



3601 Thurston Avenue N, Suite 100
Anoka, MN 55303
Phone: 763.231.5840
Facsimile: 763.427.0520
TPC@PlanningCo.com

MEMORANDUM

TO: Daryl Morey
FROM: Daniel Licht, AICP
DATE: 2 December 2011
RE: Lakeville – Zoning Ordinance
TPC FILE: 135.01

BACKGROUND

Comprehensive updates of the Zoning Ordinance and Subdivision Ordinance were adopted by the City Council on 17 May 2010 as required by State Statutes to implement the 2008 Comprehensive Land Use Plan. In the subsequent 17 months, City staff has identified sections of the Zoning Ordinance that need to be revised to clarify the intent of the regulations. The City has received input from other stakeholders including developers, brokers and property owners requesting clarification of specific sections of the Zoning Ordinance or Subdivision Ordinance. The City also held a Development Forum and conducted a Development Survey that garnered additional feedback as to possible modifications of the City's development regulations to streamline the review process and make these regulations more user friendly.

The Planning Commission reviewed a list of possible amendments to the Zoning Ordinance and Subdivision Ordinance at their 17 November 2011 work session. This memorandum forwards Part 1 of the proposed modifications of the Zoning Ordinance and Subdivision Ordinance, which are more technical in nature and not a matter of policy. Further discussion regarding additional amendments will occur at future Planning Commission meetings or work sessions.

Exhibits:

- A. Draft Ordinance amendment

ANALYSIS

- State Statutes 462.358, Subd. 3.c provides that preliminary plats are valid for one year from the date of approval. Section 10-2-2.D of the Subdivision Ordinance is proposed to be amended to extend the requirement for submission of a preliminary plat out to one year consistent with State Statutes. The proposed amendment would thereafter allow an administrative extension of preliminary plat approvals for up to one additional year. Subsequent extensions would require City Council approval. This amendment reflects that more projects are requiring additional time to move to a final plat stage given current market conditions and allowing for initial extensions to be processed administratively will better facilitate this process.
- Final plat applications are not required by State Statute to be reviewed by the Planning Commission. By design, final plat applications are intended to be technical reviews that the request is consistent with the entitlements granted with the preliminary plat, that the detailed construction level plans conform with City requirements and that any conditions of preliminary plat approval have been satisfied. Section 10-2.3.B is proposed to be amended to not require Planning Commission review of final plat applications unless the Zoning Administrator or City Council determines circumstances warrant.
- As the Planning Commission is not required to approve the final plat, the signature of the Planning Commission chair and secretary is not required on the documents. Section 10-3-4.C is proposed to be amended to remove their signature lines from final plats.
- Section 11-17.21.A and B of the Zoning Ordinance is to be clarified to state that the area of a lot established before January 1, 1994 is measured based on the area of a horizontal plane within the lot lines. The current wording had been moved from the definition section of the Zoning Ordinance and seemed to be incomplete without the added language.
- Section 11-21-9.C.1 of the Zoning Ordinance is amended to remove the note regarding bare root trees as such plantings are only appropriate as seedlings within stormwater basins and would not apply to the intent of the regulations of this Section.
- Section 11-23-15.K of the Zoning Ordinance is proposed to be amended to eliminate the licensing requirement for off-premises signs. The licensing requirement is not needed as the Zoning Ordinance adequately addresses existing signs as permitted principal uses subject to performance standards and prohibits new signs. As the remaining provisions of this section mirror Section 11-23-15.W of the Zoning Ordinance, this section is to be “reserved”.

- Sections 11-72-7.H.11 and 11-73.7.H.11 of the Zoning Ordinance are proposed to be amended to include language previously added in 2004 (but removed with the 2010 update) regarding signage for convenience food uses, including exterior menu boards.
- Section 11-75-13.E.1 of the Zoning Ordinance establishes a minimum parking setback of 10 feet for uses in the O-P District. However, Section 11-21-9.A.1 of the Zoning Ordinance establishes a minimum landscape buffer of 20 feet when the parking areas abut a residential district. A cross reference to this requirement is proposed to be added to Section 11-75.12.E.1 of the Zoning Ordinance.
- The DNR has provided the City data on the Ordinary High Water Levels for Horseshoe Lake and an unnamed lake, which is proposed to be included in the table in Section 11-102-9.B.1 of the Zoning Ordinance.

CONCLUSION

The Planning Commission will consider the proposed amendments at a public hearing to be held on 15 December 2011. City staff and our office recommend approval of the proposed amendments in the form attached hereto.

ORDINANCE NO. _____

**CITY OF LAKEVILLE
DAKOTA, COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING THE TITLE 10 (SUBDIVISION ORDINANCE) AND
TITLE 11 (ZONING ORDINANCE) OF THE LAKEVILLE CITY CODE**

THE CITY COUNCIL OF THE CITY OF LAKEVILLE ORDAINS:

Section 1. Section 10-2-2.D.6 of the City Code is hereby amended to read as follows:

6. If the preliminary plat is approved by the city council, the subdivider must submit the final plat within one ~~hundred (100) days~~ (1) year after the approval or approval of the preliminary plat shall be considered void, unless:
 - a. A request for time extension is submitted in writing and approved by the City Council to the zoning administrator prior to the expiration of the one (1) year period.
 - b. A request for an additional one (1) year extension not to exceed two (2) years from the date of preliminary plat approval may be approved by the zoning administrator.
 - c. Requests for an extension beyond two (2) years from the date of preliminary plat approval shall be subject to approval by the city council.

Section 2. Section 10-2-3.B of the City Code is hereby amended to read as follows:

- B. Approval of the Planning Commission Zoning Administrator Recommendation:
 1. Ten (10) Five (5) copies of the final plat including all information outlined in section 10-

~~3-3 of this title shall be submitted to the zoning administrator for distribution to the planning commission, city council and appropriate city staff.~~

2. ~~The City staff zoning administrator shall examine the final plat and prepare a recommendation as to the planning commission. Nature of approval, disapproval or any delay in decision of the final plat, which recommendation shall be conveyed to the subdivider prior to review by the city council. will be conveyed to the subdivider within ten (10) days after the meeting of the city planning commission at which such plat was considered.~~

3. ~~The zoning administrator shall refer the final plat to the planning commission for review if the proposed final plat is substantially different from the approved preliminary plat or the requirements of the preliminary plat are not resolved.~~

Section 3. Section 10-2-3.C of the City Code is hereby amended to read as follows:

C. ~~Approval Of The City Council: After review of the final plat by the planning commission, such~~

1. ~~The final plat, together with the recommendations of the planning commission (when applicable) and the City staff zoning administrator shall be submitted to the city council for approval.~~

2. ~~The city council may refer the final plat to the planning commission for review if the proposed final plat is substantially different from the approved preliminary plat or the requirements of the preliminary plat are not resolved.~~

3. ~~If accepted, the final plat shall be approved by resolution, providing for the acceptance of all agreements for basic improvements, public dedication and other requirements as indicated by the city council.~~

4. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the council and reported to the person or persons applying for such approval within ten (10) days of the city council's action.

Section 3. Section 10-3-4.C of the City Code is hereby amended to read as follows:

C. Space for certificates of approval and review to be filled in by the signatures of ~~the chair of the city planning commission and~~ the mayor and city clerk. ~~The form of certificate by the planning commission is as follows:~~

~~— Reviewed by the Planning Commission of the City of Lakeville.~~

~~— This day of , 20_.~~

~~— Signed:
Chair~~

~~— Attest:
Secretary~~

The form of approval of the city council is as follows:

This day of , 20_.

*Signed:
Mayor*

*Attest:
City Clerk*

Section 5. Section 11-17-21.A of the City Code is hereby amended to read as follows:

A. Lots Of Record And Preliminary Platted Lots Having Legal Standing On January 1, 1994: Except as may be otherwise required by this title, the area of a lot shall be measured as the area of a horizontal plane within the lot lines.

Section 6. Section 11-17-21.B of the City Code is hereby amended to read as follows:

B. Lots Of Record Established After January 1, 1994: Except as may be otherwise allowed by this title, the area of a lot shall be measured as the area of a horizontal plane within the lot lines excluding "major drainageways", as defined by the water resources management plan, wetlands, water bodies, road rights of way, required buffer strips, regional utility/pipeline easements, and slopes steeper than three to one (3:1).

Section 7. Section 11-21-9.C-1 of the City Code is hereby amended to read as follows:

1. Minimum Size: All plants must at least equal the following minimum size in conformance with American Nursery Association standards:

MINIMUM SIZE¹

		Balled And Burlapped/Container
Shade trees		2 ¹ / ₂ inch diameter
Ornamental trees (flowering crabs, hawthorn serviceberry, etc.)		2 inch diameter 6 - 7 foot, clump form
Coniferous evergreen trees		8 feet
Tall shrubs and hedge material (evergreen or deciduous)		3 - 4 feet
Low shrubs:		
	Deciduous	18 - 24 inch
	Coniferous evergreen	18 - 24 inch
	Spreading coniferous evergreen	18 - 24 inch spread

Note:

- ~~1. If size requirements are met, bare root plant material may be substituted. Type and mode are dependent upon time of planting season, availability, and site conditions (soils, climate, groundwater, manmade irrigation, grading, etc.).~~

Section 8. Section 11-23-15.K of the City Code is hereby amended to read as follows:

- ~~K. Off Premises Signs: 1. Off premises signs are a principal use of property. An annual license is required for all off premises signs. Off premises signs must be removed as a condition of construction of another principal use upon the property or platting or subdivision approval for the land on which it is located~~Reserved.

Section 9. Section 11-72-7.H.11 of the City Code is hereby amended to read as follows:

11. Signs: All signs and informational or visual communication devices shall be minimized and shall be in compliance with chapter 23 of this title and the following provisions:
 - a. A comprehensive sign plan must be submitted as part of a conditional use permit application.
 - b. Freestanding sign. A freestanding sign allowed by Chapter 23 of this Title shall be a monument sign constructed as follows:
 1. The sign shall be self-supported vertically by a solid base extending horizontally for a minimum of the entire width of the sign face. Total height of the monument sign including the base shall not exceed fifteen feet (15').
 2. The sign base and supporting material shall be equal to at least forty percent (40%) of the total allowable sign square footage, and shall not be counted toward the sign area.

The base shall be attached to the ground for its entire horizontal width of the sign. The base shall be stone, brick, or decorative masonry and shall not contain any sign copy.

c. In addition to the freestanding sign allowed by Chapter 23 of this Title, convenience food uses may display menu signs related to drive through facilities, provided that:

1. Not more than two (2) menu signs per drive through lane are allowed.

2. The menu sign(s) shall be single sided with an area not to exceed fifty (50) square feet.

3. The height of the menu sign(s) shall not exceed eight (8) feet including its base or pole measured from grade to the top of the structure.

4. The menu sign(s) shall not encroach into any principal building setback and shall be located directly adjacent to the drive through aisle and oriented in such a manner so that the sign provides information to the drive through patrons only and does not provide supplemental advertising to pass-by-traffic and does not impair site visibility or obstruct circulation.

Section 10. Section 11-73-7.H.11 of the City Code is hereby amended to read as follows:

11. Signs: All signs and informational or visual communication devices shall be minimized and shall be in compliance with chapter 23 of this title and the following provisions:

a. A comprehensive sign plan must be submitted as part of a conditional use permit application.

b. Freestanding sign. A freestanding sign allowed by Chapter 23 of this Title shall be a monument sign constructed as follows:

1. The sign shall be self-supported vertically by a solid base extending horizontally for a minimum of the entire width of the sign face. Total height of the monument sign including the base shall not exceed fifteen feet (15').
 2. The sign base and supporting material shall be equal to at least forty percent (40%) of the total allowable sign square footage, and shall not be counted toward the sign area. The base shall be attached to the ground for its entire horizontal width of the sign. The base shall be stone, brick, or decorative masonry and shall not contain any sign copy.
- c. In addition to the freestanding sign allowed by Chapter 23 of this Title, convenience food uses may display menu signs related to drive through facilities, provided that:
1. Not more than two (2) menu signs per drive through lane are allowed.
 2. The menu sign(s) shall be single sided with an area not to exceed fifty (50) square feet.
 3. The height of the menu sign(s) shall not exceed eight (8) feet including its base or pole measured from grade to the top of the structure.
 4. The menu sign(s) shall not encroach into any principal building setback and shall be located directly adjacent to the drive through aisle and oriented in such a manner so that the sign provides information to the drive through patrons only and does not provide supplemental advertising to pass-by-traffic and does not impair site visibility or obstruct circulation.

Section 11. Section 11-75-13.E.1 of the City Code is hereby amended to read as follows:

- The parking area shall be set back a minimum of ten feet (10') from any property line except as required by Section 11-21-9.A.1 of this Title.

Section 12. Section 11-102-9.B.1 of the City Code is hereby amended to read as follows:

- Lakes:

Name	DNR ID#	Classification	OHWL
Lake Marion	19-26	Refer to subsection C of this section	983.1
Orchard Lake	19-31	Recreational development (RD)	977.6
Crystal Lake	19-27	Recreational development (RD)	934.5
Lake Kingsley	19-30	Natural environment (NE)	980.9
Lee Lake	19-29	Recreational development (RD)	948.5
Horseshoe Lake	19-32	Natural environment (NE)	<u>990.0</u>
Unnamed Lake	<u>70-1101</u> <u>70-1102</u>	Natural environment (NE)	<u>972.0</u> <u>971.5</u>

Section 13. This ordinance shall be in full force and effect upon its passage and publication according to law.

ADOPTED by the City Council of the City of Lakeville, Minnesota, this ____ day of ____, 2012.

CITY OF LAKEVILLE

BY: _____
Mark Bellows, Mayor

ATTEST:

Charlene Friedges, City Clerk