

ANNUAL UPDATE OF THE ZONING ORDINANCE

Keeping the zoning ordinance current to ease implementation and improve efficiency

Every community has to deal with the challenges of zoning, and an out-of-date zoning ordinance is difficult to enforce effectively. The zoning ordinance is one of the City's key implementation tools, which means keeping it current is critical. Updating an ordinance that has not been changed for years can be a monumental task. That is why Plymouth, after updating an ordinance that had gone 30 years without review, instituted an annual update of the zoning ordinance and related sections of the city code.

The annual update includes amendments to the zoning ordinance that reflect changes due to planning studies, new or revised state laws, experiences in the field, experiences working with planning applications, technological advances, new use categories, and updates for areas that have become obsolete. With the annual update, the City now has a streamlined process in place, which keeps the City's ordinances up-to-date.

WHAT MAY HELP OTHER COMMUNITIES?

Start with a Good Base and Keep It Current

It's important to start with a [zoning ordinance](#) that has a good base, and then maintain it to keep the code current. In the mid 1990s, the City spent about 1.5 years updating their zoning ordinance virtually from scratch. Since then, the City updates the ordinance annually to reflect changes and clarifications. Some ways Plymouth keeps its ordinance current include:

1. Making the annual zoning ordinance update a priority,
2. Keeping it a living document, and
3. Being flexible and consistently refining the code so it's clear and easy to understand.

Simplifying the format, numbering, and structure as well as including the right amount of detail make the document easier to read and more effective. For example, one simple change the City made was have each section stand on its own by removing text that referred the reader to another section.

Involve Many and Keep a Running List of Updates

The City's approach to the annual update involves planning staff, the building official,

COMMUNITY HIGHLIGHT

COUNTY: Hennepin
POPULATION: 73,633

Plymouth:

- took 1.5 years to fully update their zoning ordinance, adopted in 1996. They have been annually updating it since.
- updates its zoning ordinance in two change categories; 1. substantive, 2. technical.
- staff keep a running list all the changes needed in the ordinance and take the changes to the City Council at the end of the year for approval.
- uses the updated code as an enforcement tool.

CONTACT THE CITY:

Barbara Thomson
Planning Manager
(763) 509-5452
BThomson@plymouthmn.gov

OTHER RESOURCES:

- Planning Advisory Service (PAS) through American Planning Association (APA)
- International Dark-Sky Association



The City updated the zoning ordinance to add language for townhome design standards.



The City reviewed their parking regulations for religious institutions, auditoriums, theaters and sports arenas and updated parking spaces per seat.



The ordinance was updated to allow larger or video display "scoreboards" related to parks and schools as a conditional use.

code enforcement staff, and the City attorney. Updating the zoning ordinances is considered part of the regular work. Everyone keeps a running list of issues to be addressed.

Changes to the ordinance are part of a proactive effort to respond to identified needs (e.g. increased parking requirements in order to respond to the increased number of employees on a business site due to smaller cubicles), new issues, as well as areas of the ordinance that are not applicable anymore. In addition, there are usually a couple legislative changes each year, which affect the zoning ordinance that are tracked by the City attorney.

Technical vs. Substantive Changes

The proposed amendments to the zoning ordinance are classified into two categories: technical and substantive. Technical changes are related to the ordinance language, and typically include minor changes or corrections to improve clarity or consistency. Substantive changes are more significant modifications, which involve adding, deleting, or substantially changing a regulation (such as accessory buildings regulations).

Annual Updates Have Resulted in a Streamlined Process

When city staff prepares the report outlining the recommended changes to the zoning ordinance, the report includes a quick-view table that summarizes the changes by type (technical or substantive) and specific sub-section of the ordinance and provides a short description of the change.

While many are involved, the primary responsibilities for preparing the update is assigned to one planner who:

1. Compiles the technical and substantive changes from all staff,
2. Researches and assesses potential changes. For example, are there potential unintended consequence? Would the change affect multiple sections of the code? What are similar communities doing?
3. Convenes an all-staff review of the draft amendments, followed by preparation of a staff report presented to the Planning Commission for recommendation to City Council.

The City is part of the [Planning Advisory Service \(PAS\)](#) offered through the [American Planning Association \(APA\)](#) and has used their services to research more difficult zoning issues. In some cases, substantive changes may result in further study sessions with the City Council to get feedback.



The zoning ordinance previously didn't include wind energy conversion systems (WECS) as an allowable use in any district. The ordinance was amended to allow WECS in the Future Restricted Development District and the Public-Institutional District.

If a part of the ordinance requires significant substantial change, the amendment may occur separate from the annual update. For example, the City adopted a new set of lighting regulations based on Illuminating Engineering Society (IES) and International Dark-Sky Association's (IDA) model lighting ordinance, that gives particular attention to reducing glare, light trespass, and sky glow. Plymouth became the first City in the country to adopt lighting regulations based on this model.

Over the years, the annual zoning update has been an efficient and streamlined process. Following the major overhaul in 1990's, there were as many as 60-100 changes with the annual update. More recently, the number of changes has been fewer, with the 2015 update having only 30 proposed amendments to the zoning ordinance. The annual update keeps the City's zoning ordinance up-to-date and improves effectiveness and efficiency for the City.

AWARDS AND RECOGNITIONS

- 2013 [International Dark-Sky Association](#) Award Winner - the first City to enact the finalized IDA/IES Model Lighting Ordinance

September 2015