

REQUEST FOR COUNCIL ACTION

Date: 04/18/2011
Item No.: 13.f

Department Approval



City Manager Approval



Item Description: Discussion regarding Zoning Code issues identified as part of the City's Work Plan

BACKGROUND

At the January 31st and February 7th Special City Council meetings, staff and the City Council reviewed and discussed a list of items to be added to the City's work plan. Several issues relating to the zoning code were identified as part of the work plan. Staff is bringing forward these items for further discussion and direction.

Staff has identified the following items as being part of the work plan:

- Review/Amend the Sign Regulations Chapter 1010.
- Review/Amend the Shoreland, Wetland, and Stormwater Management Chapter 1017 and Erosion and Sedimentation Control Chapter 1018.
- Review/Amend the Sexually Orientated Uses Chapter 1020.
- Review/Amend the Subdivision Regulations - Title 11.
- Add incentives for the use of energy-efficient practices, xeriscaping, native planting, and community involvement.
- Community-based planning through Charrette Process.
- Create processes to allow staff and Council to review and modify proposals to allow for the city of preserve and protect neighborhood character.
- Review public notification policy for "aggressive land uses".
- Evaluate High Density Residential code and create greater setbacks when adjacent to lower density uses.

The above items were taken from staff's notes and materials provided as part of the materials for the special meeting. If there are other items that should be discussed, please bring them up as part of the discussion.

The first 5 items are ones identified by staff, while the remaining items were identified by Council members. As the previous sessions just identified all of the topics and did not have substantial discussion, staff would like for the Council to have a discussion about each of the items and receive direction from the Council on how to proceed with the identified topics.

Secondly, the Council should also prioritize these items as some may be more important than others. Staff has included a brief discussion below on each item to help foster the discussion.

- **Review/Amend the Sign Regulations Chapter 1010.** *The sign ordinance was updated in 2007 and is in relatively good shape. However, staff would like to review the whole document for any potential changes and add language regarding digital display signs.*
- **Review/Amend the Shoreland, Wetland, and Stormwater Management Chapter 1017 and Erosion and Sedimentation Control Chapter 1018.** *Staff would like to separate Shoreland Management from the existing chapter. For the Shoreland and Wetland Chapter, which regulates development on lakes, rivers, and wetlands, staff is waiting for the Minnesota Department of Natural Resources to update their model ordinance for the City to use as a template. The current shoreland regulations date from the 1970s and need to be updated. Staff has not received any information on a timetable for the DNR, but the model ordinance could be released later this year.*

In regards to the Stormwater Management Chapters, is intended to move these regulations out of the zoning code and into Chapter 8 Public Works. Since Public Works staff regulates and enforces stormwater ordinances, it seems to be appropriate to locate this section into Chapter 8. For the same reasons, Chapter 1018 Erosion and Sedimentation Control should be relocated to Chapter 8.

- **Review/Amend the Sexually Orientated Uses Chapter 1020.** *The regulations governing sexually orientated uses have not been updated since 2002 and staff would like to review the ordinance with the City Attorney to ensure that the chapter reflects modern society and our community's values.*
- **Review/Amend the Subdivision Regulations - Title 11.** *Staff would like to do a comprehensive review of Title 11, Subdivision to ensure the regulations are adequate to govern the subdivision of land for development and the construction of public infrastructure. This Title outlines the process of approving subdivision plats (including minor subdivisions), sets the application submittal requirements, sets public improvements standards, sets design standards for public infrastructure and minimum standards for lot size and area, and establishes the park dedication requirement.*
- **Add incentives for the use of energy-efficient practices, xeriscaping, native planting, and community involvement.** *Staff believes that using incentives is the proper way to encourage the abovementioned items versus a strict mandate or requirement. Incentives can take many forms from reduced timeline for review and approval, reduced fees, additional density, etc. The City Council should discuss if and how incentives should be used.*
- **Community-based planning through Charrette Process.** *A charrette is collaborative process in which groups of people draft a solution to a problem and is a technique used in many different disciplines. In the municipal context, local elected officials, property owners, staff, and stakeholders come together to work out an acceptable solution to an issue. It is often used to tackle design topics but is used for more broadly based planning. While a charrette can be highly effective, it does take additional time and cost than a typical review process. Nevertheless, it can be extremely effective on highly charged topics and can help a community arrive at an optimal solution. It is often a perfect fit for a publically-led project.*

- **Create processes to allow staff and Council to review and modify proposals to allow for the city of preserve and protect neighborhood character.** *The current code, like the previous code, outlines standards and requirements to be met for development or improvement of a property. If those standards and requirements are met, the use and/or improvement is allowed to go forward upon receiving a building permit. Certain uses, because of their nature or potential impact are only conditionally permitted and are required to receive approval by the City Council. In addition, if a proposed use is not consistent with the Comprehensive Plan or the current zoning designation, the City Council has to approve a change to the property's designation before allowing for the development or improvement. The previous code also allowed for a Planned Unit Development (PUD) that allowed for deviations from the regulations and standards due to the uniqueness of the proposal. Any PUD, which in effect is the granting of several variances to the code, needed to be approved by the City Council.*

Under the previous code, PUDs were used quite frequently (and with criticism) for development as the existing code did not allow for a lot of flexibility and was outdated with the current building and development trends and techniques. Due to the excessive use of PUDs and the inherent criticism of PUDs, the new code no longer requires or allows for a PUD. Instead, the new code has updated the standards and regulations to current building, design, and development trends and techniques. Staff believes this is a better approach as it gives more certainty to property owners, citizens, and developers on what can occur on a property and how it will occur. Since the zoning code reflects and implements the Comprehensive Plan goals and policies, there is less of concern of development of property and less of a need for City Council review if the proposal meets the standards and regulations of the Zoning Code.

The end result of the new code is that the City Council will now be seeing less development proposals coming forward for their consideration and approval. City Council approvals will still be required for conditional and interim uses, rezoning and comprehensive plan amendments, and subdivision plats. If a use is permitted and the proposal meets all of the requirements of the zoning code (e.g. does not need a rezoning or variance), the City Council would not formally approve the project.

The City Council should discuss the need for their review of permitted projects and if desired whether it should be for all projects or just certain specific projects.

- **Review public notification policy for “aggressive land uses”.** *Public hearing notification of land use cases is required under state statutes. The statutes require that all property owners within 350 feet of the subject property be notified on the public hearing. In 2007, the City increased that distance to 500 feet. While the existing notice seems to suffice for a majority of land use cases, there are certain uses that cause considerable controversy due to the lack of notice to a larger area. In checking with the surrounding communities, the City of Roseville has largest notification area for land use cases. If there is a desire to create a larger notification area, the City Council should discuss if it should apply to all land use public hearings or just certain ones and how large of a notification area it should be.*
- **Evaluate High Density Residential code and create greater setbacks when adjacent to lower density uses.** *When a higher density project goes next to a lower density project, there is concern about how the higher density use's mass and scale will affect the*

116 *lower density area. This is a legitimate concern that is typically addressed thru the*
117 *requirement of setbacks or buffer zones. Currently, the code mostly requires a fixed*
118 *setback for high density development regardless of what is located adjacent to it. (The*
119 *exception is in the HDR-1 district which requires a greater side yard setback next to a*
120 *LDR-1 and LDR-2 property). The City Council should discuss if additional setbacks*
121 *should be required when higher density properties are next to lower density properties.*

122 **BUDGET IMPLICATIONS**

123 Not applicable

124 **STAFF RECOMMENDATION**

125 Staff has no recommendation on these items at this time but would like to have discussion and
126 direction from the City Council on how to proceed on the items identified above.

127 **REQUESTED COUNCIL ACTION**

128 The City Council should discuss the items that are part of the work plan and direct staff on how
129 to proceed on the items.

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Attachments: None