

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

**ORDINANCE NO. 2023-02**

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

**SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title 105 Zoning; Chapter 105.12: Zoning Code, Section 1130 Identified Objectives is hereby amended by changing the following section (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):**

**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) Establishment of appropriate transitions between differing land uses.
- d) 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.
- e) 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~~ lifecyle housing to all income and age groups.
- f) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- ~~g) Preservation of historic buildings, structures or landscape features.~~
- h) Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.

- i) Creation of more efficient provision of public utilities and services, lessened demand on transportation, and/or the promotion of energy resource conservation.
- j) Establishing measures to protect and preserve groundwater storage.
- k) 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.
- l) ~~Higher standards of site and building design than would otherwise be provided under conventional land development technique.~~

**SECTION 2. The City Council of the City of Lake Elmo hereby ordains that Title 105 Zoning; Chapter 105.12: Zoning Code, Section 1210 is hereby amended by changing the following section (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):**

**105.12.1210(c)(3)(d) 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 of the approved PUD preliminary plan.
- 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.

**SECTION 3. The City Council of the City of Lake Elmo hereby ordains that Title 105 Zoning; Chapter 105.12: Zoning Code, Section 1160 Density is hereby amended by changing the following section (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):**

**105.1160 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         | <p><u>Underground or structure parking</u></p> <p><u>Single Family Stormwater Reuse Irrigation</u></p> | <p>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.</p> <p><u>Single family detached and single family attached residential developments. A minimum of 50 percent of the total area to be sodded and landscaped shall be irrigated by stormwater reuse systems. One amenity point shall be rewarded for every additional 10 percent of the total sodded and landscaped area that is irrigated by stormwater reuse. All stormwater reuse systems shall meet the requirements of the City of Lake Elmo Stormwater Reuse Irrigation Design Standards.</u></p> |
| 10<br>1-10    | <p><u>Historic preservation</u></p> <p><u>Renewable energy</u></p>                                     | <p>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.</p> <p><u>A minimum of 10 percent of the total electricity usage shall be derived from renewable energy sources through onsite generation. One amenity point shall be rewarded for every additional 10 percent of the total electricity usage generated by onsite renewable energy sources. The Renewable energy site amenity may be used in conjunction with the Leadership in energy and environmental design site amenity.</u></p>   |
| 10            | <u>Additional open space</u>   | <u>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.</u>   |
| 10            | <u>Public right-of-way dedication</u>  | <u>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.</u>   |
| 5             | <u>Multifamily Stormwater Reuse Irrigation</u>   | <u>Multifamily residential developments. 100 percent of the total area to be sodded and landscaped shall be irrigated with stormwater reuse systems. All stormwater reuse systems shall meet the requirements of the City of Lake Elmo Stormwater Reuse Irrigation Design Standards.</u>  |
| 5             | <u>Fire sprinkler systems</u>  | <u>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</u>   |

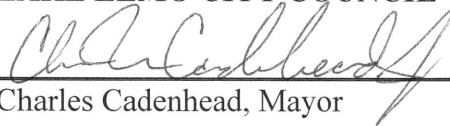
|     |   |  |
|-----|---|--|
|     |   | be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under the state building code. In addition, the density bonus calculation shall only be applied to the number of structures 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. <del>The project does not have to achieve actual LEED certification; however,</del> 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 <u>meets LEED Certification.</u> <del>will comply with LEED Silver requirements.</del>   |
| 5   | Adaptive reuse                                | <del>Significant renovation, rehabilitation and adaptive reuse of an existing buildings, rather than demolition.</del>   |
| 5   | Plaza   | <del>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.</del>   |
| 1-5 | Enhanced landscaping                          | <del>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.</del>  |
| 3   | Enhanced stormwater management                | <del>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.</del>  |
| 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. <del>Amenity points will be awarded based upon</del> <u>One amenity point shall be rewarded for every integrated theming component. Each theming component must be incorporated along 100 percent of the proposed streets to receive credit. A maximum of three credits shall be rewarded.</u> <del>the quality and magnitude of theming elements integrated into the project.</del> |
| 3   | Natural features                              | Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment <u>when such preservation or restoration is not</u>   |

|  |  |   |
|--|--|---|
|  |  | otherwise required. The preservation and restoration must be above and beyond that required by city ordinance or engineering standards to <u>receive credit</u> . |
|--|--|---|

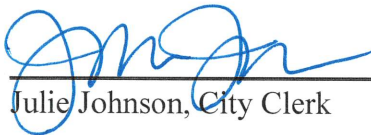
**SECTION 4. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 5. Adoption Date.** This Ordinance 2023-02 was adopted on this 7<sup>th</sup> day of Feb., 2023, by a vote of 5 Ayes and 0 Nays.

**LAKE ELMO CITY COUNCIL**

  
Charles Cadenhead, Mayor

ATTEST:

  
Julie Johnson, City Clerk

This Ordinance 2023-02 was published on the 17<sup>th</sup> day of February, 2023.