

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 2023-08

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE BY AMENDING THE
PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS**

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title 105 Zoning; Chapter 105.12: Zoning Code, Section 1210 is hereby amended by changing the following section (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

105.12.1210(b)(3)(d) PUD final plan review.

- a) As part of the review process for a PUD preliminary plan, the Planning Director shall review the PUD, and shall prepare a report and make a recommendation about the proposed preliminary PUD plan for Planning Commission and City Council consideration.
- b) The Planning Director shall prepare a draft ordinance to establish the potential PUD overlay zoning district to be established as a component of the PUD final plan.
- c) The Planning Commission shall hold a public hearing and report its findings and make recommendations to the City Council on the merit, needed changes and suggested conditions the City should impose on the PUD.
- d) As a condition of PUD preliminary plan approval; finalization, adoption, and publication of an overlay district ordinance shall need to occur before the filing of any future final plat. The City Council shall review and finalize the ordinance. Adoption and publication of an overlay district ordinance shall occur upon approval of the preliminary PUD. The effective date of the ordinance shall be upon approval of the final PUD.

105.12.1210(b)(4) PUD final plan review.

4. *Effect of a PUD preliminary plan review.* The approved PUD preliminary plan and ordinance governs the preparation of the PUD final plan. The applicant or developer shall submit the proposed PUD final plan to the City for final approval in accordance with the requirements of this title.

105.12.1210(c)(3)(c-e) PUD final plan review.

- a) The Planning Director shall prepare an analysis of the final documents against the conditions of the PUD preliminary plan approval and shall make a recommendation as to whether all conditions have been met or if the applicant needs to make additional changes to the project plans.
- b) The Planning Director shall identify any information submittals that were waived so the City Council may determine if such is needed before making a final decision.
- e) ~~The Planning Director shall finalize the ordinance to establish the proposed overlay district for consideration by the City Council.~~ If the Planning Director finds the final PUD documents to be

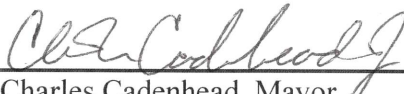
inconsistent with the preliminary PUD plan and Ordinance, then the preliminary PUD plan and ordinance shall be amended.

- d) The City Council shall then consider the recommendations of the Planning Director, and make a decision of approval or denial, in whole or in part, on the PUD final plan. A City Council denial shall only be based on findings that a PUD final plan is not in substantial compliance with the approved PUD preliminary plan and/or the required conditions of approval of the approved PUD preliminary plan.
- e) ~~As a condition of PUD final plan approval, publication of the PUD ordinance shall be required before filing of the approved final plat.~~ For Preliminary PUD's approved prior to April 4, 2023, the final PUD may follow the previous final PUD process and have the City Council adopt the PUD Ordinance with the final PUD approval.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 5. Adoption Date. This Ordinance 2023-08 was adopted on this 4th day of April, 2023, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL



Charles Cadenhead, Mayor

ATTEST:



Julie Johnson, City Clerk

This Ordinance 2023-02 was published on the 7th day of April, 2023.