



## STAFF REPORT

DATE: 10/11/2022

### **DISCUSSION**

**TO:** City Council  
**FROM:** Molly Just, Planning Director  
**AGENDA ITEM:** Amenities Qualifying for Bonus Density Under the PUD Ordinance

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### **BACKGROUND:**

The City of Lake Elmo has had a Planned Unit Development (PUD) ordinance since 1997.

“The intent of the Planned Unit Development (PUD) overlay zoning district is to provide greater flexibility in the use of land and the placement and size of buildings within the development of residential and nonresidential areas in order to achieve more creative development outcomes while remaining economically viable and marketable and to better utilize site features and obtain a higher quality of development. Approval of a planned unit development shall result in a zoning change to a specific PUD overlay district, with specific requirements and standards that are unique to that development. The City reserves the right to deny establishment of a PUD overlay district and direct a developer to re-apply for City approval under the standard applicable zoning district if the City determines the proposed benefits do not justify requested flexibilities.”

The 1997 PUD code allowed for allocation of bonus density with a PUD. The criteria for granting bonus density at the time was rather loose and non-specific. In 2013 the City Council adopted an update to the PUD code to more clearly identify the City’s desired objectives for granting a PUD and laid out a menu of options for obtaining bonus density. The staff report explaining the purpose of the amendments is attached. More or less we are still using that same menu of options. The 1997 PUD code, the 2013 PUD code and the current PUD code are attached for your reference. Areas most pertinent to the discussion of allocation of bonus density have been highlighted for your convenience.

### **ISSUE BEFORE COUNCIL:**

Should the City Council make changes to the PUD amenity categories that are eligible for bonus density?

### **DETAILS/ANALYSIS:**

*In the broadest sense, the PUD amenity categories should reflect the priorities of the City of Lake Elmo as articulated in its Comprehensive Plan. The current PUD code states that*

“a PUD may provide for an increase in density of residential development by up to 20 percent of that allowed in the base zoning district. Applicants seeking increased residential density through a Planned Unit Development are required to provide at least one (1) or a combination of site amenities that equal the required amount of amenity points to achieve the desired density bonus.”

There hasn’t been excessive use of the City’s bonus density provisions and since bonus density is granted in points the applicant must demonstrate eligibility for each point. While the focus of this discussion is to evaluate the current bonus density categories it is important to note that the code allows the City to consider additional density for amenities not otherwise specified. Therefore, you are not limited to the categories in the PUD Code.

When looking at our own PUD code we typically look at that of other communities for ideas and to see how we compare. When looking at how other communities allocate bonus density it is important to keep in mind that each community has different objectives and contexts in which they allocate density.

Lake Elmo’s PUD code clearly states the minimum expectations of a PUD and the optional criteria for granting bonus density. None of the comparison communities are this specific as to what qualifies for bonus density. Most simply refer to objectives in the Comprehensive Plan. This is a valid and not unusual approach and so is Lake Elmo’s approach.

Forest Lake – Allows for density beyond that permitted by the Comprehensive Plan. No specific categories to choose from.	Oakdale – Allows for up to 10% bonus density so long as it can be demonstrated that there will be no adverse impact on public facilities and the reasonable enjoyment of neighboring properties.
Woodbury – Bonus density is considered anything above the base (minimum) density. Bonus density may be granted if objectives in the Comprehensive Plan are met. There is no way to go beyond the Comprehensive Plan maximum density.	Hugo – Sets a point above the mid-point of the density range and the difference between that and the max is considered bonus density. There are no specific categories to choose from, just Comprehensive Plan objectives.

**FISCAL IMPACT:**

None. The Council is not debating a policy change that would result in a cost to tax payers and the policies being considered would not negatively impact the potential tax base.

**RECOMMENDATIONS:**

1. Planning staff recommends maintaining the underground/structured parking category for the Village Planning Area as the density range is lower in this area, the available development sites are smaller and the historic character of this area is less compatible with a large amount of surface parking.
2. Planning staff recommends adding a category for stormwater reuse for irrigation – for residential and commercial projects.
3. Planning staff recommends eliminating artful rain gardens as a way to provide enhanced stormwater management. Artful rain gardens do not necessarily achieve enhanced stormwater management. The enhanced stormwater management category is otherwise important and worthy of bonus density.
4. Incorporate an option for bonus density for off-site pedestrian improvements. Linking pedestrian infrastructure should be a priority and it is challenging and should be worthy of bonus density.

**ATTACHMENTS:**

- Current Bonus Density Amenity Categories
- Current PUD Code
- PUD Code – Bonus Density 2013
- Staff Report for 2013 PUD Code Update
- PUD Code – Bonus Density 1997
- Forest Lake – Bonus Density Provisions
- Oakdale – Bonus Density Provisions
- Woodbury - Bonus Density Provisions
- Hugo – Bonus Density Provisions

Current Bonus Density Amenity Categories

<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
5--10	Underground or structure parking	Proposed underground or structured parking must be integrated into the primary structure. The purpose of this amenity is to better integrate parking into the site, reduce the amount of surface parking stalls, and reduce the amount of impervious surface. Proposed underground or structured parking must reduce the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25 percent. Amenity points will be awarded based upon the amount of surface parking stalls reduced (between 25--50 percent). For every additional five percent of surface parking stalls reduced above 25 percent, the applicant will be awarded one additional amenity point, up to a maximum of ten amenity points. The facade of any underground or structure parking areas must match the architectural design of the principal structure.
10	Historic preservation	Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development.
10	Additional open space	A minimum of 50 percent of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of 50 percent of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.
10	Public right-of-way dedication	Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved city plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the city engineer.
5	Fire sprinkler systems	The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under state code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under the state building code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems.
5	Leadership in energy and environmental design	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the City, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements.
5	Adaptive reuse	Significant renovation, rehabilitation and adaptive reuse of an existing buildings, rather than demolition.
5	Plaza	The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas are landscaped or paved open areas that shall have a minimum area not less than 1,000 square feet. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.
1-5	Enhanced landscaping	A landscaping plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The landscaping plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the landscaping plan.
3	Enhanced stormwater management	Provide capacity for infiltrating stormwater generated on-site with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the city engineer.
1-3	Theming	Significant utilization of various elements of theming consistent with the 2013 Lake Elmo Theming Project, including, but are not limited to, signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of theming elements integrated into the project.
3	Natural features	Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment above and beyond that required by city ordinance or engineering standards.

## **ARTICLE XVIII PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS**

[105.12.1120 Intent](#)

[105.12.1130 Identified Objectives](#)

[105.12.1140 Allowed Development](#)

[105.12.1150 Minimum Requirements](#)

[105.12.1160 Density](#)

[105.12.1170 Coordination With Other Regulations](#)

[105.12.1180 Phasing And Guarantee Of Performance](#)

[105.12.1190 Control Of Planned Unit Development Following Completion](#)

[105.12.1200 Procedures For Processing A Planned Unit Development](#)

[105.12.1210 Application Requirements For Pre-Application Conference, Preliminary Plan And Final Plan](#)

[105.12.1220 PUD Amendments](#)

[105.12.1230 PUD Cancellation](#)

[105.12.1240 Administration](#)

[105.12.1250 City Costs](#)

### **105.12.1120 Intent**

The intent of the Planned Unit Development (PUD) overlay zoning district is to provide greater flexibility in the use of land and the placement and size of buildings within the development of residential and nonresidential areas in order to achieve more creative development outcomes while remaining economically viable and marketable and to better utilize site features and obtain a higher quality of development. Approval of a planned unit development shall result in a zoning change to a specific PUD overlay district, with specific requirements and standards that are unique to that development. The City reserves the right to deny establishment of a PUD overlay district and direct a developer to re-apply for City approval under the standard applicable zoning district if the City determines the proposed benefits do not justify requested flexibilities.

#### HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

### **105.12.1130 Identified Objectives**

When reviewing requests for approval of a planned unit development, the City shall consider whether one or more of the objectives listed below will be served or achieved. It is the responsibility of the applicant to provide a narrative of how the proposed planned development meets one or more of the City's identified objectives A through J. Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

- (a) Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.
- (b) Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.
- (c) Provision of more adequate, usable, and suitably located open space, recreational amenities, natural resource protection and other public facilities than would otherwise be provided under conventional land development techniques.
- (d) Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.
- (e) Preservation and enhancement of important environmental features through careful and sensitive

placement of buildings and facilities.

- (f) Preservation of historic buildings, structures or landscape features.
- (g) Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.
- (h) Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.
- (i) Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.
- (j) Higher standards of site and building design than would otherwise be provided under conventional land development technique.

#### HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

### **105.12.1140 Allowed Development**

Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted, conditional or interim uses with the acceptance of the development plan. Any change to the development plan will be considered an amendment to the PUD, and will follow the procedures specified in LEC 105.12.280 for zoning amendments. PUDs may allow for flexibility in the following:

- (a) *Uses*. The PUD application shall identify all proposed land uses and those uses shall become permitted, conditional or interim uses upon the approval of the planned unit development. The extent of allowed land uses within a PUD shall be limited to those land uses that are allowed or deemed by the city to be substantially similar to those allowed in the underlying zoning district.
- (b) *Placement of structures*. More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.
- (c) *Development intensity*. The PUD may provide for an increase in the maximum impervious surface by up to 20 percent as measured over the entire project site of that allowed in the base zoning district, for the purpose of promoting project integration and additional site amenities. The impact of increased maximum impervious surface must be mitigated through stormwater management techniques approved by city staff and all other applicable agencies.
- (d) *Density*. The PUD may provide for an increase in density of residential development by up to 20 percent of that allowed in the base zoning district, for the purpose of promoting diversity of housing types and additional site amenities. Increased residential densities of varying levels will be awarded based upon the provision of a combination of various site amenities outlined in LEC 105.12, art. VII. In addition, the City retains the right to evaluate all proposals for bonus density in accordance with the overall goals of the City's land use element of the comprehensive plan.
- (e) *Building setbacks*. The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the adjacent zoning districts.
- (f) *Lot requirements*. The City Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions



are compensated for by an equivalent amount of open space or other public amenities elsewhere in the planned unit development. Any open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.

- (g) *Other exceptions.* As part of PUD approval, the City Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district, such as the maximum height of structures or the minimum off-street parking requirements. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in LEC 105.12.1130.
- (h) *Trees/landscaping requirements.* The City Council may authorize flexible landscaping approaches and/or tree preservation and replacement standards that better address on-site needs or may require specialized landscaping and/or screening plans that address adjacent property concerns.

#### HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

### **105.12.1150 Minimum Requirements**

- (a) *Development area.* A PUD must include a minimum of five (5) acres. Tracts of less than five (5) acres may be developed as a PUD only if the City Council determines that the following applies:
- (1) The proposed project is of superior design and can achieve one (1) or more of the identified objectives listed in LEC 105.12.1130; and
  - (2) That compliance with the City's comprehensive plan goals and policies can be attained through the use of the PUD process.
- (b) *Open space.* For all PUDs, at least 20 percent of the project area not within street rights-of-way shall be preserved as protected open space. Other site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Wetlands and other land reserved for stormwater detention facilities and other required site improvements may be applied to this requirement.
- (c) *Street layout.* In existing developed areas, the PUD should maintain the existing street grid, where present, and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

#### HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

### **105.12.1160 Density**

The PUD may provide for an increase in density of residential development by up to 20 percent of that allowed in the base zoning district. Applicants seeking increased residential density through a Planned Unit Development are required to provide at least one (1) or a combination of site amenities that equal the required amount of amenity points to achieve the desired density bonus.

- (a) *Amenity points and equivalent density increases.* Increases in density will be awarded through a

1:1 ratio with amenity points. For every increase in amenity points for a planned unit development, the applicant will be allowed an equivalent amount of density increase, up to a maximum increase of 20 percent. Table 16-1 outlines the required amount of amenity points to achieve various density increases.

Table 16-1: Amenity Points and Equivalent Density Increases

<i>Amenity Points</i>	<i>Density Increase</i>
5	5 percent
10	10 percent
15	15 percent
20	20 percent

- (b) *Site amenities.* Site amenities that are eligible for amenity points are listed in Table 16-2, along with their associated standards of implementation. Some of the amenities may be awarded a range of amenity point based upon the quality and magnitude of the amenity. The City is not requiring the installation or use of any of these amenities.
- (c) *Site amenities not listed.* The City may also consider the allotment of amenity points for site amenities that are not otherwise specified within this article as part of the preliminary plan phase of the planned unit development.

Table 16-2: Site Amenities

<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
5--10	Underground or structure parking	Proposed underground or structured parking must be integrated into the primary structure. The purpose of this amenity is to better integrate parking into the site, reduce the amount of surface parking stalls, and reduce the amount of impervious surface. Proposed underground or structured parking must reduce the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25 percent. Amenity points will be awarded based upon the amount of surface parking stalls reduced (between 25--50 percent). For every additional five percent of surface parking stalls reduced above 25 percent, the applicant will be awarded one additional amenity point, up to a maximum of ten amenity points. The facade of any underground or structure parking areas must match the architectural design of the principal structure.
10	Historic preservation	Preservation, rehabilitation or restoration of <b>designated</b> historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development.
10	Additional open space	A minimum of 50 percent of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of 50 percent of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.

The word designated should be removed as there are no designated buildings or landmarks in Lake Elmo. Perhaps replace with historically significant landmarks in the Village Planning Area.

10	Public right-of-way dedication	Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved city plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the city engineer.
5	Fire sprinkler systems	The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under state code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under the state building code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems.
5	Leadership in energy and environmental design	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the City, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements.
5	Adaptive reuse	Significant renovation, rehabilitation and adaptive reuse of an existing buildings, rather than demolition.
5	Plaza	The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas are landscaped or paved open areas that shall have a minimum area not less than 1,000 square feet. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.
1-5	Enhanced landscaping	A landscaping plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The landscaping plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the landscaping plan.
3	Enhanced stormwater management	Provide capacity for infiltrating stormwater generated on-site with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the city engineer.
1-3	Theming	Significant utilization of various elements of theming consistent with the 2013 Lake Elmo Theming Project, including, but are not limited to, signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of theming elements integrated into the project.
3	Natural features	Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment above and beyond that required by city ordinance or engineering standards.

This is outdated. We have learned that artful rain gardens often fail to meet the performance expectations for enhanced stormwater management.

HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021



### **105.12.1170 Coordination With Other Regulations**

- (a) *Coordination with subdivision review.* subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this subchapter shall be submitted in a form that will satisfy the requirements of the subdivision ordinance for the preliminary plat and final plat.
- (b) *Coordination with other zoning requirements.* All of the provisions of this article applicable to the original district within which the planned unit development district is established shall apply to the PUD district except as otherwise provided in approval of the final plan.

#### HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

### **105.12.1180 Phasing And Guarantee Of Performance**

- (a) *Development schedule.* The city shall compare the actual development accomplished in the various PUD zones with the approved development schedule.
- (b) *Note.* See LEC 105.12.1210(c)(4).
- (c) *Phasing of amenities.* The construction and provision of all of the common open space, site amenities and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Planning Director shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If the Planning Director finds that the rate of construction of dwelling units is greater than the rate at which common open spaces, site amenities and public and recreational facilities have been constructed and provided, the Planning Director shall forward this information to the City Council for their consideration and possible action.
- (d) *Guarantees.* A financial guarantee or letter of credit shall be required to guarantee performance by the developer. The amount of this financial guarantee or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement.
- (e) *Note.* See LEC 105.12.1220(a).
- (f) *Rezoning to original district.* If substantial development has not occurred within a reasonable time after approval of the PUD zoning district, the City Council may instruct the planning commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.

#### HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

### **105.12.1190 Control Of Planned Unit Development Following Completion**

- (a) *Final development plan controls subsequent use.* After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned unit development shall be governed by the final development plan.
- (b) *Allowed changes.* After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:
  - (1) Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the cubic volume of any building or structure by more than ten (10) percent; and

- (2) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this chapter.
- (c) *Amendment required for major changes.* Any other changes in the final development plan, including any changes in the use of common open space, must be authorized by an amendment of the final development plan under the procedures for Zoning Amendments, LEC 105.12, art. III.

## HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

**105.12.1200 Procedures For Processing A Planned Unit Development**

There are three stages to the PUD process: application conference, preliminary plan and final plan, as described below.

- (a) *Application conference.* Before filing of an application for PUD with the city, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director, the City Engineer and other City staff. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.
- (b) *Preliminary plan.* Following the pre-application conference, the applicant may submit a preliminary plan application and preliminary plat, in accordance with the requirements described in LEC 103.00.070. The application shall proceed and be acted upon in accordance with the procedures in this article for zoning changes.
- (c) *Final plan.* Following approval of the preliminary plan, the applicant shall submit a final plan application and final plat, in accordance with the requirements described in LEC 103.00.080. The application shall proceed and be acted upon in accordance with the procedures in this article for zoning changes. If appropriate because of the limited scale of the proposal, the preliminary plan and final plan may proceed simultaneously.
- (d) *Schedule for plan approval.*
- (1) Developer has a pre-application conference with City staff for their review and comment of the proposed PUD.
  - (2) Following the pre-application conference with City staff, the application may proceed to the preliminary plan phase.
  - (3) The developer presents the preliminary plan to the Planning Commission for its review and comment.
  - (4) After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing about the proposed preliminary PUD plan, with public notice.
  - (5) The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
  - (6) The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
  - (7) The City Council may hold a public hearing after the receipt of the report and

recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The City Council may approve the preliminary plan and attach such conditions as it deems reasonable.

- (8) Following City Council approval of the preliminary plan, the application may proceed to the final plan phase.
- (9) The developer must present the final plan to the Planning Director for his or her review and comment.
- (10) After verification by the Planning Director that the required final plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
- (11) The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
- (12) The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
- (13) After the receipt of the report and recommendations from the Planning Commission, the City Council may approve the final plan and attach such conditions as it deems reasonable.

#### HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

### **105.12.1210 Application Requirements For Pre-Application Conference, Preliminary Plan And Final Plan**

Five copies of the following plans, exhibits and documents shall be submitted to the City before the pre-application conference, and as part of preliminary plan stage and the final plan stage applications:

(a) *Pre-application conference.*

(1) *General information.*

- a. The landowner's name and address and his interest in the subject property.
- b. The applicant's name and address if different from the landowner.
- c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including, but not limited to, attorney, land planner, engineer and surveyor.

(2) *Present status.*

- a. The address and legal description of the property.
- b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property.
- c. A map depicting the existing development of the subject property and all land within 350 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.
- d. Site conditions. Where deemed necessary by the City, graphic reproductions of the existing site conditions at a scale of one-inch equals 100 feet shall be

submitted and contain the following:

1. Contours; minimum five-foot intervals;
  2. Location, type and extent of tree cover;
  3. Slope analysis; and
  4. Location and extent of water bodies, wetlands, streams, and floodplains within 300 feet of the subject property.
- e. A written statement generally describing the proposed PUD and showing its relationship to the City Comprehensive Plan.
- f. Schematic drawing of the proposed development concept, including, but not limited to, the general location of major circulation elements, public and common open space, residential and other land uses.
- g. Proposed design features related to proposed streets, showing right-of-way widths, typical cross-sections, and areas other than streets, including, but not limited to, pedestrian ways, utility easements and stormwater facilities.
- h. Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
1. Area devoted to residential use by building type;
  2. Area devoted to common open space;
  3. Area devoted to public open space and public amenities;
  4. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
  5. Approximate area, and floor area, devoted to commercial uses; and
  6. Approximate area, and floor area, devoted to industrial or office use.
- i. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage and overall chronology of development to be followed from stage to stage.
- j. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
- k. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

*(b) PUD preliminary plan stage.*

- (1) *PUD preliminary plan submittal requirements.* Requests for preliminary PUD plans shall be filed with the Planning Director on an official city application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form,

or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of four (4) large scale copies and ten (10) reduced scale (11-inch by 17-inch) copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has met all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

- a. Preliminary plat and preliminary major subdivision information required by LEC 103.00.090.
- b. General information:
  1. The landowner's name and address and his interest in the subject property.
  2. The applicant's name and address if different from the landowner and the applicant's interest in the subject property.
  3. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, landscape architect, engineer, and surveyor.
  4. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date title commitment or certificate of title and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

(2) *Present status.*

- a. The address, property identification number (PID) and legal description of the property.
- b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the property.
- c. A map depicting the existing development of the property and all land within 350 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within 100 feet of the property.
- d. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.
- e. A statement of the proposed financing of the PUD.
- f. Site conditions. Graphic reproductions of the existing site conditions at a scale of one-inch equals 100 feet. All of the graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis.
  1. Contours; minimum two-foot intervals.
  2. Location, type and extent of tree cover.



3. Slope analysis.
  4. Location and extent of water bodies, wetlands and streams and floodplains within 300 feet of the property.
  5. Significant rock outcroppings.
  6. Existing drainage patterns
  7. Vistas and significant views.
  8. Soil conditions as they affect development.
- g. Schematic drawing of the proposed development concept, including, but not limited to, the general location of major circulation elements, public and common open space, residential and other land uses.
- h. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
1. Area devoted to residential use by building type;
  2. Area devoted to common open space;
  3. Area devoted to public open space and public amenities;
  4. Approximate area devoted to streets;
  5. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
  6. Approximate area, and floor area, devoted to commercial uses; and
  7. Approximate area, and floor area, devoted to industrial or office use.
- i. When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD, and demonstrating that the proposed site amenities sufficiently achieve the desired density bonus. The applicant is required to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.
- j. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.
- k. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
- l. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
- m. Schematic utilities plans indicating placement of water, sanitary and storm sewers infrastructure and systems.

- n. Applicable plans must meet or exceed the requirements of the City's Engineering Design and Construction Manual.
- o. Any additional information deemed necessary and required by the Planning Director. The Planning Director may waive for good cause certain information requirements not pertinent to the particular request.
- p. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
- q. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

(3) *PUD preliminary 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.

(4) *Effect of a PUD preliminary plan review.* The approved PUD preliminary plan 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.

(5) *Limitation of approval.* The City Council's approval of a PUD preliminary plan shall remain valid for a period of 180 days, unless a request for time extension of up to one (1) year is submitted in writing to the City and approved by the City Council. (See subsection (c)(4) of this section about PUD time limits.)

(c) *PUD Final Plan Stage.*

- (1) *Application deadline.* The applicant or developer shall submit an application for a PUD final plan to the City for approval within 180 days of City Council approval of the PUD preliminary plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.
- (2) Development and PUD final plan stage submissions should depict and outline the proposed implementations of the preliminary plan stage for the PUD. Information from the pre-application conference and preliminary plan stages may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include, but not be limited to:

- a. A final plat and information required by LEC 103.00.080;

- b. Final plans drawn to a scale of not less than one-inch equals 100 feet (or a scale requested by the Planning Director) containing at least the following information:
  1. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated);
  2. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
  3. An accurate legal description of the entire area within the PUD for which final development plan approval is sought;
  4. The location, size, use and arrangement, including height in stories and feet, and total square feet of ground area coverage, and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any;
  5. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights-of-way, utility lines and facilities, lots, block, public and common open space, trails, landscaping and screening, structures and uses;
  6. Applicable plans must meet or exceed the requirements of the City's Engineering Design and Construction Manual.
- c. A tabulation indicating the number of residential dwelling units and expected population;
- d. Density calculations, including proposed density bonuses above the base zoning district. To be granted increased density of residential development, the applicant must submit a schedule of site amenities with proposed designs and standards. The applicant must demonstrate that site amenity standards in Table 15-2 have been met to be rewarded additional density;
- e. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g., retail or office);
- f. Preliminary architectural typical plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including manufactured homes;
- g. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;
- h. Location, designation and total area of all common open space;
  - i. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;
  - j. The location of applicable site amenities, if any;
- k. Proposed lots and blocks, if any and numbering system;
  - l. The location, use and size of structures and other land uses on adjacent properties;
- m. Detailed plans and provisions of proposed landscaping and screening;
- n. Grading, drainage and site alteration plan illustrating changes to existing

topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved preliminary PUD plan;

- o. A soil erosion control plan acceptable to watershed districts, the Department of Natural Resources, or any other agency with review authority, clearly illustrating erosion control measures to be used during construction and as permanent measures;
- p. Applicable plans must meet or exceed the requirements of the City's Engineering Design and Construction Manual; and
- q. Any other information that may have been required by the Planning Commission or City Council in conjunction with the approval of the preliminary plan.

### (3) 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.
- c. The Planning Director shall finalize the ordinance to establish the proposed overlay district for consideration by the Planning Commission and City Council.
- d. The Planning Commission shall hold a public hearing on the proposed PUD overlay district ordinance and final PUD Plans and shall submit a recommendation to the City Council for their consideration. Because the City Council previously approved a PUD preliminary plan for the site, the Planning Commission's recommendation shall only focus on whether the ordinance and PUD final plan are in substantial compliance with the PUD preliminary plan and the required conditions of approval.
- e. The City Council shall then consider the recommendations of the Planning Director, the public, and the Planning Commission; 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.
- f. As a condition of PUD final plan approval, publication of the PUD ordinance shall be required before filing of the approved final plat.
- g. Planned unit development agreement.
  - 1. At its sole discretion, the City may, as a condition of approval, require the owner and developer of the proposed PUD to execute a development agreement that may include but not be limited to all requirements of the PUD final plan.
  - 2. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the installation or development of

all improvements called for by the City and outlined in the development agreement.

- h. As directed by the City, the applicant or developers shall record with Washington County all documents related to the PUD against the property.

(4) Time limit.

- a. A planned unit development shall be validated by the applicant through the commencement of construction or establishment of the authorized uses, subject to the permit requirements of this Code, in support of the planned unit development within one (1) year of the date of PUD final plan approval by the City Council. Failure to meet this deadline shall render the PUD final plan approval void. Notwithstanding this time limitation, the City Council may approve time extensions for validation of an approved PUD of up to one (1) year if requested in writing by the applicant; extension requests shall be submitted to the Planning Director and shall identify the reasons why the extension is necessary along with an anticipated timeline for validation of the planned unit development.
- b. The City shall administer and process an application to reinstate a PUD that was voided for not meeting the required time limit for validation and implementation in the same manner as a new PUD beginning at PUD preliminary plan.

HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

**105.12.1220 PUD Amendments**

PUDs approved by the City may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer or neighborhood. At such a time, the applicant shall make an application to the City for a PUD amendment.

Amendments to existing planned unit development shall be processed as one of the following:

- (a) *Administrative amendment.* The Planning Director may approve minor changes to an approved PUD such as location, placement and height of structures if such changes are required by engineering or other circumstances, provided the changes conform to the approved PUD overlay district intent and are consistent with all requirements of the PUD ordinance. Under no circumstances shall an administrative PUD amendment allow additional residential lots or additional residential units to an approved PUD. The Planning Director may allow changes to designated uses established as part of the PUD if the City determines the proposed use changes would be substantially similar to the permitted uses approved by the City for the PUD. An administrative amendment shall be memorialized via letter signed by the Planning Director and recorded at Washington County against the PUD property.
- (b) *Ordinance amendment.* A PUD change requiring a text update to the adopted PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in LEC 105.12.280. Ordinance amendments shall be limited to changes that are deemed by the City to be consistent with the intent of the original PUD approval, but are technically necessary due to construction of the adopted PUD district language.
- (c) *PUD amendment.* Any change not qualifying for an administrative amendment or an ordinance amendment shall require a PUD amendment. The City shall administer and process an application to amend a PUD in the same manner as the City requires for a new PUD beginning at PUD preliminary plan. Such major changes requiring City approval of a PUD amendment are



those that, as determined by the Planning Director, substantially change the basic design, density, open space, similar requirements or provisions of the approved PUD.

#### HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

### **105.12.1230 PUD Cancellation**

The City shall only cancel and revoke a PUD upon the City Council adopting an ordinance rescinding the PUD district. Cancellation of a PUD by the City Council shall include findings that demonstrate the PUD is no longer necessary due to changes in local regulations over time; is inconsistent with the comprehensive plan or other application land use regulations; threatens public safety, health, or welfare; has become void; or other applicable findings in accordance with law.

#### HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

### **105.12.1240 Administration**

In general, the following rules shall apply to all PUDs:

- (a) *Rules and regulations.* No requirement outlined in the PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines.
- (b) *Preconstruction.* The City will not grant or issue a building permit for any building on land for which a PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed PUD plan.
- (c) *Effect on conveyed property.* In the event that any real property in a City-approved PUD is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the PUD zoning district.

#### HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

### **105.12.1250 City Costs**

The applicant shall make a deposit of a fee escrow with the City for the purpose of reimbursing any costs directly related to a given development. Such costs include, but are not limited to, professional fees and expenses incurred by the City for consultants (including, but not limited to, planners, engineers, architects, landscape architects and attorneys) who the City determines in its sole judgment are necessary to assist in reviewing, implementing or enforcing the provisions of this article. The amount of the deposit, and any addition to it that the City may later require, shall be established by the Planning Director. The City and the applicant may agree to share the costs of consultants based upon a specific written agreement. Any funds not used by the City shall be returned to the applicant at the conclusion of the project.

#### HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

## ARTICLE XVI - PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

### § 154.800 INTENT.

This article establishes the procedures and standards for the development of areas as unified, planned developments in accordance with the intent and purpose of this zoning ordinance and the applicable policies of the Comprehensive Plan. Because of the larger size of PUDs and to help achieve the identified objectives for planned unit development sites, this article provides for flexibility in the use of land and the placement and size of buildings in order to better utilize site features and obtain a higher quality of development. Approval of a planned unit development shall result in a zoning change to a specific PUD district, with specific requirements and standards that are unique to that development.

(Ord. 08-070, passed 2-19-2013)

### § 154.801 IDENTIFIED OBJECTIVES.

When reviewing requests for approval of a planned unit development, the city shall consider whether one or more of the objectives listed below will be served or achieved. It is the responsibility of the applicant to provide a narrative of how the proposed planned development meets one or more of the city's identified objectives ((A) through (J)). Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

- A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.
- B. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.
- C. Provision of more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques.
- D. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.
- E. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- F. Preservation of historic buildings, structures or landscape features.
- G. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.
- H. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.
- I. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.

- J. Higher standards of site and building design than would otherwise be provided under conventional land development technique.

(Ord. 08-070, passed 2-19-2013)

**§ 154.802 ALLOWED DEVELOPMENT.**

Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change in the list of uses approved in the development plan will be considered an amendment to the PUD, and will follow the procedures specified in Article 3, Administration, for zoning amendments.

- A. *Permitted Uses.* The PUD application shall identify all proposed land uses and those uses shall become permitted uses upon the approval of the planned unit development.
- B. *Placement of Structures.* More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.
- C. *Development Intensity.* The PUD may provide for an increase in the maximum gross floor area or floor area ratio by up to 20% of that allowed in the base zoning district, for the purpose of promoting project integration and additional site amenities.
- D. *Density.* The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district, for the purpose of promoting diversity of housing types and additional site amenities. Increased residential densities of varying levels will be awarded based upon the provision of a combination of various site amenities outlined in § 154.209. In addition, the city retains the right to evaluate all proposals for bonus density in accordance with the overall goals of the city's Land Use Element of the Comprehensive Plan.
- E. *Building Setbacks.* The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the adjacent zoning district(s).
- F. *Lot Requirements.* The Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space or other public amenities elsewhere in the planned unit development. Any open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.
- G. *Other Exceptions.* As part of PUD approval, the Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district, such as the

maximum height of structures or the minimum off-street parking requirements. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in § 154.801.

(Ord. 08-070, passed 2-19-2013)

### § 154.803 MINIMUM REQUIREMENTS.

- A. *Lot Area.* A PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land within the approved development. Tracts of less than 2 acres may be approved only if the applicant can demonstrate that a project of superior design can be achieved to meet one or more of the identified objectives listed in § 154.801, or that compliance with the Comprehensive Plan goals and policies can be attained through the use of the PUD process. The Planning Commission shall authorize submittal of a PUD for a tract of less than 2 acres prior to submittal of a general concept plan application.
- B. *Open Space.* For all PUDs, at least 20% of the project area not within street rights-of-way shall be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.
- C. *Street Layout.* In existing developed areas, the PUD should maintain the existing street grid, where present, and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

(Ord. 08-070, passed 2-19-2013)

### § 154.804 DENSITY.

The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district. Applicants seeking increased residential density through a Planned Unit Development are required to provide at least 1 or a combination of site amenities that equal the required amount of amenity points to achieve the desired density bonus.

- A. *Amenity Points and Equivalent Density Increases.* Increases in density will be awarded through a 1:1 ratio with amenity points. For every increase in amenity points for a Planned Unit Development, the applicant will be allowed an equivalent amount of density increase, up to a maximum increase of 20%. Table 16-1 outlines the required amount of amenity points to achieve various density increases.

**Table 16-1: Amenity Points and Equivalent Density Increases**

<i>Amenity Points</i>	<i>Density Increase</i>
5	5%
10	10%
15	15%
20	20%

- B. *Site Amenities.* Site amenities that are eligible for amenity points are listed in Table 16-2, including the associated standards of implementation. Some of the amenities may be awarded a range of amenity point based upon the quality and magnitude of the amenity. Where the amenity does not meet all of the standards required in Table 16-2, no points shall be awarded. Partial points for site amenities shall not be awarded, except as otherwise allowed in Table 16-2.
- C. *Site Amenities Not Listed.* The city may also consider the allotment of amenity points for site amenities that are not otherwise specified within this ordinance as part of the preliminary plan phase of the planned development.

**Table 16-2: Site Amenities**

<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
5-10	Underground or Structure Parking	Proposed underground or structured parking must be integrated into the primary structure. The purpose of this amenity is to better integrate parking into the site, reduce the amount of surface parking stalls, and reduce the amount of impervious surface. Proposed underground or structured parking must reduce the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25%. Amenity points will be awarded based upon the amount of surface parking stalls reduced (between 25-50%). For every additional 5% of surface parking stalls reduced above 25%, the applicant will be awarded 1 additional amenity point, up to a maximum of 10 amenity points. The facade of any underground or structure parking areas must match the architectural design of the principal structure.
10	Historic Preservation	Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development.



Points	Amenity	Standards
10	Additional Open Space	A minimum of 50% of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of 50% of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.
10	Public Right-of-Way Dedication	Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved city plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the City Engineer.
5	Fire Sprinkler Systems	The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under state code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under State Building Code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems.
5	Contained Parking No longer in the code	The purpose of this amenity is to better integrate surface parking into the site and reduce the amount of visible surface parking from the public right-of-way. Parking should be rear-loaded and hidden by the building facade, or integrated into the site in some other fashion that is acceptable to the city. This amenity is separate from underground or structure parking.
5	Leadership in Energy and Environmental Design	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements.
5	Pedestrian Improvements No longer in the code	A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site. The improvements shall use a combination of trails, landscaping, decorative materials, access control and lighting to create safe, clear and aesthetically pleasing pedestrian facilities through and /or around the site that comply with the Americans with Disabilities Act accessibility requirements.
5	Adaptive Reuse	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
5	Plaza	The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas are landscaped or paved open areas that shall have a minimum area not less than 1,000 square feet. Plazas for commercial or mixed-use development shall be open to the

Points	Amenity	Standards
		public during daylight hours.
1-5	Enhanced Landscaping	A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The Landscaping Plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the Landscaping Plan.
3	Enhanced Storm Water Management	Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the City Engineer.
1-3	Theming	Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of Theming elements integrated into the project.
3	Natural Features	Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment.

(Ord. 08-070, passed 2-19-2013)

**§ 154.805 COORDINATION WITH OTHER REGULATIONS.**

- A. *Coordination with Subdivision Review.* Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this subchapter shall be submitted in a form that will satisfy the requirements of the Subdivision Ordinance for the preliminary and final plat.
- B. *Coordination with Other Zoning Requirements.* All of the provisions of this chapter applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the Final Plan.

(Ord. 08-070, passed 2-19-2013)

**§ 154.806 PHASING AND GUARANTEE OF PERFORMANCE.**

- A. *Development Schedule.* The City shall compare the actual development accomplished in the various PUD zones with the approved development schedule.



## MAYOR AND COUNCIL COMMUNICATION

DATE: 2/19/13

**REGULAR**

ITEM #: 15

**AGENDA ITEM:** Zoning Text Amendment – Planned Unit Development (PUD) Ordinance

**SUBMITTED BY:** Nick M. Johnson, City Planner

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Kyle Klatt, Planning Director

### **SUMMARY AND ACTION REQUESTED:**

As part of ongoing efforts by Staff to integrate best practices and incrementally improving the structure of the Zoning Code, Staff submitted a proposed Planned Unit Development (PUD) Ordinance to the Planning Commission to replace the existing ordinance. The Planning Commission held a public hearing on the proposed ordinance on 12/10/2013, and further reviewed the ordinance at the meeting on 1/14/2013. At the meeting on 2/11/13, the Planning Commission recommended approval of the proposed PUD Ordinance (§154.800) as amended. The City Council is asked to consider the zoning text amendment to incorporate the proposed PUD Ordinance (Ord. 08-070) into the City's Zoning Code.

### **BACKGROUND INFORMATION:**

As the City prepares for new sewer growth in the I-94 Corridor and Village, it is important to update the Zoning Code to ensure that best practices of implementation are utilized. Staff has taken an incremental approach to evaluating various ordinances in the Zoning Code to investigate opportunities for improvement. In addition, Staff is working to incrementally reorganize the structure of the Zoning Code, so that the standards and zoning districts are outlined in a more straightforward manner. The proposed update of the PUD Ordinance is aimed at furthering both of these efforts, incorporating best practices for planned developments, as well as incorporating the ordinance into the new structure of the Zoning Code.

For those less familiar with planned developments, or PUDs, the purpose is to allow greater flexibility in the use of land and placement and size of building in order to achieve higher quality development through the inclusion of various amenities that the public deems important. In other words, projects are allowed additional flexibility for the tradeoff of site amenities that would otherwise not be included based upon the standard procedures for development in the base zoning districts.

## **STAFF REPORT:**

As Staff evaluated the City's existing PUD Ordinance, multiple opportunities for improvement were identified. The opportunities for improvement include the following:

- The existing PUD ordinance does not adequately identify the goals or objective for planned developments in Lake Elmo.
- There are no standards for the inclusion of open space within planned developments.
- The existing PUD Ordinance does not adequately specify how increased densities are achieved in planned developments.

The proposed PUD Ordinance (Ord. 08-070) addresses all of these opportunities by identifying the City's objectives for planned developments, requiring a minimum amount of open space (20%) and establishing a more structured approach to achieving increases in residential density.

In regards to the identifiable objectives (§154.801), it is important to have the goals for planned developments clearly communicated. For a planned development application to be considered, the development must meet at least one of the community's identified objectives to be considered for approval. By requiring that the City's objectives for planned developments are met, the City can weed out the applications for a planned development that are solely interested in density increases.

Regarding density, the proposed PUD Ordinance allows for a maximum increase of residential density up to 20% in exchange for various site amenities. All of the site amenities are given a certain amount of amenity points depending on the cost to install the amenity, as well as the value of the amenity to the community. Each percentage increase in residential density is equivalent to one (1) amenity point. In other words, if a planned development includes a 10% increase in density from the base zoning district, then the project must include one or a combination of amenities that equal 10 amenity points. Staff recommends this approach to awarding increased density because it ensures that various amenities that the community values will be included in planned developments. In addition the approach is more structured in that it creates a level playing field for all applications for planned developments, as opposed to other PUD ordinances that operate more similarly to an open negotiation between the applicant and the City.

In addition to the PUD Ordinance itself, Staff recommends that the City pursue a summary publication of the ordinance due to the length of the document. The City Council is required to pass a resolution (2013-14) authorizing summary publication. The summary publication (Resolution No. 2013-14) of Ord. 08-070 is also attached. *Requires 4/5 vote.*

## **PLANNING COMMISSION RECCOMENDATION:**

The Planning Commission is recommending that the City Council adopt of the proposed PUD Ordinance through the following motion:

***“Move to adopt Ordinance 08-070 to incorporate recent best practices related to the execution of PUDs and make continued organizational improvements to the Zoning Code.”***

In addition, Staff is recommending that the City Council approve summary publication of the ordinance through the following motion:

***“Move to approve Resolution No. 2013-14, authorizing summary publication of Ordinance 08-070.”***

## **ATTACHMENTS:**

1. Ordinance 08-070
2. Resolution No. 2013-14 – Summary Publication. *Requires 4/5 vote.*

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation.....Planning Director
- Questions from Council to Staff ..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates

**PLANNED UNIT DEVELOPMENT****§ 154.070 PURPOSE.**

This subchapter is intended to permit flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities. This flexibility can be achieved by waiving provisions of this chapter including uses, setbacks, heights and similar regulations, for PUDs. Planned unit developments are characterized by central management, integrated planning and architecture, joint or common use of parking, of open space and other facilities, and a harmonious selection and efficient distribution of uses.

(1997 Code, § 300.08 Subd. 1)

**§ 154.071 DEFINITION.**

Planned unit developments shall include all developments having 2 or more principal uses or structures on a single parcel of land, and may include townhouses, apartment projects involving more than 1 building, residential subdivision submitted under cluster zoning provisions, multi-use structures such as apartment building with retail at ground floor level, commercial developments, industrial developments, mixed residential and commercial developments, and similar projects.

(1997 Code, § 300.08 Subd. 2)

**§ 154.072 GENERAL REQUIREMENTS AND STANDARDS.**

(A) *Ownership.* An application for PUD approval must be filed by all owners of the land included in a proposed development. In the case of multiple ownership, the approved final plan shall be binding on all parcels involved. The developer shall have a property interest in the site which shall consist of a fee simple title, or an option to acquire fee simple title within a specified time period, or a leasehold interest in excess of 30 years.

(B) *Comprehensive Plan/ordinance consistency.* A proposed PUD shall be consistent with the city Comprehensive Plan and the intent and purpose of city code provisions relating to land use, subdivision and development.

(C) *Common open space.* Common open space at least sufficient to equal minimum density requirements established in city's zoning regulations shall be provided within the area of the PUD except as provided in division (I) of this section.

(D) *Operation and maintenance requirements for PUD open space/facilities.* Wherever joint common open space, recreational facilities, or service facilities for individual owners or users are provided within the PUD, the PUD plan shall provide reasonable assurance of adequate operation and maintenance of the open space, recreational facilities, and service facilities.



**Lake Elmo - Land Usage**

(E) *Staging of public and common open space.* When a PUD provides for common or public open space, the total area of common or public open space or security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

(F) *Development stage.* Whenever any PUD is to be developed in stages, no stage shall, when averaged with all previously completed stages, have a residential density that exceeds 125% of the proposed residential density of the entire PUD.

(G) *Utilities.* All utilities shall conform to the design standards of the city subdivision regulations.

(H) *Urban development and availability of public service.* All development shall be carefully phased so as to ensure that it will not cause an unreasonable burden upon the city in providing services and utilities or cause a deleterious impact upon the natural environment.

(I) *Density.* The density of a planned unit development shall conform to the regulations of the district in which the land and project are located, except that density increases of up to 5% for each category may be allowed, in the discretion of the Council, as an incentive for the developer to include the following features determined to be of benefit to the public:

- (1) For significant undeveloped common open space;
- (2) For significant improved common open space;
- (3) For distinctiveness and excellence, as determined by staff, in setting design and landscaping; and
- (4) For location adjacent to existing or proposed arterial streets.

(J) *Site improvement.* Site improvements shall include all improvements required by the subdivision ordinance. All engineering and design standards of the city's subdivision regulations and other regulations applicable to the development of land shall be applicable to planned unit developments. (1997 Code, § 300.08 Subd. 3)

#### § 154.073 SPECIAL REQUIREMENTS AND STANDARDS.

(A) *Residential planned unit development.*

(1) *Required frontage and minimum project size.* The tract of land for which a project is proposed and permit requested shall not have less than 200 feet of frontage on the public right-of-way and be a minimum of 2 acres.

(2) *Yards.*

(a) The front and side yard restrictions at the periphery of the planned unit development site at a minimum shall be the same as those required in the zoning districts.

(b) No building shall be nearer than its building height to the rear or side property line.

(c) No building shall be located less than 15 feet from the back of the curb line along those roadways which are part of the private internal street pattern.

(d) No building within the project shall be nearer to another building than  $\frac{1}{2}$  the sum of the building heights of the 2 buildings.

(B) *Commercial or industrial planned unit development.*

(1) *Required frontage and minimum project size.* The tract of land for which a project is proposed and permit requested shall not have less than 200 feet of frontage on the public right-of-way and be a minimum of 2 acres.

(2) *Yards.*

(a) The front and side yard restrictions at the periphery of the planned unit development site at a minimum shall be the same as those required in the zoning districts.

(b) No building shall be nearer than its building height to the rear or side property line.

(3) *Landscaping, screening, and surfacing.*

(a) The entire site other than that taken up by structures or landscaping shall be surfaced with a material to control dust and drainage.

(b) Developments abutting a residential use district shall be screened and landscaped in compliance with the city's zoning and other applicable regulations.

(C) *Mixed use/unique purpose planned unit development.*

(1) *Required frontage and minimum project size.* The tract of land for which a project is proposed and permit requested shall not have less than 200 feet of frontage on the public right-of-way and be a minimum of 2 acres.

(2) *Yards.*

(a) The front and side yard restrictions at the periphery of the planned unit development site at a minimum shall be the same as those required in the zoning district.

(b) No building shall be nearer than its building height to the rear or side property line.

(3) *Landscaping, screening, and surfacing.*

(a) The entire site other than that taken up by structures or landscaping shall be surfaced with a material to control dust and drainage.

(b) Developments abutting a residential use district shall be screened and landscaped in compliance with the city zoning and other applicable regulations.  
(1997 Code, § 300.08 Subd. 4)

## § 153.341 PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT.

### (A) Purpose.

(1) The primary purpose of a Planned Unit Development (PUD) is to permit a more creative and flexible regulatory process in guiding land development as compared to the standard development regulations of this chapter. The PUD process provides a joint planning/design effort by the city and the applicants, as opposed to the city establishing limits within which applicants must perform. The intent is to provide a greater degree of creativity and flexibility and promote the health, safety, order, convenience, prosperity, and general welfare of the city and its inhabitants.

(2) Benefits resulting from a PUD may include the following opportunities:

- (a) To promote more efficient and effective use of land, open space, and public facilities;
- (b) To preserve, enhance, and protect desirable site characteristics, open spaces, and valuable natural resources;
- (c) To benefit from new technology in building design and construction;
- (d) To encourage variety in the organization and site elements, land uses, building densities, and building types and to promote higher standards of site and building design for all PUD projects;
- (e) To assure that the development of a complex unit of associated uses is planned as a single entity and to effectuate the policies and standards of the Comprehensive Plan.

### (B) Rules and standards.

(1) Applicants may be excused from certain requirements of this chapter when specifically approved as part of the PUD. The elimination of requirements shall only be allowed for the purpose of creating better overall design and an improved living environment and not solely for the economic advantage of the applicant. All provisions of this chapter not specifically excused in the preliminary plan review and/or final plan review shall apply to the PUD.

(2) The granting of a PUD does not alter in any manner the underlying zoning district uses. Building permits shall not be issued which are not in conformity with the approved PUD.

(3) PUDs may be utilized in all zoning districts except for conservancy, rural residential, and agriculture districts.

(C) *Development standards.* The development standards for PUDs shall be guided by the underlying zoning district and established with PUD approval, with the exception of the following standards:

(1) *Minimum area for residential PUDs.* The minimum total area required for a PUD shall be 7.5 acres of contiguous upland (excluding wetlands). Tracts of land of less than 7.5 acres contiguous upland (excluding wetlands) may qualify only if the applicant can show that the minimum lot area requirement should be waived because a PUD is in the public interest and that 1 or more of the following conditions exist:

- (a) Unusual physical features of the property itself or of the surrounding neighborhood are such that development under the standard provisions of the normal district would not allow a physical or terrain feature of importance to the neighborhood or community to be preserved;
- (b) The property is adjacent to or across the street from property that has been developed under the provisions of this section and will contribute to the amenities of the neighborhood;
- (c) The development of the property as a PUD will provide the city with other significant on-site or off-site benefits or amenities.

(2) *Residential densities.* A PUD may provide for a variety of housing types in any one of the basic residential zoning districts. The total number of dwelling units allowed in a development shall be determined by either of the following:

- (a) The area standards of the underlying zoning district in which the proposed development is to be located;
- (b) The density specified by the PUD is consistent with the intent of the city's Comprehensive Plan. A plan may provide for a greater number of dwelling units per acre than would otherwise be permitted by the Comprehensive Plan. However, the applicant has the burden of showing that such increases in units will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property owners of their properties. The city, in determining the reasonableness of the increase in the authorized dwelling units per acre, shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public facilities and services to be achieved by:

1. The location, amount, and proposed use of common open space;
2. The location, design, and type of dwelling units; and
3. The physical characteristics of the site.

(3) *Multi-family, commercial, and industrial sites.* All multi-family, commercial, and/or industrial sites shall at a minimum have 2 principal buildings or 2 principal uses on-site to qualify as a PUD. All multi-family, commercial, and/or industrial sites that have 2 or more principal buildings must be processed as a PUD.

(4) *Open space.* A primary function for all PUDs is to encourage development that preserves and enhances the natural characteristics and valuable natural resources of a site and not force intense developments that use all portions of a given site to arrive at the maximum intensity or density allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in granting approval or denial. All open space shall be labeled as such and as to its intent or designed functions.

(5) *Relationship to adjacent areas.* The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be designed to minimize any undesirable impact of the development on adjacent properties and, conversely, to minimize any undesirable impact of adjacent land use and development characteristics on the PUD.

(D) *Procedure and administration.*

(1) *Pre-application meeting.* Prior to submission of any plan for consideration of the Planning Commission, the applicant shall meet with the city to discuss the contemplated project relative to community development objectives for the area in question to learn what procedural steps and exhibits shall be required. In the event the proposed development of the land is not in conflict with the community development objectives, the applicant may proceed to concept plan review.

(2) *Concept plan review.* Before submitting an application for preliminary plan review, the applicant may request that the Planning Commission review a concept of the proposed PUD. The concept plan review allows the applicant to receive general, non-binding feedback from the Planning Commission before the applicant prepares and submits a more detailed application for preliminary plan review.

(3) *Preliminary plan review.* The applicant for a PUD shall apply for preliminary plan review (see division (E) of this section for submittal requirements). The Planning Commission shall make a recommendation to the City Council to approve or deny the preliminary plan and the Council shall take final action on the application. City Council approval of the preliminary plan indicates that the applicant can proceed on to final plan review.

(4) *Final plan review.* The applicant shall secure final plan review approval from the City Council within 1 year following the date of approval of the preliminary plan review. If application for final plan review approval is not received within 1 year, the preliminary plan review will be considered abandoned and a new application for preliminary plan review must be submitted. After receiving a recommendation from the Planning Commission, the City Council shall make final determination on approval of the final plan review.

(5) *Application.* A PUD requires a preliminary plan and final plan review application. An application and submittal requirements shall be filed in writing with the city.

(6) *Fees.* The required application fee shall accompany applications for preliminary plan and final plan review. The applicant shall pay fees as set forth by the City Council.

(7) *Public hearing and notices.* All applications for review of a Planned Unit Development proposal, except concept review, require a public hearing and shall be noticed and processed according to the standards and procedures for zoning ordinance text and map amendments as established in § 153.037.

(8) *Development agreements.* A development agreement shall be required to be executed reflecting all terms and conditions of the approved Planned Unit Development plans and financial requirements.

(E) *Preliminary plan review submittal requirements.* The application for preliminary plan review shall be accompanied by supporting information as listed below or as deemed necessary by the city to fully explain the property, the applicant, and the proposed development. The application may include further information as the applicant deems appropriate for preliminary plan review of the proposed PUD. The city may require additional information depending on the complexity of the proposal. The supporting information and an application form shall be submitted in a format as directed by the city and, at a minimum, shall contain the following:

(1) A written statement generally describing the proposed PUD and the market which it is intended to serve. The statement shall also demonstrate the proposed PUDs relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged, and operated to permit the development and use of neighboring property in accordance with the applicable provisions of the City Code. The statement shall also include the public decisions necessary for implementing the proposed plan, including the present and possible new zoning classifications required for development;

(2) A legal description of the entire area within the PUD for which final plan review approval is sought;

(3) A preliminary plat prepared in accordance with the city's subdivision regulations;

(4) A preliminary plan drawing to a scale of not less than 1 inch equals 50 feet (or scale as requested by the city) containing at a minimum the following information:

(a) Proposed name of the development;

(b) Property boundary lines and dimensions of the property and any significant topographical or physical features of the site;

(c) The location, size, use, and arrangement, including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including model homes and existing buildings that will remain, if any. Also, all required setback lines shall be depicted;

(d) Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces, and access aisles, and all other circulation elements, including bike and pedestrian, and the total site coverage of all circulation elements;

(e) Location, designation, and total area of all common private open space and facilities;

(f) Location, designation, and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites, and recreational facilities;

(g) The location, use, and size of structures and other land uses on adjacent properties; and

(h) Where applicable, a tabulation indicating the number of residential dwelling units and expected population and a tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity.

(5) A preliminary landscape plan showing groundcover materials and the areas to be landscaped with the location, size, and species of all trees, shrubbery, and groundcover;

(6) A preliminary grading, drainage, and site alteration plan for the development illustrating changes to existing topography and natural site vegetation and all appropriate protection measures taken during construction;

(7) A preliminary lighting plan illustrating the location, types of devices, and photometric data;

(8) A preliminary signage plan illustrating the sizes, location, and overall program;

(9) A traffic flow plan and analysis;

(10) Solid waste disposal procedures and provisions;

(11) Proof of a property interest in the site which shall consist of a fee simple title, or an option to acquire a fee simple title within a specified time period, or a leasehold interest in excess of 30 years, or a substantial interest in a joint venture agreement, real estate investment trust, or other real estate syndication that can obtain a fee simple title or marketable title subject to certain restraint which will not substantially restrict its development within a reasonable time. All mortgages, including purchase money mortgages, easements restricting land use, and liens and judgments that may affect the site, shall be documented. The applicant shall supply proof of existing ownership consisting of an abstract of title, certified currently, a current certificate of title, or an attorney's title opinion based thereon, together with any unrecorded documents whereby the applicant acquired a legal or equitable property interest;

(12) Any other information that may have been required by the city staff, Planning Commission, or City Council in conjunction with the approval of preliminary plan review.

(F) *Final plan submittal requirements.* The application for final plan approval shall be accompanied by development plans of the proposed PUD and supporting information as listed below or as deemed necessary by the city. All material shall be submitted together in a format as directed by the city and shall include the following:

(1) A final site plan, grading plan, utility plan, landscaping plan, lighting plan, building elevations, sign plan, and all applicable data as aforementioned in division (E)(4) and § 153.035, as deemed necessary depending upon the complexity of the proposal. One transparent Mylar copy of the final development plans, should they be approved, shall be filed with the city within 60 days of the approval.

(2) A final plat in accordance with the requirements of the city's subdivision ordinance.

(3) A legal submission component, including any deed restrictions, covenants, agreements, by-laws, or proposed homeowner's association or other documents or contracts controlling the use or maintenance of the property. Where the information is lacking, the City Council may require a bond or similar guarantee to insure that areas held in common by persons residing in the development will be developed and maintained.

(4) A final construction plan indicating the geographical sequence and timing of development for the plan or portions thereof, including the date of beginning and completion of each stage.

(5) Any other information necessary to fully represent the intentions of the final plan.

(G) *Criteria and Procedure for granting a PUD.* The Planning Commission may recommend and the City Council may act to approve or deny a preliminary or final plan for a PUD. The City Council shall review the submitted application and recommendation from city staff and make a final decision. The final decision of the City Council shall include all conditions or modifications to the application. The Planning Commission, in making a recommendation, and the City Council, in acting upon a plan, shall consider the following factors. However, nothing herein shall be meant to guarantee approval of the PUD:

(1) The consistency of the proposed PUD with the city's Comprehensive Plan;

(2) The proposed use's compliance with the standards and criteria of the zoning code and subdivision regulations;

(3) The extent to which the proposed PUD is designed to form a desirable and unified environment within its own boundaries in terms of relationship of structures, patterns of circulation, visual character, and sufficiency of drainage and utilities;

(4) The extent to which the proposed uses will be compatible with present and planned uses in the surrounding area;

(5) The impact of the proposed uses on the health, safety, and general welfare of the occupants of the surrounding



area;

(6) The burden or impact created by the PUD on parks, schools, streets, and other public facilities and utilities;

(7) The sufficiency of each phase of the PUD to ensure its construction and operation is feasible without dependence upon any subsequent phase;

(8) The impact of the PUD on environmental quality, property values, scenic views, and reasonable enjoyment of the surrounding area; and

(9) That any exceptions to city code, policy, or regulations are justified by the design or development of the proposed use.

(H) *Final plan revisions.*

(1) Minor changes in the location, placement, and heights of buildings or structures may be authorized by the city if required by engineering or other circumstances not foreseen at the time the final plan review was approved.

(2) Major changes such as rearrangement of lots, blocks, and building tracts or any other significant changes as determined by the city shall be reviewed by the Planning Commission with recommendation to the City Council. Upon Planning Commission recommendation the City Council shall make final approval. Any changes shall be consistent with the purpose and intent of the approved final plan review.

(I) *Method of amending a PUD.* Any desired change involving density, use, building type, enlargement, or intensification of the use not specifically allowed by a particular PUD, or any request for a variance from the specific terms of a previously passed PUD, shall require that an application be filed for an amendment and all procedures shall then apply as required for a new plan application.

(J) *Method of cancellation of a PUD.* Any existing approved PUD shall be deemed to be canceled if the owner of the land involved in the permit applies for and receives a rezoning with respect to the property prior to the time that there is any physical implementation of the matters covered by the previously approved PUD. In addition, an existing PUD shall be deemed to be automatically canceled in the event that a final plat, if the same is required in connection with the application, is not filed with Washington County as required by and in accordance with the terms of the city subdivision regulations within 120 days following final approval of the PUD by the City Council. The PUD shall expire and be considered null and void 1 year after it has been issued if no construction has begun or if use has not been established. In all other situations, an existing PUD shall be canceled and revoked, short of expiring according to its own terms, only in the event of the city, acting in accordance with law and due process, taking some rezoning action that supersedes the PUD.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 648, passed 9-28-2015)

# CHAPTER 25: ZONING

## ARTICLE 16. PLANNED UNIT DISTRICT

### Sec. 25-114 Intent and Purpose.

As an alternative to conventional zoning and development approaches and processes, the Planned Unit Development District (PUD) procedures and regulations are set forth in order that the public health, safety, morals, and general welfare be furthered in an era of increasing urbanization; to encourage innovations in residential, commercial, and industrial development and renewal; to promote greater opportunities for better housing and recreation, shops and industrial plants conveniently located to each other may extend to all citizens and residents of Oakdale; to reflect changes in the technology of land development; to encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetically pleasing, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property, and to provide a compatible and stable environment in harmony with that of the surrounding area.

The Planned Unit Development District may include any developments having one or more principal uses or structures on a single parcel of ground or contiguous parcels provided that the total area is five (5) acres or larger. The PUD shall consist of a harmonious selection of uses and grouping of buildings, parking areas, circulation and open spaces, and shall be designed as an integrated unit, in such manner as to constitute a safe, efficient, and convenient urban area. Rezoning to PUD is at the discretion of the City Council.

### Sec. 25-115 General Requirement and Standards.

- (a) **Ownership:** The tract shall be a development of land under unified control at the time of application, planned and scheduled to be developed as a whole. However, no authorizations or permits shall be granted for such development unless the applicant has acquired actual ownership of or executed a binding sales contract for all of the property comprising such tract. For purposes of this Section, ownership shall include a lease of not less than 50 years duration. The term "single ownership" shall include ownership of portions of such development by two or more wholly owned subsidiaries of a single owner, or by such single owner, or by such single owner and one or more of its wholly owned subsidiaries.
- (b) **Conformance with Comprehensive Plan:** The proposed Planned Unit District shall be consistent with the City of Oakdale Comprehensive Plan.
- (c) **Lot Area Regulations:**
  - (1) The minimum total lot area shall be no less than five (5) acres. Lots of less than five (5) acres may qualify only if the applicant can show that the minimum lot area requirements should be waived because PUD is in the public interest and that one or both of the following conditions exist:
    - (a) Unusual physical features of the property itself or of the surrounding neighborhood are such that development under the standard provisions of the Residence

Districts would not be appropriate in order to preserve a physical or terrain feature of importance to the neighborhood or community.

- (b) The property is adjacent to or across the street from property which has been developed under the provisions of this Section and will contribute to the amenities of the neighborhood.
- (d) **A residential PUD may provide for a variety of housing types in any one of the basic residential zoning districts:** The total number of dwelling units allowed in a development shall be determined by either: (a) the area standards of the zoning district in which the proposed development is to be located, or (b) the density specified with the intent of the City's Land Use Plan. A plan may provide for a greater number of dwelling units per acre than would otherwise be permitted by the regulations applicable to the site, but if the density or intensity of land use exceeds by more than ten (10) percent that permitted by the regulations otherwise applicable to the site, the applicant has the burden to show that such excess will not have an adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The Planning Commission and Council, in determining the reasonableness of the increase in the density of intensity of land use, shall consider the following factors: (1) the location, amount and proposed use of common open space, (2) the location, design and type of dwelling units, and (3) the physical characteristics of the site.
- (e) **Front, Rear and Side Yard Building Setback Regulations:** The setback regulations of the Zoning District applicable to the site shall be used in reviewing a PUD site plan.
- (f) **More than one building may be placed on one platted or recorded lot in any PUD:** Areas or single-family detached dwellings or other housing types providing privately owned lots must comply with the City's Subdivision Ordinance in all respects not specifically noted in this Section as appropriate variances or waivers.
- (g) **A PUD, which only involves one housing type such as all detached or all attached units, shall not be considered as inconsistent with the stated purposes and objectives of this Section and shall not be the sole basis for denial or approval.**
- (h) **The design of buildings shall not solely be a basis for denial or approval of a plan:** However, the compatibility of individual buildings to other site elements or to surrounding development will be considerations in the review.
- (i) **No building permit shall be granted for any building on land for which a plan for a PUD is in the process of City review or which does not conform to the approved final plan.**
- (j) **Staging of Development:**
  - (1) Any PUD plan proposed to be constructed in stages shall include full details relating thereto and the City Council may approve or modify where necessary, any such proposals.
  - (2) The staging shall include the time for beginning and completion of each stage. Such timing may be modified by the City Council on the showing of good cause by the developer.

- (3) The land owner or developer shall make such easements, covenants, and other arrangements and shall furnish such performance bond or bonds as may be determined by the City Council to be reasonably required to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of the plan before completion.
- (k) **Streets, Utilities, Services and Public Facilities:** The uniqueness of each proposal for a PUD requires that specifications and standards for streets, utilities and services shall be subject to minor modifications from the specifications and standards established in this and other City ordinances governing their construction. The City Council may therefore waive or modify the specifications or standards where it is found that they are not required in the interests of the residents or of the entire City. The plans and profiles of all streets, utilities and services shall be reviewed, modified if necessary, and approved by the City Engineer, Fire Chief, and Building Official, prior to the final approval of the PUD plan by the City Council.
- (l) **Deleted**
- (m) **Operating and Maintenance Requirements for Planned Unit Development Common Facilities:** In the event that certain land areas or structures are provided within the Planned Unit Development for private 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 the predetermined reasonable standard. These common areas may be placed under the ownership of one of the following, depending upon which is more appropriate:
- (1) Dedicated to the public where a community-wide use would be anticipated.
  - (2) Landlord control.
  - (3) Landowners Association, provided all of the following conditions are met:
    - (a) The Landowners Association must be established.
    - (b) Membership must be mandatory for each owner and any successive buyer.
    - (c) The open space restrictions must be permanent, not for a given period of time.
    - (d) The Association must be responsible for liability insurance for common areas and for the reasonable maintenance of exterior, residential, and other facilities.
    - (e) Landowners must pay their pro rata share cost and the assessment levied by the association that can become a lien on the property in accordance with Minnesota Statutes.
    - (f) The Association must be able to adjust the assessment to meet changed needs.
- (n) **Density (Residential):** The number of dwelling units may be flexible relative to the existing zoning classification. Increased densities may be allowed for:
- (1) Dedicating more than the minimum for public open space.

(2) Particular distinctiveness and excellence in siting, design, and landscaping, as determined by the City Council.

In no event will population densities be greater than that which would be detrimental to the public health, safety, and general welfare.

- (o) **Building Height:** A building's setback from property adjacent to the Planned Unit District site shall approximate its height, with a maximum setback of 45 feet.
- (p) **Landscaping:** Landscaping and/or fencing shall be provided according to a plan approved by the Planning Commission and City Council, and shall include a detailed planting list with sizes indicated.
- (q) **Utilities:** All utilities, including electricity and telephone, shall be installed underground.

#### **Sec. 25-116 Administrative Procedures.**

Refer to Sec. 25-3-1100. (Ord. 812, 7/26/16).

#### **Sec. 25-117 Tartan Crossing Planned Unit Development District.**

The TC-PUD, Tartan Crossing Planned Unit Development District regulations are set forth in the Tartan Crossing Planned Unit Development Design Standards, a copy of which is included as Appendix A of this Chapter 25 "Oakdale Zoning Ordinance."

#### **Sec. 25-118 Helmo Station Planned Unit Development District.**

- (a) **Purpose.** The purpose of the Helmo Station Planned Unit Development (HSPUD) is to:
  - 1. Provide the background regarding the planning process that resulted in the Helmo Station Area Plan and HSPUD; and
  - 2. Specify the regulations for Land Use, Circulation, and Parks and Open Space that shall apply to all property in the HSPUD area.
- (b) **Regulations.** The Helmo Station Planned Unit Development District (Helmo Station-PUD) regulations are set forth in the Helmo Station Planned Unit Development, a copy of which is included as Appendix B of this Chapter 25 "Oakdale Zoning Ordinance." All submittals for platting, subdivision, and site development shall be in substantial conformance, as determined by the City Council, with those regulations. (Ord. 839, 6/26/18).

#### **Sec. 25-119 Willowbrooke Planned Unit Development District.**

- (a) **Purpose.** The purpose of the Willowbrooke Planned Unit Development District (WB-PUD) is to:
  - 1. Provide the background regarding the small area planning process that resulted in the 3M Foundation Small Area Plan (Willowbrooke neighborhood); and

2. Specify the design standards for Land Use, Circulation, and Parks and Open Space in the WB-PUD District.

- (b) **Standards.** The Willowbrooke Planned Unit Development District (WB-PUD) standards are set forth in the Willowbrooke Planned Unit Development Design Standards, a copy of which is included as Appendix C of this Chapter 25 “Oakdale Zoning Ordinance.” All submittals for platting, subdivision, and site development shall be in substantial conformance with those standards as determined solely by the City Council. (Ord. 858, 9/08/20).

25-120 to 25-127 Reserved.



5. Encourage affordable and senior housing through the use of density bonuses and other tools.
6. Integrate Places to Live with park, trail and open space features.
7. Provide opportunities for the preservation and expansion of natural resources and public open space through the use of density transfers, conservation easements and other tools.
8. Require that Places to Live honor desired greenway corridors with no loss in density. Use density bonuses and other tools to create greenway corridors as described in the Parks, Recreation and Open Space Plan.
9. Encourage housing development names and street names to have a relationship to the City and the general area within which they are located.
10. Require institutional development (including schools and churches) in areas planned for urban housing to include plans for future connection to the public sewer and water systems and to be integrated with adjacent land uses.

*Density Bonuses*

To achieve specific public goals and policies, density bonuses may be considered and awarded to developments that achieve certain objectives of the City including, but not limited to, affordable housing, assisted living, transit oriented development or greenway corridor development. Unusable lands such as wetlands, ponds and/or lakes are not intended to be eligible for density bonus. Potentially usable lands, such as greenways, may be eligible to receive density bonus. **Table 4-2** shows the eligible density bonus for urban residential land use categories. Estate areas are not eligible for density bonuses.

The City has adopted policies to govern the use of density bonuses. The City Council may revise these policies to expand the use of density bonuses to achieve goals of this Comprehensive Plan.

**Rural Estate**

Rural Estate areas are intended to offer a rural setting for estate or executive homes and are viewed by the City as a critical component of meeting the community goal of providing a wide variety of housing types and styles. Rural Estate areas are not intended to have the full complement of public services. The existing rural character is to be maintained and embraced as an essential element of neighborhood planning and design. Rural, not urban, planning and servicing principles apply to Rural Estate areas. Large lot rural estate housing is intended to be a long-term and enduring land use.

RESIDENTIAL DENSITY		
RESIDENTIAL LAND USE	DENSITY RANGE	DENSITY BONUS OPPORTUNITY
Rural Estate	1 unit / 3 acres	none
Urban Estate	1 unit / acre	none
Low Density Residential	2-3.5 units / acre	Yes
Medium Density Residential	4.5-8 units / acre	Yes
High Density Residential	10-15 units / acre	Yes
Mixed Use	10-15 units / acre	Yes
Urban Village	8-12 units / acre	Yes

*Table 4-2. Residential Density*

## Sec. 24-205. - Density.

In any PUD the maximum number of dwelling units allowed shall not exceed the base density identified in the land use districts in the comprehensive plan, except that:

- (a) Density bonuses consistent with the comprehensive plan and any adopted city policies may be granted if the proposed project meets certain objectives of the city as identified in the comprehensive plan. These objectives include but are not limited to affordable housing or other identified housing needs, sustainability, increased open space or greenway development.
- (b) Density transfers within the PUD may be allowed provided the project area is at least 40 acres; however, this area requirement may be reduced when the project provides for the dedication of needed public infrastructure.

(Ord. No. 1860, § 1860.01, 10-10-2012)

### Very Low Density Residential (VLDR)

The Very Low Density residential designation identifies the existing neighborhoods, primarily near Bald Eagle Lake and Oneka Lake that were developed at a density of approximately 1 unit per acre. It is expected that these neighborhoods will retain the existing suburban development characteristics and would not be expected to allow subdivision at densities less than these existing densities. The City has established the R-1 zoning district with a 1-acre minimum lot size to reflect the characteristics of these neighborhoods.

Some of the properties in this area are currently served by wells and septic systems. These areas may be served by urban services including sewer and water, sewer only or water only depending upon availability.



Minimum Density:	None
Maximum Density:	1 unit per net acre
City Utilities:	Required for all new development
Types of Development:	<ul style="list-style-type: none"><li>• Single-family detached dwellings</li><li>• Private or public parks, trails, or open space</li></ul>
Development Location Criteria:	<ul style="list-style-type: none"><li>• Direct access to local streets</li><li>• Adjacent to local street or minor collector streets</li><li>• Neighborhood parks or school parks within ½ mile walking distance of the neighborhood</li><li>• Developments should provide connections to Greenway where feasible</li><li>• Defined trail/sidewalk system that connects the neighborhood to other services and facilities, including parks, schools, churches and neighborhood shopping areas</li><li>• Areas where transitions from higher intensity uses can be provided</li></ul>

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### Low Density Residential (LDR)

The Low Density residential designation identifies residential land uses developed between 2 units per net acre and 4 units per net acre. These areas are served or are intended to be served by urban services including sewer and water. The primary use in this area is single-family detached homes and some two-family homes.

The Low Density Residential classification identifies the City's lowest density neighborhoods of new single-family detached homes and two-family homes, and directly related complementary uses, such as churches, schools and recreational facilities.

Lot sizes in areas guided low density will reflect the City's Housing Plan goal to develop new homes at a minimum of two units per acre, as well as to make reasonable use of the City's investment in public utilities and the limited supply of available land within the urban service area.



Minimum Density:	2 units per net acre
Maximum Density:	3 units per net acre (up to 4 units per net acre with a PUD)
Density Bonus:	Up to 1 additional unit per net acre may be allowed if the PUD criteria are met. The PUD criteria anticipates higher quality design and more sensitive development than would otherwise be required under standard zoning.
City Utilities:	Required for all new development <ul style="list-style-type: none"><li>• Single-family detached dwellings</li><li>• Two-family dwellings</li><li>• Townhomes</li></ul>
Types of Development:	<ul style="list-style-type: none"><li>• Churches</li><li>• Schools</li><li>• Private or public parks, trails or open space</li><li>• Senior Housing</li></ul>
Development Location Criteria:	<ul style="list-style-type: none"><li>• Direct access to local streets</li><li>• Adjacent to local street or minor collector streets</li><li>• Neighborhood parks or school parks within ½ mile walking distance of the neighborhood</li><li>• Developments should provide connections to Greenway where feasible</li><li>• Defined trail/sidewalk system that connects the neighborhood to other services and facilities, including parks, schools, churches and neighborhood shopping areas</li><li>• Areas where transitions from higher intensity uses can be provided</li></ul>

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**Medium Density Residential (MDR)**

The Medium Density residential designation identifies residential land uses developed between 3 units per net acre and 8 units per net acre. These areas are served or are intended to be served by urban services including sewer and water. The primary uses in this designation will be a mix of housing such as single-family residential, twin homes, town homes, and row homes. This designation provides a transition area between single-family uses and the commercial and retail uses along the main corridors.

Medium Density Residential identifies areas for single and two-family homes and townhomes and directly related complementary uses, such as churches, schools and recreational facilities. The primary intent behind the Medium Density designation is to respond to a need for smaller homes on smaller lots. The City needs to offer the opportunity for this type of housing which expands opportunities for families seeking more affordable single-family home living and responds to changing demographics. As the population ages, there will be a growing need for smaller homes for empty nester's and for smaller families.

Medium Density offers the opportunity for townhomes, which provide additional life cycle housing opportunities. Townhomes in neighborhoods offer residents a housing option with less maintenance than a typical single-family home, but located in a familiar residential dwelling. Because of the importance of preserving natural resources and amenities, the City may allow a density up to eight units per acre when a developer preserves a significant natural resource. The City will evaluate requests on a case by case basis where a developer can demonstrate that a greater density of attached housing could preserve a significant natural resource that would be lost through development at a lower density.

Minimum Density:	3 units per net acre
Maximum Density:	6 units per net acre (up to 8 units per net acre with a PUD)
Density Bonus:	Up to 2 additional units per net acre may be allowed if the PUD criteria are met. The PUD criteria anticipates higher quality design and more sensitive development than would otherwise be required under standard zoning.
City Utilities:	Required for all new development
Types of Development:	<ul style="list-style-type: none"> <li>• Single-family detached dwellings</li> <li>• Two-family dwellings</li> <li>• Multi-family dwellings</li> <li>• Churches</li> <li>• Schools</li> <li>• Private or public parks, trails, or open space</li> </ul>
Development Location Criteria:	<ul style="list-style-type: none"> <li>• Areas with access to local streets</li> <li>• Neighborhood parks or school parks within ½ mile walking distance of the neighborhood</li> <li>• Developments should provide connections to Greenway where feasible</li> <li>• Defined trail system that connects the neighborhood to other services and facilities, including parks, schools, churches and neighborhood shopping areas</li> <li>• Neighborhood shopping facilities within five minutes driving time from the neighborhood</li> <li>• Areas where transitions can be provided from other uses</li> </ul>

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### High Density Residential (HDR)

The High Density residential designation identifies residential land uses developed between 6 units per net acre and 12 units per net acre. These areas are served or are intended to be served by urban services including sewer and water. The primary uses will include duplexes, triplexes, town homes, apartment buildings and condominiums. These uses should incorporate some complimentary uses such as open space or active parks. This designation is identified in areas that are generally accessible to infrastructure such as key transportation corridors, public/quasi-public and commercial uses.



Minimum Density:	6 units per net acre
Maximum Density:	10 units per net acre (up to 12 units per net acre with a PUD)
Density Bonus:	Up to 2 additional units per net acre may be allowed if the PUD criteria are met. The PUD criteria anticipates higher quality design and more sensitive development than would otherwise be required under standard zoning.
City Utilities:	Required for all new development
Types of Development:	<ul style="list-style-type: none"> <li>• Two-family dwellings</li> <li>• Multi-family dwellings (townhomes and apartments)</li> <li>• Churches</li> <li>• Schools</li> <li>• Private or public parks, trails, or open space</li> </ul>
Development Location Criteria:	<ul style="list-style-type: none"> <li>• Abuts or has reasonably direct access to major collectors or minor arterials</li> <li>• Transit within ½ mile walking distance of the neighborhood</li> <li>• Neighborhood parks or school parks within ½ mile walking distance of the neighborhood</li> <li>• Defined trail system that connects the neighborhood to other services and facilities, including parks, schools, churches and neighborhood shopping areas</li> <li>• Near large parks or permanent open space (city park, community playfield, special use park, school recreation facility, conservation area, etc.)</li> <li>• Near neighborhood shopping facilities</li> <li>• Close proximity to jobs</li> </ul>

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### Mixed Use (MIX)

The Mixed Use designation provides opportunities for multiple, compatible uses on a single site. These uses will include two or more of the following: residential, commercial, office, retail and public/quasi-public uses, where the primary land use is commercial or residential. The mixed use areas are served or are intended to be served by municipal sewer and water. Providing a mix of land uses in close proximity to each other creates opportunities for residents to walk to shopping, transit services, recreation and work. Mixing land uses can reduce reliance on the automobile, while leading to greater convenience in people's day-to-day lives.



Minimum Area:	10 acres
Minimum Residential Density	10 units per net acre
Maximum Residential Density	60 units per net acre
City Utilities:	Required for all new development
Types of Development:	A mix of residential, commercial, office, retail and public/quasi-public uses
Development Location Criteria:	<ul style="list-style-type: none"><li>• Abuts or has reasonably direct access to major collectors or minor arterials</li><li>• Transit within ½ mile walking distance of the development</li><li>• Neighborhood parks or school parks within ½ mile walking distance of the development</li><li>• Defined trail system that connects to other services and facilities, including parks, schools, churches and neighborhood shopping areas</li><li>• Close proximity to jobs</li><li>• Provide transitions to adjacent land uses</li></ul>
Development Policies:	<ul style="list-style-type: none"><li>• Small parcels should be consolidated to create parcels large enough to ensure well-planned development to occur</li><li>• Natural resources should be preserved or enhanced</li><li>• Provide for a variety of uses within the development</li><li>• Provide strong pedestrian connections</li></ul>

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