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# CITY OF LITTLE FALLS

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## BOARD OF ADJUSTMENT/ PLANNING COMMISSION

April 10, 2017





**AGENDA**  
**PLANNING COMMISSION**  
 Conference Room, City Hall  
 April 10, 2017, 6:30 p.m.

P	A	Member	P	A	Member
		Kleinschmidt, James			Schulte, Ray
		Esse, Robert			(Vacant Seat)
		Gosiak, Frank			Oleson, Ben (Zoning Administrator)
		Hanfler, Jeremy			Kimman, Greg (City Engineer)
		Schilling, Kara			

**CALL TO ORDER:** Planning Commission Chairperson

**ADOPT THE AGENDA:** April 10, 2017

**APPROVAL OF MINUTES:** March 13, 2017

**PUBLIC HEARINGS:**

- 1) Variance to construct a 30' x 40' detached garage 15 ft from a rear lot line (min. 30 ft required) in an R-1 One- and Two-Family Residential Zoning District. Conditional use to construct an accessory structure on a through lot. Applicant: Antoinette Wetzel. Legal Description: S ½ of Lot 3 and all of Lot 4, Block One, Riverview Addition and Lot 6, Block 1, 2nd Addition to Riverview. Property Address: 1114 Pine Tree Blvd. Parcel number(s): 48.2024.000.

**OLD BUSINESS:**

**NEW BUSINESS:**

- 1) Discussion – Ordinance Amendments (Chapter 11)

**NEXT REGULAR MEETING:** Monday, May 8, 2017

**ADJOURNMENT:**



**MINUTES**  
**PLANNING COMMISSION**  
 Conference Room, City Hall  
 March 13, 2017, 6:30 p.m.

P	A	Member	P	A	Member
		Kleinschmidt, James			Schulte, Ray
		Esse, Robert			(Vacant Seat)
		Gosiak, Frank			Oleson, Ben (Zoning Administrator)
		Hanfler, Jeremy			Kimman, Greg (City Engineer)
		Schilling, Kara			

**CALL TO ORDER:** The Meeting was called to order by Gosiak at 6:30pm

**ADOPT THE AGENDA:** Motion was made and seconded to adopt the March 13, 2017 agenda as presented. Motion carried.

**APPROVAL OF MINUTES:** Motion was made and seconded to adopt the February 13, 2017 minutes as presented. Motion carried.

**PUBLIC HEARINGS:**

- 1) None

**OLD BUSINESS:**

**NEW BUSINESS:**

- 1) Discussion – Ordinance Amendments (Chapter 11)

Oleson and Kimman presented draft amendments relating to Sections 11.02 – 11.07 of the City Code. Oleson summarized the types of changes that were made and certain sections that he felt required detailed discussion (other sections were either minor changes or have been previously discussed by the Commission). The Commission suggested several changes and directed staff to make those changes prior to the public hearing. Oleson noted that next month the discussion would focus on amending regulations relating to Planned Unit Developments (PUDs).

**NEXT REGULAR MEETING:** Monday, April 10, 2017

**ADJOURNMENT:** Motion was made and seconded to adjourn at 8:15 pm. Motion Carried



## STAFF REPORT

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**Application:** Variance to construct a 30' x 40' detached garage/storage building 15 ft from a rear lot line (min. 30 ft required) in an R-1 One- and Two-Family Residential Zoning District. Conditional use to construct an accessory structure on a through lot.

**Applicant and Property Owner:** Antoinette Wetzel

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### Background Information:

) **Proposal:** The applicant would like to construct a detached garage/storage building on their property. Because the lot is a “through” lot (it has road frontage on two opposite sides), the ordinance requires that each side be considered the “front” of the lot and thus has a 30 ft setback requirement. The applicant is seeking to have the garage closer to the rear of their lot (toward Haven Road) so as to provide a more useable yard area and to preserve some trees. Staff’s understanding is that the applicant would not be installing a driveway to the building as it is for storage rather than parking of vehicles.

) **Location:**

- o 1114 Pine Tree Blvd
- o Legal Description: S ½ of Lot 3 and all of Lot 4, Block One, Riverview Addition and Lot 6, Block 1, 2nd Addition to Riverview
- o Parcel number(s): 48.2024.000

) **Zoning:** R1 - One and Two Family District

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### Applicable Statutes/Ordinances:

#### Minnesota Statutes

#### 462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

##### Subd. 6. Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical

difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

### **Little Falls City Code**

#### **11.04: ADMINISTRATION AND ENFORCEMENT**

##### **C. Variances:**

1. The timelines for variance requests shall be governed by Minnesota Statute 15.99, as amended from time to time.
2. The processing of variances shall be governed by Minnesota Statute 462.357, as amended from time to time.
3. No variance permitting the erection or alteration of a building shall be valid for a period longer than six [6] months, unless a building permit is issued and the construction actually begun within that period, and is thereafter diligently pursued to completion.
4. A variance shall lapse and become void if the variance for which a permit has been granted is discontinued for a period of one year, or if a variance is no longer required by the provisions of this chapter.
4. Revocation: A variance may be revoked by following the requirements and procedures in Section 11.04.H of the City Code.

#### **11.05: ZONING DISTRICTS AND MAP:**

##### **D. R-1 One- And Two-Family Residential District:**

##### **4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements:**

b. The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter:

Lot Size		Lot Width		Front Yard	Rear Yard	Side Yard	
Interior	Corner	Interior	Corner			Interior	Corner
11,000 square feet	12,000 square feet	80 feet	80 feet	30 feet	35 feet	10 feet	15 feet

11.03: GENERAL PROVISIONS:

E. Required Yards And Open Space:

e. Rear yard only, balconies, accessory structures, except that no structure shall be closer than ten feet (10') from the rear lot line, breezeways, detached outdoor picnic shelters and recreational equipment, except as regulated hereinafter.

3. Yard Requirements:

b. Required yards in the districts specified shall be subject to the following additional requirements:

(1) Through lots in any district shall have a required front yard on each street. (Ord. 801, eff. 6-3-1974)

11.03: GENERAL PROVISIONS:

D. Accessory Buildings:

5. All accessory buildings on through lots located in all residential (R) districts shall require a conditional use permit.

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**Findings of Fact:** The following findings of fact are presented by Staff for consideration by the Planning Commission/Board of Adjustment:

1) **Current Zoning:**

- o Subject Property: R-1 One- and Two-Family Residential Zoning District
- o Surrounding Properties: R-1 One- and Two-Family Residential Zoning District

2) **Current Land Use:**

- o Subject Property: Single-family dwelling
- o Surrounding Properties: Single-family dwellings

3) **Lot size:** Approximately 155 ft. x approximately 66 ft. Approximately 19,418 sq ft.

- Existing impervious surface: 3,162 sq. ft. (16%).
- Proposed net impervious surface: 4,452 sq. ft. (22.9%)

4) **Sewer/Water:** The property is served with City sewer/water.

5) **Natural Features:**

Floodplain: The location of the proposed garage does not appear to be within an identified floodplain.

Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes in the location of the proposed garage. The site is relatively flat and slopes gently toward Haven Road on the east.

Wetlands: There are not any wetlands on the property that would impact the proposed garage.

6) **Will the granting of the variance be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?**

This proposal appears to be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance. The base requirement of Chapter 11 of the City Code from a rear lot line for an accessory structure is a minimum setback of 10 feet. This request is basically a request for a variance from the requirement of a through lot to have a front yard setback on the rear portion of the lot. It should be noted that the rear lot line is approximately 40+ feet from the edge of the road surface (Haven Road).

7) **Will the granting of the variance be consistent with the City of Little Falls' Comprehensive Plan?**

The Comprehensive Plan does not directly address applications such as these.

8) **Is the proposed use of the property reasonable?**

The requested variance is reasonable in that it is not unusual for a detached accessory building to be located on a residential property or near a rear lot line.

9) **Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

The need for the variance is created primarily by the fact that this lot is a through lot and, as such, requires a front yard setback of 30 feet on two sides. For non-through lots, the rear setback would only be 10 feet.

10) **Will the variance, if granted, alter the essential character of the locality?**

The use of the property would remain very similar in character to what already exists. Several other properties in the area have through lots with detached garages/storage buildings located closer than 30 feet.

11) **Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?**

Economic considerations do not appear to play a significant factor in the requested variance. The request has more to do with the applicant's desire to maximize the amount of usable yard space and preserve trees as well as the fact that the lot is a through lot with road frontage on opposite sides.

**12) Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?**

To avoid the need for a variance, it appears the applicant could locate the accessory structure closer to the principal structure. This would reduce their useable yard space and likely require the removal of some trees.

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**Planning Commission/Board of Adjustment Direction:** The Board of Adjustment may recommend to the Council approval of the variance request, denial of the request, or tabling of the request if the Commission/Board should need additional information from the applicant. If the Commission/Board should approve or deny the request, the Commission/Board should state the findings which support either of these actions.

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**Staff Comments:** As the Planning Commission/Board of Adjustment considers this application, Staff would make the following comments:

1. Staff has not received any comments from the public regarding this application at the writing of this report. Any received before the meeting will be presented to the Planning Commission/Board of Adjustment at the hearing.



Phone: 320-616-5500  
Fax: 320-616-5505

Fee Paid \_\_\_\_\_

Date Filed \_\_\_\_\_

Receipt Number \_\_\_\_\_

**Application For: REZONING, VARIANCE AND CONDITIONAL USE**

Have you reviewed Chapter 11, Section 11.04 of the City Code dealing with zoning laws of the City of Little Falls? (available online: www.cityoflittlefalls.com)

Yes X No \_\_\_\_\_

Street Address of Property 1114 PINE TREE BLVD

Legal Description of Property S 1/2 OF LOT 3 + LOT 4, BLOCK 1 RIVERVIEW ADDIT AND LOT 6 BLOCK 1, SECOND ADDIT TO RIVERVIEW (SEE ATTACHED SURVEY)

Parcel Identification Number 482024000

Owner - Name ANTOINETTE WETZEL Phone 632-2500  
Address 1114 PINE TREE BLVD  
City LITTLE FALLS State MN Zip 56345

Applicant (if other than owner) -

Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Type of Request - Rezoning \_\_\_\_\_ Variance X Conditional Use X Other \_\_\_\_\_

Description of Request CUP TO BUILD GARAGE, CUP IS REQUIRED BECAUSE IT IS A "THROUGH LOT". VARIANCE FOR 15' SETBACK ON BACK LINE INSTEAD OF 30'.

Reason for Request SEE ABOVE FOR CUP. VARIANCE IS REQUESTED FOR MORE PRACTICAL PLACEMENT OF GARAGE CONSIDERING TREE LOCATIONS & EASE OF USE OF GARAGE. OTHER NEIGHBORHOOD GARAGES ON THROUGH LOTS GIVEN 15' SETBACKS, OR HAVE

Present Zoning Classification R-1

Existing Use of Property RESIDENTIAL

Existing Use and Zoning of the Surrounding Area (two blocks) R-1 & B-2

Has a request for a variance, special use permit, or rezoning on the subject site - or any part thereof - been previously sought?

Yes \_\_\_\_\_ No X When \_\_\_\_\_

Signature of Applicant/s [Signature]

Date 2/28/17

I am the legal fee owner of the property described on this application and I consent to this application

Signature of owner/s [Signature]

Approved \_\_\_\_\_ Denied \_\_\_\_\_ by the Planning Commission on \_\_\_\_\_ Date

Approved \_\_\_\_\_ Denied \_\_\_\_\_ by the City Council on \_\_\_\_\_ Date

Mailing Address: City of Little Falls, P.O. Box 244, Little Falls, MN 56345

The following questions must be answered.

1. What changes are you proposing to make to this property?

Building: BUILDING A 30' x 40' GARAGE

Landscaping: \_\_\_\_\_

Parking/Signs: \_\_\_\_\_

2. Describe the character of the area and the existing patterns and use of development in the area. How is the proposal consistent with those patterns and uses? \_\_\_\_\_

IT IS A RESIDENTIAL AREA WHICH HAS MANY DETACHED GARAGES. ZONING IS B-2 TO EAST OF LOT & CONTAINS A RR TRACK & GAS STATION.

3. Describe the impact on the character of the neighborhood in which the property is located. \_\_\_\_\_

WILL HAVE NO NEGATIVE IMPACT. POSITIVE IMPACT WILL BE THAT TRAILER & RV WILL BE STORED IN GARAGE INSTEAD OF IN FRONT OF HOUSE CAUSING CLUTTERED YARD LOOK.

4. Describe the impact to the traffic on roads and highways in the vicinity, and the expected traffic generated by the proposed use. Is there adequate off-street parking available to accommodate the proposal? \_\_\_\_\_

NONE & NON-APPLICABLE

5. What part of the City Zoning Ordinance creates a practical difficulty to the property in question? What is the practical difficulty that prevents the land to be used in a reasonable way? \_\_\_\_\_

A CUP IS REQUIRED BECAUSE IT IS A "THROUGH LOT". FOR THE VARIANCE, A 30' SETBACK WOULD CAUSE THE GARAGE TO SIT IN THE MIDDLE OF BACKYARD, CLOSE TO TREES, MAKING IT DIFFICULT TO BACK IN RV. ALSO, MAKES NO SENSE TO PUT IN MIDDLE OF YARD @ IN AN OPEN AREA IN BACK LOT NEXT TO RR TRACKS & GAS STATION.

Use other side of page if necessary.

**SITE PLAN AND BOUNDARY SURVEY FOR: ANTOINETTE WETZEL**

**FESTLER LAND SURVEYING**

16096 173rd STREET, LITTLE FALLS, MN 56345 (320) 632-4396

**NOTES:**

TOTAL PARCEL AREA: 19,418 sq. ft.

STM#1  
RIM ELEV. =1116.48'

EXISTING IMPERVIOUS SURFACE: (HOUSE, MOVEABLE SHED, CONCRETE)  
3,162 sq. ft. (16%)

PROPOSED SHED HEIGHT=14'8" (EXISTING HOME HEIGHT)

PROPOSED NET IMPERVIOUS SURFACE:  
3,162 sq. ft. + 1,528 sq. ft. -238 sq. ft.  
=4,452 sq. ft. (22.9%)

VERTICAL DATUM: NAVD

**DOCUMENT NO. 383877:**

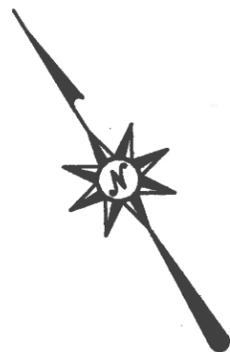
Lot Four (4) in Block One (1) of Riverview; also that part of Lot Three (3) in Block 1 of Riverview commonly called the South half (S1/2) thereof and more particularly described as follows:

All that part of said Lot 3 which lies South of a line drawn from a point on the West line of said Lot 3 which is midway between the Northwest corner and Southwest corner of said Lot 3 to a point on the East line of said Lot 3 which is midway between the Northeast corner and Southeast corner of said Lot 3, assuming the line between said Lots 3 and 4 to be the South line of said Lot 3, according to the plat thereof on file and of record in the office of the County Recorder in and for Morrison County, Minnesota.

**DOCUMENT NO. 500174:**

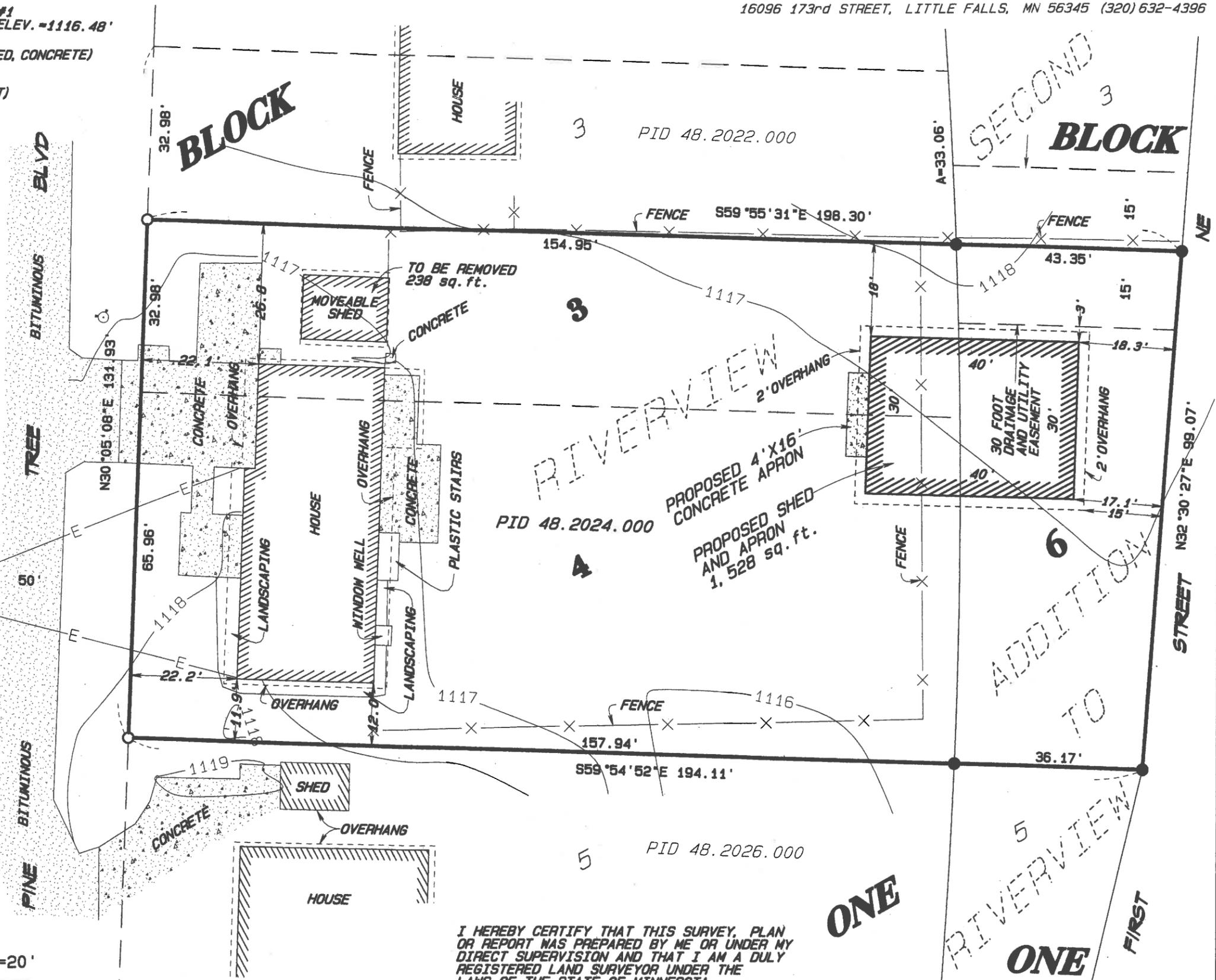
Lot 6, Block 1, Second Addition to Riverview.

- FOUND IRON MONUMENT
- SET 1/2 INCH IRON PIPE CAPPED "FESTLER 22702"
- ⊙ POWER POLE
- E— OVERHEAD POWER LINE
- ⊕ FIRE HYDRANT



GRAPHIC SCALE

1"=20'



Kevin Festler  
Reg. No. 22702

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

22702  
Reg. No.

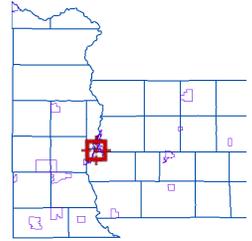
February 28, 2017  
Date

2017-013  
Job No.

79  
Book No.



**Overview**



**Legend**

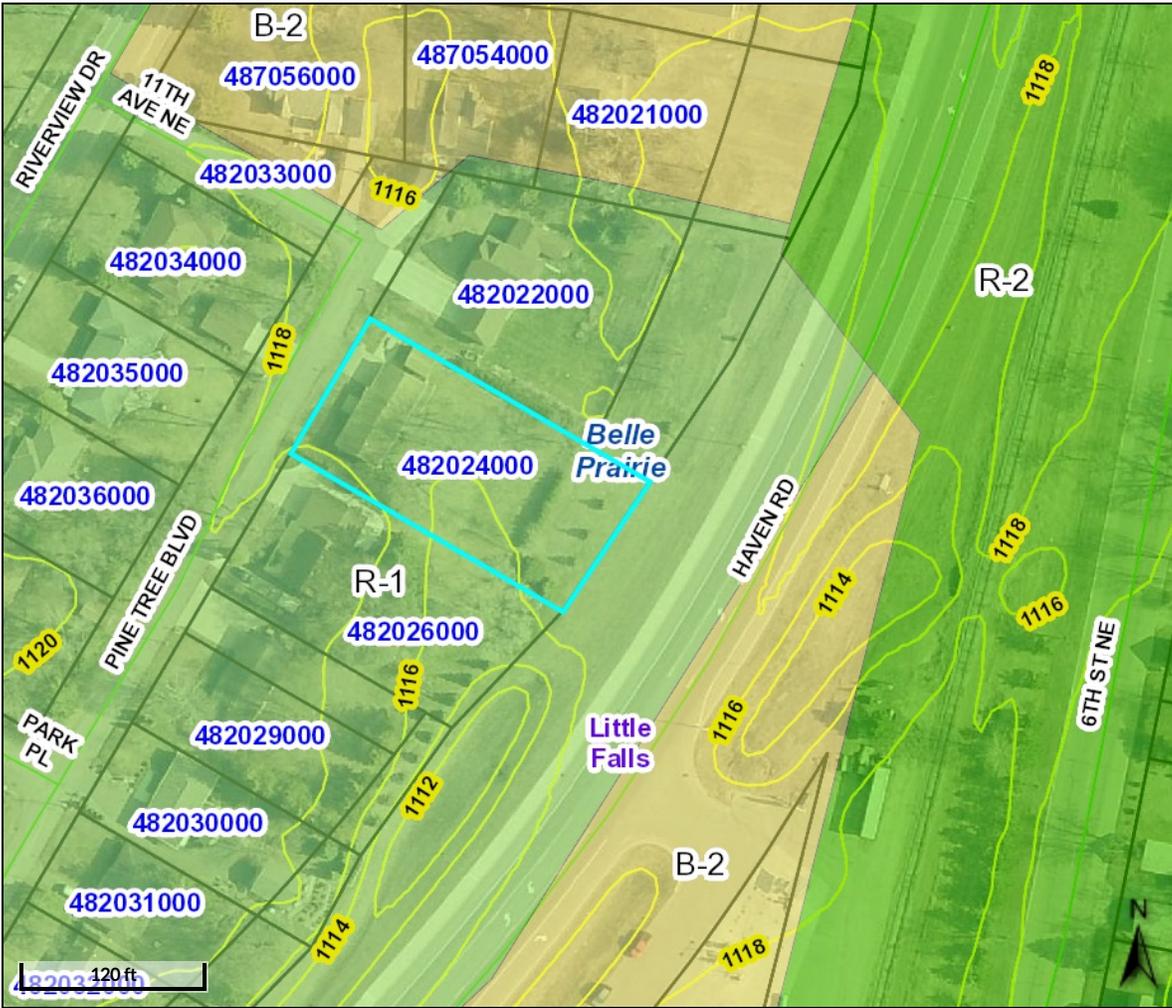
-  Corporate Limits
-  Political Township
-  Parcels
-  Road Centerlines
-  Elevation Contour:
- Streams**
-  <all other values>
-  Protected Stream
-  Protected Stream/County Ditch
-  Original Path
-  County Ditch
-  Protected Ditch
-  Protected Ditch/County Ditch

Parcel ID	482024000	Alternate ID	n/a	Owner Address	ANTOINETTE C WETZEL
Sec/Twp/Rng	n/a	Class	1A-Residential Homestead		1114 PINE TREE BLVD
Property Address	1114 PINE TREE BLVD LITTLE FALLS MN 56345	Acres	n/a		LITTLE FALLS MN 56345
District	LITTLE FALLS EAST-#482-HRA				
Brief Tax Description	RIVERVIEW ADDN Lot 003 Block 001 of RIVERVIEW ADDN Lot 004 Block 001 of RIVERVIEW ADDN Lot 006 Block 001 of 2ND ADDITION TO RIVERVIEW S1/2 OF LOT 3 & ALL OF LOT 4 BLK 1 RIVERVIEW ADDN & LOT 6 BLK 1 2ND ADDN TO RIVERVIEW <i>(Note: Not to be used on legal documents)</i>				

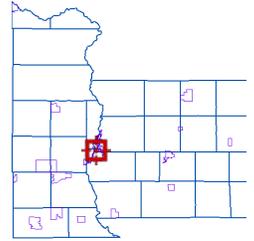
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This imagery is displayed at a scale of 1 inch=9 inch pixel resolution, (9 inches on the ground is 1 pixel on your screen). In the areas of Pierz and the NWNE lakes, the image is 1 inch=4 inch pixel resolution and is the highest quality imagery on this site. These images were flown by Pictometry in the spring of 2013.

Date created: 4/5/2017  
Last Data Uploaded: 4/5/2017 5:21:39 AM



**Overview**



**Legend**

- Corporate Limits
- Political Township
- Parcels
- Road Centerlines
- Elevation Contour:
- Streams**
- <all other values>
- Protected Stream
- Protected Stream/County Ditch
- Original Path
- County Ditch
- Protected Ditch
- Protected Ditch/County Ditch

**Little Falls Zoning**

- B-1
- B-2
- B-2, PUD
- B-3
- B-3, PUD
- I-1
- I-2
- I-2, PUD
- PUD
- PUD-CH
- PUD.M
- R-1
- R-1, PUD
- R-1C
- R-2
- R-2, PUD
- R-2.M
- R-3
- R-3, PUD
- R-4

Parcel ID 482024000

Alternate ID n/a

Owner Address ANTOINETTE C WETZEL



## STAFF REPORT

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**Agenda Item:** Discussion – Ordinance Amendments, Chapter 11 (Zoning)

**Applicant:** City of Little Falls Planning Commission

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**Background Information:** Since late 2016, we have been discussing changes to Section 11.05 (Zoning Districts and Map). Last meeting we discussed changes to how zoning districts are set up and uses regulated. The attached amendments relate to how Planned Unit Developments (PUDs) could be regulated.

A summary of the amendments included in the attached includes:

1. Planned unit developments would be changed to an “overlay” zoning district that could be applied “on top of” the regular, underlying zoning district. This is intended to ensure that each zoning district can have the flexibility that a planned unit development provides, but also requires that a landowner request the PUD overlay designation and goes through a rezoning process to allow for that to occur.
2. Two of the primary issues that arise with PUD regulations are:
  - a. Whether the use of a PUD requires the developer to set aside some percentage of the land as open space for recreational use, amenities or preservation of sensitive natural resources. Some ordinances require specific percentages (i.e. 40 or 50%) while others encourage open space, but may not require it. The proposed ordinance lays out some specific percentages required to be set aside as open space, but this should be discussed by the Planning Commission and adjusted as desired.
  - b. How many units (i.e. dwelling units) are allowed, as compared to how many would be allowed in a subdivision of land that just used minimum lot dimensions. Some ordinances require that the number of units allowed be the same under either form of development. Others will give a “bonus” and allow additional units as a way to incentivize the use of the PUD development and the provision of open space. The attached language currently does not allow for a “bonus” but this should be discussed by the Planning Commission and adjusted as desired.
3. Sections which detail the procedures that need to be followed in a PUD application. Generally speaking, the language would require a public hearing as a conditional use and, when subdivision of land is occurring, processing the same as any subdivision would be processed.
4. Section detailing specific requirements for design standards, setbacks from property lines, installation of utilities, stormwater management, etc.

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**Planning Commission Action:** In advance of the April 10 meeting date, please review the enclosed draft amendments and identify/list any areas where you feel changes would be appropriate or where you have questions/concerns.

D. Planned Unit Development:

1. Purpose and Intent. The purposes of a Planned Unit Development (PUD) are:

- a. To encourage a more creative and efficient development of land and its improvements than is possible under the more restrictive application of zoning requirements such as lot sizes and building setbacks, while at the same time meeting the standards and purposes of the Comprehensive Plan and preserving the health, safety, and welfare of the citizens of Brainerd.
- b. To allow for a mixture of residential units in an integrated and well-planned area.
- c. To ensure concentration of open space into more usable areas, and the preservation of the natural resources of the site including wetlands, woodlands, steep slopes, and scenic areas.
- d. Facilitate the economical provision of streets and public utilities.
- e. An efficient use of land resulting in smaller networks of utilities and streets thereby lowering development costs and public investments.
- f. Promotion of a desirable and creative environment that might be prevented through the strict application on zoning and subdivision regulations of the City.

2. General Requirements. The City may approve a Planned Unit Development (PUD) only if it is found that the development satisfies all of the following standards:

- a. The proposed Planned Unit Development (PUD) is in conformance with the Comprehensive Plan. At a minimum, the City shall find that the Planned Unit Development (PUD) does not conflict with the Comprehensive Plan with regard to the following:
  - (1.) The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities, which serve or are proposed to serve the area.
  - (2.) The use is reasonably related to the overall needs of the City and is compatible with the surrounding land use.
  - (3.) The Planned Unit Development (PUD) is an effective and unified treatment of the development possibilities on the project site and the development plans provide for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas where feasible and appropriate, as determined by the City.
  - (4.) The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property, and will not be detrimental to surrounding uses.

**Commented [BJO1]:** Or do we always want to require preservation of those features?

b. The Planned Unit Development (PUD) meets or exceeds the following development criteria:

(1.) A minimum of two (2) or more principal structures is proposed.

(2.) The tract is at least two (2) acres in size.

c. The use is consistent with the requirements of the Zoning Ordinance.

d. The Planned Unit Development (PUD) can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.

e. Each phase of the proposed development is of sufficient size, composition, and arrangement so that its construction, marketing, and operation are feasible as a complete unit, and that provision for and construction of dwelling units and common open space are balanced and coordinated. In addition, the total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

f. Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the Planned Unit Development (PUD). To evidence this finding, a written statement of financial feasibility, which is accepted by the City, shall be submitted by the applicant.

g. An individual or legal entity has been designated by the property owner(s) to be in control of the development.

h. The Planned Unit Development (PUD) provides for architectural diversity by way of varied building types and exterior building design.

i. Underground Utilities. In any Planned Unit Development (PUD), all utilities, including, but not limited to, telephone, electricity, gas and cable television shall be installed underground.

j. Utility Connections.

(1.) Water Connections. Where more than one property is served from the same service line, a shut off valve must be located in such a way that each unit's service may be shut off and secured by the City, in addition to the normally supplied shut off at the street.

(2.) Sewer Connections. Where more than one (1) unit is served by a sanitary sewer lateral which exceeds three hundred (300) feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.

k. Roadways, Private.

(1.) Design. Private roadways within the project shall have an improved surface to twenty-eight (28) feet or more in width and shall be so designed as to permit the City fire trucks to provide protection to each building.

**Commented [BJO2]:** Is this that essential? Could it be a smaller lot size and still be an appropriate thing to do?

**Commented [BJO3]:** Is this confusing – in that the idea of a PUD is that it is going to vary from the Zoning Ordinance's "normal" requirements?

**Commented [BJO4]:** I don't know that we'd want to make this an absolute requirement.

**Commented [BJO5]:** Do you want this?

**Commented [BJO6]:** Do you want this to read any differently?

**Commented [BJO7]:** What would you want here? Or just eliminate and have them be large enough to provide fire protection?

(2.) Parking. No portion of the required private road system may be used in calculating required off-street parking space or be used for parking.

**Commented [BJO8]:** Thinking this might just cause problems with enforcement. Are we going to police that no one parks on a 28 ft road top as long as they have their required off-street parking elsewhere?

l. Landscaping. In any Planned Unit Development (PUD), landscaping shall be provided according to a plan approved by the City Council, which shall include a detailed planting list with sizes and species indicated as part of the final plan. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the Planned Unit Development plan.

m. Public services. The proposed project shall be served by the City water and sewer system and fire hydrants shall be installed at such locations as necessary to provide fire protection.

n. Refuse. Provision for trash pick-up shall be provided according to a plan approved by the City Council.

o. Best Management Practices. All Planned Unit Developments shall meet the requirements of the City's stormwater ordinances and where appropriate, incorporate Best Management Practices for stormwater management, subject to review by the City Engineer and Planning Commission and approval of the City Council.

p. Sidewalks and Trails. Except as otherwise determined by the City Council, concrete sidewalks not less than five (5) feet in width and/or bituminous trails not less than eight (8) feet in width shall be provided in accordance with the following:

**Commented [BJO9]:** How do you want this to read?

<u>Street Type</u>	<u>Sidewalk/Trail Requirements</u>
<u>Arterial and Major Collector Streets</u>	<u>Sidewalk on one side of street and trail on opposite side of street or trails on both sides of the street*</u>
<u>Minor Collector and Local Streets</u>	<u>Sidewalk on one side of street*</u>
<u>Cul-de-sacs</u>	<u>No requirements</u>
<u>* All sidewalks and trails shall be placed back from the street wherever possible to provide a green strip for tree planting and to promote pedestrian safety and reassurance.</u>	

q. Development Agreement. Prior to a rezoning or the issuance of a building permit as part of a Planned Unit Development (PUD), the developer shall execute a development agreement with the City. The agreement shall detail all use restrictions and required improvements conditional to the Planned Unit Development (PUD) rezoning or Conditional Use Permit approval. The agreement shall provide for the installation within one (1) year of the off-site and on-site improvements as approved by the City Council, secured by a cash escrow or security in an amount and with conditions satisfactory to the City, to insure the City that such improvements will be actually constructed and installed according to specifications and plans approved by the City as expressed in such agreement. The amount of the financial guarantee shall be one and one-half (1½) times the estimated cost of the improvements as determined by the City.

**Commented [BJO10]:** Yes? Different time frame?

**Commented [BJO11]:** Different amount?

3. General Standards for Common Open Space. No open area may be accepted as common open space under the provisions of this Ordinance unless it meets the following standards:

a. The location, shape, size, and character of the common open space must be suitable for the planned development.

(1.)Townhouse and multiple family projects shall have usable open space area equal to forty (40) percent of the total project site.

(2.) Projects involving single-family stand-alone units shall have usable open space area equal to fifty (50) percent of the total project site.

b. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering the size, density, expected population, topography, and the number and type of dwellings to be provided.

c. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

4. Conveyance and Maintenance of Common Open Space.

a. All land shown on the final development plan as common open space must be conveyed under one of the following methods at the discretion of the City.

(1.) It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.

(2.) It may be conveyed to a corporation, developer, homeowner association (incorporated or non-incorporated) or trustee provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the party involved subject to covenants approved by the City Council which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.

b. If the common open space is conveyed to a private party and is not maintained properly to standards established by the City, the City shall have the authority to maintain the property and assess the costs back to said private party.

**Commented [BJO12]:** We should think about whether we want to require specific percentages of open space and how that might differ depending on the type of development.

5. Enforcement of Development Schedule/Planned Unit Development Staging. The construction and provision of all the common open spaces and public and private recreational facilities that are shown on the final development plan must proceed at the same rate as development. At least once every six (6) months following the approval of the final development plan, City staff shall review all of the building permits issued for the planned development and examine the construction that has taken place on the site. If it is found that the rate of development is faster than the rate at which common open spaces and public and private recreational facilities have been constructed and provided, this information shall be forwarded to the City Council, which may revoke the Conditional Use Permit. If the developer or landowners fail to complete the open spaces and recreation areas within sixty (60) days after the completion of the remainder of the project, the City may finish the open space areas and assess the cost back to the developer or landowner.

6. Residential Density

a. In order to encourage the protection of natural resources, to allow limited development in an area with unusual building characteristics due to subsoil characteristics or to encourage creative land use, a density transfer system may be allowed whereby lot sizes smaller than that normally required in a district will be allowed on the developable land in return for leaving the natural resource areas open from development. The number of dwelling units proposed for the entire site shall not exceed the total number permitted under the density indicated in the Comprehensive Plan where the land is located.

b. The number of dwelling units which may be constructed within the Planned Unit Development (PUD) shall be determined by dividing the gross acreage of the project area by the maximum allowable density as set forth in Section 515-11-6.A of this Ordinance. If the Planned Unit Development (PUD) is in more than one (1) underlying zoning district, the number of allowable dwelling units must be separately calculated for each zoning district and the allowable units located within their respective zoning districts, unless specifically approved otherwise by the City Council.

**Commented [BJO13]:** Some communities give a density "bonus" with PUDs as a way to encourage them. The developer gets more units in return for preserving open spaces, sensitive natural features, etc. Do we want to give a bonus?

7. Residential Planned Unit Development/Conditional Use Permit Requirements

a. It is the intent of this section to establish special requirements for the granting of a Conditional Use Permit for residential Planned Unit Development (PUD) projects which are in compliance with the density, permitted and conditional uses allowed in a specific base district including dwellings, offices and institutional uses of one or more buildings in relation to an overall design and integrated physical plan.

b. Yards and Building Spacing

(1.) Setbacks, Periphery. The front and side yard restrictions at the periphery of the Planned Unit Development (PUD) site at a minimum shall be the same as imposed in the respective districts, unless greater setbacks are required by the City to protect neighboring properties from negative effects that might otherwise occur.

(2.) Setback, Front. For portions of buildings which face the interior of the development, no building shall be located less than twenty (20) feet from the road surface or back of the curb line (whichever is more restrictive).

(3.) Building Spacing. Buildings within a planned unit development shall be spaced at least ten (10) feet apart. This spacing shall not apply to individual units that share walls or are otherwise built as an integrated unit.

**Commented [BJO14]:** We should talk to David Barsody about this and generally think about what spacing we'd want to require, if anything.

c. Townhouses, Cooperatives, Condominiums.

(1.) Frontage. Minimum unit lot frontage for townhouses shall be not less than twenty-four (24) feet.

(2.) Dwelling Unit. Dwelling unit and accessory use requirements are in compliance with the district provisions in which the development is planned.

(3.) Building Façade Treatment. Facades greater than forty-eight (48) feet in length shall incorporate wall plan projections or recesses having a depth of at least three (3) feet or more, unless specifically approved otherwise by the City Council.

8. Commercial and Industrial Planned Unit Development/Conditional Use Permit Requirements.

a. The intent of this section is to establish special requirements for the granting of a Conditional Use Permit to allow commercial or industrial Planned Unit Development (PUD) projects which are in compliance with the permitted and conditional uses allowed in a specific district in one or more buildings in relation to an overall design and integrated physical plan.

b. Surfacing and Drainage.

(1.) Surfacing. The entire site other than that taken up by buildings or landscaping shall be paved with concrete, bituminous or paving brick.

(2.) Drainage. A drainage system subject to the approval of the City Engineer shall be installed.

c. Yards.

(1.) Setbacks, periphery. The front and side yard setbacks shall be the same as imposed in the underlying district.

9. Procedure for Processing a Planned Unit Development (PUD).

a. Stages of Planned Unit Development (PUD). The processing steps for a Planned Unit Development (PUD) are intended to provide for an orderly development and progression of the Plan, with the greatest expenditure of developmental funds being made only after the City has had ample opportunity for informed decisions as to the acceptability of the various segments of

the whole as the plan affects the public interest. The various steps represent separate applications for purpose of review, compliant with Minnesota Statutes 15.99, outlined in detail in the following sections:

- (1.) Pre-Application Meeting. Preliminary discussions.
- (2.) General Concept Plan Application. Consideration of overall concept and plan. The concept plan review is voluntary but strongly recommended.
- (3.) Development Stage Plan Application. One or more detailed plans as part of the whole final plan.
- (4.) Final Plan Application. The summary of the entire concept and each Development Stage Plan in an integrated complete and final plan.

b. Pre-Application Review. Prior to the submission of any plan to the Planning Commission, the applicant shall meet with City staff to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps and exhibits required. This includes the procedural steps for a Conditional Use Permit and a Preliminary Plat as necessary. The applicant is urged to avail himself or herself of the advice and assistance provided by City staff to facilitate the review of the proposed Planned Unit Development (PUD).

c. Neighborhood Meeting. The City may recommend the property owner/applicant hold a neighborhood meeting for informal comment and feedback prior to submitting a formal concept application.

#### 10. General Concept Plan

a. The General Concept Plan provides an opportunity for the applicant to submit a plan to the City showing their basic intent and the general nature of the entire development before incurring substantial cost. This concept plan serves as the basis for public comment so that the proposal may be publicly considered at an early stage. The following elements of the proposed General Concept Plan represent the immediately significant elements which the City shall review and for which a decision shall be rendered:

- (1.) Overall maximum Planned Unit Development density range.
- (2.) Location of major streets and pedestrian ways.
- (3.) Location and extent of public and common open space.
- (4.) Location of residential and nonresidential land uses with approximate type and intensities of development.
- (5.) Staging and time schedule of development.
- (6.) Other special criteria for development.

b. General Concept Plan submission information

(1.) General Information.

(a.) Owner. The landowner's name, address and telephone number and interest in the subject property.

(b.) Applicant. The applicant's name, address and telephone number if different from the landowner. The applicant may designate an agent to be contacted by the City, who may speak for the applicant.

(c.) Consultants. The names and addresses of all professional consultants who have contributed to the development of the Planned Unit Development (PUD) plan being submitted, including attorney, land planner, engineer and surveyor.

(d.) Title of Applicant. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed Planned Unit Development (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 certified abstract of title or registered property report, 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 of premises and adjacent properties

(a.) Description. The address and legal description of the subject property. A survey is required.

(b.) Zoning. The existing zoning classification and present use of the subject property and all lands within five hundred (500) feet of the subject property.

(c.) Map. A single reproducible map or aerial photograph at a scale of not less than one (1) inch equals one hundred (100) feet, depicting the existing development of the subject property and all land within five hundred (500) feet thereof and showing the precise location of existing streets.

(3.) Narrative Description. A written statement generally describing the proposed Planned Unit Development (PUD) and the market which it is intended to serve, showing its relationship to the City's Comprehensive Plan and how the proposed Planned Unit Development (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.

(4.) Site Conditions. Where deemed necessary by the City, graphic reproductions of the existing site conditions at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted and shall contain the following:

(a.) Survey showing lot dimensions and existing easements and utilities.

- (b.) Contours, minimum two (2) foot intervals.
- (c.) Location, type, and extent of tree cover.
- (d.) Slope analysis.
- (e.) Location and extent of water bodies, wetlands, streams and flood plains along with corresponding zoning overlays (Shoreland and Mississippi Headwaters) within three hundred (300) feet of the subject property.
- (f.) Existing drainage patterns.
- (g.) Vistas and significant views.
- (h.) Soil conditions as they affect development.
- (i.) All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for clear reference.

(5.) Concept Drawing. 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.

(6.) Number of Units. A statement of the estimated total number of dwelling and/or other units proposed for the Planned Unit Development (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:

- (a.) Area devoted to residential uses.
- (b.) Area devoted to residential use by building or structure or use type.
- (c.) Area devoted to common open space.
- (d.) Area devoted to public open space.
- (e.) Approximate area devoted to streets.
- (f.) Approximate area, and potential floor area, devoted to commercial uses.
- (g.) Approximate area, and potential floor area, devoted to industrial or office uses.

(7.) Staged Development. When the Planned Unit Development (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 Planned Unit Development (PUD) public or common open space and dwelling units to be provided or constructed during each such stage and the overall chronology of development to be followed from stage to stage.

(8.) Common Areas. When the proposed Planned Unit Development (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 is required. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted during the development stage.

(9.) Covenants. General intent of any restrictive covenants that are to be recorded with respect to property included in the proposed Planned Unit Development (PUD).

(10.) Market Feasibility. Where deemed necessary by City staff a market feasibility study including an analysis of the proposals economic impact on the City.

c. General Concept Plan Process

(1.) The developer shall submit five (5) copies of the General Concept Plan for distribution to the Planning Commission.

(2.) The applicant, or a representative thereof, shall appear before the Planning Commission in order to answer questions concerning the proposed development.

(3.) Planning Commission shall review and make a recommendation to the City Council on the General Concept Plan.

(4.) City Council reviews all recommendations and indicates its support or concerns about the General Concept Plan as presented or amended.

d. Optional Submission of Development Stage Plan. In cases of single stage Planned Unit Development (PUD) or where the applicant wishes to begin the first stage of a multiple stage Planned Unit Development (PUD) immediately, they may, at their option, submit Development Stage Plans for the proposed Planned Unit Development (PUD) simultaneously with the submission of the General Concept Plan. In such case, the applicant shall comply with all the provisions of this Ordinance applicable to submission of the Development Stage Plan. The Planning Commission and City Council shall consider such plans simultaneously and shall grant or deny Development Stage Plan approval in accordance with the provisions of this section.

e. Effect of Concept Approval. Planned Unit Development concept approval only provides direction for the applicant to proceed to Planned Unit Development (PUD), Development Stage Plan submission. The concept plan approval does not convey any development rights or privileges to the applicants.

11. Development Stage Plan. Development Stage Plan submissions shall depict and outline the proposed implementation of the Planned Unit Development (PUD) General Concept Stage. Information from the General Concept Stage may be included for background and to provide a basis for the submitted plan.

a. Application. Requests for Planned Unit Development (PUD), Development Stage, as provided within this Ordinance, shall be filed on an official application form. Such application shall be accompanied by a fee as provided for by City Ordinance. Such application shall also be accompanied by five (5) copies of detailed written and graphic materials fully explaining the proposed change, development, or use, as follows:

(1.) Zoning Required. Zoning classification required for Development Stage submission and any other public decisions necessary for implementation of the proposed plan.

(2.) Site Plan/Preliminary Plat. Drawn to a scale of one (1) inch equals one hundred (100) feet or less, containing the following information:

(a.) Project Name. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat theretofore recorded in the County where the subject property is situated).

(b.) Survey. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property. An accurate legal description of the entire area within the Planned Unit Development (PUD), for which Final Plan approval is sought, correlated to the legal description defining use districts in this Ordinance.

(c.) Preliminary Plat. Preliminary Plat, if applicable, shall comply with all the performance standards of the Subdivision Ordinance and the Zoning Ordinance.

(d.) Buildings. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area, or proposed buildings, and existing buildings which will remain, if any.

(e.) Traffic Circulation. Location, dimensions and number 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.

(f.) Sites adjacent to MnDOT right-of-way shall identify the right-of-way location, dimension from the center line of the highway to the MnDOT right-of-way line, along with existing and proposed ingress and egress.

(g.) Sites adjacent to MnDOT right-of-way shall be submitted to MnDOT for review and approval.

(h.) Common Areas. Location, designation and total area of all common open space.

(i.) Public Open Space. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.

- (i.) Location of Existing Structures. The location, use and size of structures and other land uses on adjacent properties within one hundred (100) feet of the property boundaries.
- (3.) Residential Tabulation. A tabulation indicating the number of residential dwelling units by number of bedrooms and expected population/housing profile.
- (4.) Areas of Use. A tabulation indicating the approximate gross square footage, if any, of commercial and industrial floor space by type of use.
- (5.) Architectural Plans. Preliminary architectural plans indicating use, floor plan, elevations and exterior wall finishes of proposed buildings and architectural guidelines for future development phases.
- (6.) Landscape Plan. A detailed landscaping plan including the type, size and quantity of all existing and proposed plantings.
- (7.) Grading and Drainage Plan. Preliminary grading and drainage plan illustrating changes to existing topography and natural site vegetation. The Plan should clearly reflect the site treatment and its conformance with the approved concept plan.
- (8.) Erosion Control. An Erosion Control Plan acceptable to watershed management organization and any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.
- (9.) Document Changes. A statement summarizing all changes which have been made in any document, plan data or information previously submitted, together with revised copies of any such document, plan or data.
- (10.) Preliminary Plat, if applicable. A Preliminary Plat conforming to the Subdivision Ordinance.
- (11.) Lighting Plan. A plan illustrating site lighting.
- (12.) Additional Data. Such other and further information as the City staff, Planning Commission or City Council shall find necessary for a full consideration of the entire proposed Planning Unit Development (PUD) or any stage thereof.

b. Development Stage Plan Review Schedule

- (1.) The applicant shall file the development stage application within six (6) months after Concept Plan review, together with all supporting data and filing fee, as established by Ordinance.
- (2.) It is recommended that the developer meets with City staff to discuss specific development plans prior to submitting the Development Stage Plan.
- (3.) Staff Review/Technical Assistance Reports. Upon receipt of an application for a Planned Unit Development (PUD), Development Stage Plan, the request shall be referred to appropriate City staff to ensure that informational requirements are

complied with. When all informational requirements have been complied with, the request shall be considered officially submitted.

(4.) Other Agency Review. When appropriate, the Planned Unit Development (PUD) Development Stage Plan application shall be forwarded to other special review agencies such as the Department of Natural Resources, soil conservation services, highway departments, or other affected agencies.

(5.) A public hearing shall be scheduled at a meeting of the Planning Commission pursuant to the time periods established by Minnesota State Statutes 15.99.

(6.) The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed development.

(7.) The Planning Commission shall review said reports and plans and submit recommendations to the Council. Such recommendations shall contain the findings of the Planning Commission with respect to the conformity of the Development Stage Plan to the approved General Concept Plan. Should any changes be found to exist, the Planning Commission shall comment with respect to the merit or lack of merit of any departure of the Development Stage Plan from substantial conformity with the Concept Plan and with respect to the compliance of the Development Stage Plan with the provisions of this Ordinance and all other applicable Federal, State and local codes and ordinances. If the Planning Commission shall find conformity or any changes merit approval and the Planning Commission shall further find the Development Stage Plan to be in all other respects completed and in compliance with this Ordinance and other applicable Federal, State, and local codes and ordinances, it shall recommend approval. If the Planning Commission fails to act within the time specified herein, it shall be deemed to have recommended the plan for approval.

(8.) Upon receipt of the Planning Commission report and recommendation, the request shall be placed on the agenda of the next regularly scheduled meeting of the City Council. The Planning Commission must act and report its recommendations in a timely manner so that the City Council can act on the application within sixty (60) days of receipt of a complete application, unless the review period for the application has been extended pursuant to Minnesota State Statutes 15.99.

(9.) The City Attorney shall prepare a Planned Unit Development (PUD) Development Agreement which stipulates the specific terms and conditions approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, the City Administrator and the applicant within thirty (30) days of City Council approval of the Development Stage Plan. Where the Development Stage Plan is to be resubmitted or denied approval, the City Council action shall be by written report setting forth the reasons for its action. In all cases, a copy of the document evidencing City Council action shall be promptly delivered to the applicant.

(10.) Limitation on Development Stage Plan Approval. Unless a Final Plan covering the area designated in the Development Stage Plan as the first stage of the Planned Unit

**Commented [BJO15]:** Not sure if this is what we want here.

Development (PUD) has been filed within six (6) months from the date the City Council grants Development Stage Plan approval, or in any case where the applicant fails to file Final Plans and to proceed with development in accordance with the provisions of this Ordinance and/or an approved Development Stage Plan, the approval shall expire. Upon application by the applicant, the City Council may at its discretion extend for not more than six months, the filing deadline for any Final Plan when, for good cause shown, such extension is necessary. In any case where Development Stage Plan approval expires, the City Council shall forthwith adopt a resolution repealing the General Concept Plan approval and the Development Stage Plan approval for that portion of the Planned Unit Development (PUD) that has received Final Plan approval and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

12. Final Plan. The Final Plan is to serve as a complete, thorough and permanent public record of the Planned Unit Development (PUD) and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the Planned Unit Development (PUD) process. It shall serve in conjunction with other City ordinances and the land use regulations applicable to the Planned Unit Development (PUD). The Final Plan is intended only to add detail to, and to put in final form, the information contained in the General Concept Plan and the Development Stage Plan and shall conform to the Development Stage Plan in all respects.

a. Final Plan Submission Information. After review of a General Concept Plan for the Planned Unit Development (PUD) and approval of a Development Stage Plan for a section or sections of the proposed Planned Unit Development (PUD), the applicant will submit the following material for review by City staff prior to issuance of a building permit:

(1.) Recording Proof. Documents establishing the recording of any easement or other documents required by the City prior to the sale of any land or dwelling unit included in the Planned Unit Development (PUD) and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.

(2.) Final Plans, Buildings. Final architectural working drawings of all buildings.

(3.) Final Engineering Plans. Final engineering plans and specifications for streets, drainage, utilities and other public improvements, together with a development contract providing for the installation of such improvements and financial guarantees for the completion of such improvements.

(4.) Other Plans. Any other plans, agreements, or specifications necessary for the City staff to review the proposed construction. All work shall be in conformance with the Building Code of the City.

b. Final Plan Review Schedule

(1.) Upon approval of the Development Stage Plan and within the time established by this Ordinance, the applicant shall file with the Zoning Administrator a Final Plan consisting of the information and submissions required by this Ordinance for the entire Planned Unit Development (PUD) or for one (1) or more stages. This application will be considered at the next possible regular Planning Commission meeting. No public hearing shall be required.

Commented [BJO16]: Agree?

(2.) The findings and recommendations of the Planning Commission shall be forwarded to the City Council for consideration. If the Planning Commission fails to act within the time specified herein, it shall be deemed to have recommended the plan for approval.

(3.) Within sixty (60) days of receipt of a complete Planned Unit Development (PUD) final plan application, unless the review period is extended in accordance with Minnesota State Statutes 15.99, and receipt of the findings and recommendations of the Planning Commission, the City Council shall grant approval or denial of said request.

(4.) The applicant shall cause the Final Plan, or such portions thereof as are appropriate, to be recorded with the County. The applicant shall provide the City with a signed copy verifying County recording within six (6) months from the date of approval.

(5.) Building and Other Permits. Except as otherwise expressly provided herein, upon receiving notice from the Zoning Administrator that the approved Final Plan has been recorded and upon application of the applicant pursuant to the applicant ordinances of the City, City staff may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved Final Plan provided, however, that no such permit shall be issued unless City staff is first satisfied that the requirements of all codes and ordinances in which are applicable to the permit sought, have been satisfied.

c. Limitation on Final Plan Approval. Within one (1) year after the approval of a Final Plan for Planned Unit Development (PUD), or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an automatically rendered void, the Planned Unit Development (PUD) permit and all approvals of the Planned Unit Development (PUD) plan and the area encompassed within the Planned Unit Development (PUD) shall thereafter be subject to those provisions of the Zoning Ordinance, and other ordinances, applicable in the district in which it is located. In such case, the City Council shall forthwith adopt an ordinance repealing the Planned Unit Development (PUD) permit and all Planned Unit Development (PUD) approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable. The time limit established by this section may, at the discretion of the City Council, be extended for not more than one (1) year by ordinance or resolution duly adopted.

### 13. Coordination with Subdivision Resolution Regulations

a. It is the intent of this Ordinance that subdivision review under the Subdivision Ordinance be carried out simultaneously with the review of a Planned Unit Development (PUD) under this Chapter of the Zoning Ordinance.

b. The plans required under this section must be submitted in a form which will satisfy the requirements of the Subdivision Ordinance for the Preliminary and Final Plats required under those regulations.

14. Planned Unit Development (PUD) Review and Amendments.

a. Annual Review. City staff and the Planning Commission shall review all uncompleted Planned Unit Development (PUD) within the City by March 1 of each year and shall make a report to the Planning Commission and City Council on the status of the development in each of the Planned Unit Development (PUD) Districts. If the Planning Commission finds that development has not occurred within one (1) year after the original approval of the conditional use for the Planned Unit Development (PUD), the Planning Commission may recommend that the City Council revoke the Conditional Use Permit or the Planned Unit Development (PUD) permit.

b. Amendments to the Planned Unit Development (PUD)

(1.) Any deviation or modification from the terms or conditions of an approved Planned Unit Development (PUD), or any alteration in a project for which a Planned Unit Development (PUD) permit has been approved, shall require an amendment of the original Planned Unit Development (PUD). An application for an amendment specifying the proposed alteration shall be submitted to the City, together with a fee as provided for by Ordinance.

(2.) Action by the Planning Commission and City Council. The same application and review procedure shall be followed with respect to the applicant's initial request.