

**CITY OF LEXINGTON  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**ORDINANCE NO. 20-05**

**AN ORDINANCE INCORPORATING CHAPTER 11.8 – PLANNED UNIT  
DEVELOPMENTS**

**PLANNED UNIT DEVELOPMENTS**

**Chapter 11.8**

**§ 11.800 OBJECTIVES.**

To help encourage a more creative approach to the use of land, departures from the city zoning chapter may be granted by the City Council in the form of Planned Unit Development (PUD) Districts, to achieve:

- (A) A maximum choice of living environments by allowing a variety of housing building types and permitting an increased density per acre and a reduction in lot dimensions, yard, building setbacks and area requirements;
- (B) A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;
- (C) A development pattern which preserves and utilizes natural features, trees and other vegetation, and prevents the disruption of natural drainage patterns;
- (D) A more efficient use of land and a resulting substantial savings through shorter utilities and streets; and
- (E) A development pattern in harmony with land use density, transportation facilities and community facilities objectives of the comprehensive plan.

**§ 11.810 GENERAL REQUIREMENTS.**

A conditional or interim use permit shall be required of all planned unit developments. The city may approve the PUD only if it finds the development satisfies all the following standards:

- (A) The development shall be planned so that it is consistent with the city comprehensive plan;

- (B) The PUD is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain and similar areas;
- (C) The planned unit development proposal appears to harmonize with both existing and proposed development in the area surrounding the project site;
- (D) The proposed total development is designed in a manner as to form a desirable and unified environment within its own boundaries;
- (E) Any exceptions to the standard requirements of the zoning and subdivision chapters are justified by the design of the development;
- (F) The tract of land shall be under unified control at the time of application and scheduled to be developed as one unit. In addition, the development plan must include provisions for the preservation of natural amenities;
- (G) Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition and arrangement that its construction, marketing and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated;
- (H) The PUD will not create an excessive burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the district;
- (I) The plans required under this section must be submitted in a form which will satisfy the requirements for preliminary and final plats;
- (J) Permission to develop specific parcels of land under the provisions which follow shall be binding on all construction. Any change in the development plan after approval by the City Council shall be resubmitted for consideration;
- (K) Subdivision review under the subdivision chapter shall be carried out simultaneously with the review of a PUD under this section; and
- (L) The Planning and Zoning Commission may apply additional criteria as may be necessary as due to the unique nature of a proposed site, neighborhood or type of development.

**§ 11.822 MINIMUM SIZE.**

- (A) A PUD may be used on any development of more than two (2) residential units. A PUD may be used for any commercial or industrial development or on developments that include a combination of uses. The Planning & Zoning Commission may require that any development be submitted as a PUD when in their opinion the proposed development could be best handled as a PUD.



- (B) The minimum lot size requirements of other sections of this chapter do not apply to a PUD except that the minimum lot size requirements of the underlying zone shall serve as a general guideline to determine the maximum dwelling unit density of the total development.

#### **§ 11.824 SETBACK AND SIDE YARD REQUIREMENTS.**

Notwithstanding other provisions of this subchapter, setback and side yard requirements of lots in a PUD shall be at least equivalent to the spacing requirements of buildings similarly developed under the terms of this chapter on separate parcels.

#### **§ 11.825 ACCESS TO PUBLIC RIGHT-OF-WAY.**

The site of a PUD shall abut, and the major internal street or streets serving the PUD shall be connected to, at least one primary arterial, or neighborhood collector street.

#### **§ 11.826 UTILITY REQUIREMENTS.**

Utilities, including telephone and electrical systems, installed within a PUD shall be placed underground. Utility appurtenances, which can be effectively screened, may be exempted from this requirement if the city finds that the exception will be consistent with the objectives of this subchapter and the character of the proposed PUD.

#### **§ 11.827 OPEN SPACE.**

A minimum of 20 percent of the gross land area for private or public open air recreational use protected by covenants running with the land or by conveyances or dedicated as the Planning and Zoning Commission may specify shall be an integral part of the plan. These open space areas shall not include land devoted to streets, parking and private yards. Whenever possible, common open space shall be linked to the open space areas of adjoining developments. Common open space shall be of a size, shape, character and locations as to be usable for its proposed purpose.

#### **§ 11.830 ARRANGEMENT OF COMMERCIAL USES.**

When a PUD includes commercial uses, commercial buildings shall be planned as groups having common parking areas and common ingress and egress points. Each commercial area shall be separated from abutting residential areas by appropriate screens or fences. The design of commercial areas shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities for internal traffic, circulation, landscaping and other

features and facilities as may be necessary to make the areas attractive and efficient from the standpoint of adjacent noncommercial areas. Any area which is not to be immediately improved or developed shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the city.

#### **§ 11.840 ARRANGEMENT OF INDUSTRIAL USES.**

In any PUD including industrial uses, the industrial uses shall be provided in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas and outdoor storage of raw materials or products. An industrial area in a PUD shall provide for the harmonious design of buildings and a compact grouping in order to economize in the provisions of required utility services. Streets in a planned industrial area shall be kept to a minimum in order to reduce traffic. All spaces between the right-of-way line and the industrial building line and all intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained.

#### **§ 11.850 PRE-APPLICATION MEETING; PROCEDURE.**

Before submitting a formal application for a PUD under this chapter, the developer shall meet with the Planning and Zoning Commission. The purpose of this meeting is to discuss early and informally the purpose and effect of this chapter and the criteria and standards contained in this chapter, and to familiarize the developer with the city's comprehensive plan, including the land use plan, the major thoroughfare plan, and the parks and open space plan, and with the subdivision regulations and the drainage, sewer and water systems of the city.

#### **§ 11.851 APPLICATION.**

(A) An application for approval of a preliminary development plan for a proposed PUD shall be made to the Planning and Zoning Commission, by at least one owner or lessee of property for which the PUD is proposed. The application shall be accompanied by a certified check or money order to cover the costs incurred in checking and processing the plans in an amount affixed by resolution of the City Council.

(B) The application with accompanying outline development plan shall be submitted (16 copies) and shall include:

(1) A vicinity map at a scale of one inch equals 250 feet showing property lines, existing streets, existing zoning, and any other items as the Planning and Zoning Commission may require to show the relationship of the proposed PUD to the comprehensive plan of the city, to existing schools and other community facilities and services, and to the surrounding area;

(2) A preliminary plan of the PUD in schematic form showing the following:



- (a) The existing topographic character of the land;
- (b) A composite of all natural amenities of the site including steep slopes, drainageways plus marshes, ponds and lakes;
- (c) The size of site and proposed uses of the land to be developed together with an identification of off-site land use;
- (d) The density of land use to be allocated to the several parts of the development;
- (e) The approximate location of thoroughfares;
- (f) The location of common open space including public schools, parks and playgrounds or private natural preserves; and
- (g) The off-street parking system.

(3) A written statement including the following:

- (a) A statement of the ownership of all land involved in the PUD together with a summary of previous work experience;
- (b) An explanation of the general character of the planned development;
- (c) A statement describing the ultimate ownership and maintenance of all parts of the development including streets, structures and open spaces;
- (d) A statement describing how all necessary governmental services will be provided to the development; and
- (e) The total anticipated population to occupy the PUD, with breakdowns indicating the number of school-age children, adults and families.

(4) The proposed schedule for the development of the site; and

(5) A statement setting forth the reasons why, in the opinion of the applicant, the PUD will be in the public interest and consistent with the objectives specified in this Chapter.

## § 11.852 ACTIONS.

(A) *By the Commission.* Within 60 days of the filing of the application, the Planning and Zoning Commission shall hold a public hearing on the proposed PUD following written

and published notice as required for amendments of this chapter. Following the hearing and within 60 days of the filing of the application or at a later time agreed to by the applicant, the Planning and Zoning Commission shall recommend approval or disapproval of the preliminary proposal with any changes and conditions as it may suggest and shall transmit its recommendations to the City Council. In its recommendations the Commission shall determine whether the proposed PUD is consistent with the objectives for PUDs specified in section 11.810 and with the comprehensive land use plan of the city; and whether the benefits, combination of various land uses, if proposed, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations allowed by this chapter for PUDs.

(B) *By City Council.* Upon receipt of the recommendations of the Planning and Zoning Commission, the Council shall consider the application and, after holding the public hearing as it deems desirable, shall approve or disapprove the application with the changes or conditions, if any, as it may deem appropriate. Refusal of any changes or conditions shall constitute denial of the plans by the City Council. Failure of the landowner to notify the City Council of his or her acceptance or refusal of the modification to the plan constitutes acceptance of these conditions. No building permits may be issued on land within the PUD until final plans for the development have been approved by the City Council under the procedures provided in the following sections.

#### **§ 11.853 PUD AGREEMENT.**

The Zoning Administrator shall instruct the City Attorney to review the PUD application and draft a PUD agreement (aka 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 of the city, Administrator and the applicant within 30 days of the City Council approval of the PUD application and final plat. Where the PUD application and/or final plat is to be resubmitted or denied approval, the City Council action shall be by written report setting forth the reasons for its actions.

#### **§ 11.854 FINAL REVIEW AND APPROVAL.**

An application for review and approval of the final development plan shall be filed by the applicant with the Planning and Zoning Commission within six months of the date on which approval of the preliminary plan was given by the Council. If application for final approval is not made within the time required, the proposal shall be considered abandoned unless an extension period is requested and granted by the City Council.

#### **§ 11.855 DOCUMENTATION REQUIRED.**

The final application shall be accompanied by the following supporting documentation:



(A) A final plan of the PUD in schematic form including the following:

- (1) The street system, lot layout and off-street parking and loading plan;
- (2) The use, height, bulk and approximate location of buildings and other structures;
- (3) Land areas to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses;
- (4) A site plan for each building site and common open area, showing approximate location of buildings, structures and improvements;
- (5) Generalized elevations and perspectives of all structures;
- (6) A site grading plan indicating the direction of flow of surface drainage and all easements necessary for both ponding and runoff;
- (7) Plans, profiles and specifications for the distribution of water, collection of sanitary waste and stormwater;
- (8) A landscape plan indicating the location, size and type of plant materials to be used;
- (9) Plans, profiles, typical sections and specifications for proposed street improvements; and
- (10) The density of land use to be allocated to the several parts of the site being developed.

(B) A written statement including:

- (1) The approximate date when construction will begin by stage of development and the area of open space to be provided at each stage;
- (2) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the development and any of its common open areas; and
- (3) Other conditions specifically required by the Commission and the Council for the particular PUD.

**§ 11.856 ACTION ON FINAL APPLICATION.**

- (A) Procedure for action by the Planning and Zoning Commission and the Council on an application for review and approval of the final plan for a PUD shall be the same as prescribed by this subchapter for the action on the preliminary proposal. In giving approval, the Council may specify the length of time within which construction of the project must be begun or completed, and it may attach other conditions as seem necessary. The final development plan shall be in general conformance with the preliminary development plan as approved.
- (B) (1) *Criteria for approval.* The findings necessary for approval of both the preliminary and final development plans shall be based on the criteria in section 11.810 and shall describe in what respect the plan would or would not be in the public interest.
- (2) *Noncompliance.* In the event the plan as submitted for final approval is not in substantial compliance with the preliminary development plan, the Zoning Administrator shall attempt to notify the applicant within 45 days of the date of application, setting forth the ways in which the plan is not in substantial compliance.
- (a) The applicant may treat the notification as denial of preliminary approval;
  - (b) The applicant may refile his or her plan so that it does substantially comply with the outline development plan; or
  - (c) The applicant may file a written request with the Planning and Zoning Commission that it hold a public hearing on his or her request for final approval.
- (3) *Final approval.* The City Council shall review and approve the final development plan if it is in substantial compliance with preliminary development plan. Following this, the applicant shall record the final development plan in the manner provided for recording subdivision plats. If the final development plan is not in substantial compliance, the applicant shall be requested to repeat the procedures outlined for the preliminary development plan. Approval may be conditioned on the applicant executing a PUD agreement.

#### **§ 11.859 OPERATION OF COMPLETION.**

- (A) If work on the PUD is not started within the time limits prescribed in the final development plan or PUD agreement, approval shall terminate unless an extension period is requested or granted by the City Council.
- (B) Completion of the PUD shall be certified by the Planning and Zoning Commission on the final development plan or PUD agreement. Thereafter, the use of land and the construction, modification or alteration of any buildings shall be governed by the recorded CUP or IUP.



(C) Changes may be authorized only under the procedures provided below:

- (1) Minor extensions, alterations or modifications of existing structures may be authorized by the Planning and Zoning Commission if they are consistent with the intent and purpose of the final development plan and do not increase the cube of any building or structure by more than 10%;
- (2) Minor changes in the location, siting, and height of buildings and structures may be authorized by the City Engineer if requested by engineering or other unforeseen circumstances.
- (3) Changes in the use of common open space or the replacement of any building substantially destroyed which exceeds the intent and purposes of the final development plan may be authorized only by amendment to the final development.
- (4) All other changes in use, rearrangement of lots, blocks and open space, must be authorized by the City Council.

#### **§ 11.860 SITE IMPROVEMENTS.**

At any time following the execution of a PUD agreement and receiving a notice to proceed from the City Administrator, the applicant may, pursuant to the applicable codes of the city, apply for and the Zoning Administrator may issue grading permits for the area within the PUD for which development stage plan approval has been given.

#### **§ 11.861 CONSTRUCTION.**

The construction and provisions of all the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same phase as the construction of dwelling units. At least once every six months following the approval of the final development plan, the Zoning Administrator shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site. If he or she shall find that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, he or she shall forward this information to the City Council, which may revoke the PUD Permit.

#### **§ 11.862 MAINTENANCE OF COMMON OPEN SPACE.**

All land shown on the final development plan as common open space must be conveyed to a homeowners' association or similar organization for the maintenance of the planned

development. The common open space must be conveyed to the homeowners' association or similar organization subject to covenants, to be 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.

**§ 11.863 HOMEOWNERS' ASSOCIATION.**

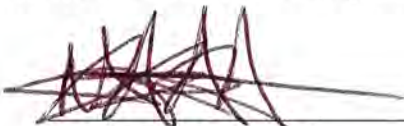
If a homeowners' association or cooperative is created, the applicant shall submit plans at the time of final plan of development and documents which explain or set forth:

- (A) Ownership and membership requirements;
- (B) Articles of incorporation and bylaws;
- (C) Time at which the developer turns the association over to the homeowners;
- (D) Approximate monthly or yearly association fee for homeowners; and
- (E) Specific listing of items owned in common including items as roads, recreation facilities, parking, common open space ground and utilities.

The first reading of this Ordinance occurred on March 5, 2020. The second reading of this Ordinance occurred on March 19, 2020.

Effective Date. This ordinance shall be effective immediately upon its passage.

PASSED AND DULY ADOPTED this 19th day of March 2020 by the City Council of the City of Lexington.

  
\_\_\_\_\_  
Mike Murphy, Mayor

Attest:   
\_\_\_\_\_  
Bill, Petracek, City Administrator

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