

**CITY OF PLYMOUTH
AGENDA
SPECIAL COUNCIL MEETING
MAY 12, 2009, 5:30 p.m.
MEDICINE LAKE CONFERENCE ROOM**

- 1.** Call to Order
- 2.** Discuss annual update of the City Code and Zoning Ordinance. *City of Plymouth.*
(2008076) (*Tabled from 04/28/09*)
- 3.** Set future Study Sessions
- 4.** Adjourn

MEMO**CITY OF PLYMOUTH**

3400 PLYMOUTH BOULEVARD, PLYMOUTH, MN 55447

DATE: May 6, 2009

TO: Plymouth City Council

FROM: Shawn Drill, Senior Planner (509-5456)

SUBJECT: May 12th Study Session RE: Annual Update to the Zoning Ordinance (2008076)

Please bring your zoning packet (Item 8.1) from the April 28th Council meeting to the May 12th Study Session. Let me know in advance if you need another copy.

Attached are the following items:

- A table showing existing and proposed impervious surface coverage regulations within the shoreland overlay district (1,000 feet from a lake or 300 feet from a stream). The table also shows maximum structural (building only) coverage by zoning district—which applies city-wide, but is superseded by the more restrictive shoreland regulations.
- A copy of a letter from the DNR (Department of Natural Resources) indicating their approval of the proposed amendments to the shoreland regulations.
- Tables that identify the four categories of Natural Communities relating to the proposed amendments to the tree preservation regulations. Table 1 shows the amount of land within the northwest overlay that is privately owned versus publicly owned. Table 2 shows the same data for land within the remainder of the city. Table 3 shows acreages within each of the four categories also within the remainder of the city, based on existing land use. The acreage shown on the tables is net acreage (wetland, wetland buffer, and flood plain areas have been deducted).
- Added verbiage (shown in **bold**) that would cross-reference the PUD requirement proposed in Section 530 of the subdivision regulations with the Zoning Ordinance, as recommended by City Attorney Roger Knutson.

LOT COVERAGE

(2008076)

Impervious Surface Coverage: Includes buildings, porches, stoops, sidewalks, driveways, parking lots, tennis courts, etc.

Structural Coverage: Includes principal buildings and any attachments thereto that contain a roof, together with accessory buildings that contain a roof and exceed 120 sq. ft. in floor area.

DISTRICT	Existing "Impervious Surface Coverage" Within the Shoreland District (max.)	Proposed "Impervious Surface Coverage" Within the Shoreland District	Maximum "Structural Coverage" (no changes proposed) --Applies to all lots in the City; the shoreland regulations supersede this regulation
FRD	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	None
RSF-R	n/a (new district)	25%--could be increased up to 30% with BMPs to offset increase above 25%	20% proposed (new district)
RSF-1	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	30% -- SF uses 50% -- Other uses
RSF-2	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	30% -- SF uses 50% -- Other uses
RSF-3	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	35% -- SF uses 50% -- Other uses
RSF-4	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	35% -- Res. uses 50% -- Other uses
RMF-1	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	40% -- Res. uses 50% -- Other uses
RMF-2	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	40% -- Res. uses 50% -- Other uses
RMF-3	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	40% -- Res. uses 50% -- Other uses
RMF-4	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	40% -- Res. uses 50% -- Other uses

DISTRICT	Existing "Impervious Surface Coverage" Within the Shoreland District (max.)	Proposed "Impervious Surface Coverage" Within the Shoreland District	Maximum "Structural Coverage" (no changes proposed) --Applies to all lots in the City; the shoreland regulations supersede this regulation
O	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	40% -- Res. uses 50% -- Other uses
C-1	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	50%
C-2	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	50%
C-3	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	50%
C-4	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	50%
CC	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	40%
C-5	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	50%
B-C	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	35%
I-1	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	35%
I-2	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	50%
I-3	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	50%
P-I	25%	25%--could be increased up to 30% with BMPs to offset increase above 25%	50% -- General Uses 8% -- Correctional Facilities

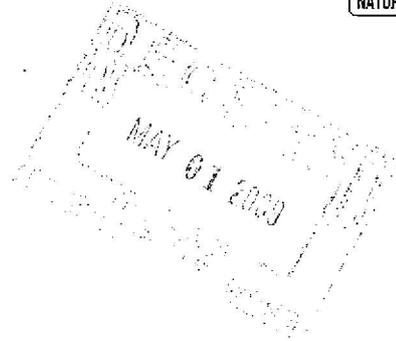
Minnesota Department of Natural Resources

Central Region Waters- 1200 Warner Road, St. Paul, MN 55106-6793
Telephone: (651) 259-5845 Fax: (651) 772-7977



April 29, 2009

Shawn Drill, Senior Planner
City of Plymouth
3400 Plymouth Boulevard
Plymouth, MN 55447-1482



RE: City of Plymouth, Proposed Shoreland Ordinance Amendments

Dear Mr. Drill:

Thank you for submitting the updated version of your community's draft shoreland management controls (Section 21665-Shoreland Management Overlay District) and your city's request for flexibility from the statewide shoreland rules, received in this office on April 27, 2009. We appreciate your cooperation in fine-tuning the proposed ordinance amendments as requested in Area hydrologist Kate Drewry's letter of April 8, 2009 and discussed with you at the subsequent meeting.

I will address the flexibility request first. You have presented information in support of flexibility from statewide standards in the following area:

Maximum Impervious Surface Area - Allow an increase in the total impervious surface area up to 30% if City-approved stormwater BMP's are provided in a manner that offsets the increase in imperviousness. None of the allowable increase in impervious area shall occur in the shore or bluff impact zones.

Your March 27 and April 22, 2009 letters adequately justify the City's need for flexibility from the statewide shoreland management standards in the above noted area. I hereby fully approve the City's request for flexibility.

I also am informing you that the other proposed changes in the City's draft ordinance amendments are substantially compliant with Minnesota Rules, Parts 6120.2500 - 6120.3900, and are hereby conditionally approved. Full approval is effective upon the City's official adoption of the amended ordinance. A copy of the officially adopted ordinance should be sent to Ms. Drewry.

Sincerely,

A handwritten signature in cursive script, reading "Dale E. Homuth".

Dale E. Homuth
Regional Hydrologist

c: North Metro Area Hydrologist, Kate Drewry
City of Plymouth Shoreland File

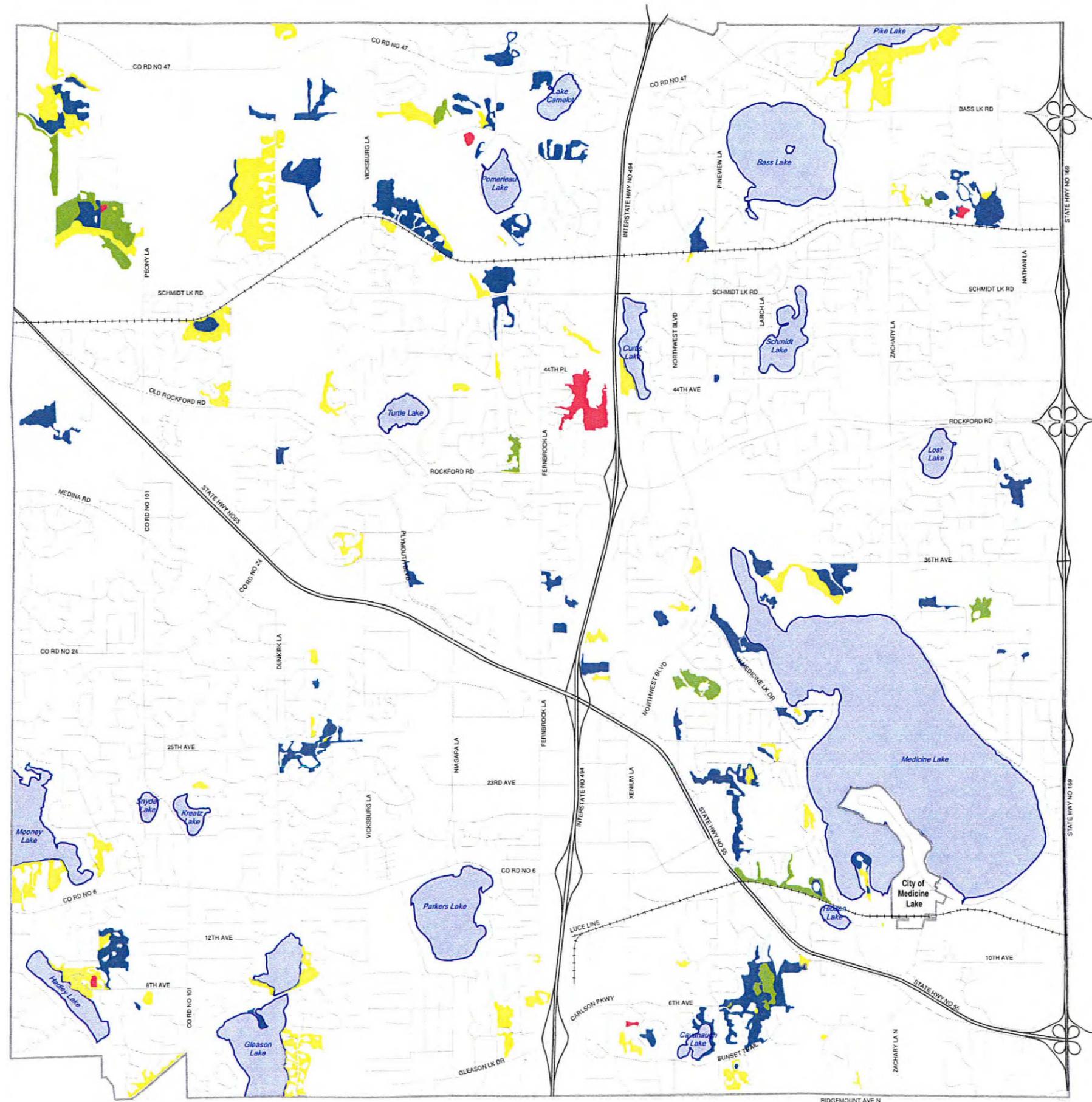


FIGURE 7A-2.1
Natural Community Classifications

Legend

- High Quality
- Good Quality
- Moderate Quality
- Poor Quality
- City Limits
- Lakes

0 0.25 0.5 1 1.5 2 Miles

THIS REPRESENTS A COMPILATION OF INFORMATION AND DATA FROM CITY, COUNTY, STATE AND OTHER SOURCES THAT HAS NOT BEEN FIELD VERIFIED. INFORMATION SHOULD BE FIELD VERIFIED AND COMPARED WITH ORIGINAL SOURCE DOCUMENTS.

Source: Hennepin County and Great River Greening


 City of
 Plymouth, Minnesota

Dated April 14, 2009

TABLE 1
Northwest Overlay

Natural Community Class	Natural Community *Developable Acreage						
	Privately-Owned	Percent	City-Owned	Percent	Potential Acquisition	Percent	Total
A - High Quality	0.00	-	0.00	-	0.00	-	0.00
B - Good Quality	13.20	100%	0.00	-	0.00	-	13.20
C - Medium Quality	80.77	91%	1.61	2%	6.58	7%	88.96
D - Poor Quality	85.97	95%	4.25	5%	0.30	0%	90.52
Grand Total	179.94	93%	5.86	3%	6.88	4%	192.69

*Developable Acreage- natural community acreage minus wetland, wetland buffer and floodplain

TABLE 2
Remainder of City

Natural Community Class	Natural Community **Developable Acreage				
	Privately-Owned	Percent	City-Owned	Percent	Total
A - High Quality	1.69	100.00%	0.00	-	1.69
B - Good Quality	1.43	100.00%	0.00	-	1.43
C - Medium Quality	17.72	98.19%	0.33	1.81%	18.04
D - Poor Quality	23.74	100.00%	0.00	-	23.74
Grand Total	44.57		0.33		44.90

**Developable Acreage- natural community acreage minus wetland, wetland buffer and floodplain & Land Use Code is Vacant

The table below identifies the land use of the natural community parcels outside the Northwest Overlay. Roughly 45 acres are currently undeveloped. Not quite half of the parcels are in parks or open space. Roughly 30 percent are developed with single family homes.

TABLE 3

Natural Community Class	Land Use Code															
	AG	CHURCH	COMM	CONDO	IND	INST	MFR	OPEN	PARK	PUB	RR	SCHOOL	SFD	TH	VAC	Grand Total
A - High Quality			0.03	0.04			1.21	0.38	18.53				1.04	0.01	1.69	22.93
B - Good Quality			0.09				1.71	6.58	23.46	0.22	1.09	10.30	6.80	0.00	1.43	51.68
C - Medium Quality	5.02	1.02	18.17	0.46	4.82	5.35	0.60	12.09	62.62	6.46	0.59	3.38	50.16	0.00	18.04	188.78
D - Poor Quality	9.98		5.50	0.00	1.38			11.22	62.07	0.99	1.29	7.29	80.52	0.51	23.74	204.60
Grand Total	14.99	1.02	23.80	0.49	6.20	5.35	3.53	30.27	166.68	7.67	2.97	20.97	138.52	0.52	44.90	467.99

F2.1. SECTION 21130.04 (FENCING/SCREENING/LANDSCAPING—TREE PRESERVATION) IS HEREBY AMENDED AS FOLLOWS:

21130.04. TREE PRESERVATION: A tree preservation plan shall be submitted in conjunction with any proposal that includes a subdivision application, in accordance with Chapter 5 of the City Code. **Any tree removal within “Natural Communities” as identified in the City’s 2006 Natural Resources Inventory (refer to Figure 7A-2.1 of the 2030 Comprehensive Plan) that exceeds the thresholds specified in Section 530 of the City Code shall require the processing of a rezoning request to a Planned Unit Development (PUD) pursuant to Section 21655 of this Chapter.**

(Amended by Ord. No. 2002-02, 01/22/02) (Amended by Ord. No. 2004-02, 01/13/04)

B. SECTION 506.07 (SUBDIVISION APPROVAL REQUIRED—REGISTERED LAND SURVEYS) IS HEREBY AMENDED AS FOLLOWS:

506.07. Registered Land Surveys. All registered land surveys shall be filed subject to the same procedures as required for the filing of a preliminary plat for platting purposes, except that a registered land survey that meets all of the standards and conditions required for a minor subdivision may follow the same procedures outlined in Section 506.05. The standards and requirements set forth in this Chapter shall apply to all registered land surveys. A registered land survey shall not be used to divide a parcel of land into lots for the purpose of transfer of ownership or building development if any of the tracts would not have the required frontage on a dedicated and improved public street.

C. SECTION 530 (TREE PRESERVATION) IS HEREBY AMENDED AS FOLLOWS:

Section 530 - Tree Preservation

530.01. Findings and Purposes.

Subd. 1. The City Council recognizes that preservation and replanting of trees is important on new development sites in order to maintain a healthy and desirable community. The City Council recognizes that greater efforts are needed to preserve trees located in "Natural Communities," as identified in the City's 2006 Natural Resources Inventory (refer to Figure 7A-2.1 of the 2030 Comprehensive Plan). The City Council also recognizes that a certain amount of tree loss is an inevitable consequence of the urban development process. The City Council finds that these tree preservation regulations help to establish a balance between an individual's rights to develop his or her property, and the needs of the community to protect all aspects of the natural environment and to provide housing, services, and employment opportunities within the City.

Subd. 2. The purposes of these tree preservation regulations include, but are not limited to, 1) prevention of soil erosion and sedimentation, 2) improved air quality, 3) reduced noise pollution, 4) energy conservation through natural insulation and shading, 5) control of the urban heat island effect, 6) increased property values, 7) protection of privacy by maintaining and establishing buffers between conflicting land uses, and 8) providing habitat for wildlife.

530.03. Scope. The regulations contained in this section shall apply to all properties involving 1) a preliminary plat application received after August 15, 1995, or 2) a lot division application resulting in the creation of one or more new development parcels, received after August 15, 1995. The City does, however, strongly encourage preservation of healthy trees on all properties within the City.

530.05. Removal Threshold.

Subd. 1. Residential Districts. Except as otherwise regulated in Natural Communities, ~~Developments in residential districts~~ subdividers may remove or disturb up to fifty (50) percent of the total inches of significant trees. Any removal or disturbance beyond this threshold shall require reforestation or restitution. For land located within a Natural Community, subdividers may remove or disturb up to the following percentages of the total inches of significant trees:

<u>High Quality Communities:</u>	<u>Ten (10) percent</u>
<u>Good Quality Communities:</u>	<u>Twenty (20) percent</u>
<u>Moderate Quality Communities:</u>	<u>Thirty (30) percent</u>
<u>Poor Quality Communities:</u>	<u>Forty (40) percent</u>

Any removal beyond the threshold specified within a Natural Community shall require reforestation or restitution, and shall require the processing of a rezoning request to a Planned Unit Development (PUD) pursuant to Sections 21130.04 and 21655 of the Plymouth Zoning Ordinance. The review of the PUD shall consider the extent to which the following steps are taken to reduce the number of trees removed from the Natural Community, as follows:

- (a) Using creative design, which may include conservation development or clustering, reduced lot sizes, reduced or increased setbacks, custom grading, buffers, or establishing the size and location of building pads and driveways.
- (b) Preserving the continuity of Natural Community areas by developing at the edges to preserve the core.
- (c) Establishing new natural areas comprised of native trees and plants to create and/or expand Natural Communities and/or their corridors.
- (d) Establishing a stewardship plan for the land during and after development. When appropriate, identify the funding sources to implement any upfront restoration and continued maintenance of the preserved Natural Community.
- (e) Establishing natural preserves pursuant to Section 811 of the City Code and/or recording conservation easements to protect specific areas, when appropriate.
- (f) Minimizing the impact to the character of the existing land forms, landscapes, and surrounding areas.

Subd. 2. Non-Residential Districts. Except as otherwise regulated in Natural Communities, Developments in non-residential districts-subdividers may remove or disturb up to seventy five (75) percent of the total inches of significant trees. Any removal or disturbance beyond this threshold shall require reforestation or restitution. For land located within a Natural Community, subdividers may remove or disturb up to the following percentages of the total inches of significant trees:

<u>High Quality Communities:</u>	<u>Thirty-five (35) percent</u>
<u>Good Quality Communities:</u>	<u>Forty-five (45) percent</u>
<u>Moderate Quality Communities:</u>	<u>Fifty-five (55) percent</u>
<u>Poor Quality Communities:</u>	<u>Sixty-five (65) percent</u>

Any removal beyond the threshold specified within a Natural Community shall require reforestation or restitution, and shall require the processing of a rezoning request to a Planned Unit Development (PUD) pursuant to Sections 21130.04 and 21655 of the Plymouth Zoning Ordinance. The review of the PUD shall consider the extent to which the following steps are taken to reduce the number of trees removed from the Natural Community, as follows:

- (a) Using creative site design, which may include conservation development, custom grading, buffers, reduced or increased setbacks for buildings, parking areas, or drive aisles.
- (b) Preserving the continuity of Natural Community areas by developing at the edges to preserve the core.
- (c) Establishing new natural areas comprised of native trees and plants to create and/or expand Natural Communities and/or their corridors.
- (d) Establishing a stewardship plan for the land during and after development. When appropriate, identify the funding sources to implement any upfront restoration and continued maintenance of the preserved Natural Community.
- (e) Establishing natural preserves pursuant to Section 811 of the City Code and/or recording conservation easements to protect specific areas, when appropriate.
- (f) Minimizing the impact to the character of the existing land forms, landscapes, and surrounding areas.

530.07. Reforestation/Restitution Requirement. If a development exceeds the allowable removal or disturbance threshold specified in Section 530.05 above, the subdivider shall either reforest appropriate areas within the site (or outside the site if appropriate locations within the site are not available) or pay restitution, or provide a combination thereof. For each one (1.0) tree inch that is removed or disturbed beyond the threshold, the subdivider shall replant one and

**REGULAR
COUNCIL MEETING**

May 12, 2009

To: Mayor and City Council

Prepared by: *for* Laurie Ahrens, City Manager

Item: **Set Future Study Sessions**

1. ACTION REQUESTED:

Review the pending study session topics list and set study sessions or amend the topics list if desired. Attached is the list of pending study session topics, as well as calendars to assist in scheduling.

Pending Study Session Topics

(at least 3 Council members have approved the following study items on the list)

- Joint meeting with Environmental Quality Committee (fall)

Other requests for study session topics:

- Update with the City Manager (summer)
- Meet with prosecutor for update (fall) (TB)



Adding Quality to Life

May 2009

SUN	MON	TUES	WED	THUR	FRI	SAT
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					1	2
3	4	5	6 7:00 PM PLANNING COMMISSION MEETING Council Chambers	7	8	9
10	11	12 5:30 PM SPECIAL COUNCIL MEETING Medicine Lake Room Review Zoning Ordinance 7:00 PM REGULAR COUNCIL MEETING Council Chambers	13 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Council Chambers	14 7:00 PM PARK & REC ADVISORY COM- MISSION (PRAC) MEETING Council Chambers	15	16
17	18	19	20 6:30 PM HUMAN RIGHTS COMMISSION SPECIAL MEETING Parker's Lake Room 7:00 PM PLANNING COMMISSION MEETING Council Chambers	21	22	23
24	25 MEMORIAL DAY Observed CITY OFFICES CLOSED	26 5:30 PM SPECIAL COUNCIL MEETING* Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	27 7:00 PM PLYMOUTH ADVISORY COMMITTEE ON TRANSIT (PACT) MEETING Medicine Lake Room A 7:00 PM HRA MEETING Parkers Lake Room	28	29	30 8:00 AM-3:30 PM SPECIAL RECYCLING DROP OFF EVENT Plymouth Maintenance Facility *5/26 Discuss Homeowners Associations and Subdivision of Lots
31						

Modified on 05/01/09

3400 Plymouth Boulevard
Plymouth, MN 55447

OFFICIAL CITY CALENDAR

Phone: 763-509-5000
Fax: 763-509-5060



Adding Quality to Life

June 2009

SUN	MON	TUES	WED	THUR	FRI	SAT
	1	2	3 7:00 PM PLANNING COMMISSION MEETING Council Chambers	4	5	6
7	8	9 7:00 PM REGULAR COUNCIL MEETING Council Chambers	10 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Council Chambers	11 7:00 PM PARK & REC ADVISORY COM- MISSION (PRAC) MEETING Council Chambers	12	13
14  FLAG DAY	15	16	17 7:00 PM PLANNING COMMISSION MEETING Council Chambers	18	19	20
21	22	23 7:00 PM REGULAR COUNCIL MEETING Council Chambers	24 7:00 PM PLYMOUTH ADVISORY COMMITTEE ON TRANSIT (PACT) MEETING Medicine Lake Room A 7:00 PM HRA MEETING Parkers Lake Room	25	26	27 8:00 AM MUSIC IN PLYMOUTH 5K RUN
28	29	30				

Modified on 05/01/09

3400 Plymouth Boulevard
Plymouth, MN 55447

OFFICIAL CITY CALENDAR

Phone: 763-509-5000
Fax: 763-509-5060

July 2009

SUN	MON	TUES	WED	THUR	FRI	SAT
			1 5:00 PM MUSIC IN PLYMOUTH Hilde Performance Center	2	3 INDEPENDENCE DAY OBSERVED CITY OFFICES CLOSED	4  INDEPENDENCE DAY
5	6	7	8 7:00 PM PLANNING COMMISSION MEETING Council Chambers 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Medicine Lake Room	9 7:00 PM PARK & REC ADVISORY COM- MISSION (PRAC) MEETING Council Chambers	10	11
12	13	14 7:00 PM REGULAR COUNCIL MEETING Council Chambers	15	16	17	18
19	20	21	22 7:00 PM PLANNING COMMISSION MEETING Council Chambers 7:00 PM PLYMOUTH ADVISORY COMMITTEE ON TRANSIT (PACT) MEETING Medicine Lake	23 7:00 PM HRA MEETING Medicine Lake Room	24	25
26	27	28 7:00 PM REGULAR COUNCIL MEETING Council Chambers	29	30	31	

Modified on 05/01/09