



118 Central Avenue North, New Prague, MN 56071
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MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
KYRA CHAPMAN, PLANNER
SUBJECT: INTRODUCTION OF ORDINANCE AMENDING SECTION 707 OF THE ZONING
ORDINANCE TITLED SCREENING RELATING TO SCREENING
REQUIREMENTS IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT
DATE: AUGUST 30, 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.

Recommendation

Staff recommends that the City Council conduct a first reading and approve the introduction of the ordinance amendment.

ORDINANCE NO. 340

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



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phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
KYRA CHAPMAN, PLANNER
SUBJECT: PROPOSED ZONING ORDINANCE AMENDMENT FOR SCREENING
REQUIREMENTS IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT
DATE: AUGUST 28, 2023

During a recent review of a conditional use permit, the Planning Commission showed a concern for providing adequate screening of a property and particular use in the I-1 Light Industrial district, largely due to recent complaints of another industrial property. The particular use in question involves “exterior storage”.

While the City’s zoning ordinance does have screening requirements under Section 707, additional landscaping and screening requirements in the industrial district are determined when establishing conditions for a conditional use permit and based on the specific type of use occurring, such as exterior storage type uses.

The current Zoning Ordinance outlines requirements for commercial, industrial, or institutional uses abutting residentially zoned properties. The ordinance does not account for industrial properties adjacent to commercial or industrially zoned properties. To better visually screen the industrial district and minimize noise, erosion, and glare, staff added language that outlines opacity, tree spacing, diameter, height, and fencing aesthetic requirements to the ordinance.

The Planning Commission previously reviewed concept language for a zoning ordinance amendment on both May 24th and June 28th, 2023. The public hearing was scheduled for tonight’s meeting.

Other City Regulations for Landscaping and Screening

See attached research.

City Staff Comments

Comments not yet solicited from other city departments at this time.

Proposed Zoning Ordinance Language-

Staff suggests amending the zoning ordinance language that details screening and landscaping requirements for commercial, industrial, or institutional uses abutting residentially zoned properties and screening requirements for industrial properties abutting industrial and commercial properties.

Amendments are shown as follows: ~~struck out~~ and added.

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.**

Recommendation

Staff recommends that the Planning Commission hold the required public hearing on July 26th, 2023 to gather public input and to forward a recommendation on the proposed amendment to the City Council for consideration at their meeting on August 7th, 2023.

Attachments:

1. Other City & County Regulations on Screening

Other City & County Regulations on Screening

According to Belle Plaine's Zoning Ordinance, all commercial and industrial uses abutting or adjacent to residential districts must provide screening and consist of a fence or a green belt strip. A green belt planting strip shall consist of evergreen trees or deciduous trees and plants. The planting strip shall be designed to provide complete visual screening to a minimum height of six (6') feet. Earth mounding or berms may be used but shall not be used to achieve more than three (3') feet of the required screening. Fencing may be constructed from masonry, brick or wood and can't exceed a height of (6') feet. Fences exceeding this height require a conditional use permit.

If the City Council of Centerville requires screening as a condition for a variance, conditional use, or interim use permit, the applicant must complete the screening requirements within one year of the building permit. The applicant must provide a cash escrow or a letter of credit in an amount of 150% of the estimated cost of planting and construction of the screening. If cash escrow will be forfeited to the city if the provisions of the section are violated.

In the City of Duluth, industrial properties abutting properties zoned commercial, institutional, or mixed use, a landscape buffer must be provided by following Option A or Option B. Option A requires a landscape buffer width of at least 10 feet with one tree planted every 40 feet of the boundary line and large four shrubs per 20 feet of the boundary line. Option B requires an opaque wall, berm, fence or vegetative screen (50% opacity) that's at least 6 feet tall. If a fence or wall is provided, the side facing away from the industrial use must look as complete in appearance as the side facing the industrial use, and three small shrubs per 25 feet of boundary line is required.

The City of East Bethel requires a landscaping escrow from each district. A letter of credit or cash escrow shall be supplied by the owner in an amount equal to at least 150% of the approved estimated landscaping costs.

In the City of Elko New Market, commercial, industrial, and institutional uses shall provide screening along the boundary of any abutting residential district or where the side or rear of the use is separated from any residential district by a public right of way. Screening must consist of a 20' wide greenbelt strip of evergreen and or/deciduous trees and plants within a minimum height of 6'. A fence may be installed but not in lieu of the green belt planting strip. The fence must provide a solid screening effect and be a minimum of six (6') feet in height but cannot exceed eight (8') feet in height.

In Forest Lake, all commercial, multi-family, industrial, PUD, and non-residential use districts must supply a credit or cash escrow in an equal amount to at least 125% of the approved estimated landscaping costs. If the landscaping is not completed within the required time of the building permit and other approvals, the city may complete the work required at the expense of the owner.

Isanti's Zoning Ordinance states that landscaping must be completed prior to the issuance of a Certificate of Occupancy. The City will deposit the applicant's money into an escrow account until the work is completed or 12 months. If the applicant fails to comply to the landscaping

requirements within 6 months of receipt of the escrow payment, the City will complete landscaping required using the escrow funds.

According to the City of Jordan's Zoning Ordinance, any business or industry adjacent to a property developed for residential or highway commercial use, the business or the industry shall provide an earth berm at a minimum of 6' in height and screening along the boundary of the residential and/or commercial property. Screening shall also be provided where a business, parking lot, or industry is located across the street from a residential zone, but not on that side of a business or industry considered to be the front. Screening required in that section may consist of fences, trees, shrubs, and berms, but shall not extend within 15' of any street driveway. The screening shall be placed along property lines or in case of screening along a street, it must be 20' from the street right-of-way with landscaping between the screening and pavement. Industrial sites shall contain a minimum of one tree per 40 feet of the site perimeter.

The City of Lakeville requires that if any commercial or industrial use abuts a residential district, it shall provide the following screening and greenbelt strip requirements:

- 1) A greenbelt planting strip may consist of evergreen trees and/or deciduous trees and shrubs and shall be a minimum of twenty feet (20') in width. The planting strip must be a minimum height of eight feet (8'). Shade trees must have a minimum diameter of 2 ½" and ornamental trees (flowering crabs, hawthorn, serviceberry, etc.) must have a minimum diameter of 2". Shade trees include Buckeye/Chestnut, Maple, Birch, Hornbeam, Hickory, Northern Catalpa, Hackberry, Black Walnut, Elm, Oak, Linden, Quaking Aspen, Eastern Cottonwood, Ironwood, and Kentucky Coffeetree. Acceptable conifers include Fir, Eastern Red Cedar, Larch, Dawn Redwood, Spruce, Pine, Northern White Cedar, and Baldcypress. Tree centers shall not be located closer than 10' from the fence or property line and shrub centers shall not be less than 5' from fence or property line.
- 2) A fence may be installed but not in lieu of the greenbelt. The fence may be constructed of masonry, brick, vinyl, or maintenance free composite materials. Such fence shall provide a solid screening effect and shall be a minimum of six feet (6') in height but shall not exceed eight feet (8') in height. Fences in excess of eight feet (8') in height shall require an administrative permit subject to the approval of the zoning administrator.

The City of Savage requires that multi-family residential, commercial, industrial and mixed-use developments must follow §152.522 of the Zoning Ordinance regarding outdoor storage screening. Outdoor storage must be screened from the public-right of way, public use areas, and residential properties. The screening standards mandate that screening should provide 90% opacity through solid fences, or walls, berming, landscaping or a combination. The screening fences or walls must look appealing and be complimentary to the finished construction of the primary structure. Vegetative screening must consist of healthy plants at a minimum height of 6 feet and at least a year-round opaqueness of 90% once mature.

In Scott County, commercial or industrial use properties that abut Rural Residential, Residential Suburban, Transition Reserve or Urban Expansion Zoning Districts, screening standards must be met. Screening must also be provided if the 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. The greenbelt planting strip shall consist of evergreens, deciduous trees, shrubs, and plants to compose an 80% opaque visual screen and reasonable buffer viewed at a 90 degree angle from greenbelt

planting strip. The trees must be a minimum height of 6' tall. Deciduous trees shall be planted not more than 40' apart and evergreens shall be planted no more than 12' apart. Where plant materials are planted in two or more rows, plantings shall be staggered in rows. Fences may be built but not in lieu of the greenbelt. Fences shall provide 80% opacity and be a minimum of 6' in height but may not exceed 8'. An earth berm may be used but shall not be used to achieve more than eight (8) feet of the required screen.