

AGENDA

NEW BRIGHTON PLANNING COMMISSION
REGULAR MEETING

TUESDAY, JANUARY 18, 2011
7:00 P.M.

1. Call to Order:

2. Roll Call:

____ **Bruce
Howard**

____ **James Alvey**

____ **Norm
Schiferl**

____ **Verne
McPherson**

____ **Steve
Danger**

____ **Paul Zisla**

____ **Erin Nichols
Matkaiti**

3. Agenda Review

4. Approval of Minutes

(A) December 21, 2010

5. Report on Council Action: Mr. David Phillips, City Council Member

6. Public Hearings

(A) Donald Wyland and Carol Noren request consideration of a Special Use Permit to permit operation of a pet cremation business at 833 3rd ST SW, Suite #2.

7. Announcements:

- (A) LMCIT's Land Use Incentive program
- (B) Variance Legislation

8. Adjourn: _____

WORKSESSION (to follow regular meeting)

Landscaping Standards

PLANNING COMMISSION PROCEEDINGS

Regular Meeting – December 21, 2010 7:00 p.m.

Present: Commissioners Bruce Howard, James Alvey, Verne McPherson, Steve Danger, Paul Zisla
Norm Schiferl and Erin Nichols-Matkaiti

Absent: None

Also Present: Janice Gundlach-City Planner, and Katie Bruno-Office Assistant.

Agenda Review: No Changes.

Minutes: Minutes from November 16, 2010 were presented and approved.

Council Action: Councilmember Phillips was not in attendance

Public Hearing:

- (A) City of New Brighton requests consideration of a Zoning Code amendment impacting Sections 8-210 thru 8-230 concerning variance standards.

City Planner Gundlach explained The City of New Brighton is requesting an amendment to Zoning Code Section 8-210 and 8-230. These sections refer to the variance criteria. The language of Section 8-210 is amended to authorize the City Council to grant variances consistent with State law. Section 8-230 is proposed to be repealed as it was a reference to County-based variance approval standards.

The Commission met in September for a special work session that discussed several topics. One topic included the recent Minnesota Supreme Court ruling pertaining to variances and local municipalities' loss of flexibility in interpreting those standards. This proposed amendment is in direct response to that case. City staff also felt it was appropriate to use this circumstance to repeal a County variance standard that does not apply to cities and should thus be removed from the ordinance. City staff recommends the Planning commission recommend the City Council adopt the proposed Ordinance as drafted by the City Attorney.

Chairperson Howard opened the Public Hearing at 7:37 pm.

Chairperson Howard asked for additional comments. There were none.

Motion by Commissioner Alvey, seconded by Commissioner Danger to close the Public Hearing.

7 Ayes, 0 Nays, Motion Carried

The Public Hearing was closed at 7:39 pm.

Motion by Commissioner Alvey, seconded by Commissioner Schiferl to approve staff recommendation.

7 Ayes, 0 Nays, Motion Carried

- (B) City of New Brighton requests consideration of a Zoning Code amendment impacting Section 7-230 concerning gross floor area standards for Planned Unit Developments.

City Planner Gundlach reported The City of New Brighton is requesting a Zoning Code Amendment to Section 7-230(7) concerning maximum gross floor areas for projects seeking Planned Unit Development approval. The existing language of Section 7-230(7) limits the maximum gross floor area for all buildings to 45% of the total land area. For projects within the Northwest Quadrant Redevelopment Area this maximum is too low for the types of projects the City desires. Thus, staff has proposed an amendment that gives the City Council flexibility to allow a higher maximum gross floor area for projects within the Northwest Quadrant Redevelopment Area.

The practice of amending the City Zoning Code to meet the Northwest Quadrant's needs is not a new concept. The City adopted the NWQ, Northwest Quadrant zoning district to codify some of the design guidelines established for redevelopment. While the goal remains to use this ordinance to predominately guide redevelopment efforts within the Northwest Quadrant, City staff is finding that the ordinance doesn't meet the needs of every project. Noting this, City staff has used the Planned Unit Development (PUD) tool to overcome some of these issues. Staff feels this proposed amendment related to density is needed in order to facilitate a project in the immediate future (The Stuart Company) as well as future projects.

Commissioner Schiferl questioned if the Council would authorize an increase without specific criteria. City Planner Gundlach stated that because it is a PUD, it is of her opinion that specific criteria are not necessary.

Chairperson Howard opened the Public Hearing at 7:38pm.

Chairperson Howard asked for additional comments. There were none.

Motion by Commissioner Danger, seconded by Commissioner Alvey to close the Public Hearing.

7 Ayes, 0 Nays, Motion Carried

The Public Hearing was closed at 7:39 pm.

Motion by Commissioner Schiferl, seconded by Commissioner Danger to approve the staff recommendation for consideration of Zoning Code Amendment impacting Section 7-230(7).

7 Ayes, 0 Nays, Motion Carried

- (C) Finn Daniels Architects on behalf of The Stuart Company request consideration of a Preliminary & Final Plat, Preliminary & Final Planned Unit Development, and Site Plan to allow construction of a 124 unit apartment building within the Northwest Quadrant, specifically Lot 1, Block 1 & Outlot B, LONG LAKE LANDING, also known as Block H on the west side of Old Highway 8 NW.

The applicants are requesting a plat, Planned Unit Development, and Site Plan approval to allow construction of a 124 unit multi-family apartment complex on 4.15 acres at 1300 Northwest Parkway, on the west side of Old Highway 8 NW within the Northwest Quadrant Redevelopment Area. The 124 unit

count consist of 3 studios, 54 one-bedrooms, 12 one-bedrooms + den, 47 two-bedrooms, and 8 three-bedrooms. The proposed apartments are considered Class A with rents ranging from approximately \$850 for a studio, \$1,250 for a 1-bedroom, \$1,700 for a 2-bedroom, and \$2,200 for a 3-bedroom. The building is four stories tall and spans a footprint of nearly a full acre. Total site green space allotment is proposed at 48% of the site's area. The City has been working with The Stuart Company for nearly six months on a redevelopment contract for this project. This project will be financially assisted by the City through excess tax increment generated in other TIF districts. This assistance would not otherwise be available if it were not for the Jobs Bill adopted by the Minnesota State Legislature this past summer, which aims to generate jobs. The total project cost is over \$19 million, including land. The City Council unanimously approved a Development Agreement with The Stuart Company on December 14, 2010.

The Site Plan analysis was reviewed; City Planner Gundlach reported nearly every requirement in the Northwest Quadrant Code is met. The Site Plan analysis revealed two minor issues:

- Front Yard Setback (more of a defect of the zoning code)
- Residential Units on 1st Floor having private entrances at street level

City Planner Gundlach reported these standards can be addressed without needing a variance by consideration and approval of a Planned Unit Development.

City Planner Gundlach reported Chapter 7 of the Zoning Code addresses planned developments.

The Planned Unit Development ordinance requires those amenities include; Pedestrian linkages to neighboring developments, an approved streetscape, and enhanced landscaping. In addition to providing amenities to offset negative impacts, other standards must be met. Staff finds all standards are being met subject to the code amendment being approved. Staff recommends the PUD be approved. The applicant will be required to enter into a PUD Declaration, which will govern how the site can be developed.

Three notices were sent out to the neighbors within 600 feet, 1 inquiry was received from Ramsey County regarding building height. The requested information was provided to Ramsey County and no further inquiries were received.

Commissioner Schiferl requested clarification on the landscape plan, as it was difficult to decipher. City Planner Gundlach offered details on the various plantings. Commissioner Schiferl questioned the size of the planting islands. City Planner Gundlach responded the islands are 22 feet wide at the widest section. Commissioner Schiferl questioned how the NWQ Parks Planning Group recommendations fit in with this project. City Planner Gundlach reported the Park Plan has not yet been fully implemented, however the southerly park is constructed, and the trail from the project will tie in well to the existing park.

Commissioner Nichols-Matkaiti questioned if there are any other class A apartments in the City. City Planner Gundlach stated the only other Class A facility is Main Street Village, which were converted to condominiums in 2007. Commissioner Danger questioned the required number of handicapped parking stalls. Ms. Gundlach stated that is part of the Building Code review, and while she does not have that information readily available, she reported the Building Official will look at that when the permit application is submitted.

Commissioner Schiferl requested the applicant discuss their potential market.

Ryan Dunnley, Vice President of Development with Stuart Companies reported that their Class A housing tends to appeal to all ages.

Commissioner McPherson questioned if there is a standard related to lake distance and inquired about railroad crossing points. Ms. Gundlach responded Rice Creek Watershed will address any lake impacts. Ms. Gundlach reported there is not an official at grade crossing over the railroad tracks but that a pedestrian bridge over the railroad tracks is proposed in the future, as well as the existing under track crossing to the south. Commissioner Danger questioned if there would be any boat access. Ms Gundlach reported she was doubtful of that, and did indicate the public boat launch is very close to the project. Commissioner Nichols-Matkaiti questioned if the City has any obligation to notify the school district of the proposed residential project. Ms. Gundlach stated that the School District received information

related to the proposed increase of housing units in the Northwest Quadrant as part of the 2030 Comprehensive Plan. This project is consistent with the 2030 Comprehensive Plan.

Chairperson Howard opened the Public Hearing 7:44

Commissioner Zisla asked for a contrast between the proposed project and the prior proposal.

Ms. Gundlach stated the most recent plan was a Rottlund Development, similar in density to the proposed building. The Rottlund buildings were age restricted, where the Stuart proposal is not.

Commissioner Nichols-Matkaiti questioned the developer if pets would be permitted. The applicant stated typically pets are allowed with certain restrictions; however that has not been decided for this project.

Commissioner Danger questioned the applicant when the likely completion date would be. The applicant is anticipating a fall of 2012 completion.

Chairperson Howard asked for additional comments. There were none.

Motion by Commissioner Schiferl, seconded by Commissioner Danger to close the Public Hearing.

7 Ayes, 0 Nays, Motion Carried

The Public Hearing was closed at 7:47 pm.

Motion by Commissioner Schiferl, seconded by Commissioner Danger to approve the staff recommendation .

7 Ayes, 0 Nays, Motion Carried

Announcements:

None

Adjournment:

Motion by Commissioner Danger, seconded by Commissioner Nichols-Matkaiti to adjourn the meeting.

7 Ayes, 0 Nays, Motion Carried

Meeting adjourned at 7:49 PM

PLANNING REPORT

DATE: January 13, 2011
CASE: SP2011-001
SUBJECT: Special Use Permit to permit a pet cremation business at 833 3rd ST SW, Suite #2
APPLICANT: Donald Wyland & Carol Noren on behalf of Pets Remembered

REQUEST & BACKGROUND

The applicant is requesting a Special Use Permit to permit operation of a pet cremation business at 833 3rd Street SW, Suite #2. This property consists of a multi-tenant light industrial building with various other permitted and specially permitted uses. The applicant proposes to offer services only related to the cremation process, and would not conduct any funeral services on site. The applicant would service families one at a time, by appointment only, and intends to unload deceased pets indoors through the existing overhead door at the rear of the building. The applicant would also offer home pick-up of deceased pets and work with area animal hospitals to provide cremation services. The front half of the building would consist of office space and a small conference room/showroom displaying various cremation and burial products. The back half of the building would contain the "retort", which operates without odors and extremely low emissions. The retort (of hot hearth technology) produces no visible smoke, only heat vapors and would be installed by qualified persons. The only discernable change to the building would be installation of a 4' stack. The installer would obtain state air emissions permits and City electrical and mechanical permits.

New Brighton has no cremation uses within the City and because the Zoning Code does not specify specific conditions for this type of use, staff inquired with another City that has a similar use. Staff contacted the City of Edina where Pet Cremation Services of Minnesota is located. The City of Edina did not indicate any complaints or concerns with their pet cremation business.

ATTACHMENTS

A – Resolution
B – Project Location Map
C – Zoning Map
D – Aerial Photograph
E – Neighborhood Notification Map
F – Applicant Narrative
G – Applicant Responses to SUP Criteria
H – Existing Floor Plan
I – Proposed Floor Plan
J – Company Description
K – Frequently Asked Questions (RE animal cremation equipment)
L – Excerpt on Matthews Cremation article
M – Various items on cremation equipment

FINDINGS

Section 6-050(2). Specially Permitted Uses in an I-1 District.
Section 8-130. Special Use Standards.

SITE CHARACTERISTICS

Location:	833 3 rd ST SW, Suite #2
Lot Size:	63,142 SF (1.5 acres)
Topography:	flat
Comprehensive Plan Designation:	LI, Light Industrial
Zoning:	I-1, Light Industrial
Surrounding Land Uses:	
North:	3 rd ST SW, office/warehouse light industrial
South:	Lakeside Mobile Home Park
East:	multi-tenant light industrial
West:	Old Hwy 8 SW, multi-family residential (rental housing)

SPECIAL USE PERMIT ANALYSIS

The subject property is zoned I-1, Light Industrial. A cremation use is not listed as a use permitted or specially permitted in any of the zoning districts in New Brighton. Zoning Code Section 6-050(2) states that any use may be permitted by the City Council through a Special Use Permit. The exceptions to this are residential uses and uses deemed heavy, which should be located in the I-2, Heavy Industrial district. While the Zoning Code does not provide a definition of "heavy", City staff has typically considered any outdoor storage use as heavy. Because the applicant is not proposing any outdoor storage, it is appropriate to process a Special Use Permit for the proposed pet cremation use.

Zoning Code Section 8-130 states that no special use may be recommended to the City Council for approval unless the following findings are made (staff responses in *italics*):

(1) That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Staff finds this criterion to be met. The applicant has provided technical information on the type of equipment used to cremate pets. It appears this equipment will not have a detrimental impact to air quality, in terms of emissions, smoke and odors. The City Building Official and Fire Marshal have reviewed the plans and have no concerns. The applicant will have to obtain all necessary state and local permits in conjunction with installation of the retort.

With regard to protecting the morals, comfort, and general welfare of the public, the applicant intends to accept deceased animals only through the rear of the building, which is out of sight from the public. As of the date of this report, staff has not received any inquiries regarding this proposed use.

(2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

It is of staff's opinion that this criterion is met. As of the date of this report no other adjoining or nearby property owners has expressed concern regarding the impact this use will have on adjoining property or the neighborhood. The applicant will be taking steps to minimize the impact by accepting deceased pets through the rear of the building. The proposed building is within an established industrial park with a variety of different uses that have little if no impact on each other.

(3) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Staff finds this criterion to be met. This building lies within an established light industrial area that is fully developed.

(4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Staff finds this criterion to be met. The proposed property is mechanically equipped to support the retort needed to conduct cremations. Additionally, existing roads and drainage facilities will not be negatively impacted. Lastly, the property owner (Roseville Properties) has agreed to provide 10 parking stalls for this proposed use. Based on the total number of stalls on site (51) and the users of the building (with this use there will be 6 and the building will be fully occupied), this is more than adequate to support the use as the applicant has indicated they will service the public one at a time and by appointment only.

(5) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

Staff finds this criterion to be met. The proposed business will be occupying an existing building developed in accordance with the I-1, Light Industrial district standards. The applicant will need to complete minor interior renovations and install mechanical equipment (the retort measures approximately 8.5' high x 5.5' wide x 9' long), all which will be conducted and inspected by City staff through the issuance of building, electrical, and mechanical permits.

STAFF RECOMMENDATION

Staff recommends the Commission recommend approval to the City Council, subject to the following conditions:

1. The Special Use Permit shall permit pet cremation only, which includes the ancillary retail sale of cremation/memorial products for pets.
2. All patrons of the proposed use are serviced one at a time and by appointment only.
3. The applicant obtains all necessary state and county air emissions and environmental permits and submits those permit to the City in conjunction with required building, mechanical, and electrical permits.
4. All deceased pets are brought into the facility through the rear door.
5. The City Building Official and Fire Marshal inspect the facility following completed installation of the retort and in advance of opening for business.
6. Only one cremation retort may be permitted within the building.
7. Any expansion shall require review and approval of an amendment to this Special Use Permit.



Janice Gundlach, City Planner

**RESOLUTION
PLANNING COMMISSION
CITY OF NEW BRIGHTON**

RESOLUTION MAKING FINDINGS OF FACT AND RECOMMENDING APPROVAL OF A SPECIAL USE PERMIT.

WHEREAS, an application has been made by Donald Wyland & Carol Noren on behalf of Pets Remembered to permit operation of a pet cremation business at the existing building located at 833 3rd ST SW, Suite #2, and

WHEREAS, the procedural history of the application is as follows:

1. An application for a Special Use Permit was received on December 28, 2010.
2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on January 18, 2011 and all present were given a chance to freely speak at the hearing.
3. The Planning Commission voted to recommend approval on January 18, 2011 subject to conditions.

WHEREAS, the Planning Commission makes the following Findings of Fact with respect to the Special Use Permit (SP2011-001):

1. The property is zoned I-1, Light Industrial.
2. The property is guided in the Comprehensive Plan for Light Industrial.
3. The applicant has proposed to operate a pet cremation business, including the sale of ancillary pet cremation/memorial merchandise.
4. Zoning Code Section 6-050(2) allows approval of any use through Special Use Permit within the I-1, Light Industrial, so long as the use is neither residential nor deemed heavy.
5. The Planning Commission reviewed the proposal in accordance with the following Special Use Permit conditions of Zoning Code Section 8-130:
 - a. That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
 - e. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.
6. The Planning Commission found all Special Use Permit criteria of Section 8-130 to be met due to the following:
 - a. Adequate parking will be provided on site.
 - b. The cremation will be on pets only and be conducted one at a time and by appointment only.

- c. The applicant proposes to bring deceased pets in through the rear door to minimize public impact.
- d. The site is used and surrounded by other industrial uses.

NOW THEREFORE BE IT RESOLVED, that based upon the above findings of fact the application for a Special Use Permit (SP2011-001) is hereby recommended to the City Council for approval, subject to the following conditions:

1. The Special Use Permit shall permit pet cremation only, which includes the ancillary retail sale of cremation/memorial products for pets.
2. All patrons of the proposed use are serviced one at a time and by appointment only.
3. The applicant obtains all necessary state and county air emissions and environmental permits and submits those permit to the City in conjunction with required building, mechanical, and electrical permits.
4. All deceased pets are brought into the facility through the rear door.
5. The City Building Official and Fire Marshal inspect the facility following completed installation of the retort and in advance of opening for business.
6. Only one cremation retort may be permitted within the building.
7. Any expansion shall require review and approval of an amendment to this Special Use Permit.

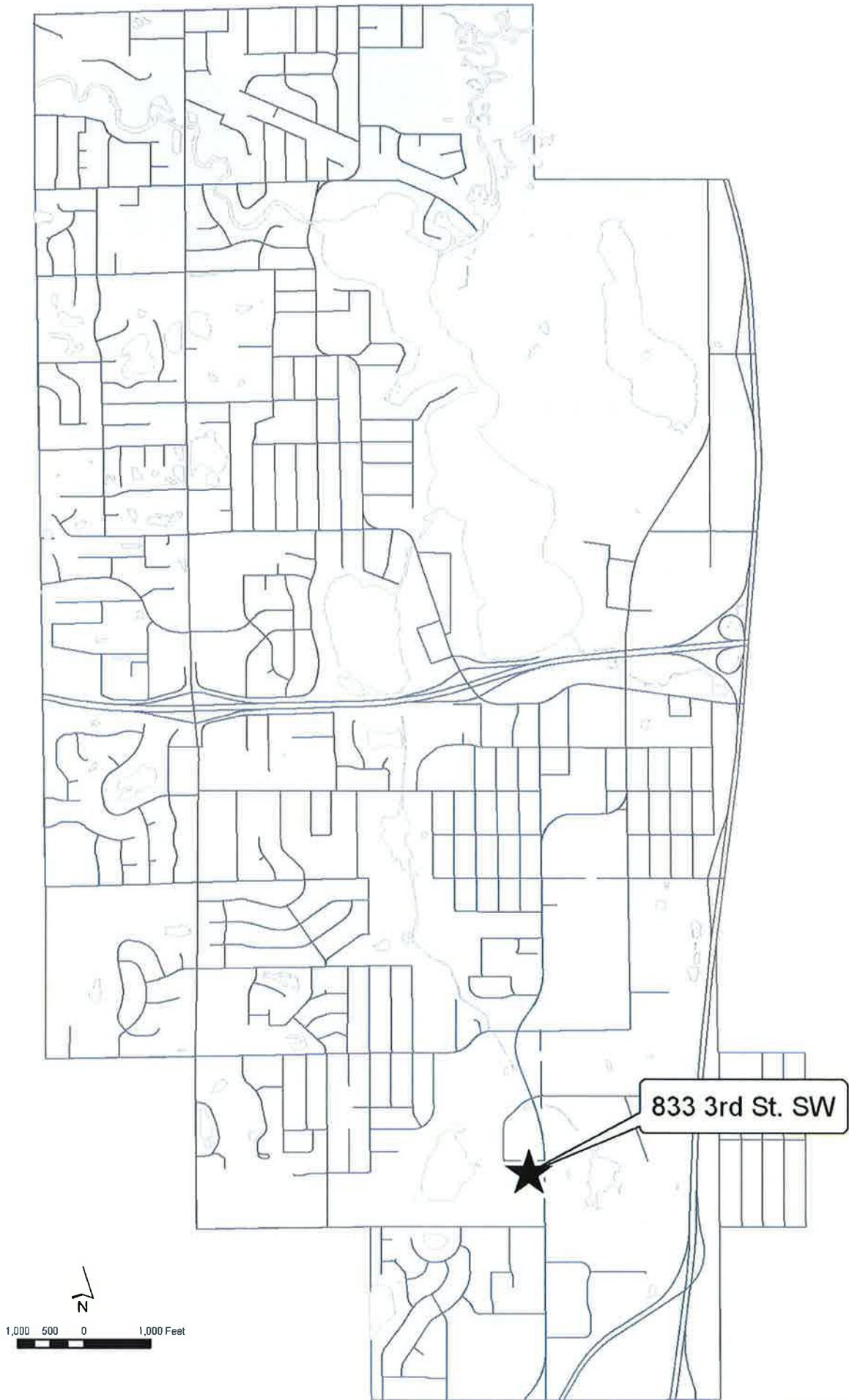
Adopted this 18th day of January.

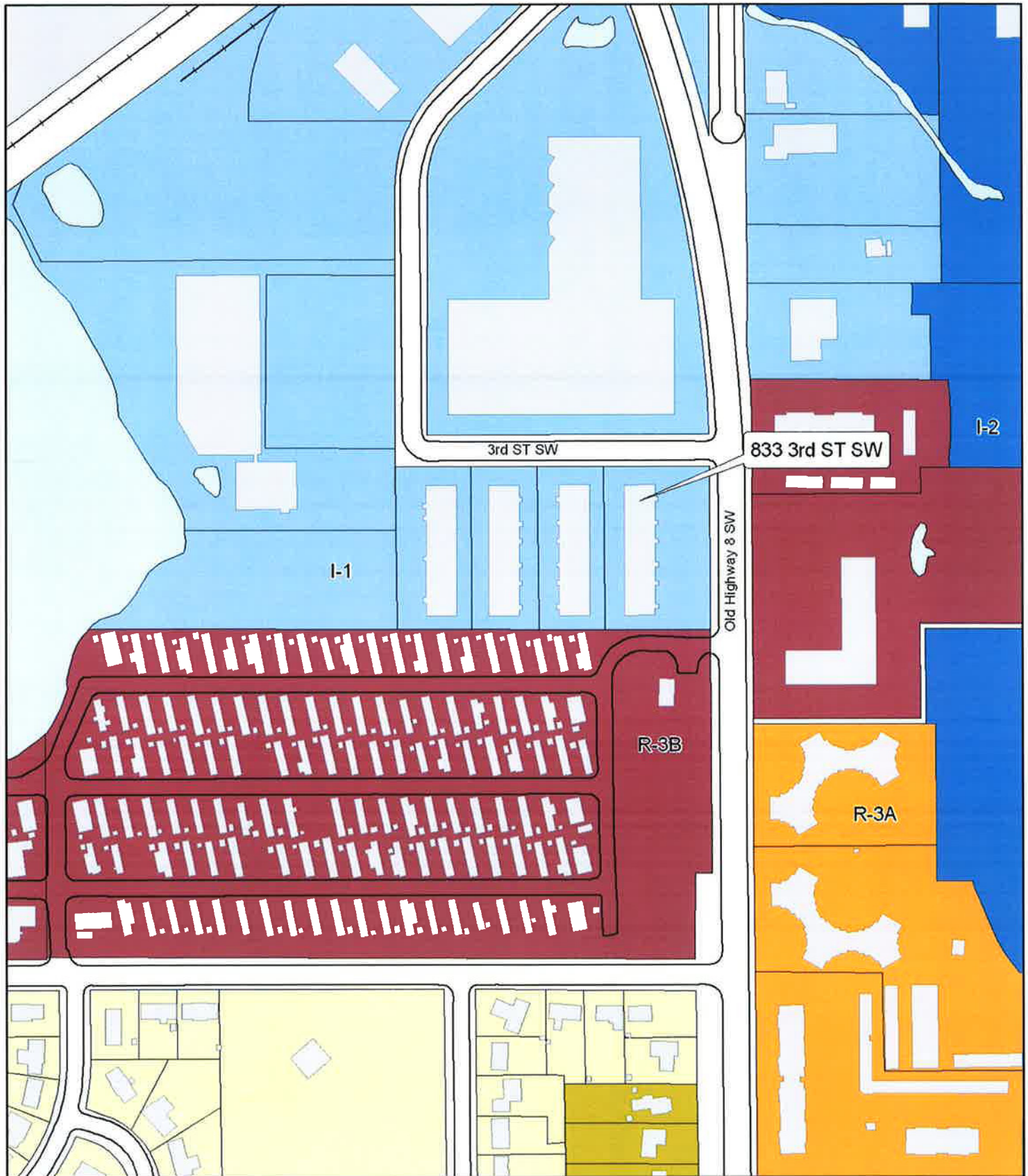
Bruce Howard, Planning Commission Chair

ATTEST:

Janice Gundlach, City Planner

Location Map - 833 3rd Street SW

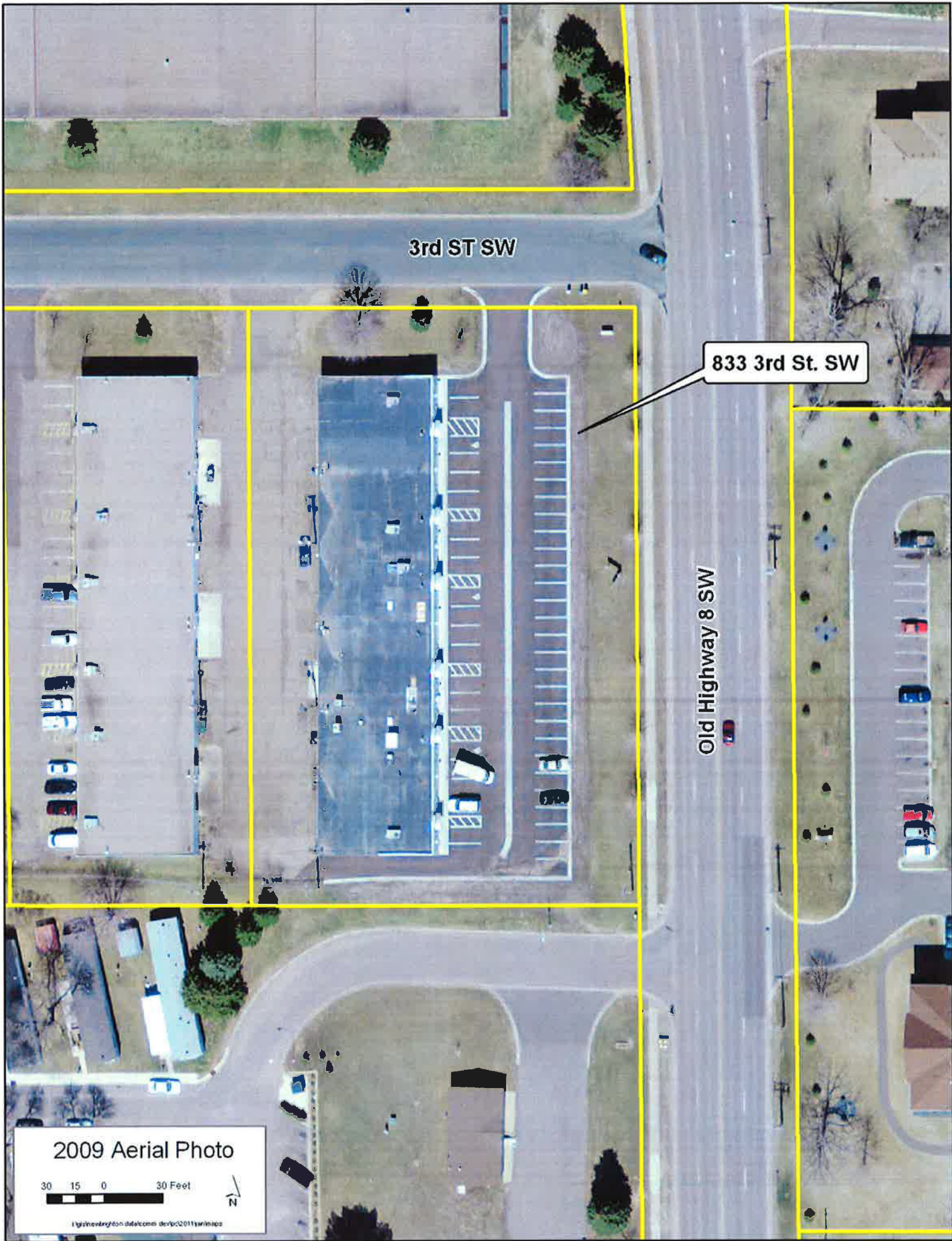




- R-1. Single Family Residential
- R-2. Two Family Residential
- R-3A. High Density Residential
- R-3B. High Density Residential
- I-1. Light Industrial
- I-2. Heavy Industrial



Current Zoning
 833 3rd ST SW
 I-1, Light Industrial



3rd ST SW

833 3rd St. SW

Old Highway 8 SW

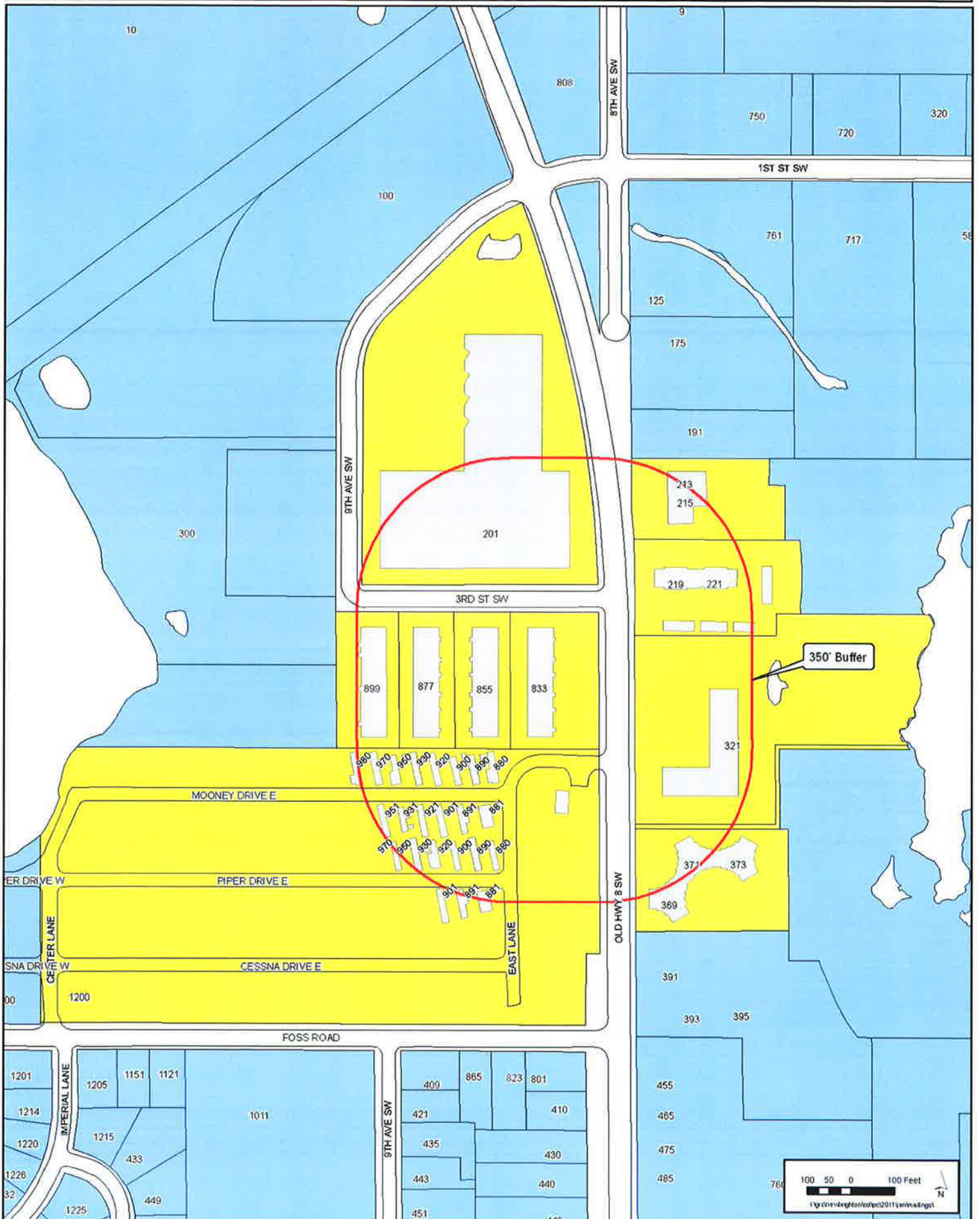
2009 Aerial Photo

30 15 0 30 Feet

N

\\gis\houston\data\com\der\p2011\ar\m102

350' Mailing Buffer - 833 3rd St. SW



December 2010

Skip Wyland & Carol Noren, *Pets Remembered*

Written Narrative explaining your request in detail:

Pets Remembered will provide individual pet cremation services to the community. We will pick up, cremate, and return the ashes of family pets to the owner, veterinarian, or our business affiliates in a 48 hour time frame. In addition to our cremation service, we will provide grief resources to individuals and families, as well as create a comfortable retail environment for pet owners to view and say goodbye to their pet, with the added opportunity to purchase memorial products.

Our customers will be those persons who wish to have the ashes of their pet returned to them in a timely fashion and who expect to be dealt with in a professional/respectful manner to help them process their grief. *Pets Remembered* will cremate each pet individually, guaranteeing to pet owners that their pet's remains exclusively will be contained within the urn we provide. Our quality control procedures ensure there is no co-mingling of remains.

In addition to our customer base of individual/family pet owners, we will also target veterinarians who would benefit from a quicker turnaround time than they currently have for cremains, and we will supply them with merchandising products and grief support materials to assist them in their practices. Continuing Education with respect to processing loss and grief will be provided to veterinarians and their staff. *Pets Remembered* will also set up funeral home affiliates as drop off points for pet owners and assist the funeral home staff with merchandising and grief materials specific to grieving pet owners.

The pet care business is a 45 billion dollar industry in the United States and continues to grow. In the pet cremation industry there are three types of services: communal cremation, incineration and individual private cremation. In the former, the pets are done in masses and in the latter, it is done one pet at a time. As the consumer is becoming better educated and informed, private cremation is becoming more popular. Due to a highly mobile society, the obstacles to pet burial, and the greater importance and care our society is placing on pets lends to great opportunity. Currently, veterinarians have a seven day turn-around for cremains and have not actively explored the additional revenue stream in providing for the needs of grieving pet owners. Funeral directors are looked on as grief and death care professionals, but are hesitant to get into the mechanics and scale of pet cremation. Veterinarians and funeral director affiliates will be served in an economical route fashion to give them 48-hour turn around.

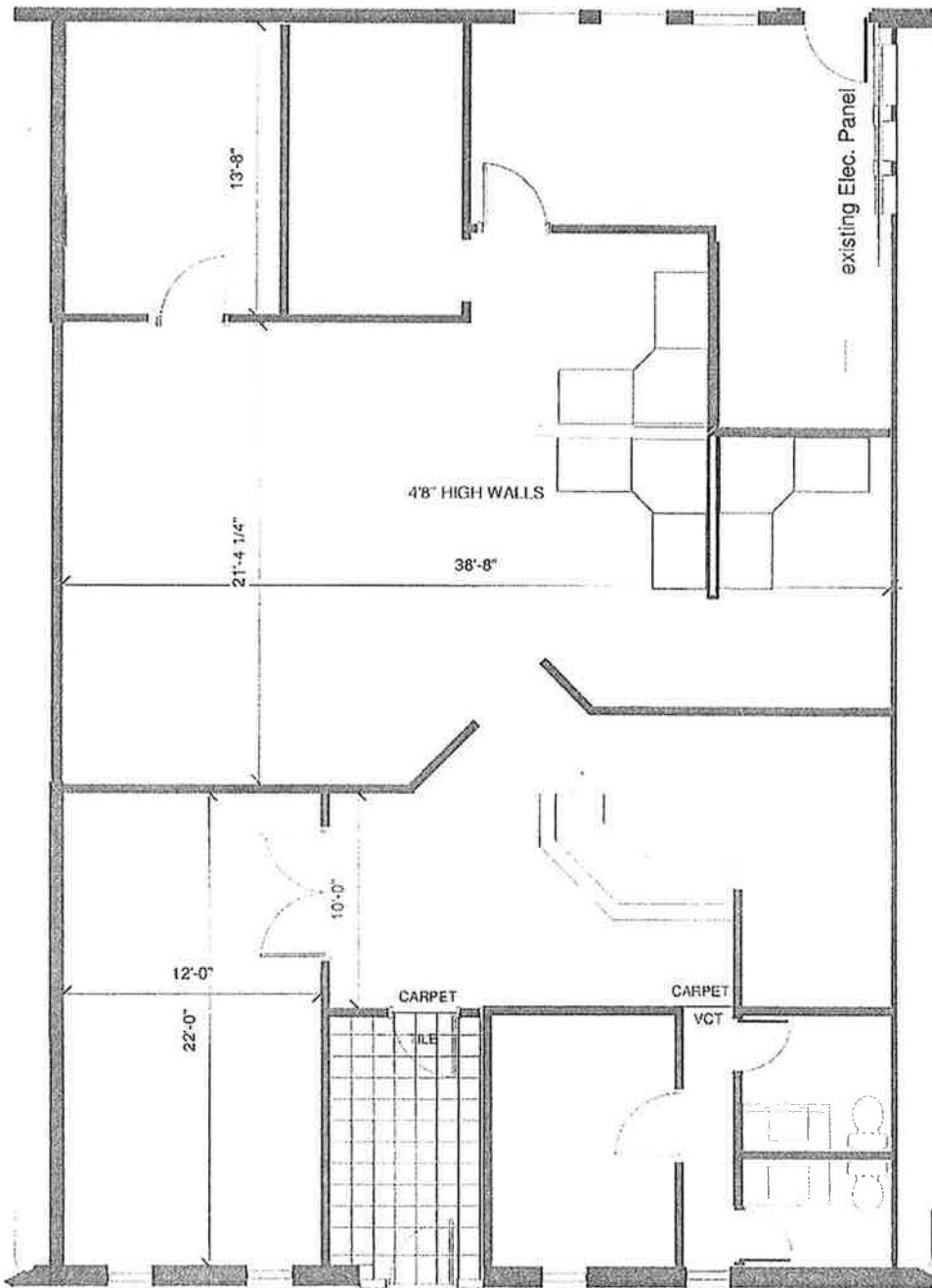
Pet owners will be offered home pick up to make the process as convenient and caring as possible. The number of pet owners who come to our location will be spaced throughout each day and/or week so we will not need many parking spaces simultaneously. We will have package offerings for services, grief materials and memorial products. We also will provide products, displays and support materials to the veterinarians and affiliates at point of sale.

December 2010

Skip Wyland & Carol Noren, *Pets Remembered*

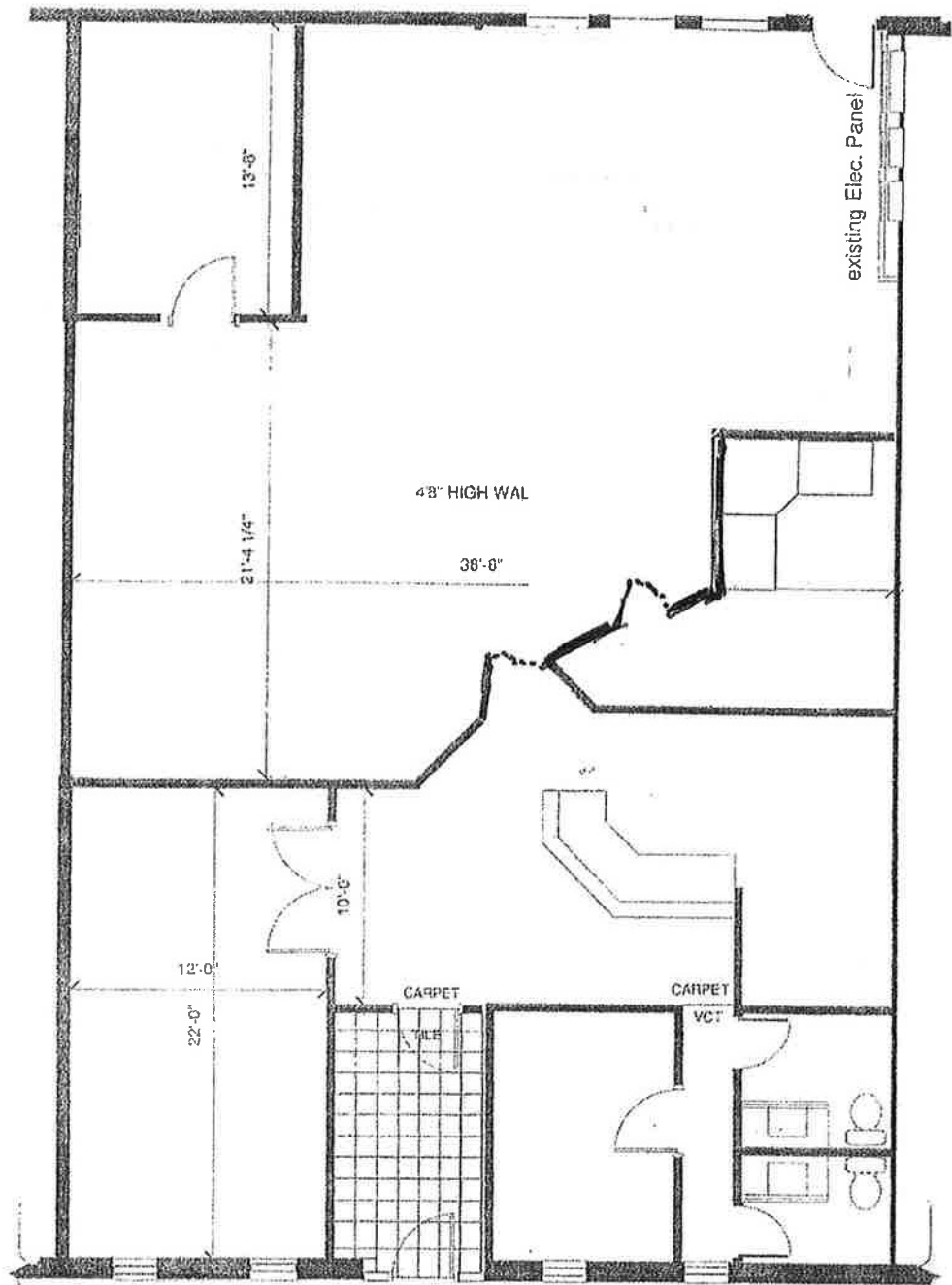
Our responses to the Special Use Permit Criteria Worksheet:

- 1) *Pets Remembered* will offer a valuable service to many pet owners at the time of their pet's death, a service that will cremate the remains of each pet, individually, to ensure pet owners are given the ashes of their pet, and only their pet. The special use permit is specific to the placement of the pet crematory on the site of our business. The existence and operation of the crematory will not be noticeable due to extremely low emissions (see chart) when in operation and no detectable odor. In addition, the decibel level is approximately 55. There is no visible smoke for the retort, only heat vapors.
- 2) Other property owners in the area, whether residential or business, will have no discernable reason to know the pet crematory is in operation due to the factors (re: low emissions, no visible smoke, lack of odor and quiet equipment) listed above. We will serve families one at a time by appointment, therefore, we do not anticipate parking or traffic issues. Unloading of the pets to be cremated will be in the building, out of sight to others in the area.
- 3) There is no reason why *Pets Remembered* would affect the surrounding property or businesses in a negative manner. In fact, it may increase the visibility of existing businesses (*Keepsake Canvas, Chenoweth Floral*, and local restaurants).
- 4) The company we are purchasing our cremation equipment from will obtain state emission permits and will provide instruction for safe and effective installation of the UL Listed equipment, as well as certified training to staff.
- 5) We look forward to partnering with the City of New Brighton in order to meet, and even surpass, all regulations and recommendations with respect to the installation and operation of our pet crematory.



833 3RD STREET S.W.- Floor Plan
 scale 1/8" = 1'-0"
 (EXISTING)





833 3RD STREET S.W.- Floor Plan
 scale 1/8" = 1'-0"
 (PROPOSED)



Company Description

What will your business do (retail, service, manufacture, etc.)? What? What phase is your business in (Start-up, Expansion, Cash flow shortage, etc.)? What is your business structure (Sole proprietor, Partnership, Corporation, etc.)? This is a start up business that will be a sole proprietorship consisting of a commercial half of space to transfer, cremate and process the deceased pets. The other half will be retail and provide an area for pet owners to say goodbye and witness the cremation, as well as select memorialization products and services.

History

Provide a brief history of the business or how you developed your product or service ideas. Skip has been in the funeral business for 28 years. He worked as a funeral director at funeral homes with crematories and has had extensive experience with them. The last 14 years he has been a sales rep for one of the largest casket manufacturers in the USA. His marketing background with funeral cremation and burial products is extensive. He has worked business to business, as well as funeral director to grieving families.

Carol served as a pastor in United Methodist churches for twenty years, and most recently was a hospice chaplain at a hospital in the Minneapolis area. She has extensive experience working with individuals and families as they live through the dying and death process, as well as helping families grieve following the death of a loved one. Skip and Carol have had numerous dogs over the course of their lives and fully understand the loss that comes with each death.

Carol graduated from St. Anthony Village High School in 1975, from the University of Minnesota in 1979, and from Boston University School of Theology in 1983. Skip graduated from Gaylord High School in Gaylord, MN in 1975, and from the University of Minnesota with a degree in Biology in 1979 and a degree in Mortuary Science in 1981, and has been a guest lecturer there on a number of occasions since.

Skip has toured and worked directly with a number of services and learned the pet business. It is essential to realize, as one reflects on the topic of Pet Loss, to keep in mind something we all learned early in our funeral career...*It's all about the living.* The typical conversation of Pet Loss becomes fixated on the handling of the animal and it is easy to quickly lose sight that it is the families, the owners, "the living", who are truly being served. The funeral industry has long been about dignity in death and never would we trivialize human loss, nor should we find ourselves falling into this trap when it comes to a family pet.

Responding to pet deaths is currently an untapped market in the Minneapolis-St. Paul area. Pet owners have no comprehension about options for memorial services, meaningful products, where to go and who is going to be their service provider. Education of the community will be a key component of our business.

We have adapted the human services to the pet business which will work with veterinarians, funeral directors and the community.

Home telephone: 651-385-8571 e-mail: wylandhoren@msn.com

Pets Remembered

- Animal Cremation Equipment - Frequently Asked Questions and Answers

1. **What is the difference between a crematory and an incinerator?** A crematory has a "Hot-Hearth" system and is designed for return of cremains to pet owners. Crematories are ideal for private, semi-private or batch loads and best for indoor use. Incinerators are designed with a "Non-Hot-Hearth" system for animal disposal not requiring return of cremains and are well suited for outdoor use but can be modified for indoor application. Both crematories and incinerators are built with particular attention to EPA standards and fluid retention.
2. **Who will obtain the air permits for the retort?** We fill in the applications and supply existing documentation to secure an air permit for your location.
3. **Who installs my retort and how long does it take?** Each system is fully fabricated and tested in our factory before being shipped to you on a flat bed truck. Prior to its arrival, we send you an installation manual showing in great detail procedures for every step of the installation process. We suggest that a copy of this manual be given to your sub-contractors so everyone is aware of what is needed. The average time of installation is one day.
4. **Should we be aware of any special considerations or needs for placing a retort inside a building?** With every installation of a B&L unit, we provide an installation manual that clearly shows all of the information required to successfully install our system. We also provide information on the latest types of crematory layouts and can provide you with the names of industry professionals who specialize in building design and construction.
5. **What are requirements for the room where the retort will be placed?** For example: **ventilation, thickness of outside walls, minimum room size in cubic feet and lighting.** The minimum ventilation requirements are a louvered vent capable of passing 2500cfm of air to be placed in an outside wall of the crematory room at or below the height of the burners. (Below 6 feet on our systems). The thickness of the outside walls is not important, however, the thickness of the slab is. The minimum thickness is 4" of concrete although 6" is recommended. The room size in cubic feet, once again is not an issue, as long as the minimum clearances are met. A typical room size is 20' x 30' x 10'. Lighting is important, but do not install lights directly over the main door of the retort as the heat during loading and clean out may affect them.
6. **What type of training is required to operate the retort and who will provide the required training?** Our factory-trained personnel will train your operators in the correct operating and maintenance procedures during the start up of your equipment at your facility. At the completion of the training program, we will provide you with a certificate of completion for your records.

7. **Can we expect a refresher course on our crematory as information and education change?** Yes, classes at your facility can be held at the same time we re-calibrate and tune up your equipment. We also offer group-training sessions for associations and State certification.
8. **Is it possible for one person to operate a retort from beginning to end and how easy is it?** Our systems are fully automated; we have just one main timer, an on/off switch and four other switches that are set to automatic for most cremations. The whole process is temperature controlled from beginning to end for one-person operation.
9. **What is the average time needed to cremate?** The average time depends on the type and size of the animal or batch load and the temperature of the unit.
10. **What safety devices are present for over heating?** Our company prides itself as being the only manufacturer offering a fully automatic system based on the temperature of the equipment. As the temperature increases, the system provides the correct amount of air and fuel to prevent overheating while constantly monitoring and regulating itself.
11. **What is the average cubic feet of gas consumed during an average cremation placement and where are our burners located?** The average fuel consumptions of our systems vary from model to model and are dependent on the amount of cremations being processed and average air temperature. For best estimate contact your sales representative. All of our models have top fired burners.
12. **What emission guidelines does a retort fall under and do all models meet the emission standards?** The emission guidelines for animal cremation equipment are first set at the Federal level by the EPA. However, the actual compliance and permitting is done by the state, county or city depending which has the more stringent rules. Our equipment has been tested to show compliance by independent testing agencies. Each of our systems has far exceeded these requirements.
13. **When emission standards are tightened, how hard will it be to make the necessary changes and what type of support and assistance can be expected from your company to aid in meeting the new standards?** If the emission standards are made more stringent, it is possible that our equipment may already meet them. When Florida changed its regulations in 1992 to more stringent regulations, our equipment did not need to be retrofitted like the other manufacturers as it already met the new rules. However, if retrofitting were required, we would offer full assistance to our customers affected by the change.
14. **What is the stack constructed of and what is the chance of the stack catching on fire?** Our stacks are constructed from steel plate and are fully lined with 3" of insulating

castable material capable of withstanding temperatures in excess of 2500 degrees. Stacks on cremation equipment do not catch on fire like fireplace chimneys, as no creosote is present in the cremation process after the secondary burning process. However, some manufacturers attempt to use unlined stacks with air-cooling. Under certain conditions the temperature inside the stack can rise to a point where combustion of certain construction materials can begin causing a building fire.

15. **What is the exterior temperature of the stack and are there any fire codes to be concerned about with the stack?** The average temperature of the stack gases in our equipment, as tested by independent labs, has shown to be around 550 degrees. This gives the outside stack case a temperature of less than 150 degrees. In a worse case scenario with the stack gasses at 2000 degrees, the outside temperature of the stack would be 400 degrees. This temperature is below the kindling temperature of wood and therefore would not combust. To ensure that even this is not possible a roof thimble constructed of 16 gauge galvanized steel is required to be placed around the stack, in the area that the stack comes within 18" of a combustible. This installation then meets the BOCA mechanical code for medium heat appliances.
16. **Will stack flames be visible when equipment is in use after dark?** No, our cremation systems incorporate the largest afterburning area available. This feature ensures that the gases are fully combusted in the chambers prior to exit from the stack, leaving only heat waves and not flames to be visible. Our stack cooling system also prevents the refractory liner from becoming too hot causing a glow after dark.
17. **Are there city or state regulations regarding the smoke stack?** Exhaust stacks must meet certain codes. In most instances, as long as the stack is manufactured with good engineering practice it will meet the codes. However, the installation of the stack and the height of its termination are what the city or state is most concerned with. A rule of thumb is that the stack should be 4 feet higher than any other building or roofline within 20 feet.
18. **How many years does the average retort last before a new one has to be purchased?** In our experience the average life of our retorts exceeds 20 years. We, as a company, return to our existing installations periodically and offer upgrades that may not have been available when the original equipment was purchased, thereby adding years of use to the equipment. We have a staff of technical support personnel who can, on site, repair or rebuild your system and keep the unit at optimum operation.
19. **With new technology coming out how adaptable is the retort to the new technology and can it be updated?** We are constantly working on new ideas to bring to the cremation industry. In fact, we have brought out more new innovations to this industry than all of the other manufacturers combined. While working on our research and development we keep in mind the existing equipment and where ever possible keep the new items within the parameters and size of the older units so up grade costs will be minimized.
20. **What is the maximum decibel level of the retort during operation and do we need to put the retort in a sound proof room?** The decibel level of our systems is around

55. There is no need to place our equipment in a sound proof room. Other manufacturers systems can exceed 96 decibels.

21. **What is the average cool down time of the retort and does the retort need to be cooled to a specific temperature before sweeping out the remains?** The cool down period between cremations varies, due to the amount of cremation being processed on any given day. A typical cool down time is about 15 minutes, but could be as long as 30 minutes if many cremations have been processed. With a rear retrieval system the remains can be removed at almost any temperature as the main door needs only to be opened 6" to 8". The remains are then pushed to the rear of the chamber for removal through the side door.
22. **What is the most common maintenance required and how often is it recommended?** The most common maintenance is the yearly tune-up and calibration and should be performed once per year or every 500 cremations, whichever comes first.
23. **How many cremations do we have to perform to schedule preventative maintenance?** Our recommended maintenance is every 500 cremations or annually. Cremation systems vibrate slightly due to the air blowers and can cause changes in the fuel and air input systems. This is why we recommend a system service and re-calibration.
24. **What is the average number of days per year the retort will be out of operation due to maintenance or repairs?** On an average basis no more than 5 days per year should be missed due to maintenance or repairs.
25. **Is there someone local to keep up the maintenance and to call for repairs?** We have 8 service technicians and 5 refractory installers to handle all your repair needs. We operate a 24-hour maintenance hot line and can remedy most problems over the telephone. Should a service call be required we would send the closest available tech to your location.
26. **What type of support services are offered and can someone be reached 24 hours a day?** If a problem occurs with your equipment during our standard work hours, 7am to 5pm Eastern Standard Time, you can call our 800 number for technical support. If you call after hours, you will be instructed to enter your phone number into our digital paging system and a factory-trained technician will return your call to solve the problem within 15 minutes.
27. **Please go into detail about the chamber bricks; i.e. - size comparisons, life and average cost to replace.** An exclusive B&L feature is our use of 6" thick firebrick. Other manufacturers use a 4½" series brick. What this means to the customer is up to 50% more wear before replacement. We expect over 5,000 cremations to be performed prior to a total re-brick.



Pet Cremator - Power Pak II

Championing the Memorialization Trend

Matthews Cremation

Here is a unique scenario: Instead of purchasing a franchise, you purchase the equipment you need to start your business, and the manufacturer helps you every step of the way, assisting in the design of your store plans, filing for permits, even providing sales collateral and a professionally designed website. You gain many of the benefits of a franchise, without a royalty or national marketing fund payment.

Matthews Cremation is offering this support to its crematory equipment customers. According to the company, pet owners in the United States are underserved in death care services for their pets, with too few options for pet memorialization. Matthews Cremation sees enormous growth ahead in the field as entrepreneurs are beginning to address this need, providing a much needed emotional outlet for grieving pet owners. What follows is my interview with Steve Schaal, Division Manager, Sales & Marketing, Matthews Cremation. --Mark Adkins

BOJ: I understand that Matthews Crema-

tion is a leading equipment manufacturer?

Steve: Matthews Cremation is one of six divisions of Matthews International, a publicly held company, and is the largest manufacturer of crematory equipment for the human and animal audience. Matthews International acquired the company, previously known as Industrial Equipment Engineering, or IEE, back in the late 90s. That business was started in 1946. So, for over 50 years we've been building equipment.

BOJ: So this is an industry that has been around many years?

Steve: We have customers that go back to the start of our own business. The early pioneers started in the '70s and '80s. They were basically contracted by the county or the state or the local jurisdiction to help in, and I hate to use this word, the disposal.

But for the past four or five years, we have been championing the development of a pet funeral home business model. Serv-

ing the animal care industry has been an intricate part from the beginning, so the equipment that we've been building has been appropriate for both audiences, meaning the human side as well as the animal side. It has only been within the last five years that we have been studying quite intensely the opportunity in developing this model as a pet memorialization positioning.

BOJ: What is behind this shift toward pet memorialization?

Steve: Back in 2003-2004, we began a very thorough consumer research study on various components of the death care industry. We had an independent company come in and conduct research for us and in the process captured over 190 hours of video footage of people sharing their stories about not only the experiences of going through the loss of a family member, but equally important the loss of a family pet, especially the process of how they were, or were not, able to resolve the grief of the experience. What really hit home for us was when you are video taping, you have people sharing their stories about a loss, about a father, a mother, a brother or sister, but when we began shifting the focus from the human loss to the pet loss, the tears just began to flow. I had to stay out of the way and basically sit in a room watching video footage of this taking place, watching people breaking down, crying because the grief was so dynamic and the loss was still real. They had no outlet. They had no channels through which to get care. So for us it clearly symbolized there was a market opportunity. There was a service opportunity that stands before us.

BOJ: And you developed a franchise business model out of this research?

Steve: No, we're simply a supplier. Our business is in the manufacturing side. But we do an awful lot of consulting, we do an awful lot of marketing and brand development. We have an extensive line of pet loss memorial products that can be built into the retail center of the pet funeral home, so we have all of the different aspects. It's kind of one of the more interesting discussions when you talk

Operating Controls—

Simple, color-coded, pushbutton operation.

Infinity Stainless Steel Stack—

Non-Corrosive, with 4 1/2" refractory lining for strength, durability and safety.

SMOKE BUSTER™

System—*Complete combustion of smoke and odor*

Insulation Thickness—

12" of multi-component materials for longest lasting refractory and highest thermal efficiency.

Retrieval System—

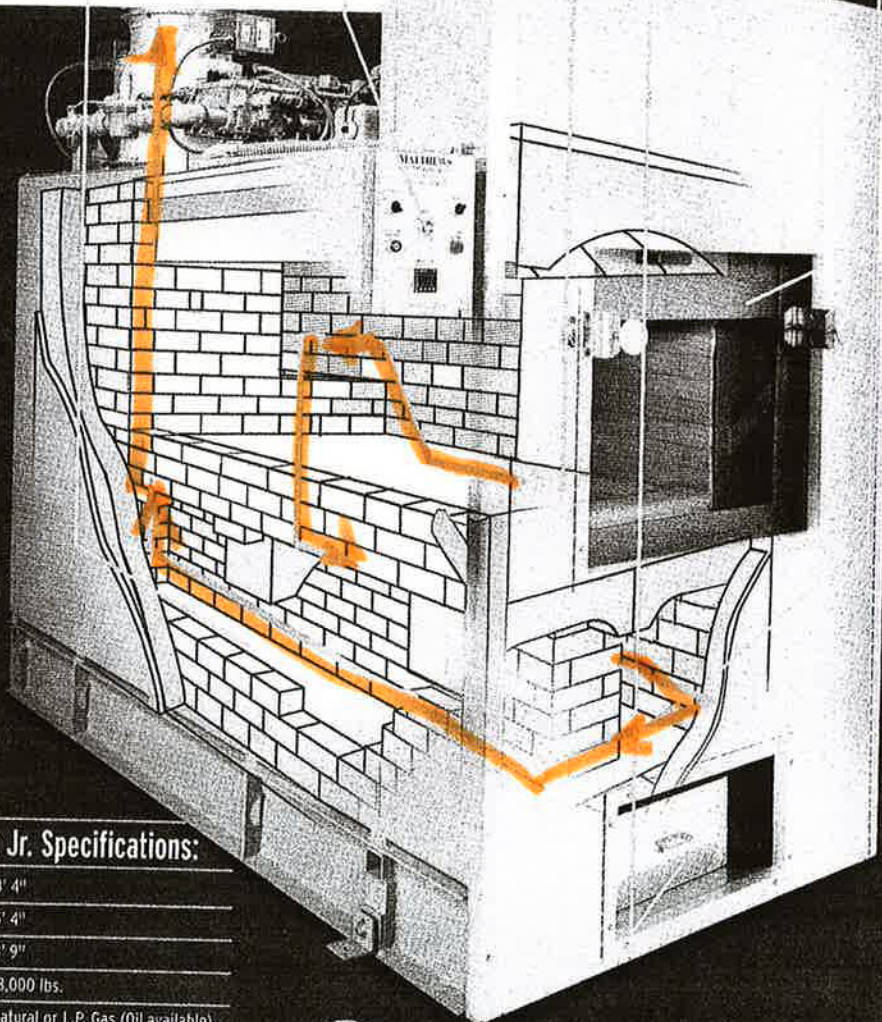
Retrieval of cremated remains is safe and quick with the convenient external collection hopper.

Cremation Chamber Floor—

Unique "Hot Hearth" design eliminates fluid runoff and minimizes fuel consumption.

Loading Door—

Self-locking, self-sealing door opens and closes at the push of a button.

**Power-Pak Jr. Specifications:**

Height:	8' 4"
Width:	5' 4"
Length:	8' 9"
Weight:	13,000 lbs.
Fuel:	Natural or L.P. Gas (Oil available)
Electrical:	220 volts, 1-phase/3-phase
Control panel can be located right, left or remote	





Matthews University

Matthews
INTERNATIONAL

Elder Davis

“Did You Know”™ Educational Series



Issue No.103-05

A Publication of Matthews Cremation Division

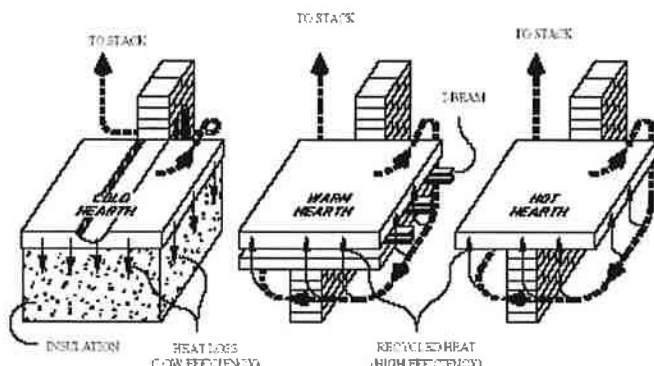
How Hot Is Your Hearth?

Cold hearth, warm hearth, hot hearth: A cremation chamber floor can be any one of these. In cremation equipment, isn't every hearth hot? The difference is a matter of degree (no temperature puns intended).

The *cold hearth* can be found in cremators with an in-line design. The afterchamber in this design is behind the cremation chamber. Heated combustion gases are drawn from the front of the unit toward the back, down and then up through the afterchamber at the back, and then out. With nothing heating its underside, the cold hearth is heated only on its upper face: the cremation chamber floor. Energy is drawn out of the cremation chamber, resulting in poor energy efficiency.

MCD implemented a “warm hearth” design in many of its older models. Part of the afterchamber is

underneath the hearth; A 3” airspace separates the hearth and the afterchamber roof. The hearth (cremation chamber floor), poured onto a flat surface, is supported by several I-beams. This allows heat transfer to the underside of the hearth for more energy efficiency.



MCD's design of today uses hot hearths which were introduced in cremation equipment by MCD over 30 years ago. The hot hearth is really hot because it serves as both the floor of the cremation chamber and the roof of the afterchamber.

Heated by the cremation burner and by combustion of the case, the hot hearth also absorbs heat from the afterchamber beneath, from combustion gases that move under the hearth on their way through the afterchamber. The hot hearth design offers major benefits in three important areas:

Fluid control. Because the entire hearth is hotter, moisture released from the remains vaporizes more rapidly during cremation. A cold hearth can also accumulate heat on its upper cremation chamber floor surface, but that isn't enough to prevent fluid runoff problems.

Thermal efficiency. The hot hearth helps complete successive cremations in less time - each up to 30 minutes faster than the first cremation of the day. Why? If the hearth were not absorbing heat on both its upper and lower surfaces, more of the heat from the cremation process would move out of the afterchamber, rise through the stack, and be lost into the atmosphere. The necessary heat would have to be replenished by more burner activity during each cremation.

Longer refractory life. Refractory expands and contracts when exposed to high temperatures, eventually resulting in wear and spalling (peeling of the refractory surface). A cold hearth's hot surface experiences more stress, expanding and contracting more than its underside. The hot hearth design exposes both surfaces to heat, so the stress of thermal expansion is more evenly spread out over the material. The refractory material lasts longer.

For service, sales or assistance please call (800) 327-2831

A publication of Matthews Cremation Division • 2045 Sprint Boulevard • Apopka, FL 32703

www.matthewscremation.com

Questions or comments may be sent to the address listed above

© Copyright 2005 All rights reserved no reproduction in part or whole without written permission from MCD.



Matthews University

Matthews
INTERNATIONAL

Elder Davis

"Did You Know"™ Educational Series



Issue No.130-05

A Publication of Matthews Cremation Division

EMISSIONS FROM CREMATION EQUIPMENT

Does cremation equipment have unusual emissions?

No, emissions from crematories are similar to restaurants, vehicles and home fireplaces.

Since the 1990 Clean Air Act air pollution discussions have often included crematories. Knowing this, we have spent tremendous amounts of time and money to be certain we have accurate environmental data on the emissions from crematories. We have found in past dealings with the EPA, that our industry is misrepresented unless we have good quality information on which we can defend ourselves from over regulation.

Emissions from cremation equipment are the same types you might find from other very common sources of air pollution. Below you will find a brief description of the most common regulated pollutants from a crematory and a comparison to give a point of reference.

Particulates (PM) - Solid matter such as dust, soot, ash and other unburned particles from the human remains, cremation container and contents of the container.

Average Particulate Emissions (Expressed in pounds per hour)

A. Typical State Standard39 lbs/hr
B. Cremation with casket/container08 lbs/hr
C. Wood Stove46 lbs/hr
D. Restaurant Cooking 100 burgers/hr18 lbs/hr
E. Diesel Truck14 lbs/hr

Carbon monoxide (CO) - A gaseous pollutant resulting from the incomplete combustion of fuel, cremation container and human remains.

Average Carbon Monoxide Emissions (Expressed in parts per million, PPM @ 7% oz)

A. Typical State Standard24 lb/hr
B. Cremation with casket/container06 lbs/hr
C. Wood Stove	3.5 lbs/hr
D. Restaurant Cooking 100 burgers/hr	Not available
E. Diesel Truck	22 lbs/hr

As you can clearly see, emissions from cremation equipment are not unusual but rather common to our everyday life experiences. In addition, the actual emission levels of cremation equipment are surprisingly low to most people.

Cremation equipment that is properly designed, operated and maintained will be a "good neighbor" to the other businesses and people that come into contact with it.

For service, sales or assistance please call (800) 327-2831

A publication of Matthews Cremation Division • 2045 Sprint Boulevard • Apopka, FL 32703

www.matthewscremation.com

Questions or comments may be sent to the address listed above

© Copyright 2005 All rights reserved no reproduction in part or whole without written permission from MCD.



Matthews University

Matthews
INTERNATIONAL

Elder Davis

"Did You Know"™ Educational Series



Issue No.127-05

A Publication of Matthews Cremation Division

UL LISTING

Is UL listing important?

Yes, it is very important but do not be misled.

You have probably seen the familiar mark of Underwriters Laboratories on dozens of products and equipment, but what does it mean to you and the safety of your staff and facilities?

The UL listing mark means that samples of these products have been tested to international safety standards and found to be reasonably free from foreseeable risk of fire, shock and related hazards.

The UL mark stands for Underwriters Laboratories Inc. a non profit independent organization that was formed in 1894 to help reduce bodily injury, loss of life and property damage. It is important to use a company like UL who is technically expert and independent to evaluate the risks of certain products.

Once a product earns a listing mark, field inspectors from UL make periodic (at least once a quarter) unannounced visits and inspections of the products and factory to verify compliance.

Manufacturers, like ourselves, are concerned with the safety of our products and know smart consumers will look for UL listing on the products they buy.

But it is easy to be misled.

Some manufacturers whose products fail to earn the UL Listing will use misleading language in advertisements and correspondence to confuse and mislead consumers. For example, they might say, **"Utilizes UL classified flame control panels"**.

This would give the impression of UL approval, right? Wrong. This actually means components they buy are approved but the cremator is not, the exhaust stack is not, the burner system is not and so on.

So don't be fooled, ask the question: "Is this cremator UL Listed and what is the listing number?"

It is a question worth asking for the protection of your staff, your facility and your investment.

For service, sales or assistance please call (800) 327-2831

A publication of Matthews Cremation Division • 2045 Sprint Boulevard • Apopka, FL 32703

www.matthewscremation.com

Questions or comments may be sent to the address listed above

© Copyright 2005 All rights reserved no reproduction in part or whole without written permission from MCD.



Search

GO

[Home](#)[Board of Directors](#)[Member Cities](#)[Legislature](#)[Met Council](#)[Press Releases](#)[Newsletter](#)[NEW Billtracker - Coming Soon](#)[2011 Legislative Policies](#)[Policy Committees and Members](#)[Metro Area Managers Association](#)[Staff](#)[Questions, Comments or Suggestions](#)[Site Map](#)[In Newsletter:](#)[Archives](#)
[Current](#)

Metro Cities News

January 7, 2011

Variance Legislation Poised to Move Quickly

Legislation amending city authority to grant variances in response to last year's Supreme Court decision is on track to move very quickly this session. The new authority would remove the word "hardship" and replace it with "practical difficulties". Language has been in the works for months, with the League of MN Cities coordinating the effort, and getting input and support from numerous stakeholders, including strong support from Metro Cities. A large coalition of interested parties that includes realtors, bankers, and other groups in addition to cities, has pledged support, and is working to promote passage of the legislation. At this time, there has not been any publicly expressed opposition to the idea behind this proposal to add flexibility.

The bill is planned to be introduced on Monday in the House of Representative by Representative Joyce Peppin, who chairs the Committee on Government Operations and Elections. Preliminary indications are that the bill will be scheduled for its first and only committee stop on Tuesday in the Government Operations and Elections committee. The bill is ready for introduction in the Senate, and is positioned for a similar track in that body. If the bill remains free of amendments, the process for passage should be expedient. The bill thus far appears to have strong bi-partisan support. The coalition of groups supporting the bill is also coordinating effort to avoid amendments to the language. We are well positioned for a smooth ride, but the bill is just leaving the gate, and is set to face the scrutiny of a Legislature featuring 60 new members, so we don't take anything for granted. Stay tuned for more information early next week.

Metropolitan Council Appointment Process Begins

As the new Governor, Mark Dayton has the authority and responsibility to appoint members to the Metropolitan Council (Met Council members terms are coterminous with the Governor). Sixteen members must be appointed (in addition to the Chair) in geographically defined districts. As we reported, Governor Dayton has appointed Susan Haigh as Met Council Chair. Ms. Haigh was formerly a Ramsey County Commissioner and currently serves as the CEO for Twin Cities Habitat for Humanity.

State law requires the Governor to establish a Nominating Committee, composed of seven citizens, at least three of whom must be local elected officials, to make recommendations to the Governor on the slate of Council appointments. The Governor must consider the recommendations of the committee, but is not required to appoint from the recommended list.

The Governor is currently soliciting for applicants for the appointments. Applicants must reside in the district for which they are seeking appointment, and have a strong working knowledge of metropolitan affairs. Applications are being accepted by the Secretary of State at www.sos.state.mn.us or by calling 651-556-0643. Applications are being accepted until January 14th. Those interested in submitting letters of recommendation on behalf of an applicant should send those letters to the Secretary of State as well, so that they are part of the record.

Metro Cities' staff has been contacted by and consulted with the Governor's transition team about the appointment process. The Governor's Office is in the process of finalizing the makeup of the Nominating Committee, and the meetings of the committee have been scheduled (see below for a list of dates and times). The Nominating Committee will conduct public interviews with roughly five to seven selected individuals from each district. Those individuals will be asked to make a presentation to the committee. There will be an opportunity for those candidates not selected to interview to speak, and for comments by the public regarding any of the candidates.

Once this process is complete, the Nominating Committee will select candidates for recommendation to the Governor. The Governor is expected to make the appointments by the end of February.

Meeting Dates and Times:

January 31, 2011---6:30 p.m. Brooklyn Park City Hall, 5200 85th Avenue North , Brooklyn Park

Links

Have you heard the latest?

Check us out on Facebook

facebook



And follow us on Twitter





Grant F. See Land Use Incentive. Set's chat. Dan 10/20/10

CONNECTING & INNOVATING
SINCE 1913

October 4, 2010

To: LMCIT Property/Casualty members and LMCIT Agents
From: Dan Greensweig, LMCIT Assistant Administrator
Re: Property/Casualty Program Incentives

Incentives are one way the League of Minnesota Cities Insurance Trust's Board of Trustees seeks to fairly allocate risks and losses among members.

LMCIT's two new incentive programs – one related to land use and one for sanitary sewers – reward members who take a positive, deliberate role in reducing claims and losses through their decision-making. ***Both programs go into effect Nov. 15.***

Please call your LMCIT Underwriter for specific information about your city. Underwriters can be reached at (651) 281-1200 or (800) 925-1122.

LMCIT's Land Use Incentive

The Land Use Incentive program rewards Property/Casualty members that successfully complete online training about land-use decision making.

Cities that meet the training requirements will earn a savings of as much as \$3,750 per land use claim. Cities that do not meet the training requirements will pay a higher rate of land use costs.

The website-based training, which will be available during early October through the League's City Learning Point, is designed to make land use decisions less confusing. Officials also will learn about the sometimes tense and charged discussions that occur when trying to balance the goals of the community against individual rights.

The training will help cities avoid expensive land use claims and lawsuits, currently the largest area of loss for members. These claims cost LMCIT members about \$3 million per year, and more than 85 percent of those costs are for legal defense.

The incentive is available on an ongoing basis to all member cities that certify at their renewal that the following city officials successfully completed the training:

- A quorum of the city council;
- The chair and another planning commission member;
- The city planner or another staff person with lead responsibility for planning activities.

Cities can qualify for the incentive at any time by meeting the training requirement, at which point the city will receive an endorsement. Any land use claims made against the city after receiving the endorsement will qualify for the savings.

The cost for the online training is \$30 per person, with group discounts available. More details are available in the E-Learning area of the Training and Conferences section of the League website at www.lmc.org.

– MORE ON BACK –



CONNECTING & INNOVATING
SINCE 1913

Sewer Backup Incentive Questionnaire

Name of City _____ Insurance Agent's Name _____

1. Does the city have a comprehensive system map showing the following information:

- Number and locations of manholes.
- Number and approximate locations of service connections (from "as built" drawings and/or televising and inspection records).
- Line locations, kind and diameter of pipe (6" PVC, 4" vitrified clay, etc.).
- Location of lift stations.

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

2. Does the city have a documented program of regular inspection and maintenance performed on sanitary sewer lines:

- Written policy/procedures setting forth the city's program for inspection and maintenance of the city's sanitary sewer lines.
- Written *inspection* records documenting what kind of inspection was done, where it was done, when it was done, who conducted it and the inspection results.
- Written *maintenance* records documenting what kind of maintenance was done, where it was done, when it was done, who conducted it and follow-up recommendations, if any.
- Written records documenting each reported sanitary sewer backup and the city's response to that backup.

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

3. Does the city have a documented program for lift station inspection and maintenance:

- Written policy/procedures setting forth the city's program for inspection and maintenance of the city's lift station(s).
- Written *inspection* records documenting what was inspected, when it was inspected, who conducted it and the inspection results.
- Written *maintenance* records documenting what kind of maintenance was done, where it was done, when it was done, who conducted it and follow-up recommendations, if any.

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

4. Does the city have an operator properly certified by the Minnesota Pollution Control Department available at all times.

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

Completed By _____ Title _____
Signature

Date _____

Land Use Series

This is a *City Learning Point* online training series

People have strong feelings about their property rights and the character of their neighborhoods. When conflicts occur, cities often get caught in the middle. This first course in the Land Use Series will help you understand cities' roles and authority in land use regulation to more effectively navigate controversial situations. Additional courses in this series (available in 2011) will cover how to write effective land use laws and apply them using a fair and open process. All the laws, examples, and exercises in this training series will apply specifically to Minnesota cities.

—**Register for the first course in the Land Use Series** (Link to: <http://www.lmc.org/page/1/reg-landuseseries.jsp>)

Intended audience:

- Elected city officials and appointed planning commission members.
- City employees who have responsibilities in land use regulation.

Each person will access and complete the course individually. Upon receiving log-in credentials, registrants may access the courses online at any time and go at their own pace.

Fee/Incentive: \$30 for League members (\$60 for non-members) per person for each course, with a group discount available. An **LMCIT Land Use Incentive** (Link to: <http://www.lmc.org/page/1/land-use-lc.jsp>) is also available to cities that meet certain training participation requirements. Please contact the League for more information related to the group discount and the incentive (see details at right).

Course LU501—Land Use Basics: Grasping the Ground Rules

Cities must consider many perspectives and priorities when making land use decisions, and costly conflicts can occur when cities don't follow the ground rules. In this course, you will reflect on land use challenges that your city has faced and the consequences that can result when a city oversteps its authority. You'll consider typical land use situations where you'll be asked to identify what role the city is playing and determine what information can be considered when making land use decisions. Recognizing your city's role and how much authority it has can help your city avoid expensive lawsuits, minimize controversy, and make land use decisions less confusing.

Course objectives:

Upon completion of this course, participants will be able to:

- Appreciate the tensions in land use regulation and the consequences of overstepping the city's authority.
- Identify what role the city is playing for each land use decision that it makes.
- Determine what authority the city has in land use situations and what information the city may consider when making a decision.

—**Register** (Link to: <http://www.lmc.org/page/1/reg-landuseseries.jsp>)

Your LMC Resource

Contact Kari Smoley

Training Program Assistant

(651) 215-4064 or (800) 925-1122

ksmoley@lmc.org (Link to: <mailto:ksmoley@lmc.org>)

Course Fee

League members:

\$30 per person

for each course in the Land
Use Series.

Non-members:

\$60 per person

for each course in the Land
Use Series.

Discount for

Land Use Basics:

Grasping the Ground Rules

League members:

After 6 paid registrations, each additional registrant from the city can sign up for this course for FREE!
(Maximum charge of \$180 per city.)

While group discounts are available to member cities that register multiple people for the course, the training itself is completed individually. City Learning Point courses are not designed for group/classroom training.

Land Use Incentive

The LMCIT Land Use Incentive Program beginning Nov. 15 will reward Property/Casualty program member cities that successfully complete the online training course, *Land Use Basics: Grasping the Ground Rules*.

—**Learn more about the Land Use Incentive Program** (Link to: <http://www.lmc.org/page/1/land-use-lc.jsp>)

—**Connect with Underwriters and ask your questions by choosing "Underwriting" under "Department"** (Link to: <http://www.lmc.org/page/1/league-staff.jsp>)



Memo

Date: January 14, 2011
To: Planning Commission
From: Janice Gundlach, City Planner *JG*
Subject: Landscaping Standards

In November of 2010 the Commission met for a work session to prioritize topics that relate to potential amendments to the Zoning Code. There was consensus at the meeting that the top priority should be landscaping standards. The purpose of this memo is to outline issues relevant to this topic and provide example ordinances from nearby communities to aid the Commission in advising Council on potential amendments to the current ordinance.

Existing Landscaping Standards

Zoning Code Section 8-010(2) currently requires that a landscaping plan be submitted in conjunction with all Site Plan requests. As an aside, Site Plan applications are required for construction of a new building or structure other than single and double family residences. Section 8-010(2) is attached for reference, but generally speaking there are no specific standards other than to submit a plan.

While Section 8-010(2) governs landscaping standards for site plan approvals, the Northwest Quadrant zoning district provides its own set of landscaping standards in Section 6-750(3) that would apply to all properties zoned NWQ, Northwest Quadrant. Both the Transoma project and Stuart apartment project in the NWQ were required to submit landscape plans meeting these criteria. These criteria are attached for reference purposes.

Problems w/the Existing Landscaping Standards

Because the existing landscaping standards of Section 8-010(2) are not prescriptive, there have been at least two situations with applicants where more was requested in terms of landscaping, yet the applicant was not willing to add to a landscaping plan. The best example was the McDonald's rebuild on Old Highway 8 SW. Ultimately, the owner agreed to the landscaping additions requested by staff, but there was initial push-back by their architect. Staff finds it difficult to provide landscaping-related conditions of approval when the Zoning Code does not explicitly back up that recommendation. In the McDonald's case there was a Special Use Permit that provided a little more flexibility with conditions of approval, but in situations where only a Site Plan application is considered problems could more easily arise.

Goals of Landscaping Standards

As the Commission begins the process of examining various landscaping standards and crafting an amendment, staff would recommend the Commission briefly discuss what the goals for New Brighton should be. What isn't getting accomplished with regard to the current standards and what would the Commission like to accomplish? Are projects suffering because of the current ordinance? If the Commission understands the goals they wish to achieve, it will be easier to craft an amendment.

Being Descriptive

Regardless of the specific ordinance that is ultimately crafted and presented to the Council, staff would remind that Commission that the ability to enforce the standards is important. The standards should be descriptive enough where city staff can easily determine compliance. Highly descriptive standards also allow the person preparing the landscaping plan to have some assurance the plan will be acceptable to the Planning Commission and City Council. This will prevent City staff, the Commission, and City Council from getting into situations where the applicant refuses to include something requested in a landscape plan.

Allowing Flexibility

It should also be noted that a highly descriptive ordinance can be sometimes problematic as it leaves little or no room to work with the applicant to achieve certain goals. Whatever standards are ultimately crafted, the Commission needs to be prepared to live with those standards should the applicant be unwilling to budge beyond them. Additionally, if an applicant is unwilling to meet a standard a situation may arise where a variance would be necessary. If it is the Commission's desire to still maintain a little flexibility with regard to landscaping standards, staff would suggest working with the City Attorney to include language providing Council authority to use discretion when applying the standards. Without this language, the only means for flexibility other than issuing a variance would be through the PUD or PRD process and depending on certain project characteristics, not all projects are eligible for a PUD or PRD (example: site must be at least 4 acres).

Example Ordinances

Staff examined what other nearby communities are doing with regard to landscaping standards. These communities included Fridley, Arden Hills, Columbia Heights, Mounds View, St. Anthony, and Roseville. The landscaping ordinances for these communities are attached. The Commission may want to review these ordinances to get a better understanding of what kinds of standards are typical and use these ordinances as a base for crafting an amendment to the New Brighton Zoning Code.

Common Themes in Ordinances

Collectively, the ordinances of Fridley, Arden Hills, Columbia Heights, Mounds View, St. Anthony, and Roseville reveal several themes with regard to landscaping standards:

- Most codes have a threshold for requiring a landscape plan, including in conjunction with all site plan reviews, when a project exceeds a certain value, when a project consists of a 10% expansion or disturbance of 5,000 SF, if additional parking is included, or when impervious surfaces are increasing.
- General landscape plan details include the placement, species type, species size, and methods of installation.
- Minimum sizes for plant materials such as caliper for deciduous trees, height for evergreens, and pot size for shrubbery.
- Plans must include a combination of trees (canopy, evergreen, and ornamental), shrubs, flowers, and ground covers.
- Timeframes for completing installation.
- Security for initial installation and/or a full growing season.
- Maintenance plans.
- Prohibited species.

-
- Landscaping goals such as encouraging natives and year round interest and color, improving water quality, reducing runoff, encourage energy efficiency, etc.
 - Removal of diseased materials.
 - Right-of-way plantings.
 - Berming/buffering as a means for screening between two uses.
 - Irrigation
 - Landscaping variety requirements, such as a single species may not consume more than 25%-50% of the total # of species proposed.
 - Credit for preserving existing trees.
 - Parking lot landscaping, specifically a requirement for landscaping islands of a minimum size to include a canopy and/or ornamental tree. The number of required islands can be based on total number of parking stalls proposed.
 - Minimum # of trees based on length of street frontage, based on length of site perimeter, and based on total size area (examples: 1 tree/100' of street frontage, 1 tree/100' of site perimeter, 1 tree/5,000 SF of undeveloped site area).
 - A percentage landscaping requirement based on total site area (example: 10% of total site area must be landscaped).

The Commission should to review these common themes to determine what would be appropriate for New Brighton and inclusion in a code amendment.

Staff Recommendation

Staff recommends the following:

- The landscaping amendment be done through existing Section 8-010(2), which means a landscaping plan would be required for any new building or structure other than single and two family residences.
- Further define the types of projects that would trigger submission of a landscaping plan, such as using a disturbance threshold of adding impervious surfaces.
- Include all the items listed in the "Common Themes" section above. There should be further discussion with regard to details of these individual standards.
- Include language that provides some flexibility should it be necessary depending on the characteristics of the project and the characteristics of adjacent and nearby uses.

Closing

Staff looks forward to a good discussion. Staff suggests using this first work session to discuss goals and to generally discuss landscaping standards. This will provide direction to staff on how to prepare a Zoning Code Amendment. It is anticipated that a draft ordinance would be provided at subsequent work sessions. Ultimately, the Commission will hold a public hearing and forward a recommendation to the City Council.

New Brighton existing code

(2) A landscaping plan shall outline in detail the proposed landscaping scheme. The plan shall include but not be limited to the following:

- A. Placement and height of plantings and decorative constructions such as fences or walls. The landscaping shall permit adequate sight distance for motorists and pedestrians.
- B. Species, quantity and diameter of trees and shrubs. Artificial plant material is not acceptable.
- C. Areas to be left in their natural state and areas to be sodded or seeded.
- D. Dimensions, description and other pertinent data identifying proposed special landscaping effects (ponds, rock gardens, fountains, etc.). The use of design elements such as sculptures or fountains is encouraged.
- E. The landscaping plan should be in such final form that it may be submitted for contract bids following site plan approval.

(3) Complete building plans shall include the following:

- A. Complete plans and specifications for exterior wall finishes and surfaces proposed for all principal and accessory buildings.
- B. Complete data as to dwelling units, sizes and ratios of dwelling units to total lot space.
- C. Any additional data requested on forms furnished by the City.

(4) The plans shall extend a minimum of 100 feet beyond the property line or to the center line of any abutting public street and shall show the location, elevation, right-of-way width and pavement width and names of all existing or platted streets and other public ways, public easements and public buildings.

(5) All building construction plans submitted for construction, other than single and two family residences shall be designed and certified by a registered architect and appropriate engineer. The site plans may be prepared by a professional site planner, but a registered architect or engineer shall certify to personally viewing the site and designing the proposed building in accordance with the Building Code as adopted and amended by the City.

(6) A current certificate of survey must be presented with all required plans.

(7) A performance bond shall be filed with the City in an amount equal to 100 percent of the estimated cost to complete the plot and landscape plan exclusive of structures if the building is to be occupied prior to completion of landscaping.

(8) Nothing in the foregoing shall preclude the inclusion of plot and landscaping plans as one document. (Ord. No. 515, 12-28-82; Code of 2001)

NWQ zoning district standards

1. Primary building materials. Primary building materials shall cover at least 60% of the façade. These materials may include brick, natural stone, precast concrete units, decorative block of dimension, color, and texture that resembles brick, or glass, and must be integrally colored.
2. Secondary building materials. Secondary building materials shall cover no more than 30% of the façade. These materials may include decorative block, stucco, cement board siding, or architectural metal panels.
3. Accent materials. Accent materials shall cover no more than 10% of any of the building's facades. These materials may include door and window frames, lintels, cornices, architectural metalwork, glass block, copper flashing, or similar materials.
4. For townhouse buildings the primary materials described above shall cover at least 30% of the façade, the secondary materials shall cover no more than 60% of the façade, and accent materials no more than 10% of the façade.

(3) Landscaping.

- A. All land area not occupied by buildings, parking, driveways, sidewalks, or other hard surface shall be sodded or mulched and landscaped with approved ground cover, flowers, shrubbery and trees.
- B. At least ten percent (10%) of the total land area within the perimeter of private parking and driveway areas shall be landscaped. Landscaped areas provided within the build-to line may be credited toward this 10% landscaping requirement on a square-foot-for-square-foot basis, for up to half of the 10% requirement, or 5%.
- C. Parking lot landscaped islands shall be a minimum of one hundred fifty (150) square feet in area and include at least one overstory or evergreen tree meeting the requirements of this ordinance.
- D. Where parking abuts the site perimeter there shall be provided at least one overstory tree per twenty-five (25) feet of site perimeter.
- E. At least one overstory tree shall be provided for every five hundred (500) square feet of landscaped area on the entire site.
- F. The landscape plan shall include a full complement of overstory, ornamental and evergreen trees, shrubbery, and ground covers that are hardy and appropriate for the locations in which they are planted, and which provide year-round color and interest.
- G. For parking areas abutting I-35W or I-694, there shall be a landscape buffer to height of 3 (three) feet, consisting of berms, shrubbery, ornamental trees, or a combination, that will screen the view of automobile headlights from the highways.

(4) Signage.

- A. All signs erected on any building or land within the NWQ District must comply with the standards of this section and of this Title.
- B. Wall signs:

- (c) No closer than five (5) feet from any rear lot line unless adjacent to an alley, then the setback shall be increased to fifteen (15) feet.
- (d) No closer than five (5) feet from the main building.
- (e) Curbed with minimum driveway access radii of ten (10) feet to match the existing street curb.
- (6) Loading docks:
 - (a) Outside loading docks shall be located in the rear or side yard and be properly screened.
 - (b) The space needed for the loading docks must be adequate to handle the loading and unloading needs, without obstructing the public right-of-way.
- (7) Off-street parking shall be provided for all vehicles concerned with any use on the lot.
- (8) Parking lots with more than four (4) parking stalls shall be striped.
- (9) Sufficient concrete areas may be required for motorcycle parking in addition to the required vehicle parking stalls.
- (10) Bike racks may be required by the City in an area that is convenient to each major building entrance and will not disrupt pedestrian or vehicular traffic or fire lanes.
- (11) Safety signs, markings and traffic control devices may be required, to promote vehicular and pedestrian safety. (Ref. Ord. 960)

6. LANDSCAPE REQUIREMENTS

A. Scope.

All open areas of any site, except for areas used for parking, driveways, or storage shall be landscaped and incorporated in a landscape plan.

- (1) All new developments requiring a building permit shall comply with the requirements of this section.
- (2) Existing developments shall comply with the requirements of this section if one or more of the following applies:
 - (a) At the time of a building expansion or alteration which dictates the necessity for additional parking or hardsurface areas in excess of four (4) stalls.
 - (b) Building alterations which dictate a change in use such that the parking area must be expanded in excess of four (4) stalls.
 - (c) Construction of additional loading docks.
 - (d) Construction of new parking areas in excess of four (4) stalls.

- (3) If full compliance cannot be achieved due to site constraints, partial compliance as determined by the city shall be enforced.
- (4) The requirements of this section shall not be required for building alterations which do not affect the exterior portions of the site.

B. Bonding Requirement.

The city shall retain a performance bond, cash or letter of credit, as required in Section 205.05.06.A.(3) of the zoning code for one growing season after the installation of landscape materials is completed.

C. Plan Submission and Approval.

- (1) A landscape plan shall be submitted to and approved by the City prior to issuance of a building permit or prior to approval of outside improvements not related to building improvements. A plan shall not be required for routine replacement of existing materials or the installation of new materials when not associated with a building project.

- (2) The following items shall appear on the landscape plan:

(a) General.

- ((1)) Name and address of owner/developer.
- ((2)) Name and address of architect/designer.
- ((3)) Date of plan preparation.
- ((4)) Dates and description of all revisions.
- ((5)) Name of project or development.
- ((6)) Scale of plan (engineering scale only) at no smaller than 1 inch equals 50 feet.
- ((7)) North point indication.

(b) Landscape Data.

- ((1)) Planning schedule (table) containing:
 - ((a)) Symbols.
 - ((b)) Quantities.
 - ((c)) Common names.
 - ((d)) Botanical names.
 - ((e)) Sizes of plant material at time of planting.

- ((f)) Root specification (B.R., B & B, potted, etc.)
- ((g)) Special planting instructions.
- ((2)) Existing tree and shrubbery, locations, common names and approximate size.
- ((3)) Planting detail (show all species to scale at normal mature crown diameter, or spread for local hardiness zone).
- ((4)) Typical sections in detail of fences, tie walls, planter boxes, tot lots, picnic areas, berms, and other similar features.
- ((5)) Typical sections of landscape islands and planter beds with identification of materials used.
- ((6)) Details of planting beds and foundation plantings.
- ((7)) Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.
- ((8)) Delineation of both sodded and seeded areas with total areas provided in square feet, and slope information.
- ((9)) Coverage plan for underground irrigation system, if any.
- ((10)) Statement or symbols, to describe exterior lighting plan concept.
- (c) Special Conditions:

Where landscape or man-made materials are used to provide required screening from adjacent and neighboring properties, a cross-section shall be provided through the site and adjacent properties to show property elevation, existing buildings and screening in scale.

D. Landscaping Materials; Definitions.

All plant materials shall be living plants. Artificial plants are prohibited.

(1) Grass and ground cover.

- (a) Ground cover shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within twelve (12) months after planting, with proper erosion control during plant establishment period. Exception to this is undisturbed areas containing natural vegetation which can be maintained free of foreign and noxious materials.

- (b) Accepted ground covers are sod, seed, or other organic material. The use of rock and bark mulch shall be limited to areas around other vegetation (i.e. shrubs) and shall be contained by edging.

(2) Trees.

(a) Over-story Deciduous.

- ((1)) A woody plant, which at maturity is thirty (30) feet or more in height, with a single trunk unbranched for several feet above the ground, having a defined crown which loses leaves annually.
- ((2)) Such trees shall have a 2-1/2 inch caliper minimum at planting.

(b) Ornamental.

- ((1)) A woody plant, which at maturity is less than thirty (30) feet in height, with a single trunk unbranched for several feet above the ground, having a defined crown which loses leaves annually.
- ((2)) Such trees shall have a 1-1/2 inch caliper minimum at planting.

(c) Coniferous.

- ((1)) A woody plant, which at maturity is at least thirty (30) feet or more in height, with a single trunk fully branched to the ground, having foliage on the outermost portion of the branches year-round.
- ((2)) Such trees shall be six (6) feet in height at planting.

(3) Shrubs.

- (a) Deciduous or evergreen plant material, which at maturity is fifteen (15) feet in height or less. Such materials may be used for the formation of hedges. Such materials shall meet the following minimum standards at time of planting:
 - ((1)) Dwarf deciduous shrubs shall be eighteen (18) inches tall.
 - ((2)) Deciduous shrubs shall be twenty-four (24) inches tall, except as in Section D below.
 - ((3)) Evergreen shrubs shall be of the eighteen (18) inch classification.

(4) Vines.

Vines shall be at least twelve (12) inches high at planting, and are generally used in conjunction with walls or fences.

(5) Slopes and Berms.

- (a) Final slope grades steeper than 3:1 will not be permitted without special approval or treatment such as terracing or retaining walls.
- (b) Earth berm screening parking lots and other open areas shall not have slopes exceeding 3:1. A minimum three (3) foot berm is required.

E. Perimeter Landscaping; Standards.

- (1) In order to achieve landscaping which is appropriate in scale with the size of a building and site, the minimum standards apply;
 - (a) One (1) tree for every one thousand (1,000) square feet of total building floor area or one (1) tree for every fifty (50) feet of site perimeter, whichever is greater. A minimum of thirty (30) percent of the trees required will be coniferous.
 - (b) Two (2) ornamental trees can be substituted for every one (1) over-story deciduous shade tree. In no case shall ornamental trees exceed fifty (50) percent of the required number of trees.
 - (c) Parking and driving areas between the building and frontage street shall be screened in the following manner:
 - ((1)) A continuous mass of plant material; minimum of three (3) feet in height at time of planting; or
 - ((2)) A continuous earth berm with slopes no greater than 3:1 and a minimum of three (3) feet in height; or
 - ((3)) A combination of earth berms and plant materials such that a minimum of three (3) feet of continuous screening is achieved.

F. Interior Parking Lot Landscaping Standards.

- (1) All parking areas containing over one hundred (100) stalls shall include unpaved, landscaped islands that are reasonably distributed throughout the parking area to break up the expanses of paved areas. Landscaped islands shall be provided every two hundred fifty (250) feet or more of uninterrupted parking stalls.
- (2) All landscaped islands shall contain a minimum of one hundred eighty (180) square feet with a minimum width of five (5) feet and shall be provided with deciduous shade trees, or ornamental, or evergreen trees, plus ground cover, mulch, and/or shrubbery, in addition to the minimum landscape requirements of this ordinance. Parking area landscaping shall be contained in planting beds bordered by a six (6) inch raised concrete curb.

- (3) Trees shall be provided at the rate of one tree for each fifteen (15) surface parking spaces provided or a fraction thereof.

G. Screening and Buffering Standards.

- (1) Where the parcel abuts park or residentially zoned property, there shall be provided a landscaped buffer which shall be constructed in the following manner:
 - (a) A screening fence or wall shall be constructed within a five (5) foot strip along the property line(s) abutting the park or residentially zoned property. Said fence or wall shall be constructed of attractive permanent finished materials, compatible with those used in the principal structure and shall be a minimum of six (6) feet high and a maximum of eight (8) feet high. Chain link fences shall have non-wooden slats when used for screening purposes; or
 - (b) A planting screen shall be constructed in a fifteen (15) foot strip and shall consist of healthy, fully hardy plant materials and shall be designed to provide a minimum year-round opaqueness of eighty (80) percent at the time of maturity. The plant material shall be of sufficient height to achieve the required screening. Planting screens shall be maintained in a neat and healthful condition. Dead vegetation shall be promptly replaced.
 - (c) If the existing topography, natural growth of vegetation, permanent buildings or other barriers meet the standards for screening as approved by the City, they may be substituted for all or part of the screening fence or planting screen.
- (2) All loading docks must be located in the rear or side yards and be screened with a six (6) foot high minimum solid screening fence if visible from a public right-of-way or if within thirty (30) feet of a residential district.
- (3) All external loading and service areas accessory to buildings shall be completely screened from the ground level view from contiguous residential properties and adjacent streets, except at access points.

H. Credit for Existing Trees.

The total number of required over-story trees may be reduced by one-half (1/2) tree for each new deciduous tree measuring three (3) inches or more in diameter, or each new coniferous tree measuring eight (8) feet more in height. In no event, however, shall the reduction be greater than twenty-five (25) percent of the total number of trees required.

I. Credit for Existing Trees.

The total number of required new over-story trees may be reduced by the retention of existing over-story trees provided that the following conditions are satisfied:

- (1) Such trees are four (4) inches or greater in caliper measured six (6) inches from soil level.

- (2) For each existing tree meeting the requirements, two trees as required in Section D above may be deleted.
- (3) Proper precautions to protect trees during the development shall be indicated on grading plans submitted for plan review. Such precautions are outlined in Section J. These precautions shall be included in the landscape surety.

J. Irrigation.

Underground irrigation shall be required to maintain all landscaped, boulevard, front and side yard areas.

K. Installation.

- (1) The following standards shall be met when installing the required landscaping:
 - (a) Plant materials shall be located to provide reasonable access to all utilities.
 - (b) All required screening or buffering shall be located on the lot occupied by the use, building, facility or structures to be screened. No screening or buffering shall be located on any public right-of-way.
 - (c) Sodded areas on slopes shall be staked.
 - (d) Seeded areas shall be mulched with straw to prevent erosion. Hydro mulching is acceptable.
 - (e) Oak trees shall be surrounded by snow fence or other means at their drip line to prevent compaction of their root systems.
 - (f) Plantings shall not be placed so as to obstruct lines of sight at street corners or driveways.
 - (g) No plant materials reaching a mature height of twenty (20) feet or more shall be planted within a twenty-five (25) feet lineal path of the centerline of an overhead power line.
- (2) The applicant shall install all landscape materials within one year; but shall have three (3) years within which to install the required landscaping if the following minimum standards are met:
 - (a) First year:
 - ((1)) All grading is completed, including installation of berms.
 - ((2)) The required irrigation system is installed.
 - ((3)) Areas to be seeded and/or sodded are installed.

- ((4)) Screening for adjacent residential areas is installed, if required.
- ((5)) Twenty-five (25) percent of the required overstory trees are installed.
- ((6)) Twenty-five (25) percent of the perimeter landscaping is installed.

(b) Second year:

- ((1)) The remainder of the perimeter landscaping is installed.
- ((2)) Interior landscaping is installed.
- ((3)) Fifty (50) percent of the remaining required overstory trees are installed.

(c) Third year:

Any remaining landscaping shall be installed.

L. Maintenance.

- (1) The property owner shall be responsible for replacement of any dead trees, shrubs, ground covers, and sodding. If any plant materials are not maintained or replaced, the property owner shall have, upon written notification from the city, one growing season to replace said materials before the City shall maintain or replace said plant materials and assess the property for the costs thereof. Plant materials need not be replaced specie for specie; however, in no case shall the number of plant materials be reduced from the minimum that is required by this section when replacing dead plant materials.
- (2) Screen fences and walls which are in disrepair shall be repaired.
- (3) All vacant lots, tracts, or parcels shall be properly maintained in an orderly manner free of litter and junk. (Ref. Ord. 960)

7. PERFORMANCE STANDARDS

A. Parking Facilities.

All driveway, parking areas and loading docks shall be surfaced with blacktop, concrete or other hard surface material approved by the City.

B. Exterior Storage.

- (1) Nothing shall be stored in the required front yard.
- (2) All materials and commercial equipment shall be kept in a building or shall be fully screened, so as not to be visible from any public right-of-way or adjoining property of a different district.

F. Signs. No permanent or temporary signs visible from a public street shall be erected without approval from the Council.

G. Traffic Circulation. No site plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation.

H. Access. Access shall be to public streets from at least two (2) points on the subject premises. A divided entry with a center island may meet the requirements of this provision.

I. Rules and Regulations of State Fire Marshal. With respect to automobile service stations, any building proposed to be used as a service station shall be constructed and maintained as required by the rules and regulations of the state fire marshal governing the handling, storage and transportation of flammable liquids. Every facility, whether underground or above ground and whether indoors or out-of-doors, for the handling, storage and movement of flammable liquids shall likewise be constructed and maintained in accordance with the rules and regulations of the State Fire Marshal and the Pollution Control Agency (PCA).

1325.05 Design Standards. The standards established in this section are designed to encourage a high standard of development by providing assurances that neighboring land uses and neighboring properties will be compatible. The standards shall also apply to all future development and shall apply to existing development where so stated. Before any applications for development or construction under the City Code are approved, it shall be determined that the proposal will be in conformance with these standards unless a deviation has been granted. It shall be the responsibility of the applicant to demonstrate such conformance. *(Revised 4/28/08)*

→ **Subd. 1 Landscaping.**

A. Purpose and Findings. The City declares that it is desirable and essential to the health, safety, welfare, and aesthetics of the City to protect certain existing plants and trees, to require new and additional plants and trees, to prohibit the planting of certain species, to require the maintenance of plants and trees as set forth in this subdivision, and that appropriate and unified landscaping is essential to meet the community objectives established in the Comprehensive Plan.

B. Scope. The provisions of this subdivision shall apply only to privately owned property. Property within public rights-of-way shall be maintained in accordance with Chapter 7 of the City Code.

C. General Landscaping Requirements

1. Minimum Requirements. In all districts, all developed uses shall provide and maintain a landscaped area according to the minimum requirements in Section 1320.06, the district requirements chart.
2. All land area not occupied by marshes, ponds, wetlands, buildings, parking, driveways, sidewalks, or other hard surface shall be sodded, seeded, mulched or landscaped with appropriate perennials, shrubbery and/or trees.
3. Landscaped Area Along Streets. In all districts all developed uses shall provide and maintain a landscaped area along streets. This area shall be kept clear of all structures, storage, and off-street parking. Except for driveways, the area shall extend along the entire frontage of the lot and along both streets in the case of a corner lot.
4. Maintenance of Green Space. The property owner shall be responsible for the maintenance of all green space and landscaped areas in accordance with Section 600.02 of the City Code.
5. Green Roofs. Green roofs may be counted towards the minimum landscaping requirements of a parcel, as determined by Staff, based on the absorption rate and quality of the green roof.
6. Screening. All developments shall be in conformance with Section 1325.05 Subd. 4.
7. Tree Preservation. Clear cutting of an entire stand of trees is prohibited on all parcels. All developments shall be in conformance with Section 1325.055.

D. Landscaping Plan.

1. Scope. In cases where a landscaping plan is required by this Code or by an approval granted by the City, the applicant for the building or grading permit shall submit a landscape plan prepared in accordance with the provisions of Appendix A of the Zoning Code. A landscape plan shall be approved by the City and implemented by the property owner:
 - a. For any new development or new building construction in any business, industrial, Institutional, R-3, R-4, or I-FLEX zoning district, and planned unit developments, except as otherwise provided by specific development agreements.
 - b. For any existing commercial, industrial, or institutional building or parking lot to be expanded by at least ten (10) percent,

or at least 5,000 square feet, where an approved landscape plan is not on file with the city. In the case where a plan is required under this subparagraph, the property owner may submit a plan implementation schedule that would allow the plan to be implemented over a period of three years.

c. No building permit for any construction described in items (a) and (b) of this subparagraph shall be issued unless a landscape plan required hereunder is approved by the city.

E. Performance Guarantee.

1. A landscape performance bond or other acceptable financial surety is required for all screening or landscaping required in this Code to
2. insure completion and maintenance of all landscaping in accordance with the approved landscape plan required hereunder.
3. The amount of the bond or surety shall be 125% of the cost of materials and installation.
4. The bond or surety shall be provided prior to the issuance of any building or grading permits and shall be valid for, two full years, from the date of installation, or three years in the case of an extended timeline.
5. For any landscaping or screening that is not in accordance with the approved landscaping plan at the end of two growing seasons, the applicant shall replace the material to the satisfaction of the city before the guarantee is released. Where this is not done, the city, at its sole discretion, may use the proceeds of the performance guarantee to accomplish performance.

F. Minimum Landscape Requirements.

1. Caliper Inches. The minimum caliper inches required per building site shall relate to the gross square footage of all floors of a building and the building height. A single story building in excess of thirty (30) feet in height shall be considered a two-story building for the purposes of determining gross square footage. Minimum total caliper inches =

Gross Square Footage of all Floors of Building

320

2. Tree Ratio. The minimum total caliper inches shall contain the following minimum percentages of trees in various size ranges:

Building	Percentage of Trees of Various		
In Stories	2.0" - 3.0"	3.5" - 4.0"	4.5" - 6.0"
1-2	50 %	30 %	20 %
3-4	50 %	30 %	20 %
5 and over	30 %	50 %	20 %

3. Coniferous Tree Measurement. Coniferous trees may be considered equivalent to the sizes shown by dividing the height of the coniferous tree in feet by 2.4.

4. Minimum size at time of planting.
- a. Two and one-half (2.5) caliper inches for deciduous trees.
 - b. Six (6) feet in height for coniferous trees.

5. Trees Along Street Frontage. A minimum of one tree shall be provided along the right of way for every fifty (50) feet of public street frontage.

6. Perennials and Shrubberies. At least ten (10) percent of the total landscaped area shall be covered with perennials and/or shrubbery and be planted within the perimeter of private parking, building, and driveway areas.

7. Planting Islands. Planting islands shall be required to visually break up expanses of hard-surface parking areas, to provide safe and efficient traffic movement, and to define rows of parking. Planting islands shall occupy at least ten (10) percent of the parking area. Planting islands shall be edged with concrete curbs. Parking lot planting islands shall be a minimum of 150 square feet in area, be of appropriate width and length, and include at least one tree meeting the requirements of this ordinance.

- G. Landscape Design Specifications. All landscape plans and landscaping under this subdivision shall follow and be in compliance with the following requirements, together with all other Code regulations:

1. Diverse Selection. The landscape plan shall include a full complement of over story, ornamental and evergreen trees, shrubbery, and ground covers that are hardy and appropriate for the locations in which they are planted, and which provide year-round color and interest.

2. Existing Plant Credit. Plant materials existing on a site at the time of development, may be used as a credit against the requirements of these landscape regulations; the City Council shall determine the extent of credit allowed, based on the evaluation of species, size, location, quality of existing plant materials and the consistency with the intent of these regulations.
3. Plant Selection. The City maintains a list of trees that may not be used to satisfy the landscaping requirement of this section.
4. Method of Installation. All deciduous and coniferous trees shall be planted in accordance with American Standards for Nursery Stock relating to quality of stock and appropriate sizing of the root ball for balled and burlapped and spade-moved trees.
5. Slopes and Berms. Final slopes greater than the ratio of 3:1 will not be permitted without special approval or treatment, such as special seed mixtures or reforestation, terracing, or retaining walls. Berming used to provide required screening of parking lots and other open areas shall not have slopes in excess of 3:1.
6. Landscape Plan Maintenance. Quantity and character of landscaping, as originally approved, shall be maintained in perpetuity by the property owner unless the City approves a change to the landscaping plan. Maintenance shall include removal of litter, dead plant materials, unhealthy or diseased trees, and necessary pruning. Natural watercourses within a buffer shall be maintained as free flowing and free of debris.
7. Erosion Control. All areas of any site shall be restored and maintained in accordance with provisions of the city erosion control standards, and other requirements of the Code.
8. Placement of Trees and Shrubs. No trees or shrubs shall be planted within any drainage/utility easements, road right-of-way, or where it would now or in the future materially impede the clear vision area or other driveway between a height of two and one-half (2-1/2) and ten (10) feet in the clear vision area. *(Revised 3/18/09)*
9. Completion Deadline. All plants required for screening purposes shall be planted to completion within six months from date of issuance of a building permit unless otherwise approved by the city due to the time of the year or if an alternative schedule is set in a development agreement. In no case shall the period exceed six months from issuance of the certificate of occupancy.

(M) *Landscaping and screening.*

(1) *Purpose.* Landscaping and screening requirements are established to buffer non-compatible land uses, screen unsightly views, reduce noise and glare, minimize storm water runoff, and generally enhance the quality and appearance of development within the community.

(2) *Landscape plan required.* A landscape plan is required for all new commercial, industrial, institutional and multi-family development. For development having an anticipated construction value in excess of \$750,000, the landscape plan must be prepared by a landscape architect registered in the State of Minnesota. Said landscape plan shall include the location, size, quantity and species of all existing and proposed plant materials.

(3) *Design considerations.* The following design concepts and requirements should be considered when developing a landscape plan for submittal to the city:

(a) To the maximum extent possible, the landscape plan shall incorporate existing vegetative features on the site.

(b) The overall composition and location of landscaped areas should complement the scale of the development and its surroundings.

(c) Landscaped areas should be of adequate size to allow proper plant growth, protect plantings from both pedestrian and vehicular traffic, and provide adequate area for plant maintenance.

(d) A variety of trees and shrubs should be used to provide visual interest year round. No more than 50% of the required number of trees or shrubs may be comprised of any one species. No less than 25% of the required number of trees shall be over-story deciduous trees and no less than 25% shall be coniferous.

(e) Final slopes greater than 3:1 will not be permitted without special treatment such as terracing, retaining walls or special ground covers.

(f) All plant materials shall meet the following minimum size standards:

<i>Plant Type</i>	<i>Minimum Size at Planting</i>
Trees	
Evergreen	6 feet in height
Deciduous—over-story	2.5 inches diameter, measured 2 feet from base
Deciduous—ornamental	2 inches diameter, measured 2 feet from base
Shrubs	
Evergreen	2 feet in height
Deciduous	2 feet in height
Screening shrubs—either	3 feet in height

(4) *Landscaping requirements.* Landscaping shall be provided in accordance with the following requirements:

(a) All required setbacks shall be landscaped with turf grass, native grasses, trees, shrubs, vines, perennial flowering plants, or other pervious ground cover.

(b) A minimum of one tree shall be planted for every 50 feet of street frontage or fraction thereof. The trees shall be planted within the front yard and may be arranged in a cluster or placed at regular intervals to best complement existing landscape design patterns in the area.

(c) A minimum of four trees shall be planted for every one acre of lot area covered by buildings, parking areas, loading areas, exterior storage areas and other impervious surfaces.

(d) Parking areas shall have a minimum of 100 square feet of landscape area and one over-story tree for each 20 spaces or, fraction thereof. The remainder of the landscape area shall be covered with turf grass, native grasses, trees, shrubs, vines, perennial flowering plants, or other pervious ground cover.

Subd. 2. Replacement Standards. Replacement tree species shall be approved by the City Forester in accordance with Section 1127.05.

a. No additional plantings shall be required on lots less than one (1) acre where five (5) or more replacement and high value trees over eight inches (8") in diameter would remain, or on lots one (1) acre or larger where ten (10) or more replacement and high value trees over eight inches (8") in diameter would remain. For every significant tree removed, the permit holder or property owner shall plant a new tree on a one-to-one replacement basis, up to a maximum of five (5) new trees.

b. For every specimen tree removed, the permit holder or property owner shall plant a minimum of two (2) new trees, up to a maximum of five (5) new trees.

c. Replacement trees shall be planted no later than twelve (12) months beyond the date of tree removal. The owner or permit holder shall guarantee the survival of the replacement trees for two (2) full growing seasons beyond the year of planting. In cases where replacement cannot occur within the specified timeframe, an extension may be granted at the discretion of the City Forester and Community Development Director.

d. Replacement Quantity Reductions. The number of required replacement trees may be reduced when deemed appropriate at the sole discretion of the City Forester based on existing site conditions.

e. Exceptions. Replacement requirements shall not apply to trees lost as a result of utility trimming or maintenance, work conducted by or on behalf of a governmental agency in pursuance of its lawful activities or functions, disease, storms or other acts of natural occurrence.

Subd. 3. Trees within development areas designated for preservation shall be protected from construction damage by placing a snow fence or flags in a perimeter five feet (5') beyond the tree's dripline, within which area no equipment shall traverse or materials, debris or fill shall be placed.

Subd. 4. Additional Removals. If, through the course of a development activity, it becomes necessary to remove additional trees beyond what was previously approved in the Tree Plan. It shall be the responsibility of the applicant to submit such request to the City in writing, explaining the reasons necessitating the additional removals, and obtain written approval of the Community Development Director or designee before proceeding.

1127.05. LANDSCAPING:

Subd. 1. Applications for development in the R-3, R-4, B-1, B-2, B-3, B-4, I-1 and PUD districts shall be accompanied by a detailed landscape plan. The landscape plan should be developed in accordance with the site plan submitted for approval.

Subd. 2. Detailed landscape plans shall include the following information:

- a. General: name and address of developer/owner, name and address of architect/designer, date of plan preparation, date and description of all revisions, name of project or development, scale of plan, north point indication.
- b. Site analysis: Boundary lines of property line with dimensions based upon certified survey, name and alignment of proposed and existing adjacent on-site streets, location of all proposed buildings, topographic contours at two (2) foot contour intervals, location of parking areas, water bodies, proposed sidewalks, and percentage of site not covered by structures and impervious surfaces.
- c. Landscape data: A planting schedule table shall include symbols, quantities, common names, botanical names, size of plant materials, root specifications, and special planting instructions.
- d. Typical sections and details of fences, retaining walls, berms and other landscape improvements.
- e. Typical sections of landscape islands and planter beds with identification of materials used.
- f. Details of planting beds and foundation plantings.
- g. Delineation of both sodded and seeded areas indicated in square footage.
- h. Where landscape or inorganic materials are used to provide required screening from adjacent and neighboring properties, a cross section shall be provided at a legible scale illustrating the prospective of the site from the neighboring property and property line elevation.

Subd. 3. Number of plant materials required: In order to achieve an appropriate and complete quality landscaping of a site, the following minimum number of plant materials shall be provided as indicated below:

- a. One (1) overstory deciduous shade tree for every two thousand (2,000) square feet of the total building footprint.
- b. One (1) coniferous tree for every two thousand (2,000) square feet of building or one (1) coniferous tree for every two hundred (200) feet of site perimeter, whichever is greater.
- c. One (1) understory shrub for every three hundred (300) square feet of building or one (1) shrub for every thirty feet (30') of site perimeter, whichever is greater.

- d. One (1) ornamental tree for every two thousand (2,000) square feet of building or one (1) ornamental tree for every two hundred feet (200') of site perimeter, whichever is greater.
- e. The number of plant materials required in Subdivision 3 a – d may be reduced by fifteen percent (15%) in each category in the I-1 districts.
- f. In the event a site plan layout does not have adequate space to accommodate plant quantities as required herein, such quantities per species can be reduced, provided that total required height or caliper is maintained. The Community Development Director and City Forester must approve all changes.

Subd. 4. Minimum size of plantings and species requirements:

- a. Only tree species from High Value Tree list or other tree species as approved by the City Forester shall be used.
- b. Overstory deciduous – two and one-half inch (2 ½") caliper.
- c. Coniferous – six feet (6') in height as measured from grade.
- d. Shrubs – twenty-four inch (24") plant (potted).
- e. Ornamental trees – two inch (2") caliper.

Subd. 5. Method of Installation: All deciduous and coniferous trees shall be ball and burlap and stakes and guyed per National Nurserymen's Standards. All shrubs shall be potted.

Subd. 6. Use of Landscaping for Screening:

- a. Where natural materials, such as trees or hedges are approved in lieu of the required screening by means of walls or fences, density and species of planting shall be such to achieve screening year round.

Subd. 7. Maintenance:

- a. Property owners shall be responsible for the upkeep of all required plantings and landscape materials. Upon written notice from the City, a property owner shall be required to trim broken or damaged tree boughs, remove fallen trees or storm damaged trees and remove diseased trees as identified by the City Forester.¹ Uprooted, damaged or diseased tree stumps shall be removed or ground down below grade.
- b. It shall be the property owner's responsibility to maintain the boulevard areas between the property and any adjacent street frontage.

¹ Refer to Chapter 605, Tree Disease Control.

1127.06: PLAN REVIEW PROCESS: All tree inventories, preservation plans and landscape plans shall be reviewed by the City Forester. The Parks and Recreation and Forestry Commission may also review such plans at the request of the Community Development Director or the City Forester. When such plans are required as part of a development application (e.g. development review, conditional use permit, minor or major subdivision) the Planning Commission and City Council shall have approval authority. For such plans submitted when no official planning action is necessary, the Community Development Director and City Forester shall retain administrative approval authority.

1127.07: APPEAL PROCESS: Administrative decisions by the City Forester and/or Community Development Director may be appealed to the City Council. An appeal shall be filed in writing no more than fourteen (14) days following the date of the administrative decision by the City. The appeal shall be scheduled for consideration by City Council at the next regularly scheduled City Council meeting which is at least seven (7) days from the date of the appeal.

1127.08: VIOLATION AND PENALTIES: Except as provided herein, no significant or specimen tree shall be removed from any property in the City. Any violation of any provision of this Chapter shall constitute a misdemeanor offense. Property owners or permit holders having been cited for illegal tree removal may be fined up to seven hundred fifty dollars (\$750) for each significant or specimen tree illegally removed. In addition to the punishment specified in this section, the City may enforce this Code by any other appropriate form of action which could include withholding a Certificate of Occupancy, forfeiture of all or part of a bond, escrow or financial guarantee and stoppage of the project.

Zoning Code

(2) Where an R-4, B, C, or LI District abuts an R-1, R-2, or R-3 District, it is unlawful to park a vehicle, or provide a parking space, on the R-4, B, C, or LI property closer than 20 feet from the R-1, R-2, or R-3 property.

(1993 Code, § 1650.05) Penalty, see § 10.99

§ 152.180 CURB CUTS.

The City Council has the authority to limit the curb cuts serving a property or properties where the City Council deems it appropriate for safety reasons due to the traffic on abutting streets. No curb cut to a parking area may be more than 28 feet in width. Curb cuts on any 1 street must be at least 30 feet apart, unless curb cuts are to be used for 1-way traffic only and clearly designated as such. No C or LI use may have a curb cut within 30 feet of any residential district boundary, unless it is located across a street from the residential district boundary.

(1993 Code, § 1650.06) Penalty, see § 10.99

§ 152.181 OFF-STREET LOADING DOCKS.

All loading docks must be off-street and must be attached to the building to be served. A loading dock may not be located closer than 25 feet to a street intersection, or 50 feet to a residential district, unless the loading dock is totally within a building. Loading docks may not be located within the required front yard setback space. Loading docks must be located in a manner which will least interfere with traffic. No portion of any truck trailers using a loading dock may project into a public street. All loading docks and accessways must be paved with concrete or bituminous surfacing.

(1993 Code, § 1650.07) Penalty, see § 10.99

→ § 152.182 LANDSCAPING.

(A) *Existing trees and vegetation.* Existing healthy trees and native vegetation on a site are to be preserved to the maximum extent feasible during site development.

(B) *Landscaping plan.* Prior to issuance of a building permit for the development of property in any district, the owner must submit to the city for approval a landscaping plan showing:

(1) Placement and height of plantings and decorative features such as fences, walls, berms, and other landscaping features;

(2) Species, quantity and diameter of trees, grasses and shrubs;

(3) Areas to be left in their natural state and areas to be seeded or sodded;

(4) Dimension, descriptions, and other pertinent data identifying proposed special landscaping effects such as ponds, rock gardens, fountains, and other similar items; and

(5) When requested by the City Council, a grade and contour plan showing elevations at 2-foot intervals, or less where necessary, to identify pertinent site data (floor and spot elevations, critical points, drainage and other items).

(C) *Prohibited trees.* It is unlawful to plant any of the following trees in the city:

- (1) All elms (*Ulmus* all species);
- (2) Ginkgo/Maiden Hair female (*Ginkgo biloba*);
- (3) All red or black oaks (*Quercus* red species);
- (4) Boxelder (*Acer Negundo*);
- (5) Eastern Cottonwood (*Populus deltoides*); and/or
- (6) Lombardy Poplar (*Populus nigra italica*).

(D) *Planting of trees in right-of-way.* No trees may be planted in public rights-of-way, except by permission of the Public Works Director.

(E) *Dead or diseased trees.* If a building permit is issued for a building, all dead or diseased trees and stumps on the lot on which the building is to be constructed must be removed before completion of construction.

(F) *Berms.* The City Council may require earthen berms or other visual or acoustic barriers where there exists excess noise or potential visual blight.

(G) *Required tree plantings.* No less than the following number of trees having a diameter of at least 1-3/4 inches measured 1 foot above the ground will be planted in the development of any site within the city:

- (1) Single- and Two-Family Districts - no requirement;
- (2) R-3 and R-4 Districts require at least the following number of trees per building:
 - (a) Up to 6 units 6 trees;
 - (b) Six to 12 units 9 trees;
 - (c) Twelve to 25 units 12 trees; and
 - (d) Over 25 units 12 trees, plus 1 tree for every 5 units over 25.

Zoning Code

(3) In the C and LI Districts the required trees, shrubs, and ground cover will be specified by the City Council based upon aesthetic considerations, the size and type of structure, and the available open space.

(1993 Code, § 1650.08) Penalty, see § 10.99

§ 152.183 SCREENING.

Screening may be accomplished with a wall, fence, berm, or other landscape feature, or plantings which will provide an opacity of 80% within 3 years of planting. Planting type and screen design are subject to Planning Commission review and City Council approval. Screening is required on B, C, or LI District property which abuts any property in a residential district. The City Council may require screening on R-4 District property which abuts R-1, R-1A, R-2, or R-3 District property. All exterior storage must be screened, except merchandise being displayed for sale or materials and equipment being used for construction on the premises.

(1993 Code, § 1650.09) Penalty, see § 10.99

§ 152.184 BOULEVARDS ON CORNER LOTS.

No new structure, fencing, grade elevation, or planting, in excess of 18 inches above the curb line, is permitted within the boulevard on corner lots in residential districts.

(1993 Code, § 1650.10) Penalty, see § 10.99

§ 152.185 RELOCATING BUILDINGS.

Structures to be relocated within the city must comply with the following.

(A) *Licensed mover.* Buildings may be moved only by a licensed building mover approved by the City Manager.

(B) *Public hearing.* A public hearing to consider the application for the permit will be held by the Planning Commission and notice of the hearing will be given in accordance with §§ 30.45 through 30.48. The Planning Commission will then make its recommendations to the City Council regarding the permit.

(C) *Permit.* The mover must complete a permit application specifying the origin and destination of the building, the proposed route, and the time of the move.

(D) *Relocated buildings.* The relocated building must comply with the zoning code and all other applicable codes.

(E) *Moving permit.* The owner of record will be charged a moving permit fee based upon the assessed valuation of the building as provided in the Uniform Building Code.

1011.03 Landscaping and Screening in All Districts:

A. Landscaping Generally:

1. Purpose. The City recognizes the aesthetic, ecological, and economic value of landscaping in both the natural and built environments, and has established minimum landscaping and screening requirements applicable throughout the City to serve the following objectives:
 - a. Protect the health, safety, and general welfare of the community;
 - b. Deter crime through the use of good environmental design practices;
 - c. Promote the reestablishment of vegetation in the community for aesthetic, health, and wildlife reasons;
 - d. Improve ground water quality;
 - e. Reduce storm water runoff;
 - f. Promote compatibility between land uses by reducing the visual, noise, dust, and lighting impacts of specific development on users of the site and abutting uses;
 - g. Aid in energy conservation by providing shade from the sun and shelter from the wind;
 - h. Safeguard and enhance property values;
 - i. Encourage a resourceful and prudent approach to urban development and break up expanses of paved areas and provide surface shade;
 - j. Provide incentives for creative land use and good site design which preserves existing trees and maintenance of existing vegetation; and
 - k. Provide an objective method for the replacement of trees.
2. Applicability: The Community Development Department may require additional landscaping or alter the placement of the landscaping as deemed appropriate.
3. Minimum Landscape Requirements:
 - a. All open areas of a lot that are not used for buildings, parking or circulation areas, patios, or storage shall be landscaped with a combination of canopy trees, ornamental trees, evergreen trees, shrubs, flowers, sod, ground cover materials, and other site design features to ensure soil stabilization. This shall not apply to undisturbed areas retained in a natural state.
 - b. All landscaping and site improvements shall be completed within 1 year after the certificate of occupancy has been issued.

- c. An underground sprinkler system shall be installed in all landscaped areas except areas to be preserved in a natural state or where all proposed plant materials are drought-tolerant. Where drought-tolerant plant materials are used, irrigation shall be required only for the 2-year period following the installation and may be accomplished using hoses, water trucks, or other nonpermanent means.
- d. Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the subject site, to the immediate perimeter of the structure, parking areas, and along areas to be screened.
- e. The following minimum number of plant materials shall be provided:
 - i. One and two-family dwellings constructed after January 1, 2011 shall plant 1 tree per lot in the boulevard. The boulevard tree shall be of a species identified in the City of Roseville Street Tree Master Plan for streets and boulevards and shall be planted according to City requirements.
 - ii. Multi-family residential dwellings shall require 1 canopy or evergreen tree per dwelling unit.
 - iii. Non-Residential uses shall require the greater of:
 - 1 canopy or evergreen tree per 1,000 square feet of gross building floor area; or
 - 1 canopy or evergreen tree per 50 lineal feet of site perimeter;
 - iv. Up to 25% of the required number of canopy or evergreen trees may be substituted with ornamental trees at a ratio of 2 ornamental trees to 1 canopy or evergreen tree.
 - v. Except for one- and two-family dwellings, shrubs shall be required at the greater of the following:
 - 6 shrubs per 1,000 square feet of gross building floor area; or
 - 6 shrubs per 50 lineal feet of site perimeter.
 - vi. In a mixed-use building or development, each use shall be calculated separately to determine minimum landscape requirements.

- f. The City encourages the use of native plant materials that provide interest and color in the winter.
- 4. Plant Material Standards:
 - a. The complement of trees required shall be at least 25% deciduous and at least 25% coniferous. Not more than 30% of the required number of trees shall be composed of a single species.
 - b. Minimum Size of Plantings: Caliper inches to be measured 6 inches off the ground.
 - i. Canopy tree: 3-inch caliper
 - ii. Ornamental tree: 1.5-inch caliper
 - iii. Evergreen tree: 6-foot height
 - iv. Deciduous or evergreen shrub: 5-gallon pot
- 5. Method of Installation:
 - a. The spacing of trees shall be appropriate to the type of plant species provided. Evergreen shrubs shall be planted in clusters in order to maximize survival.
 - b. Visibility triangles shall be maintained as required in Section 1011.06 by selecting and locating landscaping and design features that do not exceed the height limitation in visibility triangles.
 - c. All deciduous shrubs and spreading or globe evergreen shrubs shall be moved onto the site in pots. All other plant materials shall be balled and burlapped (B&B) or moved onto the site with a tree spade.
 - d. In calculating the required plant material under the provisions of this section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number.
- 6. Alternative Landscape Options: The City encourages the use of special design features such as xeriscaping, raingardens/bioswales, rooftop gardens, native landscapes, integrated pedestrian facilities, and public art. To encourage the use of these special design features the city acknowledges a degree of flexibility may be necessary to adjust to unique situations. This subsection provides such flexibility and presents alternative ways to meet the standards set for in this section. The alternatives provided below are discretionary and are subject to approval of the Community Development Department, unless the development application requires approval by the City Council, in which case the City Council shall approve the alternative landscape plan. Landscape requirements may be modified if the proposal meets any of the following:

- a. It is of exceptional design that includes amenities such as public art, public seating, an outdoor plaza, green rooftop, recreational benefit, and/or transit shelter.
 - b. It is deemed equivalent to the minimum requirements of this Section and complies with the purpose and objectives of this Section.
 - c. It will allow a site plan that is more consistent with the character of the area.
 - d. It will result in the retention of more existing significant trees.
 - e. It better accommodates or improves the existing physical conditions of the subject property.
 - f. The topography decreases or eliminates the need for visual screening.
 - g. It does not reduce the effect of required screening.
 - h. Efforts are made to create interest by providing a variety of colors and textures.
7. Required Landscape Plan: With the exception of one- and two-family dwellings, a detailed landscape plan shall be submitted for review and approval by the Community Development Department for all new developments, additions, or modifications to existing developments, or when changes are made to existing landscape plans. Landscape plans shall be prepared by a registered landscape architect or other qualified individual as determined by the Community Development Department. The landscape plan shall be drawn to a scale of not smaller than 1 inch equals 50 feet. The locations and materials which are to be used in landscaping existing and proposed developments shall be clearly drawn and labeled on a landscape plan. The plan shall, at a minimum, show the following:
- a. Boundary lines of the property with accurate dimensions.
 - b. Locations of existing and proposed buildings, parking lots, roads, and other improvements;
 - c. Existing topography and proposed grading with contour intervals no greater than 2 feet;
 - d. Location and diameter of trees and common names of existing trees and shrubs;
 - e. Planting schedule containing symbols, quantities, common and botanical names, size of plant materials, and root condition;
 - f. Planting details illustrating proposed locations of all new plant materials;

- g. Locations and details of other landscape features including berms, retaining walls, fences, walls, sculptures, fountains, street furniture, lights, courtyards, and planters;
 - h. Details of restoration of disturbed areas including areas to be sodded or seeded;
 - i. Location and details of irrigation systems;
 - j. Details and cross sections of all required non-vegetative screening;
 - k. Description of the method to be employed for the protection of all existing landscape materials to be saved; and
 - l. Planting and installation details as necessary to ensure conformance with all required standards.
8. Maintenance: The continued maintenance of all required landscaping materials in a live and healthy state is a requirement of this Section and is the responsibility of the owner and tenant of the property on which the materials are required. This requirement shall run with the land and be binding upon all future property owners. Failure to comply with this requirement shall be a violation of this Section.
- a. All new landscape plans shall be accompanied by a landscape maintenance plan that includes all initial plant warranties, the plan for mulch restoration, and all pertinent contact information.
 - b. Plantings shall be maintained in a neat, healthy condition and comply with the site maintenance plan approved by the Community Development Department. Plantings which have died shall be promptly replaced in accordance with a landscape plan approved by the City for the site.
9. Security:
- a. Landscape Security Required: Prior to the issuance of a building permit for all projects requiring approval of a landscape plan, the developer, contractor, or property owner shall deposit a security with the City to guarantee compliance with and to indemnify the City for any expenses incurred in enforcing the requirements of this Section.
 - i. One- and Two-family Dwellings: Landscape security for detached or attached one- or two-family dwellings shall be a cash escrow in the amount of \$500.00.
 - ii. All Other Uses: Landscape security for all uses except detached or attached one- or two-family dwellings shall be in a form

approved by the Community Development Department and shall be equal to 125% of the estimated cost necessary to furnish and plant the required landscaping and any ancillary screening improvements such as fencing. The estimated cost shall be subject to approval by the City. If the estimated cost submitted by the developer to the City is not approved by the City, the City shall have the exclusive right to determine the estimated cost.

- b. Landscape Inspection: The developer, contractor, or property owner shall request an inspection after the required landscaping has been installed. The Community Development Department will perform the inspection and determine compliance with the approved landscape plan.
- c. Releasing the Security: Upon the determination by the Community Development Department that a landscape installation is consistent with landscape requirements and approved plans, the security shall be released to the developer, contractor, or property owner according to the requirements below.
 - i. One- and Two-family Dwellings: A required security shall be released upon the successful inspection of the landscape installation. Notwithstanding the foregoing, no portion of the security shall be released while there are unsatisfied obligations.
 - ii. All Other Uses: The landscape security for all uses except detached or attached one- or two-family dwellings shall be held by the Community Development Department for a minimum of 2 full years beginning upon the successful inspection of the landscape installation. A reduction can be sought after the first year and after an inspection is requested by the developer, contractor, or property owner. If the Community Development Department determines that the landscape is established appropriately, a portion of the security may be released. That part of the security which has not been released at the end of the first year shall be retained and shall secure the remaining obligation to replant trees which are not alive or are unhealthy at the end of the year and to replant missing trees. The entire security may be released 1 year after the replanting of such trees has been

satisfactorily completed and the City has certified that those replacement trees are alive and healthy. To be certified as alive and healthy, all of the following conditions must exist:

- No tree shall have sustained mechanical injury to the trunk of a tree causing loss of more than 30% of the bark circumference of the tree at any location along the tree's trunk.
- No tree shall have had soil compacted to 6 inches deep over more than 30% of its root zone.
- No tree shall have had more than 30% of its roots cut for the installation of any utility or for any other purpose.
- No more than 25% of the crown of a tree shall consist of dead branches.

d. None of a security shall be released until the developer's, contractor's, property owner's obligations to indemnify the City for any expenses incurred in enforcing the requirements of this Section are satisfied.

10. Penalties for Violation: Any tree that is visibly damaged, has a root system that has been driven on, or has a root zone in which the soil has been compacted in any way, shall be replaced in accordance to the tree replacement formula found in Section 1011.04G. Also, any person who is not authorized by the City who removes any tree from any public property without first obtaining a permit and any person who fails to replace trees in the manner provided in this subsection shall, in addition to the criminal penalties prescribed by law, be required to pay to the City the estimated cost of tree replacement in the amount determined by the City. Upon determination that this has occurred, the City shall submit a bill for the amount of tree replacement. If that amount is not received by the City within 90 days, such amount shall be assessed as a special assessment on any land located in the City owned by the person violating this Section.

B. **Buffer Area Screening:** The setback requirements established for uses in each district are intended to act as buffers between those districts and uses, but heightened screening is appropriate between low-density residential dwellings and more intensive uses. For all new construction in all districts that lie adjacent to or across the street from LDR Districts, therefore, additional screening shall be implemented as required herein.

1. Exception: The requirements in this subsection shall be applied in addition to the preceding general landscaping requirements, except that they shall not apply to Low Density Residential or Park and Recreation Districts.
 2. Acceptable Screening: Screening requirements of this Title shall be satisfied through the use of buildings, berms, solid board-on-board fences, walls, planting screens, evergreen trees, hedges, or some combination thereof. If the topography, existing vegetation, permanent structure, or other feature creates a barrier which achieves the standards of this section, they may be substituted.
 - a. Screen Fences and Walls: Any screen fence or wall shall be constructed of attractive, permanent finished materials, compatible with those used in the construction of the principal structure. Such screens shall be at least 6 feet in height and shall be 100% opaque.
 - b. Planted Screening: Any planting screens shall consist of healthy plants, shall be at least 6 feet in height, and shall be designed to provide a minimum year round opacity of 80% at the time of installation.
 - c. Notwithstanding these requirements, screening along street rights-of-way shall be maintained at a height not less than 3 feet nor more than 4 feet.
 3. Maintenance: Screen fences and walls which are in disrepair shall be promptly repaired. Planted screens shall be maintained according to the normal landscape maintenance requirement of Section 1011.03A8
- C. **Parking Lot Landscape:** Off street parking lots with more than 25 parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb or approved equivalent and shall contain mulch to retain soil moisture. Turf grass is permitted within landscaped areas located around the periphery of a parking lot.
1. Islands are required at the end of each row of cars, where it abuts vehicle circulation aisles or driveways, or every 15 stalls, whichever is less.
 2. Islands shall be provided to separate pedestrian and vehicular traffic.
 3. All islands shall contain a minimum of 160 square feet and a minimum dimension shall be 5 feet.
 4. At least 1 canopy tree shall be provided in each island, in addition to assorted shrubs, perennials, to assorted ornamental grass.
 5. Islands shall be prepared with clean soil to a depth of 5 feet and amended to ensure adequate drainage

and nutrient and moisture-retention levels for the establishment of plantings.

- D. All perimeter and interior landscaped areas in parking lots shall be equipped with a permanent irrigation system, unless drought-tolerant plant materials are used exclusively. Where drought-tolerant plant materials are used, irrigation shall be required only for the two-year period following plant installation and may be accomplished using hoses, water trucks, or other nonpermanent means.

1011.04 Tree Preservation and Restoration in All Districts:

- A. **Intent and Purpose:** It is the intent of the City of Roseville to protect, preserve, and enhance the natural environment of the community, and to encourage a resourceful and prudent approach to the development and alteration of wooded areas. This Section has the following specific purposes:

1. To recognize and protect the natural environment consistent with the City's mission statement and goals of the Comprehensive Plan through preservation and protection of significant trees.
2. To promote protection of trees for the benefits provided, including beautification, protection against wind and water erosion, enhancement of property values and air quality, reduction of noise and energy consumption, buffering, and protection of privacy and natural habitats.
3. To establish requirements related to cutting, removal, or destruction of existing trees, especially significant trees.
4. To establish reasonable requirements for replacement of significant trees.
5. To allow the development of wooded areas in a manner that minimizes and mitigates the removal and destruction of trees, and preserves the aesthetics, property values, and character of the surrounding area.
6. To provide for the fair and effective enforcement of the regulations contained herein.

- B. **Applicability:** This Section applies to all new development.

- C. **Tree Preservation Plan Approval Required:** It is unlawful for any person to engage directly or indirectly in land alteration, as defined in Section 1001.11, unless such person has first applied for and obtained approval of a tree preservation plan by the Community Development Department or other authorized City official. No preliminary plat, building permit, grading permit, or other City-required permit approval shall be granted unless approval of a tree preservation plan has first been obtained. Application for

