



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
KYRA CHAPMAN, PLANNER
SUBJECT: ADOPTION OF ORDINANCE #341 AMENDING SECTION 707 OF THE ZONING
ORDINANCE TITLED SCREENING RELATING TO SCREENING
REQUIREMENTS IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT
DATE: SEPTEMBER 6, 2023

Earlier this year, there were screening complaints of a property in the I-1 Light Industrial Zoning District adjacent to TH21. Under the current zoning ordinance, there are only specific screening requirements for commercial, industrial, or institutional uses that abut residentially zoned properties. The ordinance does not account for industrial properties adjacent to commercial, industrially zoned properties or major roadways. Over the past few months, the Planning Commission has been drafting up a revised ordinance with language that outlines specific opacity, fencing, escrow, warranty, tree spacing, diameter, and height requirements for various locations of industrial uses which previously would be individually determined during a conditional use permit review process only.

The Planning Commission held the required public hearing on the zoning ordinance amendment on August 23rd, 2023 and received no public comments during the hearing. During the meeting, the Planning Commissioners suggested making some modifications to the warranty and escrow section in regard to the amount of escrow and escrow forfeiture. Since their last meeting, this section has been expanded upon noting an escrow being required in the amount of 125% of the cost of the landscaping to ensure the escrow would ensure the work could be completed by the city if necessary. The Planning Commission motioned (4-0) to forward the zoning ordinance amendment to the City Council.

The City Council introduced and conducted the first reading the ordinance at their meeting on September 5th, 2023.

Recommendation

Staff recommends that the City Council conduct a second reading and adopt ordinance #341.

ORDINANCE NO. 341

CITY OF NEW PRAGUE

AN ORDINANCE AMENDING SECTION 707 OF THE ZONING ORDINANCE TITLED SCREENING RELATING TO SCREENING REQUIREMENTS IN THE I-1 LIGHT INDUSTRIAL DISTRICT

The City of New Prague Ordains:

SECTION 1. Section 707 of the Zoning Ordinance titled Screening is amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

707 Screening

1. Commercial, Industrial, or Institutional Uses Abutting Residential Districts

Where any commercial, industrial or institutional uses are adjacent to property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front as determined by the Zoning Administrator. Landscape screening required under this section shall not be allowed within public drainage and utility easements. Screening is not required within any site triangle required under Section 723(6) of this Ordinance. Screening shall consist of a 20 foot wide green belt strip as provided below:

- A. A green belt planting strip shall consist of staggered rows of evergreen trees, or deciduous trees and plants, or shrubs each spaced at a maximum of 12.5' and consist of a sufficient density to provide a visual screen and reasonable buffer of at least an 80% opacity year round once trees are mature. This planting strip shall be designed to provide visual screening to a minimum height of six eight feet at all times and a minimum tree diameter of 2.5" measured six inches above the ground level. The grade for determining the height shall be the grade elevation of the building or use for which the screening is providing protection. The planting plan and type of plantings shall require the approval of the Zoning Administrator.
- B. A fence may also be installed, but not in lieu of the green belt planting strip. The fence shall be visually appealing and cohesive with the exterior of the principal structure constructed of masonry, brick, vinyl, or wood. The fence must be located within the interior of the lot such that the green belt plantings are visible from adjacent property.
- C. For any use allowed via a conditional use permit, additional requirements may be added to the above requirements in order to mitigate the impact on the adjacent residential properties and if adjacent to roads classified as major collectors and higher, such as berms, more opacity or other requirements not listed herein.

2. Industrial Uses Abutting Commercial or Industrial Districts

All industrial properties abutting commercial or industrially zoned districts must follow the

provisions below:

- A. A single row of deciduous or evergreen trees is required and must be a minimum height of 8' with a minimum diameter of 2.5" measured six inches above the ground level. Tree spacing shall be 40' around the perimeter of the property abutting commercial or industrial districts. Follow § 717 of the Zoning Ordinance for landscaping requirements for parking lots.
- B. If fencing is erected on the property, the fence must be visually appealing and cohesive with the exterior of the principal structure.

3. Industrial Uses Along Arterial Roadways

- A. If a proposed industrial use abuts a roadway classified as an arterial roadway or higher, the applicant must obtain a conditional use permit to ensure that the property and use is adequately screened from the arterial roadway which may include additional landscaping/screening requirements beyond those found in Section 1 and 2 above as well as include additional requirements related to tree spacing, opacity, fencing, etc.

4. Warranty and Escrow

- A. The City shall collect a cash escrow specifically for the screening requirements before any building permit is issued. The escrow shall be at an amount equal to a minimum of 125% of the estimated screening expenses and shall be refunded to the party who deposited the escrow when all the following are completed and approved by the City:
 1. Required screening trees are installed and alive at the end of the 1 year warranty time period.
 2. Sites that are completed between October 15th and before May 15th shall have until July 1st to plant the required trees but will only be issued a temporary certificate of occupancy until that time.
 3. If the property owner fails to complete the landscaping and screening requirements by the deadline, the City may finish the work with the cash escrow. Any additional fees or expenses accrued in association with the City finishing the work will also be invoiced to the property owner.

SECTION 2. This ordinance shall take effect and be in force after its passage and upon its publication, in accordance with Section 3.13 of the City Charter.

Introduced to the City Council of the City of New Prague, Minnesota, this 5th day of September, 2023.

The required 10 days posted notice was completed on the City Website and City Hall Bulletin Board on September 6th, 2023.

Passed by the City Council of the City of New Prague, Minnesota, the 18th day of September, 2023, and to be published on the 28th day of September, 2023.

Duane J. Jirik, Mayor

State of Minnesota)

)ss.

(CORPORATE ACKNOWLEDGMENT)

County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2023.

Notary Public

ATTEST: _____
Joshua M. Tetzlaff, City Administrator

State of Minnesota)

)ss.

(CORPORATE ACKNOWLEDGMENT)

County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2023.

Notary Public

THIS INSTRUMENT DRAFTED BY:

Kyra J. Chapman
City of New Prague
118 Central Ave. N.
New Prague, MN 56071
(952) 758-4401