53-13 of this title shall comply with the following, subject to additional requirements, exceptions, and modifications set forth in this title:

<u>Lot area:</u>	
<u>Corner</u>	<u>9,520 square feet</u>
<u>Interior</u>	<u>7,500 square feet</u>

<u>Lot width:</u>	
<u>Corner</u>	<u>70 feet</u>
<u>Interior</u>	<u>55 feet</u>
<u>Setbacks:</u>	
<u>Front yards</u>	<u>20 feet to the principal building; and 25 feet to the face of the garage</u>
<u>Rear yards</u>	<u>30 feet</u>
<u>Side yards</u>	<u>7 feet from the adjacent lot, or 20 feet on the side yard abutting a public right of way</u>
<u>Maximum building coverage</u>	<u>40 percent</u>
<u>Buffer yard</u>	<u>Refer to subsection 11-21-9E1 of this title</u>

6. The subdivision design shall provide for a curvilinear form of street layout, opposed to a grid pattern, based on consideration for natural and man-made barriers to organize lots and blocks, minimize through traffic, and calm traffic speeds.

Section 30. Section 11-57-7.H of the Zoning Ordinance (RST-2 District – Conditional Uses) is hereby repealed and subsequent sections renumbered accordingly:

H. ~~Single family detached dwellings; reduction of minimum lot area and width requirements for a preliminary plat having a net developable area of one hundred (100) acres or greater, provided that:~~

1. ~~The mean area of all single family lots within the preliminary plat shall be equal to or greater than the minimum lot area required by Section 11-57-15.A of this title.~~
2. ~~Not more than thirty five (35) percent of the lots within the preliminary plat shall have a lot area or width less than the minimums required by Section 11-57-15.A of this title.~~

<u>Lot area:</u>	
<u>Corner</u>	<u>9,520 square feet</u>
<u>Interior</u>	<u>7,500 square feet</u>
<u>Lot width:</u>	
<u>Corner</u>	<u>70 feet</u>
<u>Interior</u>	<u>55 feet</u>
<u>Setbacks:</u>	

Front yards	20 feet to the principal building; and 25 feet to the face of the garage
Rear yards	30 feet
Side yards	7 feet from the adjacent lot, or 20 feet on the side yard abutting a public right of way
Maximum building coverage	40 percent
Buffer yard	Refer to subsection 11-21-9E1 of this title

3. ~~Lots less than the minimum area and width required by Section 11-57-15.A of this title shall comply with the following, subject to additional requirements, exceptions, and modifications set forth in this title:~~
4. ~~Sewer and water utility capacity consistent with the Comprehensive Plan is sufficient and available to accommodate the preliminary plat, subject to review and approval of the City Engineer.~~
5. ~~The preliminary plat shall have direct access via minor collector or local streets to an arterial or major collector street as defined by the Comprehensive Plan.~~

Section 31. Section 11-57-15.B of the Zoning Ordinance (RST-2 District – Lot Requirements and Setbacks) is hereby amended to read as follows:

B. ~~Detached townhome and two-family dwellings:~~

1. ~~Unit Lots: The following minimum unit lot requirements shall be applied to the subdivision of detached townhome and two-family dwellings to permit individual private ownership of a single dwelling within such a structure:~~
 - a. ~~Lot Area: Detached townhome and two-family unit lots shall have sufficient lot area to include the living area, garages, decks, patios, or porches of the individual dwelling units.~~
2. ~~Base Lot Setbacks:~~
 - a. ~~A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development.~~
3. ~~Building Setbacks: The following minimum internal setbacks shall be imposed on detached townhome and two-family developments that include more than one principal structure on a base lot:~~

- a. ~~Setback between buildings within the same base lot preliminary platted after April 5, 2004, shall maintain a minimum separation of fourteen feet (14').~~
- b. ~~Buildings shall be set back a minimum of twenty feet (20') from public rights of way except that the garage face shall be set back twenty five feet (25') from public rights of way.~~
- c. ~~A protective natural buffer and building setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.~~

B. Detached townhome and two-family dwellings. The following minimum unit and base lot requirements shall be applied to the subdivision of detached townhome and two-family dwellings to permit individual private ownership of a single dwelling within a structure:

- 1. Unit Lots. Unit lots shall have sufficient lot area to include the living area, garage, decks, patios, or porches of the individual dwelling units.
- 2. Base Lot Setbacks. A minimum setback of ten feet (10') shall be required at the periphery of the base lot.
- 3. Setbacks Between Buildings. A minimum setback of fourteen feet (14') shall be required between buildings within the same base lot.
- 4. Setback from Public Rights-of-Way. Buildings shall be set back a minimum of twenty feet (20') from public rights of way, except that the garage face shall be set back twenty five feet (25') from public rights of way.
- 5. Wetlands. A protective natural buffer and building setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.

Section 32. Section 11-57-15.A of the Zoning Ordinance (RST-2 District – Lot Requirements and Setbacks) is hereby amended to read as follows:

A. Single-family detached dwellings:

Lot area:	
-----------	--

Corner	40,200 <u>9,520</u> square feet
Interior	8,400 <u>7,500</u> square feet
Lot width:	
Corner	<u>85</u> 70 feet
Interior	<u>70</u> <u>55</u> feet
Setbacks:	
Front yards	20 feet to the principal building; and 25 feet to the face of the garage
Rear yards	30 feet
Side yards	7 feet from the adjacent lot, or 20 feet on the side yard abutting a public right of way
Maximum building coverage	40 percent
Buffer yard	Refer to subsection 11-21-9E1 of this title

Section 33. Section 11-57-19.B.3 of the Zoning Ordinance (RST-2 District – Two Family and Detached Townhome Design and Construction Standards) is hereby amended to read as follows:

3. ~~Exterior Building Finish, Detached Townhome Dwelling And Two-Family Dwelling Units: The exterior of detached townhome and two family dwelling units shall include a variation in building materials which are to be distributed throughout the building elevations and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, detached townhome and two family dwelling structures shall comply with the following requirements:~~
 - a. ~~A minimum of twenty five percent (25%) of the area of each elevation of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.~~
 - b. ~~Except for brick, stucco, and/or natural or artificial stone, no single elevation shall have more than seventy five percent (75%) of one type of exterior finish.~~
 - c. ~~Except for brick, stucco, and/or natural or artificial stone, no townhome dwelling structure shall have more than sixty percent (60%) of all elevations of one type of exterior finish.~~
 - d. ~~For the purpose of this section:~~

- ~~(1) The area of the elevation shall not include area devoted to windows, entrance doors, garage doors, or roof areas.~~
- ~~(2) Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different materials meeting the requirements of this section.~~
- ~~(3) Integral colored split face (rock face) concrete block or cement fiberboard shall qualify for meeting the brick, stucco and/or natural or artificial stone exterior material requirements for any elevation of a building that is not its front defined by the primary exterior entrance. If these materials are used to meet the brick, stucco and/or natural or artificial stone exterior material requirement for the other elevations, the material shall extend the full width of the foundation adjacent at ground level and shall be used for at least sixty percent (60%) of the area of that elevation.~~

3. Exterior Building Finish: The exterior of detached townhome and two-family dwelling units shall include a variation in building materials that are to be distributed throughout the building elevations and coordinated into the architectural design of the structure to create an architecturally balanced appearance and shall comply with the following requirements:

- a. Except for brick, stucco, and/or natural or artificial stone, no single elevation shall have more than seventy five percent (75%) of one type of exterior finish.
- b. Except for brick, stucco, and/or natural or artificial stone, no townhome dwelling structure shall have more than sixty percent (60%) of all elevations of one type of exterior finish.
- c. For the purpose of this section:

- (1) The area of the elevation shall not include area devoted to windows, entrance doors, garage doors, or roof areas.
- (2) Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different materials meeting the requirements of this section.
- (3) Integral colored split face (rock face) concrete block, cement fiberboard, or engineered wood shall be considered the same as brick, stucco, and/or natural or artificial stone exterior materials for

any elevation of a building that is not its front defined by the primary exterior entrance.

Section 34. Section 11-57-19.C.2 of the Zoning Ordinance (RST-2 District – Two Family and Detached Townhome Design and Construction Standards) is hereby amended to read as follows:

2. ~~Garages shall comply with the following minimum size standards~~Minimum Requirements:
 - a. ~~For dwellings with basements:~~ Garages shall have a minimum area of four hundred forty (440) square feet.
 - b. ~~For dwellings without basements: Five hundred forty (540) square feet.~~
 - c. Garages shall be a minimum of twenty feet (20') in width ~~measured by interior dimensions.~~

Section 35. Section 11-58-17 of the Zoning Ordinance (RM-1 District – Lot Requirements and Setbacks) is hereby amended to read as follows:

~~11-58-17: LOT REQUIREMENTS AND SETBACKS:~~ The following minimum requirements shall be observed in an RM-1 district subject to additional requirements, exceptions and modifications set forth in this title:

A. ~~Single Family Detached Dwellings:~~

Lot area:		
Corner		10,200 square feet
Interior		8,400 square feet
Lot width:		
Corner		85 feet
Interior		70 feet
Setbacks:		
Front yards		20 feet to the principal building; and 25 feet to the face of the garage
Rear yards		30 feet
Side yards		7 feet from the adjacent lot, or 20 feet on the side yard abutting a public right of way

Maximum building coverage	40 percent
---------------------------	------------

~~Buffer yard requirements as applicable to the RS-4 district shall apply to single-family lots within the RM-1 district.~~

~~B. Two-Family And Townhome Dwellings:~~

~~1. Unit Lots: The following minimum unit lot requirements shall be applied to the subdivision of detached townhome and two-family dwellings to permit individual private ownership of a single dwelling within such a structure:~~

~~a. Lot Area: Detached townhome and two-family unit lots shall have sufficient lot area to include the living area, garages, decks, patios, or porches of the individual dwelling units.~~

~~2. Base Lot Setbacks:~~

~~a. A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development.~~

~~3. Building Setbacks: The following minimum internal setbacks shall be imposed on detached townhome and two-family developments that include more than one principal structure on a base lot:~~

~~a. Setback between buildings within the same base lot preliminary platted after April 5, 2004, shall maintain a minimum separation of fourteen feet (14').~~

~~b. Buildings shall be set back a minimum of twenty feet (20') from public rights of way except that the garage face shall be set back twenty five feet (25') from public rights of way.~~

~~c. A protective natural buffer and building setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.~~

~~4. Buffer Yard: The additional screening and lot requirements of subsection 11-21-9E of this title shall apply.~~

11-58-17: LOT REQUIREMENTS AND SETBACKS: The following minimum unit and base lot requirements shall be observed in an RM-1 District, subject to additional requirements, exceptions and modifications set forth in this title, and applied to the subdivision of detached townhome, two-family, and townhome dwellings to permit individual private ownership of a single dwelling within such a structure:

- A. Unit Lots. Unit lots shall have sufficient lot area to include the living area, garages, decks, patios, or porches of the individual dwelling units.
- B. Base Lot Setbacks. A minimum setback of ten feet (10') shall be required at the periphery of the base lot.
- C. Setbacks Between Buildings. A minimum setback of fourteen feet (14') shall be required between buildings within the same base lot.
- D. Setbacks from Public Rights-of-Way. Buildings shall be set back a minimum of twenty feet (20') from public rights of way, except that the garage face shall be set back twenty five feet (25') from public rights of way.
- E. Private Drive Setbacks. Buildings shall be set back a minimum of thirty feet (30') from the back of curb line of private drives.
- F. Wetlands. A protective natural buffer and building setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.
- G. Buffer Yard: The additional screening and lot requirements of subsection 11-21-9E of this title shall apply.

Section 36. Section 11-58-21.B.3 of the Zoning Ordinance (RM-1 District –Design and Construction Standards) is hereby amended to read as follows:

- ~~3. Exterior Building Finish, Detached Townhome Dwelling, Two Family, And Townhouse Dwelling Units: The exterior of detached townhome, two family, and townhouse dwelling units shall include a variation in building materials which are to be distributed throughout the building elevations and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, detached townhome, two family, and townhouse dwelling structures shall comply with the following requirements:~~
 - ~~a. A minimum of twenty five percent (25%) of the area of each elevation of a structure shall have an exterior finish of brick, stucco, and/or natural or artificial stone.~~
 - ~~b. Except for brick, stucco, and/or natural or artificial stone, no single elevation shall have more than seventy five percent (75%) of one type of exterior finish.~~

c. ~~Except for brick, stucco, and/or natural or artificial stone, no townhome dwelling structure shall have more than sixty percent (60%) of all elevations of one type of exterior finish.~~

d. ~~For the purpose of this section:~~

(1) ~~The area of the elevation shall not include area devoted to windows, entrance doors, garage doors, or roof areas.~~

(2) ~~Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different materials meeting the requirements of this section.~~

(3) ~~Integral colored split face (rock face) concrete block or cement fiberboard shall qualify for meeting the brick, stucco and/or natural or artificial stone exterior material requirements for any elevation of a building that is not its front defined by the primary exterior entrance. If these materials are used to meet the brick, stucco and/or natural or artificial stone exterior material requirement for the other elevations, the material shall extend the full width of the foundation adjacent at ground level and shall be used for at least sixty percent (60%) of the area of that elevation.~~

3. Exterior Building Finish: The exterior of detached townhome, two-family and townhome dwelling units shall include a variation in building materials that are to be distributed throughout the building elevations and coordinated into the architectural design of the structure to create an architecturally balanced appearance and shall comply with the following requirements:

a. Except for brick, stucco, and/or natural or artificial stone, no single elevation shall have more than seventy five percent (75%) of one type of exterior finish.

b. Except for brick, stucco, and/or natural or artificial stone, no townhome dwelling structure shall have more than sixty percent (60%) of all elevations of one type of exterior finish.

c. For the purpose of this section:

(1) The area of the elevation shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

(2) Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different materials meeting the requirements of this section.

(3) Integral colored split face (rock face) concrete block, cement fiberboard, or engineered wood shall be considered the same as brick, stucco, and/or natural or artificial stone exterior materials for any elevation of a building that is not its front defined by the primary exterior entrance.

Section 37. Section 11-58-21.C.2 of the Zoning Ordinance (RM-1 District – Design and Construction Standards) is hereby amended to read as follows:

2. ~~Garages shall comply with the following minimum size standards~~Minimum Requirements:
 - a. ~~For dwellings with basements: F~~Garages shall have a minimum area of four hundred forty (440) square feet.
 - b. ~~For dwellings without basements: Five hundred forty (540) square feet.~~
 - c. ~~Garages shall be a minimum of twenty feet (20') in width measured by interior dimensions.~~

Section 38. Section 11-59-17 of the Zoning Ordinance (RM-2 District – Lot Requirements and Setbacks) is hereby amended to read as follows:

~~**11-59-17: LOT REQUIREMENTS AND SETBACKS:** The following minimum requirements shall be observed in an RM-2 district subject to additional requirements, exceptions and modifications set forth in this title:~~

~~A. Two Family And Townhome Dwellings:~~

- ~~1. Unit Lots: The following minimum unit lot requirements shall be applied to the subdivision of detached townhome and two family dwellings to permit individual private ownership of a single dwelling within such a structure:~~
 - a. ~~Lot Area: Detached townhome and two family unit lots shall have sufficient lot area to include the living area, garages, decks, patios, or porches of the individual dwelling units.~~

~~2. Base Lot Setbacks:~~

- a. ~~A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development.~~
- 3. ~~Building Setbacks: The following minimum internal setbacks shall be imposed on detached townhome and two-family developments that include more than one principal structure on a base lot:~~
 - a. ~~Setback between buildings within the same base lot preliminary platted after April 5, 2004, shall maintain a minimum separation of fourteen feet (14').~~
 - b. ~~Buildings shall be set back a minimum of twenty feet (20') from public rights of way except that the garage face shall be set back twenty five feet (25') from public rights of way.~~
 - c. ~~A protective natural buffer and building setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.~~
- 4. ~~Buffer Yard: The additional screening and lot requirements of subsection 11-21-9E of this title shall apply.~~

11-59-17: LOT REQUIREMENTS AND SETBACKS: The following minimum unit and base lot requirements shall be observed in an RM-2 District, subject to additional requirements, exceptions and modifications set forth in this title, and applied to the subdivision of detached townhome, two-family, and townhome dwellings to permit individual private ownership of a single dwelling within such a structure:

- A. Unit Lots. Unit lots shall have sufficient lot area to include the living area, garages, decks, patios, or porches of the individual dwelling units.
- B. Base Lot Setbacks. A minimum setback of ten feet (10') shall be required at the periphery of the base lot.
- C. Setbacks Between Buildings. A minimum setback of fourteen feet (14') shall be required between buildings within the same base lot.
- D. Setbacks from Public Rights-of-Way. Buildings shall be set back a minimum of twenty feet (20') from public rights of way, except that the garage face shall be set back twenty five feet (25') from public rights of way.
- E. Private Drive Setbacks. Buildings shall be set back a minimum of thirty feet (30') from the back of curb line of private drives.

F. Wetlands. A protective natural buffer and building setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.

G. Buffer Yard: The additional screening and lot requirements of subsection 11-21-9E of this title shall apply.

Section 39. Section 11-59-21.B.3 of the Zoning Ordinance (RM-1 District –Design and Construction Standards) is hereby amended read as follows:

- ~~3. Exterior Building Finish, Detached Townhome Dwelling, Two Family, And Townhouse Dwelling Units: The exterior of detached townhome, two family, and townhouse dwelling units shall include a variation in building materials which are to be distributed throughout the building elevations and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, detached townhome, two family, and townhouse dwelling structures shall comply with the following requirements:~~
- ~~a. A minimum of twenty five percent (25%) of the area of each elevation of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.~~
 - ~~b. Except for brick, stucco, and/or natural or artificial stone, no single elevation shall have more than seventy five percent (75%) of one type of exterior finish.~~
 - ~~c. Except for brick, stucco, and/or natural or artificial stone, no townhome dwelling structure shall have more than sixty percent (60%) of all elevations of one type of exterior finish.~~
 - ~~d. For the purpose of this section:~~
 - ~~(1) The area of the elevation shall not include area devoted to windows, entrance doors, garage doors, or roof areas.~~
 - ~~(2) Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different materials meeting the requirements of this section.~~
 - ~~(3) Integral colored split face (rock face) concrete block or cement fiberboard shall qualify for meeting the brick, stucco and/or natural or artificial stone exterior material requirements for any elevation of a building that is not its front defined by the primary exterior entrance. If these materials are used to meet the brick, stucco~~

~~and/or natural or artificial stone exterior material requirement for the other elevations, the material shall extend the full width of the foundation adjacent at ground level and shall be used for at least sixty percent (60%) of the area of that elevation.~~

3. Exterior Building Finish: The exterior of detached townhome, two-family and townhome dwelling units shall include a variation in building materials that are to be distributed throughout the building elevations and coordinated into the architectural design of the structure to create an architecturally balanced appearance and shall comply with the following requirements:

a. Except for brick, stucco, and/or natural or artificial stone, no single elevation shall have more than seventy five percent (75%) of one type of exterior finish.

b. Except for brick, stucco, and/or natural or artificial stone, no townhome dwelling structure shall have more than sixty percent (60%) of all elevations of one type of exterior finish.

c. For the purpose of this section:

(1) The area of the elevation shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

(2) Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different materials meeting the requirements of this section.

(3) Integral colored split face (rock face) concrete block, cement fiberboard, or engineered wood shall be considered the same as brick, stucco, and/or natural or artificial stone exterior materials for any elevation of a building that is not its front defined by the primary exterior entrance.

Section 40. Section 11-59-21.C.2 of the Zoning Ordinance (RM-2 District – Design and Construction Standards) is hereby amended to read as follows:

2. Garages shall comply with the following minimum size standardsMinimum Requirements:

a. For dwellings with basements: FGarages shall have a minimum area of four hundred forty (440) square feet.

b. ~~For dwellings without basements: Five hundred forty (540) square feet.~~

c. Garages shall be a minimum of twenty feet (20') in width measured by interior dimensions.

Section 41. Section 11-60-17 of the Zoning Ordinance (RM-3 District – Lot Requirements and Setbacks) is hereby amended to read as follows:

~~11-60-17: LOT REQUIREMENTS AND SETBACKS:~~ The following minimum requirements shall be observed in an RM-3 district subject to additional requirements, exceptions and modifications set forth in this title:

A. ~~Detached Townhouse, Two-Family And Townhome Dwellings:~~

1. ~~Unit Lots: The following minimum unit lot requirements shall be applied to the subdivision of two-family or townhome dwellings to permit individual private ownership of a single dwelling within such a structure:~~

a. ~~Lot Area: Detached townhouse, two-family or townhome unit lots shall have sufficient lot area to include the living area, garages, decks, patios or porches of the individual dwelling units.~~

2. ~~Base Lot Setbacks:~~

a. ~~A minimum setback of ten feet (10') shall be required at the periphery of the base lot development.~~

3. ~~Building Setbacks: The following minimum internal setbacks shall be imposed on medium density developments that include more than one (1) principal structure on a base lot:~~

a. ~~Minimum setback between buildings within the same base lot: Fourteen feet (14').~~

b. ~~Buildings shall be set back a minimum of thirty feet (30') from the back of curb line of private drives, thirty feet (30') from major collector or arterial streets and ten feet (10') from other public rights of way except that the garage face shall be set back twenty five feet (25') from public rights of way.~~

c. ~~A protective natural buffer and setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.~~

11-60-17: LOT REQUIREMENTS AND SETBACKS: The following minimum unit and base lot requirements shall be observed in an RM-3 District, subject to additional requirements, exceptions and modifications set forth in this title, and applied to the subdivision of two-family and townhome dwellings to permit individual private ownership of a single dwelling within a structure:

- A. Unit Lots. Unit lots shall have sufficient lot area to include the living area, garages, decks, patios, or porches of the individual dwelling units.
- B. Base Lot Setbacks. A minimum setback of ten feet (10') shall be required at the periphery of the base lot.
- C. Setbacks Between Buildings. A minimum setback of fourteen feet (14') shall be required between buildings within the same base lot.
- D. Setbacks from Public Rights-of-Way. Buildings shall be set back a minimum of thirty feet (30') from major collector or arterial streets and ten feet (10') from other public rights of way, except that the garage face shall be set back twenty five feet (25') from public rights of way.
- E. Private Drive Setbacks. Buildings shall be set back a minimum of thirty feet (30') from the back of curb line of private drives.
- F. Wetlands. A protective natural buffer and building setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.

Section 42. Section 11-60-21.B.3 of the Zoning Ordinance (RM-3 District – Design and Construction Standards) is hereby amended to read as follows:

- 3. ~~Exterior Building Finish, Detached Townhome Dwelling, Two Family, And Townhouse Dwelling Units:~~ The exterior of principal and accessory structures shall include a variation in building materials ~~which~~that are to be distributed throughout the building elevations and coordinated into the architectural design of the structure to create an architecturally balanced appearance to comply with the following requirements:
 - a. Allowed exterior finish materials, not including for use on facias, trim, or roof, shall be limited to brick, stucco, natural or artificial stone, split face (rock face) concrete block, engineered wood siding, and/or cement fiberboard.
 - b. A minimum of twenty five percent (25%) of the area of each elevation of a townhouse structure shall have an exterior finish of brick, stucco, and/or natural or artificial stone.

- c. Except for brick, stucco, and/or natural or artificial stone, no single elevation shall have more than seventy five percent (75%) of one (1) type of exterior finish.
- d. Except for brick, stucco, and/or natural or artificial stone, no townhome dwelling structure shall have more than sixty percent (60%) of all elevations of one type of exterior finish.
- e. For the purpose of this section:
 - (1) The area of the elevation shall not include area devoted to windows, entrance doors, garage doors, or roof areas.
 - (2) Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different materials meeting the requirements of this section.
 - (3) Integral colored split face (rock face) concrete block, engineered wood siding, ~~or cement fiberboard~~, or engineered wood shall qualify for meeting the brick, stucco, and/or natural or artificial stone exterior material requirements for any elevation of a building that is not its front defined by the primary exterior entrance.

Section 43. Section 11-61-11.F of the Zoning Ordinance (RH-1 District – Uses by Administrative Permit) is hereby repealed with subsequent sections renumbered accordingly:

~~F. Renting of rooms within an owner occupied single family dwelling to not more than two (2) individuals who are each unrelated to the principal family as an accessory use provided that:~~

- ~~1. The property owner shall not enter into a rental agreement with more than two (2) individuals within a thirty (30) day period.~~
- ~~2. There shall be one off street parking stall provided for each rental occupant on the property in addition to the parking stalls required by chapter 19 of this title.~~

Section 44. Section 11-61-13.A of the Zoning Ordinance (RH-1 District – Development Density) is hereby amended to read as follows:

- A. Townhome dwellings: ~~Five thousand (5,000)~~ Three thousand eight hundred (3,800) square feet per unit.

Section 45. Section 11-61-15 of the Zoning Ordinance (RH-1 District – Lot Requirements and Setbacks) is hereby amended to read as follows:

~~**11-61-15: LOT REQUIREMENTS AND SETBACKS:** The following minimum requirements shall be observed in an RH-1 district subject to additional requirements, exceptions and modifications set forth in this title:~~

~~A. Base Lot Minimums: Within the RH-1 district, the following minimum base lot requirements shall be imposed. The base lot shall represent the smallest lot or parcel which may accommodate development within the framework of the permitted density of section 11-61-13 of this chapter prior to subdivision of unit lots.~~

~~1. Lot area: Twenty thousand (20,000) square feet.~~

~~2. Lot width: One hundred feet (100').~~

~~B. Unit Lots; Two-Family And Townhome Units: The following minimum unit lot requirements shall be applied to the subdivision of two-family dwellings or townhomes to permit individual private ownership of a single dwelling within such a structure:~~

~~1. Lot Area: Two-family or townhome unit lots shall have sufficient lot area to include the living area, garages, decks, patios or porches of the individual dwelling units.~~

~~C. Unit Lots; Single-Family Detached Dwellings: Lot sizes and setback requirements for transitional single-family detached dwellings required by section 11-61-23 of this chapter shall be subject to the same standards imposed by the abutting residential district for which the transition is intended to buffer.~~

~~D. Base Lot Setbacks: A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development.~~

~~E. Building Setbacks: The following minimum internal setbacks shall be imposed on developments that include more than one principal structure on a base lot:~~

~~1. Minimum setback between buildings within the same base lot preliminary platted after April 5, 2004:~~

~~a. Detached townhome: Fourteen feet (14').~~

~~b. Townhome: Twenty feet (20').~~

~~c. Multiple-family: Twenty five feet (25').~~

2. ~~Buildings shall be set back a minimum of thirty feet (30') from the back of curb line of private drives, twenty feet (20') from public rights of way except that the garage face shall be set back twenty five feet (25') from public rights of way, and fifteen feet (15') from parking areas.~~
 3. ~~A protective natural buffer and building setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.~~
- F. ~~Buffer Yard: The additional screening and lot requirements of subsection 11-21-9E of this title shall apply~~

11-61-15: LOT REQUIREMENTS AND SETBACKS: The following minimum requirements shall be observed in an RH-1 district subject to additional requirements, exceptions, and modifications set forth in this title:

- A. Base Lot Minimums: Within the RH-1 district, the following minimum base lot requirements shall be imposed. The base lot shall represent the smallest lot or parcel which may accommodate development within the framework of the permitted density of section 11-61-13 of this chapter prior to subdivision of unit lots.
1. Lot area: Twenty thousand (20,000) square feet.
 2. Lot width: One hundred feet (100').
- B. Unit Lots: Unit lots shall have sufficient lot area to include the living area, garage, decks, patios, or porches of the individual dwelling units for the subdivision of townhomes to permit individual private ownership of a single dwelling within a structure.
- C. Base Lot Setbacks. A minimum setback of ten feet (10') shall be required at the periphery of the base lot.
- D. Minimum Setbacks Between Buildings Within the Same Base Lot:
1. Townhome: Fourteen feet (14').
 2. Multiple Family: Twenty feet (20').
- E. Setbacks from Public Rights-of-Way. Buildings shall be set back a minimum of twenty feet (20') from public rights of way, except that the garage face shall be set back twenty five feet (25') from public rights of way.

F. Private Drive and Parking Area Setbacks. Buildings shall be set back a minimum of thirty feet (30') from the back of curb line of private drives and fifteen feet (15') from off-street parking areas.

G. Wetlands. A protective natural buffer and building setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.

H. Buffer Yard: The additional screening and lot requirements of subsection 11-21-9E of this title shall apply.

Section 46. Section 11-61-19.A of the Zoning Ordinance (RH-1 District – Design and Construction Standards) is hereby amended to read as follows:

A. Design and construction standards for townhome uses shall be as provided for within the RM-3 District specified in section 11-~~5860~~-21 of this title.

Section 47. Section 11-61-23 of the Zoning Ordinance (RH-1 District – Transition Requirements and Setbacks) is hereby amended to read as follows:

11-61-23: TRANSITION REQUIREMENT: Any RH-1 zoned property abutting an RS-1, RS-2, RS-3, RS-4, RS-CBD district shall have a minimum of one (1) tier of ~~single-family detached, two-family dwelling lots, or detached~~ townhomes bordering such a district and shall be subject to the same lot and building standards as the ~~RST-2~~RM-1 district. Exemptions to the provisions of this section may be granted subject to the approval of an administrative permit at the time of development, provided one (1) or more of the following conditions exist:

- A. The properties are separated by a major collector or arterial street.
- B. The abutting land use is a nonresidential use allowed in the district in which it is located.
- C. The properties are separated by a railroad right of way, wetland, water body, floodplain, public open space, park or other such similar publicly reserved and development restricted area with a minimum width of one hundred feet (100') across its entire length.

Section 48. Section 11-62-11.F of the Zoning Ordinance (RH-2 District – Uses by Administrative Permit) is hereby repealed:

~~F. Renting of rooms within an owner occupied single family dwelling to not more than two (2) individuals who are each unrelated to the principal family as an accessory use provided that:~~

- ~~1. The property owner shall not enter into a rental agreement with more than two (2) individuals within a thirty (30) day period.~~
- ~~2. There shall be one off street parking stall provided for each rental occupant on the property in addition to the parking stalls required by chapter 19 of this title.~~

Section 49. Section 11-62-15 of the Zoning Ordinance (RH-2 District – Lot Requirements and Setbacks) is hereby amended to read as follows:

~~11-62-15: LOT REQUIREMENTS AND SETBACKS:~~ The following minimum requirements shall be observed in an RH-2 district subject to additional requirements, exceptions and modifications set forth in this title:

~~A. Base Lot Minimums: Within the RH-2 district, the following minimum base lot requirements shall be imposed. The base lot shall represent the smallest lot or parcel which may accommodate development within the framework of the permitted density of section 11-62-13 of this chapter prior to subdivision of unit lots.~~

~~1. Lot area: Twenty thousand (20,000) square feet.~~

~~2. Lot width: One hundred feet (100').~~

~~B. Unit Lots; Two-Family And Townhome Units: The following minimum unit lot requirements shall be applied to the subdivision of two-family dwellings or townhomes to permit individual private ownership of a single dwelling within such a structure:~~

~~1. Lot Area: Two-family or townhome unit lots shall have sufficient lot area to include the living area, garages, decks, patios or porches of the individual dwelling units.~~

~~C. Unit Lots; Single-Family Detached Dwellings: Lot sizes and setback requirements for transitional single-family detached dwellings required by section 11-62-23 of this chapter shall be subject to the same standards imposed by the abutting residential district for which the transition is intended to buffer.~~

~~D. Base Lot Setbacks: A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development.~~

~~E. Building Setbacks: The following minimum internal setbacks shall be imposed on developments that include more than one principal structure on a base lot:~~

~~1. Minimum setback between buildings within the same base lot preliminary platted after April 5, 2004:~~

- a. ~~Detached townhome: Fourteen feet (14').~~
- b. ~~Townhome: Twenty feet (20').~~
- c. ~~Multiple family: Twenty five feet (25').~~
- 2. ~~Buildings shall be set back a minimum of thirty feet (30') from the back of curb line of private drives, twenty feet (20') from public rights of way except that the garage face shall be set back twenty five feet (25') from public rights of way, and fifteen feet (15') from parking areas.~~
- 3. ~~A protective natural buffer and building setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.~~
- F. ~~Buffer Yard: The additional screening and lot requirements of subsection 11-21-9E of this title shall apply~~

11-62-15: LOT REQUIREMENTS AND SETBACKS: The following minimum requirements shall be observed in an RH-2 district subject to additional requirements, exceptions and modifications set forth in this title:

- A. Base Lot Minimums: Within the RH-2 district, the following minimum base lot requirements shall be imposed. The base lot shall represent the smallest lot or parcel which may accommodate development within the framework of the permitted density of section 11-62-13 of this chapter prior to subdivision of unit lots.
 - 1. Lot area: Twenty thousand (20,000) square feet.
 - 2. Lot width: One hundred feet (100').
- B. Unit Lots: Unit lots shall have sufficient lot area to include the living area, garage, decks, patios, or porches of the individual dwelling units for the subdivision of two-family dwellings or townhomes to permit individual private ownership of a single dwelling within a structure.
- C. Base Lot Setbacks. A minimum setback of ten feet (10') shall be required at the periphery of the base lot.
- D. Minimum Setbacks Between Buildings Within The Same Base Lot:
 - 1. Townhome: Fourteen feet (14').
 - 2. Multiple Family: Twenty feet (20').

- E. Setbacks from Public Rights-of-Way. Buildings shall be set back a minimum of twenty feet (20') from public rights of way, except that the garage face shall be set back twenty five feet (25') from public rights of way.
- F. Private Drive and Parking Area Setbacks. Buildings shall be set back a minimum of thirty feet (30') from the back of curb line of private drives and fifteen feet (15') from off-street parking areas.
- G. Wetlands. A protective natural buffer and building setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.
- H. Buffer Yard: The additional screening and lot requirements of subsection 11-21-9E of this title shall apply.

Section 50. Section 11-62-19.A of the Zoning Ordinance (RH-2 District – Design and Construction Standards) is hereby amended to read as follows:

- A. Design and construction standards for townhome uses shall be as provided for within the RM-3 District specified in section 11-5860-21 of this title.

Section 51. Section 11-62-23 of the Zoning Ordinance (RH-2 District – Transition Requirements and Setbacks) is hereby amended to read as follows:

11-62-23: TRANSITION REQUIREMENT: Any RH-2 zoned property abutting an RS-1, RS-2, RS-3, RS-4, RS-CBD district shall have a minimum of one (1) tier of ~~single family detached, two-family dwelling lots, or detached~~ townhomes bordering such a district and shall be subject to the same lot and building standards as the ~~RST-2~~RM-1 district. Exemptions to the provisions of this section may be granted subject to the approval of an administrative permit at the time of development, provided one (1) or more of the following conditions exist:

- A. The properties are separated by a major collector or arterial street.
- B. The abutting land use is a nonresidential use allowed in the district in which it is located.
- C. The properties are separated by a railroad right of way, wetland, water body, floodplain, public open space, park or other such similar publicly reserved and development restricted area with a minimum width of one hundred feet (100') across its entire length.

Section 52. Section 11-63-3 of the Zoning Ordinance (RH-CBD District – Processing) is hereby repealed in its entirety and amended to read as follows:

11-63-3: DOWNTOWN DEVELOPMENT GUIDE: Those permitted uses, conditional uses, interim uses, and uses by administrative permit provided for by this chapter within the RH-CBD district shall only be allowed provided that the specific property is guided for such uses by the Comprehensive Plan and Downtown Development Guide.

Section 53. Section 11-63-5 of the Zoning Ordinance (RH-CBD District – Permitted Uses) is hereby amended to add the following provision with subsequent sections renumbered accordingly:

B. Multiple family dwellings.

Section 54. Section 11-63-9.E of the Zoning Ordinance (RH-CBD District – Conditional Uses) is hereby repealed in its entirety with subsequent sections renumbered accordingly.

~~E. Multiple family dwellings, provided that:~~

~~1. The property shall be guided for high density residential use by the Comprehensive Plan and Downtown Development Guide.~~

Section 55. Section 11-75-3.L of the Zoning Ordinance (OP District – Permitted Uses) is hereby repealed in its entirety with subsequent sections renumbered accordingly.

~~L. Data centers.~~

Section 56. Section 11-75-7 of the Zoning Ordinance (OP District – Conditional Uses) is hereby repealed in its entirety with subsequent sections renumbered accordingly.

D. Data centers.

Section 57. Section 11-96-3 of the Zoning Ordinance (PUD District – Application) is hereby amended read to as follows:

11-96-3: APPLICATION: ~~Except for the portion of the city defined as the central area by the comprehensive plan, a~~ PUD district shall not be established for parcels guided for ~~low density residential, rural or agricultural land uses by the comprehensive plan with a district area less than three hundred twenty (320) acres,~~ except to allow for public or quasi-public uses.

Section 57. This ordinance shall be effective immediately upon its passage and publication according to law.

(remainder of page intentionally blank signatures follow)

ADOPTED by the Lakeville City Council this _____ day of _____, 2025.

CITY OF LAKEVILLE

BY: _____
Luke Hellier, Mayor

ATTEST

BY: _____
Ann Orlofsky, City Clerk



Memorandum

FYI

To: Planning Commission
From: Kris Jenson, Planning Manager
Date: July 10, 2025
Subject: Future and Continued Planning Commission Agenda Items
Summary of City Council Actions on Planning Commission Items

The following is a list of possible agenda items to be considered at upcoming Planning Commission meetings:

- Artemis (Tradition Development) Comprehensive Land Use and MUSA Staging Amendments
- Dunham Properties/Olam Holdings Comprehensive Land Use and MUSA Staging Amendments

The following items were approved by the City Council at the July 7, 2025 City Council meeting.

- Divine Encounter Church – CUP for religious institution use
- Pickle in the Middle – CUP for commercial recreation
- SBF 25th Addition final plat
- Ritter Meadows 4th Addition final plat
- Preserve of Lakeville 4th Addition final plat
- Crossroads East Third Addition preliminary/final plat & CUP
- Heritage Commons 10th Addition preliminary plat & CUP