

**ORDINANCE NO. 2023-483**

**Motion By:** Nichols  
**Seconded By:** Schultz

**AN ORDINANCE AMENDING THE TEXT OF SECTION 1060.070 OF TITLE 10 OF THE CORCORAN CITY CODE (ZONING ORDINANCE) (CITY FILE 22-034)**

**THE CITY OF CORCORAN ORDAINS:**

**SECTION 1.** Amendment of the City Code. The text of Chapter 1060.070 Subd. 2 D. of the Zoning Ordinance of the Corcoran City Code is hereby amended by adding the underlined material as follows:

D. Minimum Size Requirements. All plants must at least equal the following minimum size:

| <u>Table 1 - Minimum Plant Size Requirements</u>         |  |
|--|--|
|  | Potted/Bare Root or Balled and Burlapped |
| Shade Trees (overstory)                                  | 2.5-inch diameter                        |
| Ornamental Trees (understory)                            | 1.5-inch diameter                        |
| Evergreen Trees (overstory)                              | 4-6 feet high                            |
| Tall Shrubs and Hedge Material (deciduous or coniferous) | 3-4 feet high                            |
| Low Shrubs (deciduous)                                   | 5 gallon                                 |

**SECTION 2.** Amendment of the City Code. The text of Chapter 1060.070 Subd. 2 G. of the Zoning Ordinance of the Corcoran City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

G. Number of TreesPlantings. The minimum number of trees-plantings on any given site shall be as follows:

**SECTION 3.** Amendment of the City Code. The text of Chapter 1060.070 Subd. 2 J. of the Zoning Ordinance of the Corcoran City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

J. Required Screening and Buffering.

1. Buffer Yards.

a. Definition. For the purpose of this Section, a buffer yard shall be a land area containing landscaping, berms, fences, or some combination thereof used to promote orderly transition between developments and to minimize the adverse impacts of differing land uses. Buffer yards shall be preserved in perpetuity by an easement or an outlet.

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- b. Required Buffer Yard. A buffer yard shall be required when a developing property is adjacent to or across a local street from property in a less intensive zoning district.
  - i. The buffer yard standards only apply to the parcels abutting the conflicting zoning district.
  - ii. Parcels within the same development are not required to adhere to the buffer yard requirements. The buffer yard requirement applies only to the perimeter of the development.
  - iii. A buffer yard shall not be required for new developments adjacent to or across a local street from a permanently undevelopable parcel, such as an outlot for stormwater ponds, but shall be required adjacent to outlots that may be developed in the future.
  - iv. A buffer yard shall not be required for existing developed parcels if they are replatted as long as there is no change in use or building expansion.
- c. Responsibility. Provision of buffer yards shall be the responsibility of the more intensive use and shall be required at the time of development.
- d. Location of Buffer Yard. Buffer yards, when required, shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.
  - i. Buffer yards shall not be located on any portion of an existing or dedicated public right-of-way or private street easement, unless otherwise specified by this ordinance.
  - ii. Buffer yards may be located within required yard setbacks. Structures must comply with both the setbacks in the zoning district and the buffer yard requirements.
- e. Determination of Buffering Level. This subsection applies to proposed developments that are adjacent to an existing residential neighborhood. Matching the development to the adjacent existing neighborhood in the following chart determines the level of buffering required.
  - i. If the proposed development is in a PUD zoning district, the underlying zoning district used to establish the PUD shall be used to determine the buffering level.

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ii. A buffer level of “X” denotes a buffer yard is not required.

iii. Perimeter Setback. For a buffer yard requirement noted with an asterisk (\*) in Table 2, the development is required to maintain side and rear setbacks equivalent to the rear setback requirement. No additional buffer plantings are required in the setback.

**Table 2 – Determination of Buffering Level**

|                                 |                  | Proposed Development Zoning District |    |       |       |       |                  |    |     |    |                |         |
|---------------------------------|------------------|--------------------------------------|----|-------|-------|-------|------------------|----|-----|----|----------------|---------|
|                                 |                  | UR                                   | RR | RSF-1 | RSF-2 | RSF-3 | RMF <sub>1</sub> | MP | TCR | PI | C <sub>2</sub> | BP, I-1 |
| Zoning of Existing Neighborhood | UR               | *                                    | X  | A     | A     | B     | C                | C  | D   | D  | D              | D       |
|                                 | RR               | X                                    | *  | A     | A     | B     | C                | C  | D   | D  | D              | D       |
|                                 | RSF-1            | X                                    | X  | *     | A     | A     | B                | B  | C   | C  | C              | D       |
|                                 | RSF-2            | X                                    | X  | X     | *     | A     | B                | B  | C   | C  | C              | D       |
|                                 | RSF-3            | X                                    | X  | X     | X     | *     | A                | B  | B   | B  | B              | C       |
|                                 | RMF <sub>1</sub> | X                                    | X  | X     | X     | X     | *                | A  | B   | B  | B              | C       |
|                                 | MP               | X                                    | X  | X     | X     | X     | X                | *  | B   | B  | B              | B       |

<sup>1</sup> Zoning district RMF includes RMF-1, RMF-2, and RMF-3

<sup>2</sup> Zoning district C includes DMU, GMU, CR, C-1, and C-2

f. Options for Buffer Yard Classes. The following table is used to list appropriate landscape buffer options to fulfill the requirements of the buffer yard classes in Table 2 of this Section. Proposed alternatives must be approved by City Council.

**Table 3 – Buffer Yard Options**

| Buffer Yard Class | Width   | Overstory Plantings <sub>1</sub> | Understory Plantings <sub>1</sub> | Shrubs or Tall Native Prairie Plantings <sub>1 2</sub> | Structures <sub>3</sub> |
|-------------------|---------|----------------------------------|-----------------------------------|--|-------------------------|
| A <sub>4</sub>    | 10 feet | 1                                | 2                                 | 0  | None                    |
|                   | 15 feet | 1                                | 1.5                               | 0  | None                    |
|                   | 20 feet | 0.5                              | 1.25                              | 0  | None                    |
| B                 | 10 feet | 1                                | 4                                 | 6  | Minimum 4-foot fence    |
|                   | 20 feet | 3                                | 6                                 | 9  | None                    |
|                   | 20 feet | 1                                | 2                                 | 3  | Minimum 4-foot fence    |
|                   | 30 feet | 2                                | 4                                 | 12   | None                    |
|                   | 30 feet | 1                                | 2                                 | 4  | Minimum 4-foot berm     |
| C                 | 20 feet | 3                                | 3                                 | 12   | Minimum 4-foot fence    |
|                   | 30 feet | 2                                | 2                                 | 9  | Minimum 4-foot fence    |
|                   | 30 feet | 4                                | 6                                 | 24   | None                    |
|                   | 40 feet | 3                                | 4                                 | 18   | None                    |
|                   | 40 feet | 2                                | 2                                 | 12   | Minimum 4-foot berm     |
| D                 | 30 feet | 6                                | 9                                 | 36   | Minimum 6-foot fence    |
|                   | 40 feet | 4                                | 6                                 | 24   | Minimum 6-foot fence    |



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|  |                |          |           |           |                            |
|--|----------------|----------|-----------|-----------|----------------------------|
|  | <u>40 feet</u> | <u>8</u> | <u>12</u> | <u>24</u> | <u>None</u>                |
|  | <u>50 feet</u> | <u>6</u> | <u>9</u>  | <u>18</u> | <u>None</u>                |
|  | <u>50 feet</u> | <u>3</u> | <u>4</u>  | <u>9</u>  | <u>Minimum 6-foot berm</u> |

<sup>1</sup> per 100 feet of distance

<sup>2</sup> Requirement must be met by shrubs, tall native prairie plantings, or a combination deemed acceptable by the City

<sup>3</sup> Fences are subject to requirements in Section 1060.080

<sup>4</sup> A local road fulfills the Buffer Yard Class A requirement

g. Planting Requirements.

i. All plantings shall be subject to the size and spacing requirements in Subd. 2(D) and 2(E) of this Section.

ii. Plantings used to meet the buffer yard requirement shall be native or naturalized species approved by City Council. Naturalized plants are defined as plant species that grow and reproduce outside their native homelands, with little to no effect on their new environment.

h. Natural Buffers. Any of the following buffers may qualify as an acceptable method of attainment for transitioning (in whole or in part) if deemed acceptable by City Council:

i. Existing topographical features on vacant lands such as hills and swales.

ii. Wetlands, lakes, rivers and streams.

iii. Major Roadways. Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.

iv. Local Roads as shown on the as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan may fulfill the Buffer Yard Class A requirement.

v. Existing wooded areas.

i. Use of buffer yards. Buffer yards shall be left in a predominantly undeveloped state.

i. Plantings in addition to those required by this ordinance are permitted.

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- ii. No passive recreation, paths, storage containers, lighting fixtures, raised planting beds or any permanent structures shall be allowed.
- iii. Temporary structures such as benches shall be allowed.
- iv. Paving shall be limited to areas necessary to provide access to the subject property.
- v. Stormwater ponds and bio-retention ponds are allowed in perimeter setbacks. They are allowed to encroach a maximum of 10 feet into required buffer yards.
- j. Ownership of Buffer Yards. Ownership of the buffer yard will vary depending on whether it is an outlot or an easement.

  - i. Buffer yards shall remain in the ownership of the original developer, or they shall be transferred to any consenting grantees, such as adjoining landowners, a homeowners association, or an open-space or conservation group, subject to City approval.
  - ii. Any such conveyance must adequately guarantee the establishment, maintenance, and protection of the buffer yard for its intended purpose in perpetuity.
  - iii. Easements protecting the buffer shall be recorded against the property and filed at Hennepin County.
- k. Enforcement. Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty for any crime that is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be identical to the penalty enumerated in MN Stat. §609.02, Subd. 3, as amended from time to time.

**SECTION 4. Amendment of the City Code.** The text of Chapter 1060.070 Subd. 2. J. 2. b. of the Zoning Ordinance of the Corcoran City Code is hereby amended by adding the underlined material as follows:

- b. Fences or walls may be used in conjunction with landscaping to provide screening. When required for screening, a minimum of 80 percent opacity shall be provided. No landscaping or screening shall interfere with driver or pedestrian visibility for vehicles entering or exiting the premises.

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**SECTION 5. Effective Date.** This Ordinance shall be in full force and effect upon its adoption.

**ADOPTED** by the City Council on the 27<sup>th</sup> day of April 2023.

**VOTING AYE**

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan
- Vehrenkamp, Dean

**VOTING NAY**

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan
- Vehrenkamp, Dean

  
\_\_\_\_\_  
Tom McKee - Mayor

**ATTEST:**

  
\_\_\_\_\_  
Michelle Friedrich – City Clerk

*City Seal*