

ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: 8/12/2013

ITEM NO: 9.c

Department Approval



City Manager Approval

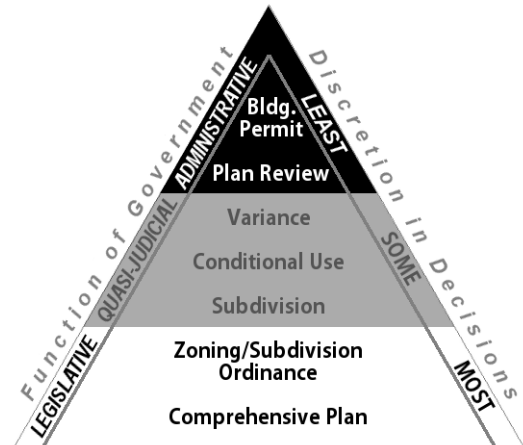


Item Description: Approve Zoning Text Changes to Multiple Sections to Revise how Outdoor Storage is Defined and Regulated and Where Outdoor Storage is Allowed

Application Review Details

- Public hearing: June 5, 2013
- RCA prepared: August 2, 2013
- City Council action: August 12, 2013
- Statutory action deadline: n/a

Action taken on a zoning text change request is **legislative in nature**; the City has broad discretion in making land use decisions based on advancing the health, safety, and general welfare of the community.



1.0 REQUESTED ACTION

Planning Division staff is requesting approval of ZONING TEXT CHANGES to improve outdoor storage regulations by amending the definition and revising how and where outdoor storage is allowed.

2.0 SUMMARY OF RECOMMENDATION

Planning Division staff with the recommendation of the Planning Commission to approve the proposed ZONING TEXT CHANGES; see Section 7 of this report for the detailed recommendation.

3.0 SUMMARY OF SUGGESTED ACTION

Pass an ordinance approving the proposed ZONING TEXT CHANGES; see Section 8 of this report for the detailed action.

4.0 BACKGROUND

On July 8, 2013, the City Council discussed the proposed outdoor storage regulations, and suggested ways for Planning Division staff to fine-tune the proposal. Because this request is initiated by the City rather than by an outside applicant, the State-mandated 60-day timeline does not apply in this case; this is noted merely to explain the “n/a” (i.e., not applicable) notation in the Application Review Details section above.

5.0 PROPOSED ZONING TEXT CHANGES

The proposed zoning text changes are shown in a draft ordinance, included with this report as Attachment B; proposed insertions will be represented in **bold** text, and proposed deletions will be shown in ~~striketrough~~ text. A brief discussion of the proposed changes can be found in the paragraphs below.

5.1 Definitions: Rather than having a single definition covering all kinds of outdoor storage, the activity has been divided into four segments: equipment and goods, fleet vehicles, inoperative/out-of-service vehicles and equipment, and loose materials.

5.2 Zoning district tables of allowed uses: The tables showing land uses that are permitted, conditional, or not permitted across the Commercial and Mixed-Use Districts and Employment Districts are amended to include the new segments of outdoor storage.

5.3 Conditional use standards and criteria: The next section of the proposed amendment establishes the additional requirements and considerations for evaluating outdoor storage where it is a conditional use, recognizing that the appearance of an outdoor storage facility may be more or less appropriate (or may warrant enhanced screening treatment) based on the existing character of the surrounding properties.

5.4 Additional standards for specific uses: Where segments of outdoor storage are permitted uses, this section of the zoning code establishes the additional requirements that apply. Planning Division staff has attempted to strike a balance between allowing for a predictable, transparent, and reasonable process for regulating outdoor storage and maintaining high aesthetic standards.

6.0 PUBLIC COMMENT

Draft minutes of the Council Discussion are included with this report as Attachment C. As of the time this report was prepared, Planning Division staff has not received any specific communications from the public.

7.0 RECOMMENDATION

Based on the comments and findings outlined in Sections 4 – 6 of this report, the Planning Division concurs with the recommendation of the Planning Commission to approve the ZONING TEXT CHANGE.

8.0 SUGGESTED ACTION

8.1 **Pass an ordinance approving the ZONING TEXT CHANGE**, based on the comments and findings of Sections 4 – 6 and the recommendation of Section 7 of this staff report.

8.2 **By motion, approve the draft ordinance summary for publication.**

Prepared by: Associate Planner Bryan Lloyd
651-792-7073 | bryan.lloyd@ci.roseville.mn.us

Attachments: A: Pictures of outdoor display/storage C: Draft 7/22/2013 City Council minutes
B: Draft ordinance D: Draft ordinance summary

Outdoor display





Active fleet vehicles



Out-of-season fleet vehicles



Equipment/goods, poorly screened







Equipment/goods, well screened



City of Roseville

ORDINANCE NO. _____

AN ORDINANCE AMENDING SELECTED TEXT PERTAINING TO OUTDOOR STORAGE
IN CHAPTERS 1001 (INTRODUCTION), 1005 (COMMERCIAL AND MIXED-USE
DISTRICTS), 1006 (EMPLOYMENT DISTRICTS), 1009 (PROCEDURES), AND 1011
(PROPERTY PERFORMANCE STANDARDS) OF TITLE 10 "ZONING CODE" OF THE
ROSEVILLE CITY CODE

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Purpose: The Roseville City Code is hereby amended to improve outdoor storage regulations by amending the definition and revising how and where outdoor storage is allowed.

SECTION 2. Chapter 1001 is hereby amended as follows:**City Code §1001.10 (Definitions)**

Outdoor storage, **equipment and goods:** ~~Permanent storage of goods, materials, equipment (e.g., household lawn/garden implements, larger construction equipment, trailers, etc.), or fleet or service vehicles~~ **salable goods on racks, pallets, bundles, etc.,** outside of an enclosed building. ~~Off-street parking of customer or employee vehicles is not considered "outdoor storage."~~ **For the purpose of outdoor storage regulation, "equipment" does not include snow removal machinery that may be seasonally present on a property for on-site use.**

Outdoor storage, fleet vehicles: Storage outside of an enclosed building of fleet vehicles, ranging in size from passenger cars to commercial trucks, which are in active use by a rental agency, dispatch service, or other similar distribution or transportation service. Inoperable vehicles in need of repair or vehicles which are stored for seasonal use (e.g., snow plows in summer months) are defined and regulated as inoperable/out of service vehicles or equipment.

Outdoor storage, inoperable/out of service vehicles or equipment: Storage outside of an enclosed building of vehicles or equipment which are in need of repair or unused for more than 72 hours.

Outdoor storage, loose materials: Storage outside of an enclosed building of gravel, rock, mulch, sand, salt, or other such material stored in piles or bins.

SECTION 3. Chapter 1005 is hereby amended as follows:

City Code §1005.03 (Table of Allowed Uses in the Commercial and Mixed-Use Districts)

Table 1005-1	NB	CB	RB-1	RB-2	CMU	Standards
Commercial Uses						
Outdoor display	P	P	P	P	P	Y
Outdoor storage, equipment and goods	NP	NP	C	C	NP	Y
Outdoor storage, fleet vehicles	NP	P	P	P	NP	Y
Outdoor storage, inoperable/out of service vehicles or equipment	NP	C	P	P	C	Y
Outdoor storage, loose materials	NP	NP	NP	NP	NP	

SECTION 4. Chapter 1006 is hereby amended as follows:

City Code §1006.03 (Table of Allowed Uses in the Employment Districts)

Table 1006-1	Office/ Business Park	Industrial	Standards
Manufacturing, Research, and Wholesale Uses			
Manufacturing and processing, no outdoor activities/storage	NP	P	Y
Manufacturing and processing, outdoor activities/storage	NP	C	Y
Outdoor display	P	P	Y
Outdoor storage, equipment and goods	C	P	Y
Outdoor storage, fleet vehicles	P	P	Y
Outdoor storage, inoperable/out of service vehicles or equipment	C	P	Y
Outdoor storage, loose materials	C	C	Y

SECTION 5. Chapter 1009 is hereby amended as follows:

1009.02: Conditional Uses

D. Specific Standards and Criteria: When approving the conditional uses identified below, all of the additional, specific standards and criteria shall apply.

30. Outdoor storage: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. Areas of outdoor storage shall not obstruct required drive aisles or parking stalls. Due consideration shall be given to the aesthetic impacts of the nature of outdoor storage and necessary screening on the surrounding properties.

Equipment and goods: Greater setbacks shall be considered for pressurized canisters or potentially explosive goods. Equipment and goods shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque. Equipment available for rent may be displayed without screening in an area not exceeding 10% of the screened outdoor storage area.

Inoperable/out of service vehicles or equipment: All vehicles or equipment which are inoperable or unused for more than 72 hours shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque.

Loose materials: All materials shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque. Special attention shall be given to the need to control erosion and prevent pollution. Small amounts of materials stored outdoors and available for sale may be displayed in an area without screening.

31. Park and Ride Facility: There are no specific standards for this use.

32. Pawn Shop: There are no specific standards for this use.

33. Place of Assembly: A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.

34. Renewable Energy Systems: There are no specific standards for this use.

35. Transit Center: There are no specific standards for this use.

SECTION 6. Chapter 1011 is hereby amended as follows:

1011.12: Additional Standards for Specific Uses in All Districts

E. Business and Commercial Uses:

8. Outdoor display: All outdoor display shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Display shall not obstruct required drive aisles or parking stalls.

9. Outdoor storage, fleet vehicles: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Fleet vehicles in active use need not be screened, but inoperable or otherwise out-of-service vehicles (e.g., snow plows in the summer, or “retired” vehicles) shall adhere to the requirements for outdoor storage of inoperable/out of service vehicles or equipment.

10. Outdoor storage, inoperable/out of service vehicles or equipment: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. All such vehicles or equipment which are inoperable or unused for more than 72 hours shall be screened by screen wall or fence 6-8 feet in height and at least 95% opaque, and an outdoor storage area shall not obstruct required drive aisles or parking stalls.

F. Employment Uses:

4. Manufacturing and Processing, Outdoor Activities/Storage:

a. Outdoor servicing, processing, ~~or manufacturing, or storage of the materials used in these operations~~ shall be no closer than 300 feet to a property occupied by a residential use.

b. All outdoor servicing, processing, or manufacturing shall be conducted, operated and maintained in accordance with any necessary permits of the Minnesota Pollution Control Agency, Ramsey County, and the City.

c. The applicant shall provide a site plan showing the location of buildings, areas of outdoor storage, servicing, processing or manufacturing, and fences and walls. A narrative shall accompany the plan stating the measures the applicant will take to comply with the environmental regulations established in Section 1011.02.

7. Outdoor display: All outdoor display shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Display shall not obstruct required drive aisles or parking stalls.

8. Outdoor storage, equipment and goods: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. Areas of outdoor storage shall not obstruct required drive aisles or parking stalls. Greater setbacks shall be considered for pressurized canisters or potentially explosive goods. Equipment and goods shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque. Equipment available for rent may be displayed without screening in an area not exceeding 10% of the screened outdoor storage area.

9. Outdoor storage, fleet vehicles: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Fleet vehicles in active use need not be screened, but inoperable or otherwise out-of-service vehicles (e.g., snow plows in the summer, or “retired” vehicles) shall adhere to the requirements for outdoor storage of inoperable/out of service vehicles or equipment.

10. Outdoor storage, inoperable/out of service vehicles or equipment: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. All such vehicles or equipment which are inoperable or unused for more than 72 hours shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque, and an outdoor storage area shall not obstruct required drive aisles or parking stalls.

SECTION 7. Effective Date: This ordinance amendment to the Roseville City Code shall take effect upon passage and publication.

Passed this 12th day of August 2013

Request by the Planning Division for Consideration of Zoning Text Changes to Multiple Sections to Review How Outdoor Storage is Defined and Regulated and Where Outdoor Storage is Allowed

Associate Planner Bryan Lloyd provided a brief summary of this requested modification as detailed in the RCA dated July 8, 2013.

Councilmember Etten thanked staff for bringing this proposal forward, opining that it made sense to break it out. Councilmember Etten noted that he had spoken to staff earlier today with some minor corrections; *with staff identifying the majority of those revisions in their displayed copy of the ordinance in place of the draft provided in the RCA.*

Discussion included outdoor storage versus storage in an enclosed building and what could be precluded or if a property could be used exclusively for outdoor storage if they met other regulations and defined under definitions (fleet); punctuation and sentence structure correction to line 18 of the draft ordinance (Attachment B); types of fleet vehicles; distinction between operable vehicles versus out-of-service vehicles (e.g. snow plow trucks and other seasonable equipment) preferred in a screened area; the subjective interpretation of limited timing for out-of-service or inoperable vehicles; inclusion of building materials under equipment/goods category; need for a clear distinction between finished goods versus raw materials; need for defining “permanent” and “temporary” outdoor storage (line 26); and clarifying permitted versus unpermitted uses requiring an Interim Use Permit or Conditional Use application approval, with aesthetic impacts and/or erosion control materials addressed in the updated Zoning Code for Industrial Districts.

Additional discussion included definition of “acceptable small amount of material (page 3, line 52) and addressed in Section 5, 1009.02.D.30 with staff anticipating a level at approximately 10% as being appropriate, but needing further review and possible refinement, but specifically addressed in each Conditional Use application rather than attempting to arrive at a correct volume or percentage in this revision; and staff direction to further define “permanent storage” from an enforcement perspective, with a specific definition, since it’s mentioned in numerous sections.

Regarding concerns raised by Councilmember McGehee related to inoperable vehicles and how they are defined, Mayor Roe noted that if a vehicle was stored beyond a certain point, it would be addressed in the City’s Nuisance Code.

Further discussion ensued regarding storage on one site of larger snow removal equipment for staging at various locations (e.g. Rosedale, Har Mar, Target) and whether there was any exemption for that equipment that was typically heavier and more difficult to transport; related difference for those businesses as noted whether located in a Regional Business-1, Community Business, or Neighborhood District. Councilmember Willmus expressed concern that care be given to not force people to transport those heavy vehicles more frequently than necessary. Councilmember Willmus noted that Rosedale was zoned Community Business and Target was zoned Regional Business, and expressed his preference that snow removal vehicles at both locations be consistent. With Councilmembers Laliberte and Willmus, along with Mayor Roe, noting the storage of snow removal equipment year-round at the Har Mar Mall Cub Store, staff was encouraged to further review this section. Mayor Roe suggested addressing the issue by defining the number of pieces of equipment allowed for outdoor storage at those sites and the seasonal nature of that equipment; and whether it was stored on one site but used in multiple locations; but at a minimum to provide a consistent standard across the board.

Addressing Councilmember McGehee’s concern with differences in fence height from 8’ to 6-8’ in sections of this revised ordinance, Mr. Lloyd advised that there were some areas when a higher fence was needed to address the type of materials, topography of the property, or other issues. Mr. Lloyd advised that the intent was to sufficiently screen those items being stored outdoors, but to not create excessive costs for the property owner.

Mayor Roe noted that a Conditional Use would address the height issue if there were elevation issues; with Mr. Lloyd concurring.

Councilmembers expressed appreciation for staff’s pictorial examples in their report of those items that did or did not meet requirements.

With additional revisions and direction provided during this discussion, staff was requested to incorporate them in the next iteration.

City of Roseville

ORDINANCE SUMMARY NO. ____

AN ORDINANCE AMENDING SELECTED TEXT PERTAINING TO OUTDOOR STORAGE IN CHAPTERS 1001 (INTRODUCTION), 1005 (COMMERCIAL AND MIXED-USE DISTRICTS), 1006 (EMPLOYMENT DISTRICTS), 1009 (PROCEDURES), AND 1011 (PROPERTY PERFORMANCE STANDARDS) OF TITLE 10 "ZONING CODE" OF THE ROSEVILLE CITY CODE

The following is the official summary of Ordinance No. ____ approved by the City Council of Roseville on August 12, 2013:

The Roseville City Code, Title 10, Zoning Code, has been amended to improve outdoor storage regulations by amending the definition and revising how and where outdoor storage is allowed.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the Internet web page of the City of Roseville (www.ci.roseville.mn.us).

Attest: _____
Patrick Trudgeon, Interim City Manager