

CHAPTER 5

ZONING DISTRICTS

SECTION:

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10-5-1: ZONING DISTRICTS:

The City is divided into the following zoning districts described with particularity as follows:

A. R-1, Suburban Residential:

1. All land lying north of the center line of Larpenteur Avenue and east of the center line of Minnesota 280, excepting that which is specifically designated as Community Business (B-1) or Conservation (C-1), except Lots 17 and 18, Block 1, Manuels Subdivision.

2. All land lying south of the center line of Larpenteur Avenue, bordered on the west by Pleasant Street extended and on the east by the City boundary, excepting that which is specifically designated as Conservation (C-1).

3. All land lying east of the center line of Eustis Street, and bordered on the north by the center line of the vacated intercampus car line right of way, on the east by Pleasant Street, extended, and on the south by the City boundary.

4. That part of the North Half of the Northeast Quarter, of the Northwest Quarter of Section 20, Township 29 North, Range 23 West, Ramsey County, Minnesota, which lies east of the west 446 feet of said North Half of the North Half of the Northeast Quarter of the Northwest Quarter, lying southerly of a line running southwesterly from a point of beginning located on the eastern boundary of the City 225 feet south of the center line of Larpenteur Avenue to a point on Pleasant Street extended 530 feet south of the center line of Larpenteur Avenue; and there ending. Except the following parcels:

Parcel 1: The south 307.63 feet of the east 194.16 feet of the west 640.16 feet of said North Half of the Northeast Quarter of the Northwest Quarter.

Parcel 2: The South 109 feet of said North Half of the Northeast Quarter of the Northwest Quarter except the following described parcels:

- a. The west 640.16 feet thereof;
- b. The east 390.72 feet thereof.

Parcel 3: The south 225 feet of the east 390.72 feet of said North Half of the Northeast Quarter of the Northwest Quarter.

B. R-2, Urban Residential: The land area bordered on the west by the center line of Eustis Street; on the north by the center line of Larpenteur Avenue; on the east by Pleasant Street extended; and on the south by the center line of the vacated intercampus car right of way.

C. R-3, Multiple Residential: The land area bordered on the west by the center line of Minnesota 280; on the north by an east-west line running parallel to Larpenteur Avenue 330 feet south of the center line; on the east by the center line of Eustis Street, and on the south by the City boundary, excepting therefrom that area lying 20 feet south and 120 feet north of the south line of the Northwest Quarter of the Northwest Quarter, Section 20, Township 29, Range 23 and between the center line of Eustis Street and the center line of Highway 280.

D. B-1, Community Business:

1. The land area bordered on the west by the center line of Minnesota 290; on the north by an east-west line running parallel to Larpenteur Avenue 175 feet north of the center line on the west side of Malvern Street and 180 feet north of the center line on the east side of Malvern Street; on the east by the center line of Eustis Street; on the south by an east-west line running parallel to Larpenteur Avenue 330 feet south of the center line.

2. Lots 17 and 18, Block 1, Manuels Subdivision (northeast corner of Eustis and Larpenteur).

E. I-1, Industrial:

1. The land lying west of the center line of Minnesota 280, bordered on the north, west, and south by the City boundary.

2. The land lying 20 feet south and 120 feet north of the south line of the Northwest Quarter of the Northwest Quarter, Section 20, Township 29, Range 23 and between the center lines of Eustis Street and Highway 280.

F. C-1, Conservation:

1. The land area bordered on the west by the center line of Pleasant Street; on the south by an east-west line running parallel to Roselawn Avenue 530 feet south of the center line from Pleasant Street to Lake Street extended, then south to the center line of Summer Street and east to the center line of Fulham Street; on the east by Fulham Street and on the north by Roselawn Avenue.

2. Beginning at the northeast corner of the south 225 feet of the east 390.72 feet of the North Half of the Northeast Quarter of

the Northwest Quarter, which point is on the easterly boundary of the City of Lauderdale, thence westerly along the north line of said tract to the northwest corner thereof, thence southerly approximately 116 feet to the north line of the south 109 feet of said North Half of the Northeast Quarter of the Northwest Quarter, thence along said north line to its intersection with the southerly extension of the center line of Pleasant Street, thence southerly along said southerly extended center line to the southerly City border of Lauderdale, thence easterly along the southerly City border a distance of 370 feet more or less to the southerly extension of the east line of Ridgewood Terrace, thence northerly along said easterly line a distance of 234 feet more or less to the southwest corner of Lot 7, Oakwood, thence easterly along the southerly line of Lot 7, Oakwood and its easterly extension, a distance of 135 feet, thence northerly a distance of 344 feet, thence easterly to the easterly boundary of the City, thence northerly along said easterly boundary to the point of beginning and there terminating. (Zoning Ord. as amd.)

10-5-2: DISTRICT REQUIREMENTS:

Except for planned unit developments, all buildings and uses in each district shall be subject to the requirements listed under Chapters 4 through 14 of this Title. Planned unit development standards may be applied to any residential district at the request of the landowner and the discretion of the City Council. Where planned unit development standards differ from the original district standards the planned unit development standards will apply. (Zoning Ord. as amd.)

10-5-3: UNDESIGNATED USES:

A use not specifically designated as a permitted or conditional use anywhere in the City is considered prohibited. In such a case the Council, the Commission or a property owner may request a study by the City to determine if the use is acceptable and if so what zoning district would be most appropriate for the use and what conditions and standards if any, should be attached to the development of the use. If found acceptable, an amendment to this Title may be initiated by the Council or Commission permitting the use. (Zoning Ord. as amd.)

10-5-4: HIGH DENSITY RESIDENTIAL - CONSERVATION (HDR-C) DISTRICT

1. Purpose; Conservation Objectives. The purpose of the HDR-C District is to allow for the reasonable development of land while protecting, preserving, restoring and enhancing the City's ecological resources, and promoting resilient and sustainable building and site planning practices. Development within this District shall be consistent with the goals and objectives stated within the City's Comprehensive Plan and the stated Conservation Objectives. Each site will be individually evaluated during the Concept

Plan stage of the Planned Unit Development ("PUD") process, which shall be required for all HDR-C rezoning requests, as described in Title 10, Chapter 7, Section 10-7-7. The Concept Plan stage is required so that the priority and relevance of the following stated Conservation Objectives for each site can be established:

- a. Protect and enhance the ecological function of native woodlands, wetlands, and surface water management areas;
 - b. Enhance and create opportunities to restore ecological connections between parks, the City's nature area, and other protected lands with ecological significance;
 - c. Create public trails and connections for the City's residents that provide access to enjoy the City's open space and natural resources;
 - d. Create public open space and natural resource areas for the City's residents to access and enjoy; and
 - e. Incorporate Innovative Site Design and Green Building Standards into new development or redevelopment that contribute to the City's long-term sustainability and resiliency.
2. Applicability. The HDR-C District shall be available only for properties that meet the minimum standards and regulations as stated herein and that are guided as High Density Residential, High Density Residential Conservation, Mixed-Use South, and Mixed-Use North within the City's Comprehensive Plan. Property owners are encouraged to consider utilizing the HDR-C District to enhance, protect, and achieve the Conservation Objectives for residential development.
3. Definitions. For the purposes of this section 10-5-4, the terms defined below shall have the meanings given them.
 - a. Base Density. The permitted number of units or lots in the HDR-C District absent any flexibility provided through a PUD and equal to the established minimum density identified within the City's Comprehensive Plan for the guided land use designation.
 - b. Conservation Area. Designated land within an HDR-C Subdivision that contributes towards the achievement of one or more of the Conservation Objectives. A Conservation Easement shall be recorded to protect the Conservation Area in perpetuity. Conservation Areas may be used for preservation of ecological resources;

enhancement, creation and/or restoration of ecological resources, passive recreation, and/or innovative site design characteristics that support ecological sustainability.

- c. Conservation Easement. A non-possessory perpetual interest of a holder in real property imposing limitations or affirmative obligations, the purpose of which may include retaining, restoring or protecting natural, scenic, or open space values of real property, assuring its availability for forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, and preserving and/or promoting the historical, architectural, archaeological, or cultural aspects of real property.
- d. Conservation Objectives. Those objectives specified in Section 10-5-4, subd. 1 of this ordinance.
- e. Green Building Standards. New development or redevelopment that achieves LEED Certification or incorporates LEED standards or other industry-recognized energy and/or environmental building characteristics. The plan set shall include architectural plans, LEED checklists, or other supporting documentation.
- f. HDR-C Subdivision. Any development or redevelopment that incorporates the concepts of designated Conservation Areas or Innovative Site Design and Green Building Standards, as defined herein.
- g. Holder. The party holding the Conservation Easement in accordance with Minnesota Statutes, Chapter 84C.
- h. Homeowners Association or Management Company. A formally constituted non-profit association or corporation made up of the property owner(s) and/or residents of an HDR-C Subdivision for the purpose of owning, operating, and maintaining Conservation Areas and/or other commonly owned facilities and Open Space.
- i. Innovative Site Design. New development or redevelopment that incorporates resiliency, sustainability, energy efficiency, or other alternative site design considerations. Such elements must be clearly demonstrated through the plan review process and may be graphically shown through site plans, shade/solar studies, landscape plans, or other submissions deemed acceptable by the City.

- j. Net Land Area. The total land area in a proposed HDR-C Subdivision excluding wetlands, required wetland buffers, protected easement areas, right-of-way, and land that slopes greater than 18%,
 - k. Open Space. Land not designated as a Conservation Area that is used for parks, innovative site design characteristics, trails, or other recreational uses. Open Space may be owned and managed by the City, a Homeowner's Association, or other entity.
4. Planned Unit Development Process. The City intends to evaluate the Conservation Objectives of the HDR-C Subdivision through using the City's planned unit development (PUD) process. The Conservation Objectives, as stated within this ordinance, are not necessarily listed in order of priority. The applicability or priority of the stated Conservation Objectives to a specific site or project will be established as part of the PUD process as outlined in this Ordinance. The property owner or developer will be required to demonstrate how, and to what extent, they meet the identified and applicable Conservation Objectives. In exchange for achieving the applicable Conservation Objectives, the City will consider and allow design flexibility and increased density. The City intends to work collaboratively with the property owner or developer through the Concept Plan stage of the PUD process to appropriately identify the applicable Conservation Objectives and any flexibility or increase in Base Density to be allowed.

The provisions and procedures of the City's PUD ordinance shall apply, except as modified and explicitly stated within this section which includes the required Concept Plan Stage. Prior to submitting application materials for the Concept Plan, the City requires applicants to engage in a meeting with city staff to establish and identify the goals for a specific site, and to identify and prioritize which Conservation Objectives are applicable to a site and its development. The Development Stage PUD plans shall clearly demonstrates how the proposed project meets the Conservation Objectives identified during the Concept Plan stage. If a final PUD plan is approved by the City, the property shall be rezoned to HDR-C PUD. The permitted uses, regulations and flexibility shall be stated and documented within the approved plans and resolution and in a HDR-C PUD development agreement to be executed by the City and the applicant. The provisions in this section are requirements for all HDR-C Subdivisions, unless the City Council allows and approves any exceptions as part of the PUD process.

5. Uses. All permitted, conditional, and accessory uses allowed within the R-1, R-2, and R-3 zoning districts shall be allowed in the HDR-C District.
6. General Performance Standards. The City Council may, in its sole discretion, grant flexibility from the requirements of the existing zoning district, or other requirements of this code if the proposed HDR-C Subdivision meets the applicable Conservation Objectives. In considering how much flexibility, if any, is warranted, the City will evaluate the amount and quality of Conservation Areas protected or created, the public access to or enjoyment thereof, and if Green Building Standards or Innovative Site Design standards have been incorporated into the development plan.
 - a. Conservation Objectives and Determining Flexibility. Conservation Area(s) shall be designated and located within a HDR-C Subdivision to maximize achievement of the Conservation Objectives. All Green Building and Innovative Site Design standards utilized must be documented and demonstrated at time of application. The opportunity to achieve the Conservation Objectives will be site specific, and each project will be evaluated independently to determine the extent to which the Conservation Objectives are met.
 - b. Density Flexibility. Each site shall be entitled to the Base Density calculated using the Net Land Area, which equals the minimum stated value of the density range for the land use designation identified within the City's Comprehensive Plan. Any increased density above the Base Density shall be calculated from the Net Land Area, and any increased density shall be at the discretion of the City Council. The City Council shall base its decision regarding density flexibility on 1) how effectively the proposed project meets the prioritized and applicable Conservation Objectives established as part of the Concept Plan stage; and 2) the extent to which the project will support the Conservation Objectives long-term. The City will permit increased densities up to the maximum stated value of the density range for the land use designation in the City's Comprehensive Plan only if the project demonstrates long-term support of the applicable Conservation Objectives.
 - c. Other Areas of Flexibility. In addition to increased density, other areas of flexibility may be requested to support the applicable Conservation Objectives, including, but not limited to the following: (i) lot size, lot width, setbacks; (ii) housing types; (iii) landscaping; (iv) screening; and (v) park dedication.

7. Conservation Area Ownership. Any areas designated as Conservation Areas in an HDR-C Subdivision shall be established, protected, and owned in accordance with the following requirements:
- a. Designated Conservation Areas shall be surveyed and subdivided as separate outlots and legally described on the final plat.
 - b. Designated Conservation Areas must be protected in perpetuity in accordance with the Conservation Easement conveyed to a Holder pursuant to Minnesota Statutes, Chapter 84C and must run with the land. The Conservation Easement must be approved by the City attorney and must explicitly define the permitted uses within the Conservation Area.
 - c. The permanent Conservation Easement may be held by any combination of the entities defined by Minnesota Statute Chapter 84C, but in no case may the holder of the Conservation Easement be the same as the owner of the underlying fee title.
 - d. The City shall have a third-party right of enforcement with regard to the Conservation Easement.
 - e. The permanent Conservation Easement shall be recorded with Ramsey County and must specify, at a minimum, the following:
 - i. The entity that will maintain the designated Conservation Area;
 - ii. The purpose of the Conservation Easement, that the easement is permanent, and the conservation values of the property;
 - iii. The legal description of the land under the easement;
 - iv. The restrictions on the use of the land, and restrictions from future development;
 - v. To what standards the Conservation Areas will be maintained, and the responsible party(ies) for such maintenance and/or restoration; and
 - vi. Who will have access to the Conservation Area.
 - f. The underlying fee of each designated Conservation Area parcel may be held/owned by any combination of the following entities:
 - i. A common ownership association, subject to the provision in the HDR-C PUD District;

- ii. An individual who will use the land consistent with the permeant Conservation Easement;
- iii. A private nonprofit organization, specializing in land conservation and stewardship, that has been designated by the Internal Revenue Service as qualifying under section 501(c)(3) of the Internal Revenue Code or successor sections; or
- iv. The City of Lauderdale, at its discretion, and if determined there are no other viable options.

g. Open Space areas that are not a part of the Conservation Areas may be established within the HDR-C Subdivision without protection of a Conservation Easement, and consideration of how, or if, such areas contribute to the Conservation Objectives will be determined at the discretion of the City Council.

h. Innovative Site Design and Green Building Standards may or may not be a part of a designated Conservation Area, and those that are a part of the Conservation Easement must be expressly permitted uses within the Conservation Easement. Those characteristics or building that are used in granting design flexibility or increased density that are not a part of a Conservation Easement must be detailed within a restrictive covenant or homeowner's association covenants that is recorded against the property.

8. Conservation Area Management and Maintenance Plan ("Plan").

a. Plan Content Requirements. For any designated Conservation Area, a Plan for the restoration (if applicable), development, maintenance, and insurance of the Conservation Area must be identified and approved as part of any HDR-C Subdivision. The Plan must address, if applicable:

- i. Define the ownership of the Conservation Area;
- ii. Describe the method of land protection;
- iii. Specify restoration (if applicable), regular and periodic operation, maintenance, and responsibility; and
- iv. Provide insurance requirements, and other associated costs with the maintenance and management of the Conservation Area and how the necessary fees will be obtained (through a homeowner's association, rents, or other funding mechanism).

b. Plan Submittal Requirements. As part of the initial application for an HDR-C Subdivision and along with any

other PUD requirements, the applicant must submit a narrative and maps that describe the following:

- i. Existing Conditions which identifies each applicable Conservation Objective addressed within the Conservation Area, including all natural, cultural, historic, and scenic elements in the landscape;
- ii. If protection of an existing natural area/natural resource is proposed, a natural resource inventory prepared by an ecologist, or similarly designated professional, shall be prepared and submitted as part of the Plan;
- iii. Objectives for the Conservation Area, including, but not limited to, the proposed permanent maintained landscape condition for each area, any restoration or enhancement of natural features, and a maintenance plan describing the activities to be performed for any restoration and post-restoration activities.

c. Funding of Operation and Maintenance. The City may require an applicant to escrow sufficient funds for the maintenance operation costs of Conservation Areas depending on the restoration measures identified within the Plan. The amount and duration shall be at the discretion of the City Council, but shall be proportional to the effort proposed.

d. Enforcement. In the event that the fee owner of the Conservation Area fails to properly maintain all or any portion of the Conservation Area, the City in coordination with the Holder of the easement may serve written notice upon such fee owner setting forth the manner in which the fee owner has failed to maintain the Conservation Area. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the fee owner, or any successor organization, shall be considered in violation of this ordinance and the Holder may take any action authorized under the law to enforce the Conservation Easement. The City may exercise its rights under third party right of enforcement.

9. Site Design Process. In addition to all other requirements, the applicant shall include the following with its application:

- a. Graphics and supporting information that identifies how the proposed Conservation Areas were identified. This should include, at a minimum, the following:

- i. Unbuildable areas that include slopes greater than 18%, wetlands, wetland buffers, streams, right-of-ways, and protected easement areas;
 - i. Areas designated as Conservation Area;
 - ii. A natural resource inventory of the site, including without limitation, an identification of the land cover and existing vegetation;
 - iii. A wetland delineation, if applicable; and
 - iv. A list of any known protected species, plants and/or animals, as obtained from the Minnesota Department of Natural Resources;
 - b. A survey identifying the Net Land Area;
 - c. The proposed location of new structures outside and within, if applicable, the proposed Conservation Area;
 - d. A description of how buildings were sited, and if such siting meets criteria established within this section;
 - e. The design and location of streets and trails which demonstrate all vehicular and pedestrian connections; and
 - f. A survey showing all proposed lot lines, including Conservation Area outlots.
10. General Conservation Design Standards. The following design standards shall be considered in designing the HDR-C Subdivision:
- a. Conservation Areas should be adjacent to or incorporate existing natural features of the site when possible to accomplish a larger interconnected and contiguous network of open spaces;
 - b. The quantity of land protected and the extent to which contiguous areas are designated;
 - c. Incorporate public and private trails that connect to the City's existing sidewalks and other natural/park areas;
 - d. Stormwater management facilities should consider innovative solutions and should be designed to feel natural and support the open space network; and
 - e. Stormwater management facilities may be located within a Conservation Area but may not be used as part of the justification for increased density, unless such design incorporates innovative and low-impact development

characteristics not required as part of a standard permitting process.

11. Landscape Design Standards in HDR-C. The following landscape design standards in an HDR-C Subdivision should be considered:

- a. The selection of vegetation should be guided by natural vegetative community types found in the Minnesota Land Cover Classification System and the Minnesota Department of Natural Resources' pre-settlement vegetation mapping information for the area;
- b. Reduction or eradication of invasive species from a site;
- c. Creation of a natural design plan for surface water management features should be incorporated, and native species prioritized where possible;
- d. Integration of nature trails and foot paths should be explored and should connect to the City's existing parks, nature areas, trails and open spaces, when possible; and
- e. Better Site Design/Low Impact Development practices as identified in the *Minnesota Stormwater Manual* published by the Minnesota Pollution Control Agency shall be used to design sites and meet the performance standards.

12. Innovative Site Design and Green Building Standards. The following Innovative Site Design and Green Building Standards, among others, should be considered in designing the HDR-C Subdivision:

- a. LEED certification on new buildings;
- b. Include energy-efficient appliances and other efficiency measures within new buildings;
- c. Explore incorporating alternative energy sources in new building designs (e.g. solar, geothermal);
- d. Site new buildings to respond to existing climate conditions to minimize energy use (e.g. solar/shade positioning, wind); and
- e. Consider material choices that are renewable, and/or designed to create a more energy efficient building.