

Next regular meeting date: April 22, 2025



ITEM FOR DISCUSSION

Meeting Date	March 25, 2025
Agenda Item	C-1
Attachment	See below.
Submitted By	Hannah Lynch, Community Development Coordinator

Item	City Code Updates
Description	The City Code frequently needs updates as issues are raised and code is enforced by Staff. This is a discussion about topics that could be addressed in code and how the Planning Commission wishes to move forward. Topics Include: • Impervious Surfaces • Public Hearings for Variances • Trailer/ Boat Storage • Setback Clarifications • Composting in R-5 • Utility Building Clarification • PUD Expirations • Language Around Garages
Budget Impact	None.
Attachment(s)	• Pervious Pavers Handout • Recreational Vehicle and Boat Parking Handout • PUD Handout
Action(s) Requested	Staff requests the Planning Commission discuss these potential updates to City Code and advise Staff on how to move forward.



Link to Permeable Paver section of
MN Stormwater Manual



Page Content

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- 2 Pretreatment considerations
- 3 Permit applicability
- 4 Retrofit suitability
- 5 Cold climate suitability
- 6 Special receiving waters suitability
- 7 Water quality
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Overview for permeable pavement

Green Infrastructure: Permeable pavement can be an important tool for retention and detention of stormwater runoff. Permeable pavement may provide additional benefits, including reducing the need for de-icing chemicals, and providing a durable and aesthetically pleasing surface.

Permeable pavements (https://stormwater.pca.state.mn.us/index.php?title=Permeable_pavement) allow stormwater runoff to filter through surface voids into an underlying stone reservoir where it is temporarily stored and/or **infiltrated** (https://stormwater.pca.state.mn.us/index.php?title=Stormwater_infiltration_Best_Management_Practices). The most commonly used permeable pavement surfaces are pervious concrete, porous asphalt, and permeable interlocking concrete pavers (PICP). Permeable pavements have been used for areas with light traffic at commercial and residential sites to replace traditionally impervious surfaces such as low-speed roads, parking lots, driveways, sidewalks, plazas, and patios. While permeable pavements can withstand truck loads, permeable pavement has not been proven in areas exposed to high repetitions of trucks or in high speed areas because its' structural performance and surface stability have not yet been consistently demonstrated in such applications.

While the designs vary, all permeable pavements have a similar structure, consisting of a surface pavement layer, an underlying stone aggregate reservoir layer, optional **underdrains**, and geotextile over uncompacted soil subgrade. From a hydrologic perspective, permeable pavement is typically designed to manage rainfall landing directly on the permeable pavement surface area. Permeable pavement surface areas may accept runoff contributed by adjacent impervious areas such as driving lanes or rooftops. Runoff from adjacent vegetated areas must be stabilized and not generating sediment as its transport accelerates permeable pavement surface



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(https://stormwater.pca.state.mn.us/index.php?title=File:Overview_for_permeable_pavement.pdf)



clogging. Additionally, the capacity of the underlying reservoir layer limits the **contributing drainage area** (https://stormwater.pca.state.mn.us/index.php?title=Contributing_drainage_area_to_stormwater_BMPs).



Example of a new retrofit permeable parking lot at the University of Minnesota

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Benefits and limitations

- **Benefits:** Permeable pavements allow conversion and/or design of typical impervious areas (i.e. parking lots) to pervious areas that infiltrate stormwater runoff. When compared to typical impervious areas, properly designed and maintained permeable pavements can reduce the runoff quantity, reduce total suspended solids (TSS) and total phosphorus (TP) loads into **receiving water bodies**, and reduce runoff temperatures. In addition, permeable pavements can reduce nitrogen, metals and process oils. Permeable pavements are well suited for high density urban areas with limited space (**highly urban and ultra-urban environments**) for other BMPs such as **wet ponds** (https://stormwater.pca.state.mn.us/index.php?title=Stormwater_ponds), **swales** ([https://stormwater.pca.state.mn.us/index.php?title=Dry_swale_\(Grass_swale\)](https://stormwater.pca.state.mn.us/index.php?title=Dry_swale_(Grass_swale))) or **bioretention** systems.
- **Limitations:** As with all BMP's, permeable pavement has limitations that need to be considered before design and construction. Limitations are discussed in detail in the permeable pavement design section.

Pretreatment considerations

Pretreatment (<https://stormwater.pca.state.mn.us/index.php?title=Pretreatment>) that removes sediment from runoff draining onto permeable pavement from impervious surfaces is desirable since sediment can clog permeable pavements. For that reason, pretreatment areas should emit practically no sediment onto the permeable pavement surface. Locating such areas next to impervious surfaces upslope from the permeable pavement may not be possible on some sites. Permeable pavement itself can be considered a pretreatment device and included in a stormwater **treatment train** (https://stormwater.pca.state.mn.us/index.php?title=Using_the_treatment_train_approach_to_BMP_selection) if underdrains are utilized within the storage reservoir. The underdrains will typically be routed to a bioretention area.

Permit applicability

Permeable pavements can be utilized to assist in meeting stormwater requirements for volume, total suspended solids, and total phosphorus. The section on credits provides guidance on the implementation of permeable pavements that may be utilized to meet various runoff volume and pollutant runoff reduction goals (**credits** (https://stormwater.pca.state.mn.us/index.php?title=Overview_of_stormwater_credits)).

Retrofit suitability

In most cases, existing impervious surfaces can be replaced with permeable pavements to achieve improved runoff conditions. Retrofit requires the removal of the old pavement and subgrade and the installation of the underlying reservoir layer and the permeable pavement. For the greatest water quality credits, avoid compaction of subgrade soils. If this is not possible, compacted subgrade soils should be removed or loosened to achieve the maximum infiltration rate possible.

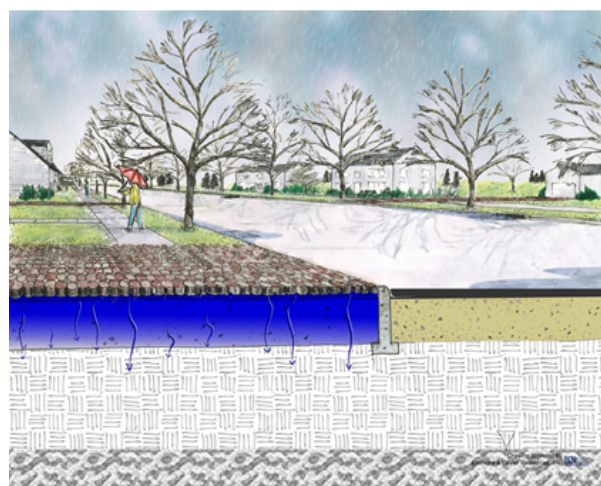
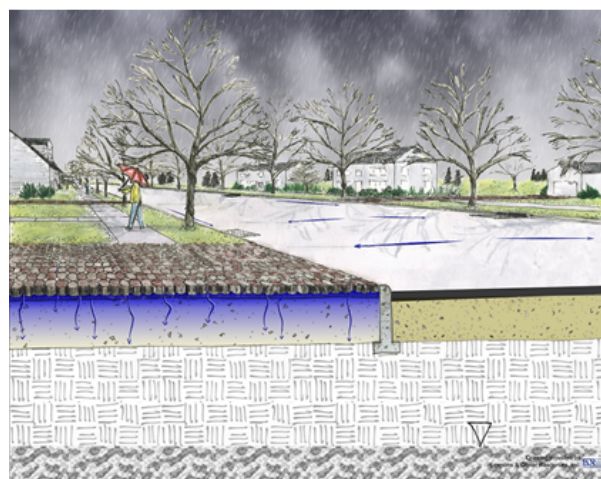
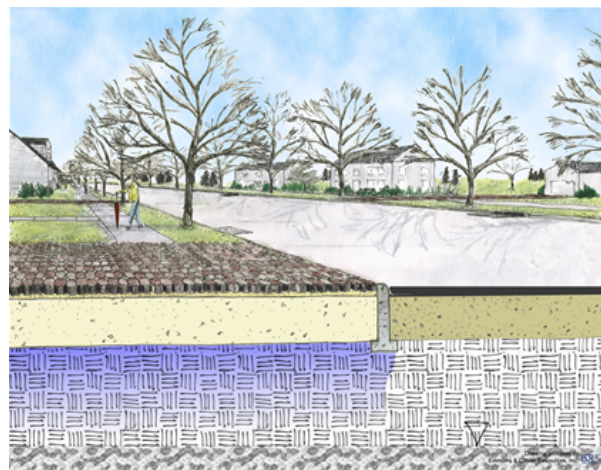
Cold climate suitability

Favorable permeable pavement performance has been documented in cold climates. Air in the aggregate base acts as an insulating layer and the higher latent heat associated with higher soil moisture delays the formation of a frost layer while maintaining permeability and this condition also reduces frost depths when frozen. Winter sanding should be avoided when possible and if used, removed by vacuuming the following spring. Permeable pavements require significantly less use of, or in some cases, no deicing chemicals and sand to maintain a safe walking or driving surface. Other climate considerations include high wind erosion (California 2003) (<http://www.casqa.org/>). Dramatic reductions in life span of the infiltration properties of the pavement may occur in these areas due to particulate clogging and this may require additional surface vacuum cleaning.

Special receiving waters suitability

Many of the same design considerations and limitations apply to permeable pavement as to other infiltration practices.

- Infiltration of runoff from **stormwater hotspots** (http://stormwater.pca.state.mn.us/index.php?title=Potential_stormwater_hotspots) (e.g., gas stations, chemical storage areas, etc.) should be carefully considered and in many cases avoided.
- Special consideration also needs to be taken near **Wellhead Protection Areas** (https://stormwater.pca.state.mn.us/index.php?title=Stormwater_and_wellhead_protection) and basement foundations.
- Some designs may require consideration of storms in excess of the infiltration capabilities of the pavement. For these situations the design should ensure the excess runoff does not negatively impact special surface waters (e.g., trout streams) through the implementation of additional BMPs.



Schematic showing the process of infiltration into permeable pavement during and after a rain event. Note how infiltrating water includes precipitation falling directly on the pavement and runoff from the adjacent street directed onto the pavement. Caution should be used when runoff is diverted from impervious surfaces to permeable pavement.

The table below provides guidance regarding the use of permeable pavement practices in areas upstream of special receiving waters. Note that the suitability of a practice depends on whether the practice has an underdrain (i.e. filtration vs. infiltration practice).

Infiltration and filtration bmp¹ design restrictions for special waters and watersheds. See also Special waters and other sensitive receiving waters.

[Link to this table](#)

BMP Group	A Lakes	B Trout Waters	receiving water C Drinking Water²	D Wetlands	E Impaired Waters
Infiltration	RECOMMENDED	RECOMMENDED	NOT RECOMMENDED if potential stormwater pollution sources evident	RECOMMENDED	RECOMMENDED unless target TMDL pollutant is a soluble nutrient or chloride
Filtration	Some variations NOT RECOMMENDED due to poor phosphorus removal, combined with other treatments	RECOMMENDED	RECOMMENDED	ACCEPTABLE	RECOMMENDED for non-nutrient impairments

¹Filtration practices include green roofs, bmps with an underdrain, or other practices that do not infiltrate water and rely primarily on filtration for treatment.

² Applies to groundwater drinking water source areas only; use the lakes category to define BMP design restrictions for surface water drinking supplies

Water quality

In general, permeable pavement provides removal of TSS and other pollutants through processes similar to other filtration and infiltration BMPs. However, permeable pavements are not suggested for areas that may receive high loading rates of TSS due to their propensity for surface clogging. The expected annual volume and pollutant reductions for designs without an underdrain are a function of the underlying reservoir storage volume. The greater the storage volume, the greater the annual volume and pollutant reductions.

For designs with underdrains, reductions are typically lower depending on the drain outflow location that determines the volume of water removed by the underdrains before infiltration. Of the water intercepted and draining through the underdrain, 45 percent (with upper and lower 90 percent confidence bounds of 65 percent and 24 percent, respectively) of the total phosphorus and 74 percent (with upper and lower 90 percent confidence bounds of 93 percent and 33 percent, respectively) of total suspended solids removal can be expected. These event mean averages and ranges are derived from a literature review on research on permeable pavements. The literature includes 19 studies on pollutant reductions and 10 studies on volume reductions. (See the section on credits for more information on pollutant reduction credits and their relationship to the MIDS credit calculator).

Water quantity

The primary advantage of permeable pavements is providing volume reduction by reducing runoff from a site and/or providing attenuation from outflows. The volume of water that will be reduced during a given rainfall event will be equivalent to the volume available for storage below the pavement or underdrain (if an underdrain is present). More discussion on this item is available in the section on credits.

Related articles

- Overview for permeable pavement
- Types of permeable pavement
- Design criteria for permeable pavement
- Construction specifications for permeable pavement
- Assessing the performance of permeable pavement
- Operation and maintenance of permeable pavement
- Calculating credits for permeable pavement
- Case studies for permeable pavement
- Green Infrastructure benefits of permeable pavement
- Summary of permit requirements for infiltration
- Permeable pavement photo gallery
- Additional considerations for permeable pavement
- Links for permeable pavement
- References for permeable pavement
- Fact sheets for permeable pavement
- Requirements, recommendations and information for using permeable pavement BMPs in the MIDS calculator

Permeable pavement main page (https://stormwater.pca.state.mn.us/index.php?title=Permeable_pavement)

Retrieved from "https://stormwater.pca.state.mn.us/index.php?title=Overview_for_permeable_pavement&oldid=57901"

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DESCRIPTION

This fact sheet is intended to provide information about permeable pavers and permeable pavement to Mille Lacs County homeowners who may wish to install or retrofit a permeable pavement driveway, sidewalk, or patio on their property. Permeable pavement, also known as porous or pervious pavement, refers to paving that allows stormwater to seep and infiltrate into the ground rather than running off into nearby drains or natural waterways.

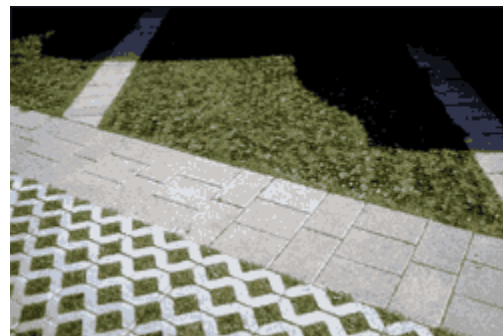
WHY PERMEABLE PAVEMENT?

Permeable pavement is an effective way to reduce the flow of untreated stormwater into surface waters, and allows for increased stormwater infiltration and treatment. The use of permeable pavement has been shown to mimic the breakdown of pollutants that takes place in natural soils. Research has also shown that snow and ice melt faster on permeable pavement than on traditional pavement.

RULES AND REGULATIONS

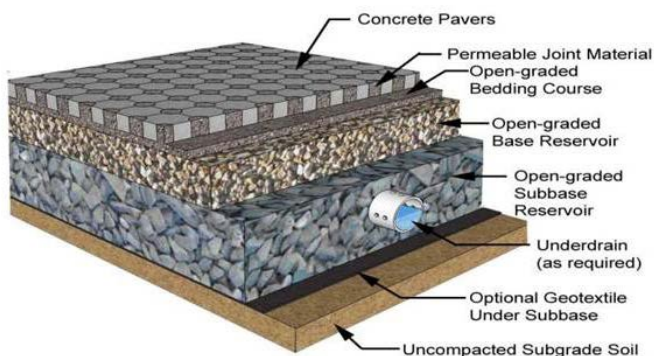
The Minnesota Department of Natural Resources (MN DNR) has established guidelines stating that the use of permeable pavement does not sufficiently replace natural soils and vegetation as a pervious surface/ground cover. Therefore, permeable pavement is considered to be an impervious surface for the purposes of calculating the allowable 25% impervious surface limit in shoreland districts.

While the use of permeable pavement may not reduce shoreland impervious surface limitations, it offers many benefits as a method of stormwater management. Article 305.17 of the Mille Lacs County Development Ordinance outlines local standards for stormwater management.



GUIDELINES FOR PERMEABLE PAVEMENT USE

- The slope of the pervious pavement system should not exceed 2%.
- There should be a separation of three feet between the bottom of the pervious system and seasonally saturated soils or bedrock.
- The system should be designed to infiltrate the first inch of any storm.



- The system should be set back from basements, septic systems, steep slopes, and wells.
- The system should be designed by a qualified professional, and maintenance instructions should be provided to the homeowner.

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RESOURCES

Ordinance 633

Pavers

Overview

On August 1, 2018, Ordinance No. 633 went into effect allowing some properties located in the Single Family Residential District (RSF) an additional 5% lot cover in the form of pervious pavers. In order for a pervious pavement system not to be considered an impervious surface, it must meet certain design, installation, and maintenance requirements.

The City of Chanhassen requires individuals interested in installing pervious pavers to apply for and receive a permit in order to verify that these systems meet the zoning requirements and performance standards listed below.

Zoning Requirements

- Property must be zoned Single Family Residential District (RSF)*.
- Property may not be located within the Shoreland Management District (1,000 feet from a lake and/or 300 feet from any river/stream, whichever is greater).
- May not be installed in areas where trash or garbage receptacles will be stored.
- If the property exceeds 25% impervious surface, the ability to utilize pervious pavers may be limited by the property's existing nonconforming status. Contact the Planning Department to determine what options may be available.

*Note: Many single-family homes are not located in the RSF District.

Performance Standards

- System must be designed to provide for rate and volume control for the first half inch (0.5") of treatment area.
- System must follow the current version of The City of Chanhassen Standard Specification and Detail Plates.
- System must be designed in compliance with standards established by the Interlocking Concrete Pavement Institute (ICPI).
- System must be installed by ICPI certified installer.
- Owner must enter into a maintenance agreement with the city. The agreement must conform to manufacturer's guidelines and stipulate the frequency and type of maintenance to be performed.

For questions regarding a property's zoning and existing lot cover, contact MacKenzie Walters. For questions regarding the design, installation, and maintenance requirements of a pervious paver system, contact Vanessa Strong.

Regulations

Listed below are some of Township regulations. Additional regulations can be viewed in the [Township Ordinances](#).

Outside Watering Restrictions

White Bear Township has year round restrictions on outdoor watering. Watering may be done by even numbered addresses on even calendar days during the hours of 6 a.m. to 10 a.m. and 6 p.m. to 10 p.m. only. Odd numbered addresses may water on odd numbered calendar days between the hours of 6 a.m. to 10 a.m. and 6 p.m. to 10 p.m. only. Properties found in violation of these restrictions could be subject to a fine of \$40. If you have new sod, you may get an exemption from the restriction by calling the Township Office at 651-747-2750.

Parking Regulations

Off-Street

Off-street parking facilities for residential use shall be utilized solely for the parking of currently licensed and

operable vehicles of 15 passengers or less and trucks not to exceed 84" in height or 255" in length or a maximum gross vehicle rating of 15,000 lbs.

All Year

Boats, snowmobiles, travel trailers, campers, camping buses and antique cars may be stored in rear or side yards if they are currently licensed and operable and the combined area of parking for all recreational vehicles and trailers do not exceed 300 square feet.

June 1st to Labor Day

Boats, travel trailers, campers and camping buses are allowed to park on or adjacent to a driveway.

December 1st to March 15th

Snowmobiles are allowed to park on or adjacent to a driveway.

On-street

On-street parking no passenger vehicle shall be parked on any highway or street within White Bear Township for more than 72 consecutive hours.

November 1st to April 1st

The parking of any motor vehicle on any highway or street within White Bear Township is prohibited between the hours of 2:00 am and 6:00 am.

Snowfall restrictions

No motor vehicle shall be parked on any highway or street within White Bear Township after a snowfall of 1" (one inch) or more which necessitates the plowing and removal of snow from the highways, streets, boulevards and alleys in the Township until such time as the plowing and snow removal is completed. No motor vehicle, trailer, or other obstruction shall be located within two (2) feet of any street, highway, boulevard or alley after a snowfall of 1" (one inch) until such time as the plowing and snow removal has been completed

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Recreational Vehicle Storage

Throughout the year, each property is allowed to keep one recreational vehicle outside; whether it's in the side or rear yard, at least five feet from property line, or on the driveway (snowmobiles from November 1 to April 30; other vehicles from May 1 to November 1). Having more recreational vehicles is fine provided only one is outside and the others are stored inside the garage or at off-site storage.

Exceptions

- Personal water craft on their trailers, utility trailers, campers and camping buses may be parked on the driveway from May 1 to November 1 provided they are located at least 15 feet behind the curb or road.
- Snowmobiles on their trailers and utility trailers may be parked on the driveway from November 1 to the following May 1 provided they are located at least 15 feet behind the curb or road.
- On corner lots, both yards abutting a street shall be considered a front yard when storing a recreational vehicle in a side or rear yard.

Contact Us

Chris Audet

Building and Code Compliance Coordinator

[Email Chris Audet](#)

Phone: [651-702-5225](tel:651-702-5225)

Select Language



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Vehicle Issues

Vehicle Complaints

All vehicles on any property should be currently licensed and have license tabs that are no more than 90 days past their expiration date. They must be in operating condition.



When a vehicle has a flat tire, missing doors, expired plates, etc., it is considered to be inoperable. Outside storage of vehicles that meet these criteria is not allowed, however, you may store them inside of a garage.

Parking is prohibited on all public streets between the hours of 2 and 6 am, and are subject to ticketing and towing by the police (Chapter 18-66 to 18-70, 44-17[j][4], and 36-39).

Recreational Vehicles (RVs)

Boats, campers, small utility trailers, snowmobiles, three/four-wheelers may be parked either in the side or rear yard of a property as long as they are setback at least 5 feet from lot lines, surrounding buildings, fences, etc.

If the property is a corner lot, they may not be parked in the side yard of the property closest to the street. RVs may also be parked in an established driveway or approved hard surface as long as they are properly licensed and operable. If you intend to expand your parking area, you must contact engineering before doing so at 651-249-2400.

Commercial Vehicle Parking

City ordinance prohibits any large commercial-type truck or trailer ("1-ton" or larger) to be parked or to stand continuously on any residential property or on any public street in the city (Chapter 36-261, 44-6, 44-101 to 44-102).

Parking in Yards

No person may park or place any motor vehicle in the front yard setback yard area of any lot within the city, except in permitted parking areas. A permitted parking area is one which consists of concrete, asphalt, paving blocks, gravel or another surface approved by the city (Chapter 18-33[23]).

Vehicles "For Sale"

"For Sale" vehicles cannot be displayed in any area other than the resident's established driveway. They may not be placed on the grass or in the street.

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Property Maintenance Standards

City code

The following are just a few of the most common types of inquiries and violations that occur. [Section 211 of the city code](#) has the full list of property maintenance standards within the City of Shoreview.

Unlicensed or inoperable vehicles

Unlicensed and/or inoperable vehicles cannot be stored on property unless inside a completely enclosed building. Vehicles may not be parked on boulevards, lawns or grass plots.

Recreational vehicles, including trailers, snowmobiles, boats and campers, must be on an approved surface when parked or stored in the front yard.

Vehicles for sale

Vehicles and recreational equipment "For Sale" cannot be parked on public property including street boulevards, school parking lots, parks or commercial shopping centers.

Construction activity and noise

Contractors can work:

- Monday - Friday, 7 am - 9 pm
- Weekends or holidays, 8 am - 9 pm

Outside storage

All materials and equipment must be stored within a building, with the exception of patio furniture, recreational equipment and firewood. Firewood is permitted within the side and rear yard area provided it is no closer than five feet from any property line and is kept in a safe and neat stack no higher than six feet.

Garbage and recycling bins

Garbage and recycling bins can be stored in the following locations:

- In a garage
- Behind your home, stored against the building
- On the side of your home, stored against the building but not if the bins are facing a side street

- In or next to a shed
- In front of your home but only if you have a single car garage or a yard that has a difficult situation like a large hill. In this case a fencing screen is required.
- On collection day - curbside on the driveway or grass
 - Do not place in the street - this can disrupt snow plowing or street sweeping operations

Bins can be at the curb noon the day before collection to noon the day after collection.

Garage sales

- Each home can hold two garage sales per year.
- Sales can last up to four days each.
- Two directional signs can be posted at major intersections.
- Sale signs cannot block street signs.
- One 6-foot by 6-foot sign can be placed at the sale location on sale days only.

Recreational fires

Recreational fires are permitted in Shoreview with the the following rules.

- The fire can be no larger than 3 feet by 3 feet, and no higher than 3 feet.
- The fire must be constructed in a fire "ring" or pit at least 25 feet away from any combustible material or structure.
- The wind must be below 10 miles per hour.
- Flammable liquids cannot be used to start a recreational fire.
- If a burning ban is in effect all recreational fires are prohibited.
- Only clean natural wood can be burned. Treated or painted wood, plastic, rubber, leaves and grass are not allowed.
- Buckets, shovels, garden hoses or a fire extinguisher must be readily available for use at recreational fires.
- A person knowledgeable in the use of fire extinguishing equipment shall constantly attend the fire. An attendant must supervise a recreational fire until it has been completely extinguished.
- The fire department is authorized to require that recreational fires be immediately discontinued if it is determined that smoke emissions are offensive to occupants of surrounding property or if the fire is determined to constitute a hazardous condition.

Recreational storage

Outside storage of boats, unoccupied trailers, snowmobiles and one recreational vehicle is permitted on residential property:

- At least 10 feet from the rear property line
- At least 5 feet from any side property line
- At least 5 feet from front property line
- No parking is permitted in the boulevard portion of the street right of way between the curb and the front property line

Parking and storage of vehicles, RVs, and trailers is allowed only on asphalt, concrete or other approved hard surfaces.

Contact information

11-9-6: PLANNED UNIT DEVELOPMENT (PUD):

A. Application And Review Process:

1. All applications for a (PUD) shall include both a master development plan and final site and building plan. Prior to submission of these formal applications, an applicant may submit a concept plan for review and comment by the planning commission and city council.

2. Upon receipt of a complete application for concept plan, master development plan, or final site and building plan, the Zoning Administrator shall set a date for a public hearing as outlined in section 11-9-1 of this chapter for formal review of the PUD application.

a. The Zoning Administrator shall have the authority to require the applicant to hold a neighborhood meeting to inform nearby property owners of the request. If required, this meeting shall take place following the submittal of the formal application to the city but before notices for the public hearing are published.

b. The applicant shall make a presentation of the applicable PUD application at a public hearing before the commission. The commission shall recommend approval, revision, reapplication, or denial of the applicable plan to the council.

B. PUD Concept Plan:

1. In order to receive guidance in the design of a PUD prior to submission of a formal application, an applicant may submit a concept plan for review and comment by the planning commission and city council.

2. The comments of the planning commission and city council shall address the consistency of the concept plan with this chapter. The comments of the planning commission and city council shall be for guidance only and shall not be considered binding upon the city regarding approval of the formal PUD application when submitted.

3. Submission of a concept plan is optional but is highly recommended for large PUDs.

C. PUD Master Development Plan And Rezoning:

1. Classification Of PUD District:

a. All PUD master development plan applications shall include a proposed rezoning to a specific PUD district. The district shall be designated by the letters "PUD" followed by the alphanumeric designation of the underlying zoning district, which may be either the prior zoning classification or a new classification.

b. For mixed use PUDs, the city council shall, whenever reasonably practical, specify underlying zoning classifications for the various parts of the PUD. When it is not reasonably practical to specify the underlying zoning classification, the city council may rezone the district, or any part thereof, to "PUD-mixed".

2. Approval of a rezoning to PUD and master development plan shall occur simultaneously and be subject to the procedures outlined in sections 11-9-2 and 11-9-1 of this chapter. After rezoning of the property to PUD, nothing shall be constructed on the PUD site except in conformance with the approved plans and this chapter.

3. Regulations governing uses and structures in the PUD shall be the same as those governing the underlying zoning district subject to the following:

a. Regulations may be modified expressly by conditions imposed by the planning commission and city council at the time of rezoning to PUD.

b. In the case of districts rezoned to PUD-mixed, the planning commission and city council shall specify regulations applicable to uses and structures in various parts of the district.

4. No building or other permits shall be issued for any work on property included within a proposed or approved PUD nor shall any work occur unless such work is in compliance with an approved PUD.

D. PUD Final Site And Building Plan:

1. Approval of a final site and building plan for the entire PUD or for specific parts of the PUD shall be subject to the procedures outlined in section 11-9-1 of this title.

2. Applicants may combine the final site and building plan review with the master development plan review by submitting all information required for both stages simultaneously.

3. Approval of a final site and building plan shall signify approval of all plans necessary prior to application for a building permit subject to other necessary approvals by the city including, but not limited to, platting.

4. Substantial Compliance: The final site and building plan shall be in substantial compliance with the approved master development plan. Substantial compliance shall be determined by the Zoning Administrator based on the following standards:

a. Buildings, parking areas and roads are in substantially the same location as previously approved.

b. The number of residential living units has not increased or decreased by more than five percent (5%) from that approved in the master development plan.

c. The floor area of nonresidential uses has not been increased by more than five percent (5%) nor has the gross floor area of any individual building been increased by more than ten percent (10%) from that approved in the master development plan.

d. There has been no increase in the number of stories in any building.

e. Open space has not been decreased or altered to change its original design or intended use.

f. All special conditions required on the master development plan by the city have been incorporated into the final site and building plan.

5. Term Of Approval: If an application has not been made for a final site and building plan pursuant to the approved master development plan for all or a part of the property within a PUD or construction on the property has not been initiated in conformance with the approved site and building plan within one (1) calendar year of the date on which the PUD rezoning became effective or if within that period no extension of time has been granted, the city council may rezone the property to the zoning classification at the time of the PUD application or to a zoning classification consistent with the comprehensive plan designation for the property. In the absence of a rezoning, the approved master development plan and approved site and building plan, if applicable, shall remain the legal control governing development of the property included within the PUD.

E. Conditions Of Approval: The city may impose such conditions on approval of a master development plan and rezoning or final site and building plan as the council deems necessary to assure compliance with the purposes of this section, including the requirement that the developer execute and record such covenants and restrictions on the PUD property as the city deems necessary to assure that the property is developed and used in accordance with the approved plans.

F. Basis For Action: The planning commission and city council shall base their recommendations and actions regarding the applicable PUD application on consideration of the items listed below. The

planning commission and city council may attach such conditions to their actions as they shall determine necessary to better accomplish the purposes of this chapter.

1. Compatibility of the proposed plan with this chapter and the goals and policies of the comprehensive plan.
2. Effect of the proposed plan on the neighborhood in which it is to be located.
3. Internal organization and adequacy of various uses or densities, circulation and parking facilities, public facilities, recreation areas, open spaces, screening and landscaping.
4. Consistency with the standards of section 11-9-1 of this chapter pertaining to site and building plan review.
5. Such other factors as the planning commission or city council deems relevant.

G. Amendments:

1. Major amendments to an approved master development plan may be approved by the city council after review by the planning commission. The notification and public hearing procedure for such amendment shall be the same as for approval of the original PUD.

2. Any other amendment may be made administratively where the Zoning Administrator determines that review and approval by the planning commission and city council of a detailed site and building plan is unnecessary to meet the objectives of this chapter.

3. When determining if an amendment is major, the Zoning Administrator shall base their determination on whether the amendment:

- a. Substantially alters the location of buildings, parking areas or roads.
- b. Increases or decreases the number of residential dwelling units by more than five percent (5%).
- c. Increases the gross floor area of nonresidential buildings by more than five percent (5%) or increases the gross floor area of any individual building by more than ten percent (10%).
- d. Increases the number of stories of any building.
- e. Decreases the amount of open space by more than five percent (5%) or alters it in such a way as to change its original design or intended use.
- f. Creates noncompliance with any special condition attached to the approval of the master development plan.

H. Exemptions: This chapter shall not apply to any PUD that has received final approval by the city council prior to the effective date hereof unless such is requested by the property owner and approved by the city council. (Ord. 2024-04, 6-4-2024)

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Sec. 113-123. - Planned Unit Development.

(a) *Intent and Purpose.* It is the intent of this section to provide an optional method of regulating land use which permits flexibility from the other provisions of the City Code, including flexibility in uses allowed, setbacks, height, parking requirements, number of buildings on a lot, and similar regulations in exchange for public benefit in the form of amenities.

(1) The purpose of this section is to:

- a. Encourage, preserve and improve the health, safety and general welfare of the people of the City by encouraging the use of contemporary land planning principles.
- b. Achieve a high quality of site planning, design, landscaping, and building materials which are compatible with the existing and planned land uses.
- c. Encourage preservation and protection of desirable site characteristics and open space and protection of sensitive environmental features including steep slopes, trees, scenic views, waterways, wetlands and lakes.
- d. Encourage construction of affordable housing and a variety of housing types.
- e. Encourage creativity and flexibility in land development.
- f. Encourage efficient and effective use of land, open space, streets, utilities and other public facilities.
- g. Allow mixed land uses and the assembly and development of land to form larger parcels.
- h. Encourage development in transitional areas which achieve compatibility with all adjacent and nearby land uses.
- i. Achieve development consistent with the Comprehensive Plan.
- j. Achieve development consistent with the City's redevelopment plans and goals.
- k. Encourage development that is sustainable and has a high degree of energy efficiency.

(2) This section applies to all planned unit developments existing in the City on the date of enactment of the ordinance from which this section is derived and all subsequently enacted planned unit developments (or PUDs).

(b) *Applicability.*

(1) *Optional Land Use Control.* PUD provisions provide an optional method of regulating land use which permits flexibility in the uses allowed and other regulations, including setbacks, height, parking requirements, number of buildings on a lot, and similar regulations, provided the following requirements are met and the PUD plan complies with the other provisions of this section and other planned unit development sections. Approval of a PUD and granting of a PUD plan does not alter the existing zoning district classification of a parcel in any manner;

however, once a PUD has been granted and is in effect for a parcel, no building permit shall be issued for that parcel which is not in conformance with the approved PUD plan, the building code, and with all other applicable City Code provisions.

- (2) *Uses.* Once a final PUD plan is approved, the uses are limited to those approved by the specific approved PUD ordinance for the site and by the conditions, if any, imposed by the City in the approval process.
- (3) *Maintenance Preservation.* All features and aspects of the final PUD plan and related documents, including, but not limited to, buildings, setbacks, open space, preserved areas, landscaping, wetlands, buffers, grading, drainage, streets and parking, hard cover, signs and similar features shall be used, preserved and maintained as required in said PUD plans and documents.

(c) *Standards and Guidelines.*

- (1) *Intent and Purposes.* A PUD shall meet and be consistent with the intent and purpose provisions and all other provisions of this section.
- (2) *Findings.* Approval of a preliminary or final PUD plan, or a PUD amendment, requires the following findings be made by the City:
 - a. *Quality Site Planning.* The PUD plan is tailored to the specific characteristics of the site and achieves a higher quality of site planning and design than generally expected under conventional provisions of this chapter.
 - b. *Preservation.* The PUD plan preserves and protects substantial desirable portions of the site's characteristics, open space and sensitive environmental features including steep slopes, trees, scenic views, creeks, wetlands and open waters.
 - c. *Efficient; Effective.* The PUD plan includes efficient and effective use (which includes preservation) of the land.
 - d. *Consistency.* The PUD plan results in development that is compatible with adjacent uses and consistent with the Comprehensive Plan and redevelopment plans and goals.
 - e. *General Health.* The PUD plan is consistent with preserving and improving the general health, safety and general welfare of the people of the City.
 - f. *Meets Requirements.* The PUD plan meets the intent and purpose provisions of Subsection (a) of this section and all other provisions of this section.
- (3) *Size.* Each residential PUD must have a minimum area of two acres, excluding areas within a public right-of-way, designated wetland, or floodplain overlay district, unless the applicant can demonstrate to the satisfaction of the City Manager or his/her designee the existence of one or more of the following:
 - a.

Unusual physical features of the property itself or of the surrounding neighborhood such that development as a PUD will conserve a physical or topographic feature of importance to the neighborhood or community.

- b. The property is directly adjacent to or across a right-of-way from property which has been developed previously as a PUD and will be perceived as and will function as an extension of that previously approved development.
- c. The property is located in a transitional area between different land use categories.

(4) *Frontage.* Frontage on a public street shall be at least 100 feet or adequate to serve the development.

(5) *Setbacks.*

- a. The City may allow some flexibility in setbacks if it benefits all parties and the environment. Requiring greater or allowing lesser setbacks may be based on uses on and off the site, natural amenities and preservation, topography, density, building heights, building materials, landscaping, lighting and other plan features. The rationale and justification for these setbacks shall be described in the narrative.
- b. Principal building. No principal building shall be closer than its height to the rear or side lot line when such line abuts on a Single-Family Zoning District.
- c. All buildings. No building shall be located less than 15 feet from the back of the curbline along those roadways which are a part of the internal road system. Some minor deviations may be allowed provided adequate separation is provided through additional landscaping, berming or similar means.

(6) *Private Service Facilities or Common Areas.* In the event certain land areas or structures are proposed within the PUD for shared recreational use or as service facilities, the owner of such land and buildings shall enter into an agreement with the City to assure the continued operation and maintenance to a pre-determined reasonable standard. These common areas may be placed under the ownership of one of the following as determined by the City Council:

- a. Dedicated to the public where community-wide use is anticipated
- b. Landlord; or
- c. Landowners or homeowners association, provided appropriate conditions and protections satisfactory to the City are met, such as formation of the association, mandatory membership, permanent use restrictions, liability insurance, local taxes, maintenance, and assessment provisions.

(7) *Private Streets.*

- a. Private streets shall not be approved, nor shall public improvements be approved for any private right-of-way, unless a waiver is granted by the City based on the following and other relevant factors:

1. Extension of a public street is not physically feasible as determined by the City
 2. Severe grades make it infeasible according to the City to construct a public street to minimum City standards
 3. The City determines that a public road extension would adversely impact natural amenities; or
 4. There is no feasible present or future means of extending right-of-way from other directions.
- b. If the City determines that there is need for a public street extension, this provision shall not apply, and the right-of-way for a public street shall be provided by dedication in the plat.
- c. If a waiver is granted for the installation of private streets, the following design standards shall apply:
1. The street must have adequate width consistent with the transportation plan and must be located and approximately centered within an easement at least four feet wider than the street.
 2. The private street shall be designed to minimize impacts upon adjoining parcels.
 3. The design and construction standards must result in a functionally sound street in balance with its intended use and setting.
 4. The number of lots to share a common private access drive must be reasonable.
 5. Covenants which assign driveway installation and future maintenance responsibility in a manner acceptable to the City must be submitted and recorded with the titles or the parcels which are benefited.
 6. Common sections of the private street serving three or more dwellings must be built to a seven-ton design, paved to a width of 20 feet, utilize a minimum grade, and have a maximum grade which does not exceed 10 percent.
 7. The private street must be provided with suitable drainage.
 8. Covenants concerning maintenance and use shall be filed against all benefiting properties.
 9. Street addresses or City-approved street name signs, if required, must be posted at the point where the private street intersects the public right-of-way.

(8) *Hard Surfaces.* Hard surface coverage is expected not to exceed the following standards.

Uses	Maximum Hard Cover (Percent)
Single-family homes	38%
Townhomes	40%
Apartments, condominiums	42%

Institutional uses	45%
Industrial uses	70%
Business-office uses	80%
Commercial-retail	90%
Mixed uses of housing with retail, office, or business	90%

- (9) *Public Space*. Properties within PUDs are subject to the dedication of parks, playgrounds, trails, open spaces, stormwater holding areas, and ponds as outlined in Chapter 109, pertaining to subdivisions, the Comprehensive Plan, redevelopment plans, or other City plans.
- (10) *Mixed-Income Housing*. All applications for new PUDs submitted after September 19, 2017, shall be consistent with the City's Mixed-Income Housing Policy.
- (11) *Public Amenities (Affordable Housing Units)*. Provide affordable housing units beyond the minimum amount required in the City's Mixed-Income Housing Policy (and comply with all other provisions in the Policy). Three options of affordability include:
- An additional 10 percent of units within the development are rented or sold at 30 percent of area median income or less.
 - An additional 20 percent of units within the development are rented or sold at 50 percent of area median income or less.
 - An additional 30 percent of units within the development are rented or sold at 80 percent of area median income or less.
- (12) *Public Amenities*. All applications for new PUDs submitted after December 1, 2015, shall provide at least one amenity or combination of amenities that total at least five points from the public amenity option table below. An applicant may petition for credit for an amenity not included in the public amenity option table that is not otherwise required in the underlying zoning district; however, if the petition is granted, the amenity may only be allotted up to two points.

PUD Amenity Options		
Points	Amenity	Standards
5	Green roof	Installation of an extensive, intensive, or semi-intensive, modular or integrated green roof system that covers a minimum of 50 percent of the total roof area proposed for the development.

5	Affordable housing units	Provide affordable housing units beyond the minimum amount required in the City's Mixed-Income Housing Policy (and comply with all other provisions in the Policy). Three options of affordability include:
		• An additional 10 percent of units within development are rented or sold at 30 percent of Area Median Income or less.
		• An additional 20 percent of units within development are rented or sold at 50 percent of Area Median Income or less.
		• An additional 30 percent of units within development are rented or sold at 80 percent of Area Median Income or less.
4	Public open space	Contiguous ground level outdoor open space that is provided beyond the amount of open space required in the underlying zoning district requirements. The space shall preserve the natural landscape while providing the opportunity for members of the public to interact with the natural habitat using walkways, benches, or other mechanisms.

4	Utilization of a renewable energy source	Use of a photovoltaic or wind electrical system, solar thermal system and/or a geothermal heating and cooling system for at least 50 percent of the annual energy demand in new and existing buildings The applicant must demonstrate that the quantity of energy generated by the renewable energy system meets the required percentage through a whole building energy simulation. Renewable energy sources shall be in accordance with the underlying zoning district and any other applicable requirements of the City Code.
4	Leadership in Energy and Environmental Design (LEED) Platinum certification	The proposed development shall achieve LEED Platinum certification approved by a LEED accredited professional (LEED-AP) by a date determined in the development agreement. During the PUD approval process, the developer must submit a LEED checklist and documentation to the City that shows the project will comply with LEED Platinum requirements.
3	Leadership in Energy and Environmental Design (LEED) Gold certification	The proposed development shall achieve LEED Gold certification approved by a LEED accredited professional (LEED-AP) by a date determined in the development agreement. During the PUD approval process, the developer must submit a LEED checklist and documentation to the City that shows the project will comply with LEED Gold requirements.

3	Community garden	Permanent and viable growing space and/or facilities such as a greenhouse or a garden, which provides fencing, watering systems, soil, secured storage spaces for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development to minimize the visibility of mechanical equipment.
3	Public recreation area	An active, safe, and secure outdoor recreation area open and visible to the public that includes equipment or natural features suitable for recreational use.
3	Public plaza	Plazas shall be open to the public during daylight hours and provide opportunities for the public to interact with the space using outdoor furniture, art, or other mechanisms.
3	Public art	The art shall be maintained in good order for the life of the principal structure. The art shall be located where it is highly visible to the public. If located indoors, such space shall be clearly visible and easily accessible from adjacent sidewalks or streets.
3	Creation or preservation of significant/historic architecture	Creation, preservation, rehabilitation, or restoration of designed historic landmarks or significant architectural features as a part of the development.

2	Enhanced bicycle and pedestrian facilities	Eligible facilities may include a combination of the following: heated transit shelter, bicycle repair tools, rest area, wayfinding signs, sheltered walkway, woonerf, and other amenities that increase the convenience and encourage the use of public walkways and bikeways beyond what is otherwise required in the underlying zoning district.
2	Innovative stormwater management	The design must provide capacity for infiltrating stormwater beyond what is required by the City and watershed district and the design must serve as a visual amenity to the property and be reflective of innovative techniques.
1	Water feature usable to public	A water feature, including, but not limited to, a reflecting pond, a children's play feature, or a fountain shall be located where it is highly visible and useable by the public.
1	Shared bicycle and vehicle facilities	Accommodation for shared vehicles or shared bicycles on site. The shared service provider must be committed in writing to the use of the space in order to be eligible.
1	Enhanced landscaping	A landscaping plan prepared by a licensed landscape architect that provides exceptional design with a variety of pollinators and native trees, shrubs, and plant types that provide seasonal interest and that exceed minimum City standards.
1	Electric car charging station	An electric vehicle charging station accessible to residents, employees, and/or the public providing connections at the rate of five percent of the required parking spaces.

(d) *Procedures.*

- (1) *Qualifications.* Application for a PUD or PUD amendment may be made only by the owner of the land involved in the PUD application, or by a duly authorized representative, or an option or contract holder, provided the application is accompanied by fully executed agreements or documents from the owner stating that such owner has no objections to the proposed application and is in fact joining in the same. The City may act as an applicant on its own behalf or on the behalf of an affiliated governmental body.
- (2) *Preliminary PUD Conference.* Prior to filing a PUD application and prior to conducting a neighborhood meeting, the applicant shall meet with City staff for a preapplication conference. The primary purpose of the conference is to allow the applicant and staff to discuss land use controls, appropriate use of the site, design standards, how the plan will achieve higher quality and meet the PUD purpose and design requirements, the application process, and the general merits of the applicant's proposal.
- (3) *Neighborhood Meeting.* At an appropriate point during development of a preliminary PUD plan or major PUD amendment application process, the applicant shall hold a neighborhood meeting. All property owners within 500 feet of the PUD, or a larger area as determined by the City, shall be given notice of the meeting. The purpose of the meeting is to inform the neighborhood of the proposal, discuss the concepts and basis for the plan being developed, and to obtain information and suggestions from the neighborhood.
- (4) *Preliminary PUD Review.*
 - a. *Planning Division.* Upon submission of a completed preliminary PUD plan application, the Planning Division shall:
 1. *Refer.* Refer the application to other City departments for their written evaluations regarding those aspects of the proposal which affect public safety and the delivery of City services.
 2. *Notify.* Notify by mail property owners within 500 feet of the PUD, or a larger area to be determined by the City, of the public information meeting. However, failure of any property owner to receive notification shall not invalidate the proceedings.
 3. *Report.* Prepare a report and refer it to the Planning Commission for review at the informal public hearing.
 - b. *Planning Commission.*
 1. *Informal Public Hearing.* The Planning Commission shall hold an informal public hearing and consider the application for consistency with the intent and purpose provisions in Subsection (a) of this section and other requirements of this section and principles and standards adhered to in the City. The Planning Commission's report to the City Council shall include recommended changes, conditions, or modifications.

2. *Recommendation.* The findings and recommendation of the Planning Commission shall be forwarded to the City Council and may include recommended conditions and modifications to the preliminary PUD plan.

c. *City Council.*

1. *Public Hearing.* The City Council shall hold a public hearing and take action on the application. All property owners within 500 feet of the PUD, or a larger area as determined by the City, shall be given notice of the meeting. The public hearing shall be called and notice thereof given in the manner required by statute.
2. *Action.* The findings and action of the City Council may include a request for plan amendments, approval, denial, or other action deemed appropriate by the City Council such as referral back to the Planning Commission.

- (5) *Final PUD Conference.* Following approval by the City Council of the preliminary PUD plan, with or without conditions, and prior to the submission of the final PUD plan for review, the applicant shall meet with City staff to demonstrate that all conditions or required modifications to the preliminary PUD plan have been addressed. Failure to hold this meeting prior to submission of the final PUD plan shall be grounds to deem the application incomplete.

(6) *Final PUD Review.*

- a. *Planning Division.* Upon submission of a completed final PUD plan application, the Planning Division shall:
 1. *Refer.* Refer the application to other City departments for their written evaluations regarding those aspects of the proposal which affect public safety and the delivery of service.
 2. *Notify.* Notify by mail property owners within 500 feet of the PUD, or a larger area to be determined by the City, of the public information meeting. However, failure of any property owner to receive notification shall not invalidate the proceedings.
 3. *Report.* Prepare a report and refer it to the Planning Commission for review at the informal public hearing.

b. *Planning Commission.*

1. *Informal Public Hearing.* The Planning Commission shall hold an informal public hearing. All property owners within 500 feet of the PUD or a larger area as determined by the City, shall be given notice of the meeting.
2. *Consistency.* The Commission shall review the final PUD plan for consistency with the preliminary PUD plan as approved by the City Council, and the conditions, if any, imposed by the City Council, the intent and purpose provisions of Subsection (a) of

this section, all other provisions of this section, and principles and standards adhered to in the City.

3. *Recommendation.* The findings and recommendation of the Planning Commission shall be forwarded to the City Council and may include recommended conditions and modifications to the final PUD plan.

c. *City Council.*

1. *Public Hearing.* The City Council shall hold a public hearing. All property owners within 500 feet of the PUD, or a larger area as determined by the City, shall be given notice of the meeting. The public hearing shall be called and notice thereof given in the manner required by statute.
2. *Action.* The findings and action of the City Council may include plan amendments, approval, denial, or other action based on findings and deemed appropriate by the City Council such as referral back to the Planning Commission.

- d. *Approval.* Approval of a PUD shall be by ordinance requiring an affirmative vote of a majority of the City Council.

(e) *Application - Preliminary PUD Plan.*

- (1) *Application and Preliminary PUD Plan Requirements.* The applicant shall complete and sign the application and submit a preliminary PUD plan. All application requirements must be completed and submitted for the application to be processed. If it is proposed to develop a project during a period which will exceed two years, the applicant may request approval of a preliminary PUD plan for the entire project and permission to submit a final PUD plan only for the first stage of the project. Separate public hearings and a final PUD plan shall nevertheless be required respecting such successive stage of the project as the same is reached. Except to the extent the City Manager or his/her designee requires more or less information, the application shall include, but not be limited to, the following information:
 - a. *Narrative.* A narrative statement explaining how the proposed PUD will meet the purpose and other provisions of this section.
 - b. *Preliminary site/development plan.* A plan of the proposed development illustrating the nature and type of proposed development shall identify all land uses and proposed square footages, the locations of buildings, existing and proposed roadways and accesses, pedestrian ways and sidewalks, proposed parking areas, areas to be preserved, public and common areas, and the amenities to be provided. Setback measurements from buildings, roads, parking and high use outdoor activity areas to the nearest lot lines shall be shown on the site plan.
 - c. *Preliminary preservation plan.* A preservation plan showing the areas to be preserved and spaces to be left open shall be provided. Preference shall be given to protecting sensitive environmental features including steep slopes, trees, scenic views, waterways, wetlands

and lakes.

- d. Preliminary stormwater management plan. Preliminary plans for grading, drainage and erosion control which meet the City's standards shall be submitted. The plan shall show hard surface calculations by areas: buildings, private streets, driveways, parking lots, plazas, walks, trails, and all other impervious surfaces.
- e. Preliminary utilities plan. The applicant shall provide a plan showing how the site will be served by utilities.
- f. Preliminary building code analysis.
- g. Preliminary plat. All data required for a preliminary plat by the requirements of Chapter 109, pertaining to subdivisions.
- h. Preliminary building elevations, including height and materials.
- i. Future requirements. The applicant is advised to consider the additional requirements for a final PUD plan when preparing the preliminary PUD plan.
- j. Other. An applicant may submit any additional information which may explain the proposed PUD.

(f) *Application - Final PUD Plan.*

(1) *Application and Final PUD Plan Requirements.* Unless the applicant has obtained City Council permission to develop a project over more than two years, the applicant shall submit a complete final PUD plan within 180 days of preliminary PUD plan approval. Such 180-day period may be extended for additional 180-day periods by the City Council in the exercise of its sole discretion subject to such additional conditions as it deems appropriate. The final PUD plan shall be consistent with the preliminary PUD plan approved by the City Council, as well as the intent and purpose provisions of Subsection (a) of this section. Except to the extent the City Manager or his/her designee requires more or less information, the application shall include, but not be limited to, the following:

- a. Narrative. A narrative statement explaining how the proposed PUD will meet the purpose and other provisions of this section. The narrative must demonstrate that all conditions or required modifications to the preliminary PUD plan have been addressed.
- b. Final site/development plan. A plan of the proposed development illustrating the nature and type of proposed development shall identify all land uses and proposed square footages, the locations of buildings, existing and proposed roadways and accesses, pedestrian ways and sidewalks, proposed parking areas, areas to be preserved, public and common areas, and the amenities to be provided. Setback measurements from buildings, roads, parking and high use outdoor activity areas to the nearest lot lines shall be shown on the site plan.

c.

Final preservation plan. A preservation plan showing the areas to be preserved and spaces to be left open shall be provided. The plan shall include new plantings, fixtures, equipment and methods of preservation. Said plan and information may be included on the landscape plan.

1. *Wetlands and Ponds.* Wetlands and ponds shall have a riparian buffer strip composed of natural vegetation but not an improved and/or fertilized lawn. The applicant shall comply with regulations set forth by the City, the Bassett Creek Watershed Management Commission, and the State.
 2. *Buffers.* Provisions for buffering the PUD site from adjacent uses shall be included. Natural amenities shall be used to the extent possible and supplemented by additional landscaping, berms or other features as may be appropriate. Buffers shall be based on the type of uses on and adjacent to the site, views, elevations and activities. Buffers may be included on the landscape plan.
 3. *Tree Preservation Plan.* A complete tree preservation plan consistent with the PUD requirements and the preliminary PUD plan as approved by the City.
 4. *Landscape Plans.* Complete landscaping plans showing vegetation to be removed, vegetation to be retained and proposed vegetation. Plans shall include species, quantities, planting methods and sizes. Within any specific PUD, the landscaping may be required to exceed the City's policy on minimum landscape standards.
- d. Final stormwater management plan. Complete plans for grading, drainage and erosion control which meet the City's standards shall be submitted. The plan shall show hard surface calculations by areas: buildings, private streets, driveways, parking lots, plazas, walks, trails, and all other impervious surfaces.
- e. Final utility plan.
- f. Final building code analysis.
- g. Final plat. Unless waived by the City, the applicant shall submit a final plat, as required by Chapter 109, pertaining to subdivisions. The title of the plat must include the following "P.U.D. No. ____" (the number to insert will be provided by the City).
- h. Other items, if determined to be applicable:
1. *Transportation and Parking Plan.* A complete plan shall be submitted which includes:
 - (i) Proposed sidewalks and trails to provide access to the building, parking, recreation and service areas within the proposed development and connection to the City's system of walks and trails
 - (ii) Internal roads, if any
 - (iii) Driveways
 - (iv)

Parking, including layout dimensions of spaces and aisles, total parking by use, and a notation about striping/painting the spaces

- (v) Off-street loading for business uses
 - (vi) A plan for snow storage and removal
 - (vii) A plan for maintenance of the facilities
 - (viii) A calculation of traffic projections by use with assignments to the roads, drives and accesses serving the PUD, including existing traffic volumes for adjacent streets using the most recent counts and/or based on the uses and trip generation estimates; and
 - (ix) A description of the alternatives and locations considered for access to the site and the rationale used in selecting the proposed location, width and design of streets, driveways and accesses.
2. *Architectural Plans.* The applicant shall submit architectural plans showing the floor plan and elevations of all sides of the proposed buildings including exterior wall finishes proposed for all principal and accessory buildings. Cross sections may be required.
 3. *Lighting Plan.* Subject to the outdoor lighting requirements in this chapter.
 4. *Solid Waste Management and Recycling Plan.* The applicant shall provide a refuse disposal plan including provisions for storage and removal on a regular basis.
 5. *Dwelling Information.* The applicant shall submit complete data as to dwelling unit number, density net and gross, sizes, types, etc.
 6. *Life-Cycle and Affordable Housing.* If the PUD includes "life-cycle" or affordable housing, the applicant shall provide a narrative describing the housing, and the guarantees such as covenants to be used to secure such housing and maintain long-term affordability.
 7. *Population.* The applicant shall submit a population component which shall contain a descriptive statement of the estimated population and population characteristics.
 8. *Employees.* If office, commercial, business, service firms or institutional uses are included in the PUD, the estimated number of employees shall be included.
 9. *Schedule.* The applicant shall submit a schedule and proposed staging, if any, of the development.
- (g) *PUD Permit and Development Agreement.* Following City Council approval of a final PUD plan, City staff shall prepare both a PUD permit and a development agreement which reference all the approved plans and specify permitted uses, allowable densities, development phasing, required improvements, neighborhood communication plan if applicable, completion dates for

improvements, letters of credit and other sureties, and additional requirements for each PUD, in accordance with the conditions established in the City Council approval of the final PUD plan and PUD ordinance. The PUD permit and development agreement shall be signed by the applicant or property owner within 30 days of the City Council's approval of the permit and agreement.

- (h) *Building Permit.* Following approval of a final PUD plan and execution of the PUD permit and development agreement, the City may grant building permits for proposed structures within the approved PUD area provided the requested permit conforms to the final PUD plan, all provisions of the PUD ordinance, the PUD permit, the development agreement and all other applicable City ordinances.
- (i) *Multiple Parcels.* A PUD may be regulated by a single agreement which may include attachments. One or more of the attachments may cover an individual lot. An applicant amending an approved PUD must show that the proposed change does not adversely affect any other property owner, if any, in the PUD, the terms of the final PUD plan, PUD permit, development agreement, and the intent and purpose provisions of Subsection (a) of this section and other provisions of this section. A proposed amendment which does not meet this requirement may be rejected by the City without review as would otherwise be required by this section.
- (j) *Amendments.* An application to amend an approved final PUD shall be reviewed by the City Manager or his/her designee to determine whether the amendment qualifies as a major amendment, minor amendment, or an administrative amendment.
- (1) *Administrative Amendments.* An administrative amendment is reviewed and approved by City staff in writing. To qualify for this review, the proposed amendment:
 - a. Shall not qualify as a minor amendment or a major amendment
 - b. Shall not have a significant impact to surrounding land uses
 - c. Shall be consistent with the vision and guidance set forth in the Comprehensive Plan and the PUD as it was originally approved
 - d. Shall be administrative in nature; and
 - e. May only include changes to the PUD that:
 - 1. Change a utility plan
 - 2. Change a landscaping plan
 - 3. Change an interior building plan
 - 4. Change an outdoor lighting plan
 - 5. Change a grading/erosion control plan
 - 6. Change an architectural elevation; and/or
 - 7. Make other changes determined by the City Manager or his/her designee to be only administrative in nature.

(2) *Minor Amendments.* A minor amendment shall be approved by a simple majority vote of the City Council with or without referral to the Planning Commission. To qualify for this review, the proposed amendment:

- a. Shall not qualify as an administrative amendment or a major amendment
- b. Shall be consistent with the vision and guidance set forth in the Comprehensive Plan and the PUD as it was originally approved; and
- c. May only include changes to a PUD that:
 1. Change land use to a use that is permitted in the underlying zoning district
 2. Increase the number of residential dwelling units by less than 10 percent
 3. Demolish or add an accessory structure
 4. Change a front yard, side yard, or rear yard setback that meets the minimum requirements set forth in the underlying zoning district
 5. Change the number of parking spaces that meets or exceeds the minimum off-street parking requirements set forth in this chapter
 6. Change parking lot configuration or design with no change in number of parking spaces
 7. Increase impervious surfaces up to the maximum amount allowable in the underlying zoning district
 8. Change building coverage up to the maximum amount allowable in the underlying zoning district
 9. Increase gross floor area in any individual building by less than 10 percent
 10. Significantly change architectural elevation plans in a way that alters the originally intended function of the plans
 11. Significantly change landscape plans in a way that alters the originally intended function of the plans; and/or
 12. Make other changes that do not cause the amendment to be considered a major amendment, as determined by the City Manager or his/her designee.

(3) *Major Amendments.* A major amendment shall be reviewed by Planning Commission and approved by a simple majority vote of the City Council. To qualify for this review, the proposed amendment shall not qualify as an administrative amendment or a minor amendment, and may include changes to a PUD that:

- a. Eliminate, diminish or are disruptive to the preservation and protection of sensitive site features
- b.

Eliminate, diminish or compromise the original intent and/or the high quality of site planning, architectural design, landscape design, landscape materials, or building materials

- c. Alter the location of buildings or roads
 - d. Increase the number of residential dwelling units by 10 percent or more
 - e. Introduce new uses
 - f. Demolish or add a principal structure
 - g. Change a front yard, side yard, or rear yard setback that does not meet minimum requirements set forth in the underlying zoning district
 - h. Change the number of parking spaces causing the PUD to not meet the minimum off-street parking requirements set forth in this chapter
 - i. Increase impervious surfaces above the maximum amount allowable in the underlying zoning district
 - j. Change building coverage above the maximum amount allowable in the underlying zoning district
 - k. Increase the gross floor area of any individual building by 10 percent or more
 - l. Increase the number of stories of any building
 - m. Decrease the amount of open space by more than three percent or alter it in such a way as to change its original design or intended function or use
 - n. Create noncompliance with any special condition attached to the approval of the final PUD plan; and/or
 - o. Make other changes that do not cause the amendment to be considered an administrative amendment or a minor amendment, as determined by the City Manager or his/her designee.
- (k) *Cancellation.* A PUD shall only be cancelled and revoked upon the City Council's adoption of an ordinance rescinding the ordinance approving the PUD.
- (l) *Administration.*
- (1) *Deposit.* The City may require the applicant to make funds available to cover fees for professional services generated by the establishment or modification of the PUD.
 - (2) *Records.* The Physical Development Department shall maintain a record of all PUDs approved by the City Council including information on the use, location, conditions imposed, time limits, review dates, and such other information as may be appropriate. Each approved PUD shall be clearly noted on the zoning map.
 - (3) *Certification of Plans.* The City may require that PUD plans be certified at the time of submittal and/or upon completion of construction.

- (4) *Time Limits.* No application which was denied shall be re-submitted for a period of six months from the date of denial.
- (5) *Letter of Credit.* To ensure conformance to the final PUD plan, PUD permit, and development agreement, the City may require the applicant to post a letter of credit in a form approved by the City, guaranteeing the faithful performance of certain work or matters covered in the agreement and in a sum equal to 150 percent of the total cost of all such items as determined by the Physical Development Department. The letter of credit or other surety may be reduced when specific parts or items are completed and upon recommendation of the Physical Development Department.
- (6) *Effect on Conveyed Property.* In the event any real property in the approved PUD agreement is conveyed in total, or in part, the buyers thereof shall be bound by the provisions of the approved final PUD plan; provided, however, that nothing herein shall be construed to create nonconforming lots, building sites, buildings or uses by virtue of any such conveyance of a lot, building site, building or part of the development created pursuant to and in conformance with the approved PUD.

(Code 1988, § 11.55; Ord. No. 584, 2nd Series, 11-26-2015; Ord. No. 631, 2nd Series, §§ 6, 7, 3-6-2018)

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Sec. 44-311. - Planned unit development—fixed district.

- (1) The purpose of the planned unit development—fixed district is to allow for the continuance of planned unit developments approved through conditional use permits prior to September 1, 2020.
- (2) There shall be no new parcels zoned to the planned unit development—fixed district after September 1, 2020.
- (3) All preliminary and final development plans approved as part of a conditional use permit for a planned unit development prior to September 1, 2020 shall remain in full force and effect as part of this overlay district. Provided new development in the planned unit development—fixed district is in compliance with the approved plans, the development shall be considered in conformance.
- (4) Amendments to development plans for property in the planned unit development - fixed district shall be processed according to the provisions in article VII, division 2. Minor amendments will be considered while major amendments shall require the establishment of a new planned unit development district.

(Ord. No. 1044, § I, 12-11-2023)

Sec. 44-312. - PUD planned unit development.

- (1) The PUD planned unit development provisions are intended to encourage more efficient use of land, public services and greater amenity by allowing, under certain circumstances, a more flexible means of land development or redevelopment than is otherwise afforded through the strict enforcement of the zoning requirements of certain districts through lot-by-lot development. Although planned unit developments may appear to deviate in certain aspects from a literal interpretation of the zoning and subdivision ordinances, the PUD is intended to allow flexibility in design in order to promote developments which will be an asset to the city by equaling or surpassing the quality of developments resulting from the application of more conventional zoning regulations. A PUD may be used as a special district adapting any base zoning district or combination of zoning districts.
- (2) A planned unit development shall be established by rezoning to a newly created, numbered planned unit development district that outlines the uses, dimensions, and design standards of the new PUD zoning district following the procedures set forth in article VII, division 2.
- (3) No planned unit developments may be created in the MU district or the NE district.
- (4) Planned unit developments shall be on a tract of land more than one acre.
- (5)

Permitted uses shall generally be consistent with the permitted or conditional uses of the underlying base district. However, a PUD district can request alternative uses to the permitted uses of the underlying base district, subject to the approval by the city council as part of the establishment of the PUD.

- (6) Density of development must meet the guidance set by the comprehensive plan's future land use designation and map.
- (7) The following provisions shall be addressed as part of the PUD. When it is intended that regulations vary from the underlying district, the applicant shall propose them as part of the PUD application process:
 - a. A PUD shall be designed to complement existing and planned future land uses of adjacent uses and infrastructure.
 - b. Lot area may vary from the underlying base district standard in a PUD provided the developer has demonstrated that the proposed design and layout meets the provisions of this chapter.
 - c. Setbacks may vary from underlying base district standards in a PUD provided the developer has demonstrated that the proposed design and layout meets the provisions of this chapter. Perimeter setbacks shall be consistent with the setbacks of the underlying base zoning district.
 - d. Building height may vary from the underlying base district standard. The city may request cross sections, elevations and other information from the developer in order to determine if the structure height meets the provisions of this chapter.
 - e. A PUD shall be designed to preserve existing vegetation and topography where practical and shall be consistent with the goals and objectives of the comprehensive plan.
 - f. Overall architectural design shall be generally compatible with the characteristics of the surrounding developments.
 - g. Parking ratios may deviate from the off-street parking space standards. Where alternative parking ratios are not stated in the PUD application, they shall conform to section 44-17 off-street parking.
 - h. All publicly dedicated streets, utilities and storm-water facilities shall be designed in accordance with the City Code, policies, and design standards. The city may consider flexible standards for streets if the developer has demonstrated that the proposed design and layout warrants varying standards and the design meets the provisions of this chapter.
 - i. Circulation/access.
 - i. Vehicular access to lots adjoining an arterial street as defined by the functional classification system shall be designed by way of a frontage road, service road or local street.
 - ii.

Streets in a PUD shall be designed to promote a grid network of streets, minimizing dead ends and culs-de-sac and connecting to adjoining developments where streets have been 'stubbed in' for the purpose of continuation.

- iii. A PUD shall include provisions for pedestrians, bicycles and transit.
- j. A landscape and screening plan shall be included in the PUD submittal. The plan should include street tree provisions, screening, parking lot landscaping where applicable and the preservation of mature, healthy hardwood trees where applicable.
- k. A comprehensive sign plan shall be adopted following the requirements of chapter 44, Zoning, article III, Sign and Mural Regulations. Preliminary plans related to signage shall be submitted as part of the PUD application. While the comprehensive sign plan will be adopted subsequently to the PUD, if an exception to the city's signage regulations are needed they shall be evaluated and adopted as part of the PUD process. Freestanding pylon type signs shall consolidate tenants or uses in predetermined locations, minimizing the number of freestanding signs where possible.

(Ord. No. 1044, § I, 12-11-2023)

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Sec. 25-39. - Procedure; Planned Unit Development (PUD).

- (a) **Meeting with City Staff.** The developer shall meet with the Community Development Director to discuss the development concept, the review and approval process, and the submittal requirements.
- (b) **Concept Plan Review by City Council (Mandatory); Planning Commission (Optional).** The Concept Plan should indicate proposed land uses, general circulation patterns, general building massing, and the general approach to special site conditions or problems. The Council shall comment as to whether it feels the Concept Plan is in conformance with the City Comprehensive Plan. It will also inform the developer of any defects or deficiencies in the Concept Plan, what features or design elements should be in the Detailed Development Plan, and what exceptions it may be willing to allow in exchange for certain publicly beneficial design or planning features.
- (c) **Application for PUD Approval.** After Concept Review by the City Council, the developer may make application for PUD approval on a form provided by the Community Development Director and pay the established fee and deposit.
- (d) **Detailed Development Plan/Preliminary Plat.** Based upon comments received regarding the Concept Plan, and working with the city staff, the developer shall submit a Detailed Development Plan. This shall include a Preliminary Plat if land subdivision is proposed. The list of materials for submission shall be the same as that for Site Plan Approval.
- (e) **Notice of Review.** Notice of Detailed Development Plan Review shall be given in the same manner as for rezoning applications.
- (f) **Review by Planning Commission of Detailed Development Plan.** The Detailed Development Plan shall be submitted to the Community Development Director at least twenty (20) working days prior to the scheduled Planning Commission review. The Commission shall review the Detailed Development Plan in the same manner as it reviews a Site Plan Approval application.
- (g) **Review by the City Council of Detailed Development Plan.** The City Council shall review at a public hearing the Detailed Development Plan. The date of that public hearing shall be set by the Community Development Director as soon as possible after receipt of the application. It shall approve by a majority of the Council as provided in Minnesota Statutes Section 462.357, disapprove, or table the development proposal. The Plan may not be tabled for more than two (2) meetings in succession. Conditions may be applied to the approval of the Plan and/or a periodic review of the Approval may be required.
- (h) **Developer's Agreement.** Prior to issuing a Building Permit, the City Council shall require the developer to sign an agreement with the city which assures that particular elements of the Detailed Development Plan, either proposed by the developer or imposed by the city, will be carried out.
- (i) **Method of Amending a PUD Approval.**

- (1) Minor changes in the location and placement of buildings may be authorized by the City Council upon staff recommendation where unforeseen circumstances such as engineering requirements dictate such change.
 - (2) Changes in structural types, in the shape and arrangement of lots and blocks, in the allocation of open space, and all other changes which affect the overall design of the project shall be referred to the Planning Commission for report and recommendation, after which the City Council shall hold a review and shall decide to either approve or deny the changes in the Detailed Development Plan. If such changes are authorized, the developer shall submit a revised plan showing the authorized changes.
- (j) **Denial or PUD Approval.** If an application for a Planned Unit Development Approval is denied, no new application for a PUD Approval by the same applicant for the same site may be filed for sixty (60) days from date of denial.

- (k) **Extension of Approval.** In the event that Planned Unit Development Approval is obtained and construction has not commenced within twelve (12) months, the Planned Unit Development Approval will be considered null and void unless an extension is granted by the City Council. Only one (1) such extension shall be permitted. The extension, if granted, shall be valid for a period of six (6) months.