

**CITY OF NORTH ST. PAUL PLANNING COMMISSION
REGULAR MEETING AGENDA
THURSDAY, AUGUST 6TH, 2020
6:15 PM**

North St. Paul City Hall – Council Chambers
2400 Margaret Street

The Planning Commission Meeting will be conducted on Thursday, August 6th, 2020 at 6:15 p.m **via Zoom**. The City of North St. Paul is moving all of its public meetings online effective August 4, 2020. The move to online meeting access via Zoom ensures compliance with the Governor’s Emergency Executive Order and face covering mandate while providing our Planning Commission members, staff and residents with safe and comfortable access to public meetings. (Minn. Stat. 13D.021)

**The August 6th Zoom meeting can be accessed [HERE](#) or via:
<https://wsbeng.zoom.us/> (from a PC, Mac, tablet, iPhone or Android device)
Meeting ID: 230 597 443
Password: 663246
or by phone at 1-929-205-6099, meeting ID 230 597 443, password 663246.**

The Planning Commission Zoom meeting will be ‘open to the public’ to listen in, but will be muted from contributing at all times with the exception of a Public Hearing and open to the public forum.

Please join the meeting early to test your audio and video settings. If you join via a device and your audio is not working, you may need to use the dial-in phone number option in order to be heard.

I. CALL TO ORDER

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Patrick Bles, Commissioner

Rick Gelbmann, Commissioner

John Monge, Commission Vice-Chair

Tom Sonnek, Commission City Council Liaison – EXCUSED ABSENT

Michael Stahlmann, Commissioner

Allan Worm, Commissioner

STAFF

Erin Perdu, Planning Consultant

Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

IV. APPROVAL OF MINUTES

- A. Approval of the July 2nd, 2020 regular meeting minutes.

V. MEETING OPEN TO THE PUBLIC

Note: This is a courtesy extended to persons wishing to address the Commission concerning issues that are not on the agenda. This discussion will be limited to 15 minutes.

- V. PUBLIC HEARING**
- VI. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS**
- VII. OLD BUSINESS**
 - A. 2020 Zoning Updates Discussion
- VIII. REPORTS FROM STAFF**
 - A. Approval of Special Meeting date for August 13th, 2020
- IX. REPORTS FROM COMMISSIONERS**
- X. ADJOURNMENT**

The next regularly scheduled Planning Commission Meeting is Thursday, August 13th, 2020 at 6:15 p.m.

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, JULY 2, 2020
6:15 P.M.**

North St. Paul City Hall – Council Chambers
2400 Margaret Street

I. CALL TO ORDER

Chair Barton called the meeting to order at 6:15 p.m. The meeting was held in Council Chambers and via Zoom.

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair
Patrick Blees, Commissioner
Rick Gelbmann, Commissioner
John Monge, Commissioner, Commission Vice Chair
Tom Sonnek, Commission City Council Liaison
Michael Stahlmann, Commissioner
Allan Worm, Commissioner

STAFF

Erin Perdu, City Planner
Ryan Krzos, WSB Consultant
Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Stahlmann, and seconded by Commissioner Monge, with all present voting aye (6-0). Motion carried to adopt the July 2, 2020 Agenda.

IV. APPROVAL OF MINUTES

A. Approval of the May 28, 2020 regular meeting minutes.

Commissioner Blees requested the following correction to the May 28, 2020 meeting minutes:
-page 3, first line, replace “Brees” with “Blees”.

Chair Barton requested the following correction to the May 28, 2020 meeting minutes:
- page 3, 3rd paragraph, line 2, replace “nominate” with “elect”.

Motion to approve Minutes by Commissioner Blees, and seconded by Commissioner Stahlmann, with all present voting aye (6-0). Motion carried to approve the May 28, 2020 regular meeting minutes as amended.

V. MEETING OPEN TO THE PUBLIC

Ms. Perdu stated there are technical difficulties and City Staff is working to correct this situation.

Ms. Perdu stated there is a member of the public who joined the meeting via Zoom.

John Schmahl asked how the Planning Commissioners are notified about what will be on the Planning Commission Meeting Agenda.

Chair Barton stated the meeting packet is emailed to the Planning Commissioners and is also available on the City website.

Mr. Schmahl stated he is a resident and it is difficult to find the meeting information on the website. He added the online Planning Commission Meeting Agenda has 7 attachments called “previous versions”. He noted there was no notification about where the meeting was going to be held, or that it would also be available through Zoom.

Mr. Schmahl stated the public should not be subjected to this difficulty in finding out what is going on. He added it should be easy for the public to know what will be discussed at a Planning Commission meeting. He noted someone at the City level should take a look at what is being produced for the public who want to find out about meetings.

Mr. Schmahl stated he read the minutes from the Planning Commission’s May meeting at which the front yard definition was discussed. He added that is wonderful and he supports it 100%. He asked whether existing front yards will be grandfathered in, or if the definition only applies to new front yards. He noted the only thing permanent in this City is a nonconforming footprint.

Ms. Boerschinger stated meeting agendas will be posted on the website by the new Communications staff. She added she can work with her to increase ease of access.

VI. PUBLIC HEARINGS

A. Conditional Use Permit – Hue Senior Center, 2544, 2546, 2548 7th Avenue E.

Ms. Perdu reviewed a request from the applicant, Hue Adult Day Care, for a Conditional Use Permit (CUP) to occupy the existing K&J Catering on the corner of Margaret and 7th Street. She added no changes to the exterior of the building are proposed. She noted the applicant plans to put a commercial kitchen in the Victoria Room space and keep the outdoor seating area behind the building.

Ms. Perdu stated City Staff spoke with the applicant to discuss the request. She added one of City Staff’s concerns is the desire for pedestrian-friendly uses in the downtown area, to be consistent with Comprehensive Plan guidance, to meet CUP criteria. She added the proposed

commercial kitchen and keeping the outdoor seating area would help create more of a pedestrian-friendly atmosphere than if it was simply an adult care facility. She noted City Staff recommends approval of the CUP request.

Commissioner Monge asked whether K&J are moving. Ms. Perdu stated the building is for sale, and the applicant wishes to purchase the building.

Commissioner Worm asked whether it is necessary for the Planning Commission to receive all the financial data in order to approve the request. He added it is a lot of paper. Ms. Perdu stated it is not required, but the applicant provided it.

Commissioner Gelbmann stated presumably the applicant understands that this is a public forum and their financial data will be entered into the public record. Ms. Perdu agreed.

Chair Barton asked whether the applicant joined the Zoom meeting, and if they want to address the Planning Commission.

Chair Barton open public hearing at 6:46 p.m.

A member of the public who had joined the meeting via Zoom asked what level of senior center this will be, and what type of care will be offered. Ms. Perdu stated this will not be an overnight facility, and the care center will accommodate up to 30 people per day. She added it will not be a medical facility.

The audience member asked whether there will be nurses or medical staff on site. Ms. Perdu stated the day care center offers counseling, exercise, meals snacks, and activities, and State certification is required. She added skill care will be arranged by the day care center based on individual needs.

Commissioner Stahlmann stated the application indicates that a registered nurse will be on site during program hours. He added it is noted on page 58 that the day care center will provide support for Alzheimer's and memory care for adults.

Chair Barton closed the public hearing at 6:50 p.m.

Commissioner Stahlmann the applicant indicated they are considering opening the business to the public, by putting a restaurant in the corner building, with an adjacent kitchen. He asked whether cooking would take place in the old hall. Ms. Perdu confirmed that if the applicant puts in a kitchen, it will be in the Victorian Room on the corner.

Commissioner Stahlmann stated there is an existing kitchen in the adjacent building. Ms. Perdu stated the applicant indicated that the kitchen would be adjacent to the day care facility.

City Council Liaison Sonnek stated the applicant does not need special permission to have a restaurant in the mixed-use zone. He asked why a CUP is necessary. Ms. Perdu stated the CUP is required for the day care facility. She added the concern is whether the proposed use meets the spirit of the Ordinance.

City Council Liaison Sonnek stated his only concern is the hours in the summer, when the downtown area gets busy with lots of traffic. He added there could potentially be 30-day care center clients trying to leave the site when there is a lot of traffic. He noted he assumes the applicant is aware of that, and that would be something they would need to figure out.

Commissioner Stahlmann stated he is familiar with other similar centers, and many clients drive themselves or get dropped off by a spouse. He added he does not believe any of these types of centers are currently open due to Covid-19. He asked whether there is an opening date.

Ms. Perdu stated the applicant hopes to close on the building later in July, and then complete interior work. She added she is unsure when they will open.

Chair Barton asked whether the applicant plans to use vans for transportation, or whether parking will be made available behind the building. Ms. Perdu stated she believes they will use vans.

Commissioner Gelbmann stated he understood there would be a transportation fee for clients who need transportation. He added this would imply that transportation is optional, and people may drive themselves or get dropped off.

Chair Barton stated she is unsure whether something would need to be done parking spaces behind the building are not ideal, in terms of accessibility.

Ms. Perdu stated she is unsure of the applicant's expectations regarding clients who will require transportation. She added all parking in the area is public parking.

Commissioner Gelbmann requested clarification regarding a reference to "covered entrance" on page 32. Ms. Perdu stated she does not know what that refers to.

Commissioner Blees stated there is a ramp in the back that is partially covered.

Commissioner Gelbmann expressed concern that an uncovered walkway or entrance would be unsafe in bad weather.

Commissioner Stahlmann stated that is not up to the Commission, and the applicant would have to figure it out.

Chair Barton stated the staff report states, "The proposed adult day care use in downtown area would not be consistent with Comprehensive Plan guidance." She added she understands the recommendation for approval. She expressed concern that the application could be approved with the assumption that an outdoor seating area and commercial kitchen will be included, but it ends up being just an adult day care, without those components.

Commissioner Monge stressed the importance of drawing people into the downtown area, which has been a goal for the City.

City Council Liaison stated there is an apartment development across the street from this location that will increase demand. He added the proposed adult day care center use will bring more people to this area than when it was a private catering use. He noted the adult day care center clients might not be active customers but questioned whether it is appropriate to deny a potential business on the basis that it is not a retail business.

Chair Barton stated the Planning Commission can make a recommendation based on Comprehensive Plan guidance and the downtown Master Plan about what types of businesses should be there.

Commissioner Gelbmann stated there is no assurance that there will be a restaurant brought to the site. City Council Liaison Sonnek stated there is not a restaurant there now.

Chair Barton stated it will be difficult for the day center patrons to get access to the building on Friday nights in the summer when the outdoor patio is in use.

City Council Liaison Sonnek stated that is 15 days out of the year. He added he too supports the addition of dynamic businesses that will have people flocking to the downtown area. He asked whether it would be appropriate to deny the use of this property because it is not the right type of business, when there is a buyer and K&J wants to sell it. He noted market demands will end up producing more businesses over time, but right now the market is not there. He expressed his hope that this will change when the apartment building is full, as well as the apartments and townhomes on McKnight.

Chair Barton asked whether the Planning Commission can add conditions for approval that would make it more desirable.

Ms. Perdu stated the restaurant or café use could be added as a condition of approval.

Chair Barton stated she likes the idea of an outdoor patio that would be open to the public. She added she is unsure whether it should be added as a condition.

City Council Liaison Sonnek stated it would be helpful to talk to the applicant. He added a few years from now, when the apartment building across the street is full, this would be a great piece of property to own in the downtown area.

Commissioner Blees agreed. He stated it is difficult to consider denying the application if there is a potential business that wants to be there, instead of a vacant building on a prime site. He added it could become something else in a few years. He noted he might support a condition, although he is not sure that telling them they have to have a café or outdoor seating area is an appropriate requirement. Chair Barton agreed.

Ms. Perdu stated a few options for conditions would be an outdoor patio space that is open to the public; a commercial kitchen with public restaurant, catering, or carry-out; or a requirement that a restaurant use be incorporated. She added the other options are approval with no conditions, or denial. She noted City Staff recommends approval despite reservations about the prime location, because conditional uses would indicate City endorsement if supplemental regulations are met.

Commissioner Gelbmann stated a condition could be made that the patio is part of the restaurant, or otherwise available to the public. He added that will create connection with the community and could provide sufficient motivation for them to do a kitchen. He noted the City has done that with developments, requiring that open space that is available to the public.

Ms. Perdu stated she would need to check with the City Attorney to see if it would be acceptable to have a requirement that the patio is open to the public. She added that would be a reasonable condition, related to the purpose of the Ordinance.

City Council Liaison Sonnek stated it is challenging to review this case without the applicant to answer questions. He added the City Council will have a lot of questions as well. He noted it is difficult for the City to pick and choose what types of small businesses they want to have in the downtown area, unless they are prohibited in the Zoning Code.

Chair Barton stated a condition could be added regarding maintenance of the outdoor patio. Commissioner Gelbmann stated the applicant could be strongly encouraged to make a restaurant, or open to the public.

City Council Liaison Sonnek expressed concern about these types of conditions and what the City can require applicants to do.

Commissioner Gelbmann stated it could be an encouragement, not a condition. He added the question is how much can the City require.

Chair Barton stated the applicant does not have any plans to expand the building or use it for anything else.

Commissioner Gelbmann stated he would support a condition in the motion, in lieu of the applicant not being available to answer questions.

Commissioner Stahlmann expressed concern about the requirement for 8 parking stalls. He added the new owner could choose to make the patio into a parking area. He noted it is actually a parking lot that was made into a patio. Chair Barton stated the area behind the building is a public lot.

Chair Barton stated she would be interested to know if the applicant is agreeable to that condition.

True Yang, the applicant, joined the Zoom meeting at 7:20 p.m.

Chair Barton asked the applicant whether she would be willing to keep the outdoor patio space. Ms. Yang stated they want to keep the current patio space, behind the Victorian Room. She added the plan is to eventually open an Asian restaurant, that would be open to the public.

Commissioner Gelbmann asked whether there will be a covered entrance for people coming to the facility. He added he is concerned about snow and rain, and how clients will be able to

access their vehicles or other transportation. He noted the application mentions a covered walkway.

Ms. Yang stated they intend to transport clients to and from the building. She added clients who can drive themselves to the facility in the morning can do so, but they will be transported home. She noted, in the mornings, staff will be waiting for them to arrive and the sidewalks and paths will be clear of snow and ice.

Commissioner Gelbmann asked whether there will be a covered area where clients will be entering. Ms. Yang stated that covered entrance will be in the back, and it is a handicapped-accessible door that will be easier for clients to use.

Commissioner Gelbmann asked whether there is a cover over the walkway. Ms. Yang confirmed this.

City Council Liaison Sonnek stated the Planning Commission's concern is that this property, at the center of the downtown area, would be a great location for businesses that will bring pedestrians into downtown. He added the adult day care center is not that type of business, but purchasing the property is the applicant's choice. He noted having a restaurant as part of the business in that corner location would certainly help bring pedestrian traffic to the area.

Ms. Yang agreed, adding that is why they want to have a restaurant. She added they are also thinking about opening up a salon, which would be a beneficial business for the neighborhood and could provide services to their clients.

Ms. Yang stated the building's current owner has a liquor license. She asked whether they could get a liquor license and use the building on the weekends for catering and as a banquet center.

City Council Liaison Sonnek stated there is a process for applying for a liquor license. He added anything that would attract people would be fitting for that location in the downtown area.

Chair Barton stated the adult day care center use is what is being reviewed for approval right now.

City Council Liaison Sonnek asked the applicant whether she will be available to attend the City Council meeting on Tuesday July 7, 2020, to answer questions.

Ms. Yang stated she will be there, and she will be bringing a couple of the owners as well.

Chair Barton stated the Commission appears to be more comfortable with moving forward with a recommendation for approval as the applicant has indicated she is committed to exploring other uses for the site.

Commissioner Stahlmann stated he agrees that he is comfortable with recommending approval of the application without any conditions at this time.

Motion by Commissioner Worm, and seconded by Commissioner Gelbmann, with all present voting aye (6-0). Motion carried to recommend City Council approval of Conditional Use Permit for Hue Senior Center at 2544, 2546, 2548 7th Avenue E.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

-None.

VIII. OLD BUSINESS

A. 2020 Zoning Updates Discussion

Ms. Perdu reviewed changes that City Staff have made to sections of the Zoning Code since the Planning Commission's last meeting when this was discussed. She added she has provided a revised complete Use Table with residential and mixed-use combined. She noted she will not go through the "Definitions" document.

Chair Barton requested that supplemental regulations be provided via email rather than going through all of them. Ms. Perdu agreed.

Chair Barton asked whether two-family dwellings will be a permitted use in the R-1 zoning district. Ms. Perdu confirmed this, adding that was the direction that City Staff heard from the Planning Commission.

Chair Barton stated, under "Definitions", page 1, there is a lengthy comment from City Staff related to the definition of "single family dwellings". She added the current definition is acceptable and should not be changed unless necessary. She noted it is important for people to be able to read and understand the definitions. Ms. Perdu agreed to keep the current definition of "single family dwellings".

Commissioner Gelbmann stated there may be an issue related to allowing accessory residential use on properties with two-family dwellings. He added the Commission discussed allowing home additions such as a mother-in-law apartment. He asked whether a property with two dwellings could also have an accessory residential use. He noted accessory residential uses can be separate from the main home, or above a garage, as defined in the Zoning Code. Ms. Perdu agreed to research the impact of accessory dwelling units on 2-family dwelling properties.

Ms. Perdu reviewed major changes to the "Use" table, including 2-family dwellings; permitting townhouses in mixed use districts and R-3; and allowing parks and open space in the mixed-use district.

Commissioner Gelbmann asked why the City permits hotels but not motels. Ms. Perdu stated she does not recall and agreed to look into it.

Chair Barton stated motels are a different kind of use based on parking requirements.

Commissioner Gelbmann stated the definition for hotel does not include "motels".

Ms. Perdu stated motels are not common anymore, and a definition of “motel” could be obsolete.

Ms. Perdu stated parking facilities were added as a permitted use in the MU-3 district. She added short-term rentals is an issue for discussion as it is not permitted or regulated.

Commissioner Blees asked how short-term rentals differ from bed & breakfast. Ms. Perdu stated, in a short-term rental like “Airbnb”, the owner leaves their own home and another person stays there.

Commissioner Blees stated an Airbnb could be part of a residence but not the whole dwelling. He added there are blurry lines between these two uses as there is not much difference between them.

Chair Barton stated “short-term rental” should be defined.

Commissioner Monge stated a short-term rental is unsupervised, while a bed & breakfast owner is on site.

Ms. Perdu stated the issue with short-term rentals is whether to allow them in a single-family neighborhood. She added this is something that could be flagged for future discussion. She noted some cities regulate them, and some cities do nothing.

Commissioner Gelbmann stated a definition of “transit” should be included under “Automobile Parking and Transportation”. He added the City should make it as easy as possible for a transit station to be developed, starting with a definition in the Zoning Code.

Commissioner Gelbmann stated the definition of “garden center” prohibits the sale of decorative garden accessories. Chair Barton stated that could be changed to read “items”. Ms. Perdu agreed.

Commissioner Stahlmann stated a definition for “transit station” may be unnecessary as the potential transit station would be on Highway 36, which is not City property. Chair Barton stated it doesn’t hurt to include it.

Housing Policy

Ms. Perdu stated Ryan Krzos was still trying to join the meeting. She reviewed amendments to the Housing Policy, which Mr. Krzos had intended to present. She stated the intent was to include standards for 2-family dwellings to allow them in the R-1 district. She added “townhouse” and “modular dwelling” were added because there are additional standards.

Chair Barton requested clarification regarding garages on a corner lot, on two local streets. She asked why garages need to face separate streets. She added that will affect how something is designed. Ms. Perdu stated the intent of that requirement is to minimize the amount of garage in front of duplexes.

Chair Barton stated “door” should be replaced with “doors”.

Chair Barton requested that City Staff provide an explanation for the purpose of this requirement at the next meeting. Ms. Perdu agreed.

Ms. Perdu stated a definition of “grouping” is included to specify how many duplexes are allowable through the PUD process.

Commissioner Worm asked whether the units on 3rd Street are duplexes. Ms. Perdu stated that development is multi-family housing, while duplexes are 2 families. She added duplexes must have a common wall. She noted supplemental regulations have been added for two-family dwellings in the R-1 district, and the minimum livable floor space of 900 square feet per unit, which matches the square footage requirement for single-family dwellings.

Ms. Perdu asked Mr. Krzos for clarification regarding the requirement that garage units on a corner must face different streets.

Mr. Krzos stated the intent behind that requirement was so the buildings would have the appearance of a single-family dwelling, as opposed to a cluster of garages, since they will be on local neighborhood streets.

Ms. Perdu stated Chair Barton had expressed concern that the requirement might be removed because it sounds architecturally onerous. Commissioner Blees agreed it should not be required as it seems restrictive in terms of design.

Mr. Krzos stated this requirement would apply to conversion of a single-family home to a duplex. He added City Staff can review it.

Chair Barton stated she does not believe it is necessary, and it is onerous.

Mr. Krzos stated he suggested it because it is a mechanism that can lessen the visual impact of duplex construction. He added he recognizes that it can be a design challenge from an architectural standpoint.

Chair Barton stated that is an understandable explanation. She added the Commission can think about that, and not make a decision right now.

Townhouses

Mr. Krzos stated, as mentioned by Ms. Perdu, architectural guidelines existed for two-family homes were separated from townhouses and modular units. He added there is more flexibility in determining density requirements, as the overall number of units per building was removed. He noted City Staff felt that it was appropriate to articulate design standards, but not provide requirements for how to achieve modulation.

Mr. Krzos stated language regarding front elevations and variation were removed, as well as offset distances. He added a list of desirable design features for buildings was added based on townhouse design standards, and a requirement that at least two of these features must be incorporated into any design.

Chair Barton requested clarification regarding variation of exterior walls, and adjacent townhome units.

Mr. Krzos stated, in a situation where two units are attached to each other, one of the two units must be set back 3 feet. He added the next closest unit would have to be set back as well.

Chair Barton stated that section was not clear and should be revised. She stressed the importance of making sure it is as clear as possible. Mr. Krzos agreed. He added there may be instances, such as around a cul-de-sac, when it is not possible for units to be set back because they are not in a line.

Mr. Krzos stated supplemental regulations were not changed, but a requirement was added that density should be guided by the Comprehensive Plan. He added there is no residential density requirement in the “mixed use” table. He noted tree requirements were not changed but they have been included for reference. Underlying districts were not changed but were added to the MU-1 and MU-2 districts.

Chair Barton stated “Transformers”, on page 81, is listed under both D and E. She requested that this be revised. Ms. Perdu agreed.

Chair Barton requested clarification regarding minimum livable floor space requirements in the R-2 district for 2-family dwellings. Ms. Perdu agreed to look into that.

Mr. Krzos stated the section on “alternative neighborhoods” was adopted from a sample Zoning Code and relates to the cottage development. He added an overall density is required that is tied to the underlying zoning district, and property must be a minimum of 5 acres in size. He noted this type of development would have small cottage type homes with roof height requirements, overall lot coverage of 40%, and minimal building footprints. Setbacks would apply to the perimeter of the development, but not within the site, and buildings would be situated around an open green space as a focal point.

Mr. Krzos stated requirements for rear parking and front porches are intended to capture the traditional home aesthetic and promote neighborliness. There would be a 25% usable open space requirement, of which 20% must have a contiguous area of 3,000 square feet. He added successful developments of this type need a minimum of 8 units per acre. He noted the parking requirement would be less than 2 cars per unit, as these types of developments are intended to be pedestrian-oriented and have lower car ownership.

Commissioner Stahlmann requested clarification regarding the 600 square feet minimum size requirement. Mr. Krzos stated that number came up last month in conversations about what would be an acceptable lower end in terms of size of mini homes.

Ms. Perdu stated the intent of this definition is to provide an opportunity to allow different types of small neighborhood developments. He added a developer could do a PUD if they wanted, but it would not be necessary.

Chair Barton stated it would be necessary to have all the standards covered because the application would not be required to go through the public comment period.

Commissioner Blees stated this definition is concise and comprehensive. He added it is possible to envision what this type of development will look like.

Chair Barton asked whether it would be appropriate to have a maximum parking requirement. Ms. Perdu stated she would suggest that the Planning Commission should consider maximum parking requirements in more than 1 district, and this can be discussed under the Parking section. She noted the lot coverage requirement should also be reviewed.

Infill Housing

Mr. Krzos stated the section on “special infill” relates to 2-family dwellings in the R-1 zone and refers to limiting the scope of development of smaller homes on smaller lots. He noted minimum lot area and lot width are reduced with allowance for smaller buildings.

IX. REPORTS FROM STAFF

Ms. Boerschinger stated she will list the Vice Chair on the next Meeting Agenda. She apologized for that oversight.

X. REPORTS FROM COMMISSIONERS

a. Update from City Council Liaison

City Council Liaison Sonnek stated the City Council agreed to purchase OpenGov, a software application for City operations and administration. He added this software, used by the City of Minneapolis and many other cities across the country, will provide improved capabilities for City services including online permitting, billing systems and reporting practices.

City Council Liaison Sonnek stated the storage facility building sale is complete, and work will begin as soon as possible. He added the facility will take approximately 10 months to build.

City Council Liaison Sonnek stated street reconstruction at the Anchor development is moving along and ahead of schedule. He added the final contract for the apartment building is expected on Monday, and Kwik Trip final contract was sent last week. He added the Kwik Trip will be constructed in 110 days.

City Council Liaison Sonnek stated the Uptown Commons street construction will start Monday, and the intersection at 7th and Margaret will be closed at some point for over a month.

City Council Liaison Sonnek stated WCCO ran a story on local cities supporting their downtown businesses, and North St. Paul was featured. He added there were interviews with Susanna from Luv Ice Cream, Mayor Furlong, and Kelly from Roddy’s. He noted the WCCO story is linked on the City’s website. He noted the City’s new Communications Coordinator was instrumental in getting that feature for the City, and there will be similar good things to follow for the website and other City communications.

Commissioner Worm stated he has not attended the past few Planning Commission meetings because he has not been receiving email notifications. Ms. Boerschinger requested that Commissioner Worm write down his email address and give it to Ms. Perdu.

Commissioner Worm asked whether paper meeting packets are being delivered. Ms. Boerschinger stated meeting packets have not been delivered since City meetings went to Zoom online format. She added she can arrange to have packets delivered if that is helpful. Commissioner Worm and Commissioner Stahlmann requested that meeting packets be delivered to them.

Chair Barton stated she received an email regarding security training in her City email address in early June. The new Commissioners indicated that they did not know they had a City email address. Chair Barton requested that City Staff provide that information to the new Commissioners.

XI. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Blees, and seconded by Commissioner Gelbmann, with all present voting aye (6-0). Motion carried to adjourn the meeting at 8:35 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, August 6, 2020 at 6:15 p.m.

Members, please notify any planned absences to: Olivia Boerschinger
Planning Commission Secretary
651-747-2400
Olivia.boerschinger@northstpaul.org

**Agenda Information Memorandum
North St. Paul Planning Commission
August 1, 2020**

VIII. REPORTS FROM STAFF

A. 2020 Zoning Updates Discussion

ACTION TO BE CONSIDERED

Provide feedback on proposed modifications to the Planned Unit Development Ordinance and finalized updates regarding housing policies

FACTS

This memo provides background information and recommendations on the following:

- Final updates related to housing policies
 - Townhouses
 - Two-Family Dwellings
 - Cottage Developments
 - Accessory Dwelling Units (ADUs)
- Proposed Planned Unit Development Revisions

Housing Policy Updates:

The following updates have been made based on our July meeting discussion

Townhouses

- Clarification about variation of exterior walls in adjacent buildings
- Removal of transformer item (included under “utilities”)
- Addition of minimum livable floor space for Two-family and Townhome dwelling in Table 5

Two-Family Dwellings

- Removal of requirement that garages face separate streets on a corner lot

Cottage Developments

- Changed floor area maximum to 1,000 sf. to match the possible maximum size of the first floor area

Accessory Dwelling Units

- Removed lot width requirement and added reference instead to underlying zoning district
- Added minimum and maximum size requirements for ADUs to distinguish them from two-family dwellings

- **Point of discussion:** the current ordinance requires a setback of 10 feet from side and rear property lines for detached ADUs. If an ADU is located in or above a detached garage, we may run into conflicts with garage setbacks (allowed to be 3 feet from the property line). Do we want to keep a 10-foot setback for the ADU portion of the structure? Or allow underlying setbacks prevail?
- Eliminated statement that height, lot area per dwelling unit and usable open space be determined by the Zoning Administrator; all are addressed elsewhere in the ordinance
- Eliminated requirements for usable open space for ADUs
- Eliminated requirement that the principal dwelling be owner-occupied
- **Point of discussion:** should ADUs be required to have a separate (accessible from the outside) entrance? OR should they be allowed to share internal corridors/passageways?
- Changed ADUs from conditional to permitted uses in the R-1, R-2 and R-3 districts
- **Point of discussion:** how should home occupations in ADUs be handled? Sample language is included in the draft ADU ordinance.

Planned Unit Development Ordinance:

Out next ordinance section for discussion is the Planned Unit Development Ordinance. Attached are draft changes aimed at making the City's priorities clear, clarifying what flexibility may be granted with a PUD, and simplifying the process. More specifically, the proposed changes include:

- Revisions to the purpose and objectives stating what types of flexibility can be granted and what things are considered public benefits
- Removal of the Planned Residential, Planned Commercial, Planned Industrial and Planned Mixed Use types of PUDs (deemed unnecessary)
- Clarification that maximum density is guided by the Comprehensive Plan and Shoreland Overlay District
- Parking flexibility
- Explanation of the Concept PUD Plan stage
- Streamlining recommendations of the Preliminary and Final PUD stages
- Removal of annual review requirement

TOWNHOUSE AMENDMENTS

§ 154.010 GENERAL REGULATIONS (E) Architectural requirements.

4. *Architectural control.* In all districts, buildings and structures must comply with the following:

(b) Two-family dwelling.... (See Two-family Ordinance)

(b c) ~~Two-family dwelling,~~ Townhouse dwelling and modular housing.

i. Shall be designed to consist of exterior materials compatible with residential development in the area with due regard to architectural quality and the massing of structures.

~~ii. Number of units. There shall be no more than five townhouse units attached in any one group or building. For unique designs involving special circumstances, a greater number may be allowed, provided views, windows (in at least three directions for each unit), privacy and line of sight are preserved in the design.~~

iii. Variation of exterior walls. No more than two adjacent townhouse units may have front facades in the same vertical plane. Where a variation in front façade plane is required, the variation shall be a minimum of three feet. **For purposes of this section adjacent townhouse units refer to those physically attached or units located within 15 feet, if not physically attached.** ~~Modulation, length. The building and units shall be modulated to provide interest.~~

iv. Design features. At least two of the following design features shall be provided for visual relief along all facades of each townhome structure:

(a) Roof dormers;

(b) Gables;

(c) Recessed entries;

(d) Covered porches;

(e) Bay windows;

(f) Eaves of at least 12 inches beyond the building wall or a parapet wall with an articulated design (decorative cornice, etc.);

(g) Recesses/shadow lines. ~~Diversity. Townhouse groupings shall provide diversity in terms of size, type and building orientation and form.~~

v. ii. Garage frontage. Townhouse dwelling unit garage doors facing a public or private street are limited to 40% of the structure width facing the same street.

vi. Equipment. All building equipment shall be hidden from view. Building vents and chimneys shall consist of similar materials to the building roof and the sides of the building.

§ 154.010 GENERAL REGULATIONS. (B) Usable open space.

1. Residential.

(d) Townhouse. Each lot shall contain at least ~~500 square feet~~ 25 percent of usable open space ~~for each unit~~.

§ 154.010 GENERAL REGULATIONS. (D) Supplemental regulations

45. Townhouse dwelling.

(a) Access. Each townhouse unit shall have direct vehicle access from the garage and driveway to a public road or to an improved private road meeting the requirements of the city.

(b) Drainage. Drainage shall be provided as required consistent with the city and Watershed District requirements. Any required NURP ponds shall be integrated into the overall plan and proper easement and maintenance agreements shall be provided.

(c) Projecting air conditioning and heating units. Air conditioning or heating units shall not project through exterior walls or windows unless located behind a balcony and screened from view.

~~(d) Transformers. If located outside, shall be screened from view.~~

~~(d)(e)~~ Utilities. Building utility services and structures such as meters, transformers, refuse containers, including dumpsters, ancillary equipment and the like shall be either located inside the principal building, inside an accessory building, or, where allowed, be outside and entirely screened from off-site views. For new buildings, all utilities shall be underground.

~~(e)(f)~~ Density. Townhouses within the Mixed-Use Districts shall be developed in accordance with the density as guided by the Comprehensive Plan.

§ 154.010 GENERAL REGULATIONS (F) Landscaping and screening.

3. *Tree requirements.*

(a) Number of trees. Trees must be planted within the property lines and in a location as not to interfere with sight line visibility at maturity. The minimum number of trees of any given site shall be as follows:

ii. Townhouse and multiple family uses. Residential structures containing two or more units shall contain as a minimum: one tree per dwelling unit.

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 1. Permitted, conditional and interim uses.

Table 3. Residential Use Districts

Residential - Family Living	R-1	R-2	R-3	Supplemental Regulations
Townhouse Dwelling		P	P	X

§ 154.007 Mixed-Use Districts. (C) Use, lot and design requirements. 1. Permitted, conditional and interim uses.

Table 6. Mixed Use Districts

Residential - Family Living	MU-1	MU-2	MU-3	Supplemental Regulations
Townhouse Dwelling	<u>P</u>	<u>P</u>	P	X

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 4. Design requirements.

Table 5. Residential Districts Design Requirements

District	Maximum Height	Lot Coverage	Density	Minimum Livable Floor Space	Limit of Surfacing in Front Yard
R-1 Single Family Residential District	Two (2) stories or 35 ft. in height, except flag poles, monuments and chimneys, church spires, belfries or domes which do not contain usable spaces, and radio and TV reception towers may extend to a maximum height of 45 ft. above the ground, City Water towers may extend to a height of 140 ft.	40%	Low (3 - 5.5 units/acre)	Single Family: One Story: 900 sq. ft. Two Story: 1,200 sq. ft. <u>Two Family: 900 sq. Ft.</u>	40%

R-2 Mixed Residential District	Senior Housing: Three (3) stories or 35 ft. in height. Accessory Building: 15 ft. except for Accessory Dwelling Unit, then 20 ft.	50%	Medium (5.6 - 7.3 units/acre)	Single Family: One Story: 900 sq. ft. Two Story: 1,200 sq. ft. Two Family: 900 sq. Ft. <u>Townhome: 900 sq. Ft.</u>
R-3 Multiple Family Residential District	Three (3) stories or 35 ft. in height, except flag poles, monuments and chimneys, church spires, belfries or domes which do not contain usable spaces, and radio and TV reception towers may extend to a maximum height of 45 ft. above the ground, City Water towers may extend to a height of 140 ft. Separate height restrictions exist for accessory buildings.		High (7.4 - 22 units/acre)	Multiple Family: Efficiency Unit: 400 sq. ft. One Bedroom: 550 sq. ft. Two Bedroom: 700 sq. ft. Three Bedroom: 850 sq. ft. Four Bedroom: 1000 sq. ft. Two Family: 900 sq. Ft. <u>Townhome: 900 sq. Ft.</u>

§ 154.010 GENERAL REGULATIONS (J) Off street parking & loading.

Table 8. Off-Street Parking and Loading Requirements

Residential		
Townhouse Dwelling Residential- Family Living	Single Family Dwelling Unit Multifamily Dwelling Unit	2 per dwelling unit

Precedents:

Duluth

In the R-1 and R-2 districts, each dwelling shall exhibit the characteristics of a series of one-family dwellings that are arranged in an attached side by side fashion and shall be designed to protect the character of one-family residences as set forth below:

1. Dwelling fronting street. Townhouse dwellings shall be located on lots in such a way that each individual dwelling unit has a minimum of 20 feet of street frontage in the R-1 district, and a minimum of 15 feet of street frontage in the R-2 district;
2. Variation of exterior walls. No more than two adjacent townhouse units may have front facades in the same vertical plane. Where a variation in front façade plane is required, the variation shall be a minimum of three feet;
3. Landscaping. Prior to the occupancy and use of a townhouse dwelling, coniferous or evergreen trees meeting the minimum size requirements of Section 50-25.2 shall be planted in required front and back yard areas on an average spacing of 20 feet;
4. Screening of refuse areas. Where refuse storage areas are directly viewable from any exterior lot line at a height of six feet above grade, they shall be screened by wood, brick, or stone fences, or by vegetative materials, with a minimum height of six feet, designed so that at least 75 percent of the refuse area is obscured by opaque materials when viewed at an angle perpendicular to the screening materials;
5. Maximum number of units. In the R-1 district, townhomes constructed on the corners of blocks or adjacent to the intersections of two or more public or private road may have up to eight dwelling units, but townhomes constructed in the middle of a subdivision block may have no more than six dwelling units. In all other zone districts, townhomes may not exceed eight dwelling units;
6. Separate entrances. Each unit in a townhome must have a separate exterior entrance on the facade facing the front yard property line, or front side yard property line;
7. Design features. At least three of the following design features shall be provided for visual relief along all facades of each townhome structure:
 - (a) Roof dormers;
 - (b) Gables;
 - (c) Recessed entries;
 - (d) Covered porches;
 - (e) Cupolas;
 - (f) Pillars, pilasters or posts;
 - (g) Bay windows;

- (h) Eaves of at least 12 inches beyond the building wall or a parapet wall with an articulated design (decorative cornice, etc.);
- (i) Multiple windows with minimum four inches trim;
- (j) Recesses/shadow lines;

TWO-FAMILY DWELLINGS

§ 154.010 GENERAL REGULATIONS (E) Architectural requirements.

4. *Architectural control.* In all districts, buildings and structures must comply with the following:

(a) Single-family dwelling.

i. Shall be designed to consist of exterior materials compatible with residential development in the area with due regard to architectural quality and the massing of structures.

(b) Two-family dwelling.

i. Shall be designed to consist of exterior materials compatible with residential development in the area with due regard to architectural quality and the massing of structures.

ii. Garage frontage. Two-family dwelling garage doors facing a public or private street is limited to 40% of the structure width facing the same street.

iii. When a two-family dwelling is on a corner lot adjacent to two local streets as classified by the Comprehensive Plan, the garage for each unit must face a separate street.

(b c) ~~Two-family dwelling~~, t Townhouse dwelling and modular housing. (See Townhouse Ordinance)

NOTE: Existing (b) through (e) will be renumbered to reflect proposed subdivision (b).

§ 154.010 GENERAL REGULATIONS (D) Supplemental regulations

46. Two-Family dwelling.

(a) Because groupings of two-family dwellings have higher levels of neighborhood impact than stand alone, infill two-family dwellings, approval of groupings of two-family dwellings warrants a higher level of review and discretion. Plans for groupings of two-family dwellings within the R-1 District may only be approved when a planned unit development overlay zoning district has first been approved by the City Council. Two-family dwellings qualify as a grouping when the parcel on which a two-family dwelling is proposed within 500 feet of a parcel occupied by an existing or proposed two-family dwelling, measured along existing or proposed public streets.

(b) Attachment required. The two units in a two-family dwelling must have a common wall of at least ten feet in length or be oriented in an over/under relationship.

NOTE: Existing (46) through (50) will be renumbered to reflect proposed subdivision (46).

§ 154.010 GENERAL REGULATIONS (F) Landscaping and screening.

3. *Tree requirements.*

(a) Number of trees. Trees must be planted within the property lines and in a location as not to interfere with sight line visibility at maturity. The minimum number of trees of any given site shall be as follows:

- i. Single- and two-family uses. A minimum of one tree per parcel.

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 1. Permitted, conditional and interim uses.

Table 3. Residential Use Districts

Residential - Family Living	R-1	R-2	R-3	Supplemental Regulations
Two Family Dwelling	<u>P</u>	P	P	<u>X</u>

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 4. Design requirements.

Table 5. Residential Districts Design Requirements

District	Maximum Height	Lot Coverage	Density	Minimum Livable Floor Space	Limit of Surfacing in Front Yard
R-1 Single Family Residential District	Two (2) stories or 35 ft. in height , except flag poles, monuments and chimneys, church spires, belfries or domes which do not contain usable spaces, and radio and TV reception towers may extend to a maximum height of 45 ft. above the ground, City Water towers may extend to a height of 140 ft.	40%	Low (3 - 5.5 units/acre)	Single Family: One Story: 900 sq. ft. Two Story: 1,200 sq. ft. <u>Two Family:</u> <u>900 sq. ft.</u> <u>per unit</u>	40%

R-2 Mixed Residential District	Senior Housing: Three (3) stories or 35 ft. in height. Accessory Building: 15 ft. except for Accessory Dwelling Unit, then 20 ft.	50%	Medium (5.6 - 7.3 units/acre)	Single Family: One Story: 900 sq. ft. Two Story: 1,200 sq. ft. Two Family: 900 sq. Ft. <u>Townhome: 900 sq ft.</u>
R-3 Multiple Family Residential District	Three (3) stories or 35 ft. in height, except flag poles, monuments and chimneys, church spires, belfries or domes which do not contain usable spaces, and radio and TV reception towers may extend to a maximum height of 45 ft. above the ground, City Water towers may extend to a height of 140 ft. Separate height restrictions exist for accessory buildings.		High (7.4 - 22 units/acre)	Multiple Family: Efficiency Unit: 400 sq. ft. One Bedroom: 550 sq. ft. Two Bedroom: 700 sq. ft. Three Bedroom: 850 sq. ft. Four Bedroom: 1000 sq. ft. Two Family: 900 sq. Ft. <u>Townhome: 900 sq. Ft.</u>

§ 154.010 GENERAL REGULATIONS (J) Off street parking & loading.

Table 8. Off-Street Parking and Loading Requirements

Residential		
Two Family Dwelling Residential- Family Living	Single Family Dwelling Unit Multifamily Dwelling Unit	2 per dwelling unit

ALTERNATIVE NEIGHBORHOODS

Cottage Developments

§ 154.010 GENERAL REGULATIONS. (D) Supplemental regulations

Cottage Developments

(a) Density and Minimum Lot Area.

- i. In Cottage Developments the permitted density shall be not exceed the density permitted in the underlying Zoning District.
- ii.. The minimum total lot area for a Cottage Development shall be 0.5 acres.
- iii. On a lot to be used for a Cottage Development, an existing detached single-family residential or two-family dwelling, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased.

(b) Height Limit and Roof Pitch.

- i. The height limit permitted for structures in Cottage Developments shall be 18 feet.
- ii. The ridge of pitched roofs with a minimum slope of six to 12 may extend up to 25 feet. All parts of the roof above 18 feet shall be pitched.

(c) Lot Coverage and Floor Area.

- i. The maximum lot coverage permitted for principal and accessory structures in Cottage Development shall not exceed 40 percent.
- ii. The first floor or main floor area for an individual principal structure in a Cottage Development shall be a minimum of 600 square feet and shall not exceed 1,000 square feet.
- iii. The total floor area of each cottage shall not exceed either one and one-half times the area of the main level or **1,000 975** square feet, whichever is less.

(d) Setbacks. The setbacks required in the underlying Zoning District shall apply from adjacent property lines along the perimeter of the Cottage Development site to structures, but not internally within the site.

(e) Required Open Space. At least 50 percent of the cottage unit shall abut the common open space, all of the cottage units shall be within 60 feet walking distance of the common open space, and the common open space shall have cottages abutting at least two sides.

(f) Parking Location. Parking shall be on the Cottage Development property and may be in or under a structure or outside a structure; provided, that:

- i. The parking is screened from direct street view by one or more street facades, by garage doors, or by a fence and landscaping.
- ii. Parking between structures is only allowed when it is located toward the rear of the principal structure and is served by an alley or private driveway.
- iii. Parking may not be located in the front yard.
- iv. Parking may be located between any structure and the rear lot line of the lot or between any structure and a side lot line, which is not a street side lot line.

(g) Porches. Each unit in the Cottage Development shall have a front porch at least 80 square feet in size, and facing a street or common open space.

§ 154.010 GENERAL REGULATIONS. (B) Usable open space.

1. Residential.

(e) Cottage Developments. 25 percent of the site within a minimum of one contiguous area at least 3,000 square feet in size is required.

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 1. Permitted, conditional and interim uses.

Table 3. Residential Use Districts

Residential - Family Living	R-1	R-2	R-3	Supplemental Regulations
<u>Cottage Development</u>		<u>P</u>	<u>P</u>	<u>X</u>

§ 154.010 GENERAL REGULATIONS (J) Off street parking & loading.

Table 8. Off-Street Parking and Loading Requirements

Residential		
<u>Cottage Development</u> <u>Residential- Family Living</u>	Single Family Dwelling Unit Multifamily Dwelling Unit	<u>1.25 per dwelling unit</u>

Special Infill Housing

§ 154.010 GENERAL REGULATIONS. (D) Supplemental regulations

41. *Special infill housing.*

(a) The parcel must be within 10% of meeting the conventional minimum lot width and lot area of the zoning district.

(b) The first floor or main floor area for a proposed house shall be a minimum of 600 square feet.

(~~b~~c) Proposed houses must be of quality design, utilize high quality materials and are governed by a superior development plan with respect to design, orientation and location of the house and any accessory garages and building, the location of the driveway, required parking, landscaping, accessory buildings, if any, and other factors and features relevant to the site development and adjacent property.

(~~e~~d) Due regard has been given to adjacent property.

Accessory Dwelling Unit

Note: in Bloomington, where two family uses are permitted in R-1, ADUs are also permitted.

Accessory Dwelling Units

DWELLING UNIT, ACCESSORY (ADU). Also known as a "granny flat," "mother-in-law apartment" or "carriage house" - is a self-contained living unit that can be located within the walls of an existing or newly constructed home, or that can be an addition to an existing home. It can also be a freestanding structure on the same lot as the main house or located within/attached to a detached garage.

§ 154.010 GENERAL REGULATIONS. (D) Supplemental regulations

2. Accessory dwelling unit.

- (a) No more than one accessory dwelling unit may be located on a lot.
- (b) The lot shall have a minimum area of 5,000 square feet.
- (c) The lot shall have a minimum width of ~~60 feet~~ equal to the underlying zoning district requirement.
- (d) An attached accessory dwelling unit shall be part of the single-family dwelling on the same lot for the purpose of the bulk requirements of the district. Any secondary dwelling unit connected to the single-family dwelling is considered attached. An attached accessory dwelling unit must meet the following:
 - (i) The associated single-family dwelling unit must continue to meet minimum floor area requirements
 - (ii) Minimum size of the Accessory Dwelling unit shall be 300 square feet with a maximum size of 900 square feet
- (e) A detached accessory dwelling unit shall be located ~~only within a freestanding structure or~~ above a detached garage of the single-family dwelling on the same lot. The detached accessory dwelling unit area must not exceed 900 square feet.
- (f) A detached accessory dwelling unit shall be setback a minimum of ten feet from side and rear property lines or up to an easement line, but not on it whichever is greater.
- ~~(g) The height, lot area per dwelling unit, and usable open space requirements for detached accessory dwelling units shall be determined by the Zoning Administrator.~~
- ~~— (h) The usable open space requirements for a detached accessory dwelling unit shall be 50% of the usable open space requirement in the district.~~
- ~~— (i) The single family dwelling on the lot shall be owner occupied.~~

(j) The entryway to the accessory dwelling unit shall be connected to a street frontage with a paved walkway.

(k) The accessory dwelling unit shall have a separate entrance from the single-family dwelling.

§ 154.006 RESIDENTIAL ZONES. (C) Use, lot and design requirements. 1. Permitted, conditional and interim uses.

Table 3. Residential Use Districts

Accessory Uses and Structures	R-1	R-2	R-3	Supplemental Regulations
Accessory Dwelling Unit	<u>P</u> C	<u>P</u> C	<u>P</u> C	X

§ 154.010 GENERAL REGULATIONS (J) Off street parking & loading.

Table 8. Off-Street Parking and Loading Requirements

Residential		
Accessory Dwelling Unit Accessory Use	Accessory Dwelling Unit (ADU)	1 space per dwelling unit

Items for consideration:

How to treat Home Occupations? Example from Bloomington:

(7) *Home businesses.* Type I home businesses are allowed within an accessory dwelling unit, subject to existing performance standards, provided the combined impacts of home occupations in the accessory dwelling unit and associated single-family dwelling unit do not exceed the performance standards for one single-family dwelling unit, including, but not limited to, the number of employees, signs, deliveries, pick-ups and client appointments per site. Type II home businesses are not allowed within accessory dwelling units.

If ADU is on upper story do we care about exterior stairs? Example for Minneapolis:

d. Stairways leading to an attached accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

Is there a need for any additional design standards? Appearance, Exterior Materials? Examples:

Bloomington:

(14) *Appearance.* Accessory dwelling units and associated single-family dwelling units must clearly be designed and constructed to maintain the outward appearance of one single-family dwelling; the appearance of a two-family dwelling must be avoided.

Minneapolis:

(4) Balconies and decks shall not face an interior side yard.

(5) Rooftop decks shall not be allowed.

(8) Attached ADUs:

b. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.

d. The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal structure.

(9) Detached ADUs:

h. The primary exterior materials of the detached accessory structure shall be durable, including but not limited to masonry, brick, stone, wood, cement-based siding, or glass.

i. Not less than five (5) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.

j. Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.

Precedents:

Bloomington: Two-family uses and ADUs Permitted in R-1

§ 21.302.03 ACCESSORY DWELLING UNITS.

(a) *Purpose and application.* In order to accommodate the housing needs of residents while protecting the public health, safety and general welfare of the community, the Council finds that these regulations are necessary in order to:

- (1) Create new housing units while respecting the appearance and character of single-family dwellings;
- (2) Provide housing that responds to changing family needs, privacy standards and household sizes;
- (3) Make more efficient use of existing housing stock and infrastructure; and
- (4) Encourage the creation of additional affordable housing.

(b) *Standards.*

(1) *Zoning district.* Accessory dwelling units must be located within the R-1 or RS-1 Residential Zoning Districts.

(2) *Reserved.*

(3) *Parking.* Accessory dwelling units are not permitted on residential sites that do not meet the minimum parking standards for a single-family dwelling unit (four off-street spaces, two of which are within a garage or area that could be occupied by a garage: see § 21.301.06). The total number of vehicles parked or stored must conform with the standards in § 12.03.

(4) *Location.* Accessory dwelling units must be attached to the single-family dwelling four season living space or located within single-family dwelling units. Accessory dwelling units are not permitted in conjunction with two-family dwellings, townhomes/rowhomes or multiple-family dwellings. Accessory dwelling units are not permitted in, or attached to, detached structures, including, but not limited to, detached garages or accessory buildings.

(5) *Number.* No more than one accessory dwelling unit is permitted per residential site.

(6) *Convertibility.* With respect to the point of attachment, degree of attachment and the coordination of floor plans between the single-family dwelling unit and the associated accessory dwelling unit, the accessory dwelling unit must be designed and

constructed to allow conversion of the accessory dwelling unit back to single-family residential space in the future.

(7) *Home businesses.* Type I home businesses are allowed within an accessory dwelling unit, subject to existing performance standards, provided the combined impacts of home occupations in the accessory dwelling unit and associated single-family dwelling unit do not exceed the performance standards for one single-family dwelling unit, including, but not limited to, the number of employees, signs, deliveries, pick-ups and client appointments per site. Type II home businesses are not allowed within accessory dwelling units.

(8) *Size.*

(A) *Minimum size.* Accessory dwelling units must be at least 300 square feet in area.

(B) *Maximum size.* Accessory dwelling units must be less than 960 square feet in area.

(C) *Proportionate size.* The floor area of an accessory dwelling unit must not exceed 33% of the combined four season living area of the accessory dwelling unit and the associated single-family dwelling unit

(D) *Common utility exception.* Areas containing common utility or mechanical equipment, up to a maximum of 100 square feet, that are within the accessory dwelling unit but serve both the accessory dwelling unit and single-family dwelling unit are exempt from the size calculation of the accessory dwelling unit.

(E) *Associated single-family dwelling size.* The associated single-family dwelling unit must continue to meet minimum floor area requirements; see § 21.301.01.

(9) *Utilities.* Accessory dwelling units are prohibited on sites not served by municipal sewer and water. Separate utility metering for the accessory dwelling unit is prohibited.

(10) *Ownership.* Accessory dwelling units may not be subdivided and may not be otherwise separated in ownership from the associated single-family dwelling unit.

(11) *Bedrooms.* No more than two bedrooms are permitted in the accessory dwelling unit.

(12) *Rental license.* Rental of either the accessory dwelling unit or associated single-family dwelling unit requires a rental license pursuant to Chapter 14 of the city code. Only one rental license is permitted per residential site.

(13) *Occupants.* Occupancy is limited to two persons in the accessory dwelling unit.

(14) *Appearance.* Accessory dwelling units and associated single-family dwelling units must clearly be designed and constructed to maintain the outward appearance of one single-family dwelling; the appearance of a two-family dwelling must be avoided.

(15) *Single-family dwelling standards.* Accessory dwelling units in combination with their associated single-family dwelling unit must conform to all city code requirements for single-family dwellings, including, but not limited to, setback, height, impervious surface, motor vehicle, recreational vehicle and accessory building standards.

(16) *Building Code compliance.* The accessory dwelling unit and the associated single-family dwelling unit must meet current State Building Code provisions, including, but not limited to, fire resistance and sound insulation standards between units.

(c) *Site plan requirements.* Any application for an accessory dwelling unit must be accompanied by:

(1) An existing conditions survey showing property lines, existing and proposed structures, existing and proposed impervious surface areas (call out overall percentage impervious), setbacks and required off-street parking;

(2) A letter of narrative describing the proposed accessory dwelling unit;

(3) Elevation drawings depicting both the existing and proposed structure from all four directions; and

(4) A floor plan of both the single-family dwelling and the associated accessory dwelling unit indicating points of entrance and floor areas.

(5) In the event an accessory dwelling unit is proposed entirely within the existing floor area of a single-family dwelling, the existing conditions survey is not required and elevation drawings are required only for those elevations proposed to be altered.

(6) A written description and/or plans depicting how the accessory dwelling unit may convert back to single-family residential space in the future.

(d) *Approval process.* Accessory dwelling units must receive administrative final site and building plan approval prior to issuance of a building permit.

(e) *Temporary family health care dwellings.* Pursuant to the authority granted by M.S. § 462.3593, subd. 9, as it may be amended from time to time, the city opts-out of

the requirements of M.S. § 462.3593, which defines and regulates temporary family health care dwellings.

Minneapolis Two-family uses and ADUs Permitted in R-1

Accessory dwelling units. Internal, attached, and detached accessory dwelling units shall be allowed accessory to a principal residential structure, subject to the following:

(1) The principal residential structure shall be a permitted or conditional single-family or two-family dwelling, accessory dwelling units shall be prohibited accessory to all other uses.

(2) No more than one (1) accessory dwelling unit shall be allowed on a zoning lot.

(3) The creation of an accessory dwelling unit shall not create a separate tax parcel.

(4) Balconies and decks shall not face an interior side yard.

(5) Rooftop decks shall not be allowed.

(6) An owner of the property must occupy at least one (1) dwelling unit on the zoning lot as their primary place of residence.

a. If an owner is unable or unwilling to fulfill the requirements of this section, the owner shall remove those features of the accessory dwelling unit that make it a dwelling unit. Failure to do so will constitute a violation of this section.

b. Prior to issuance of a permit establishing an accessory dwelling unit, the owner(s) shall file with the Hennepin County recorder a covenant by the owner(s) to the City of Minneapolis stating that the owner(s) agree to restrict use of the principal and accessory dwelling units in compliance with the requirements of this section and notify all prospective purchasers of those requirements.

c. The covenant shall run with the land and be binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The covenant shall be in a form prescribed by the zoning administrator that includes the legal description of the zoning lot. The property owner(s) shall return the original covenant with recording stamp to the zoning administrator before the building permit for the accessory dwelling unit is issued.

d. At the request of a property owner and upon an inspection finding that an accessory dwelling unit has been removed from the owner's property, the zoning administrator shall record a release of any previously recorded covenant for that accessory dwelling unit.

(7) Accessory dwelling units that are internal to a principal residential structure shall also comply with the following requirements:

a. Internal accessory dwelling units are limited to eight hundred (800) square feet. The gross floor area of an internal accessory dwelling unit may exceed eight hundred (800) square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of January 1, 2015. In no case shall the floor area of the internal accessory dwelling unit exceed the floor area of the first floor of the primary structure.

b. The entire internal accessory dwelling unit shall be located on one (1) level.

c. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.

d. Stairways leading to an attached accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

(8) Accessory dwelling units that are attached to a principal residential structure shall also comply with the following requirements:

a. The maximum gross floor area for an attached accessory dwelling unit shall be eight hundred (800) square feet.

b. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.

c. Stairways leading to an internal accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

d. The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal structure.

(9) Detached accessory dwelling units shall also comply with the following requirements:

a. Except as authorized by variance, a detached accessory dwelling unit shall not exceed twenty-one (21) feet in height.

b. The gross floor area of a detached accessory dwelling unit, including any areas designed or intended to be used for the parking of vehicles and habitable floor area on all levels, shall not exceed one thousand three hundred (1,300) square feet or sixteen (16) percent of the lot area, whichever is greater. In no case shall the gross floor area exceed one thousand six hundred (1,600) square feet or exceed the gross floor area of the principal dwelling, whichever is less.

c. When a lot includes a detached accessory dwelling unit, the combined floor area of the footprint of the detached accessory dwelling unit, and all other accessory structures and uses designed or intended to be used for the parking of vehicles, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater, not to exceed one-thousand (1,000) square feet.

d. The minimum interior side yard requirement for a detached accessory dwelling unit shall not be less than three (3) feet.

e. The minimum rear yard requirement for a detached accessory dwelling unit may be reduced to three (3) feet, except where vehicle access doors face the rear lot line, in which case no reduction of the required yard is permitted.

f. A detached accessory dwelling unit on a reverse corner lot shall be no closer to the side lot line adjacent to the street than a distance equal to two-thirds of the depth of the required front yard specified in the yard requirements table of the district of the adjacent property to the rear. Further, a detached accessory dwelling unit shall not be located within five (5) feet of a rear lot line that coincides with the side lot line of a property in a residence or office residence district.

g. The distance between the detached accessory dwelling unit and the habitable portion of the principal residential structure shall be a minimum of twenty (20) feet.

h. The primary exterior materials of the detached accessory structure shall be durable, including but not limited to masonry, brick, stone, wood, cement-based siding, or glass.

i. Not less than five (5) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.

j. Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.

(10) The zoning administrator shall conduct the administrative review of all applications for an accessory dwelling unit. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Enforcement.

Planned Unit Development Changes

Zoning District Table

Residential Districts	District Name	Purpose
R-1	Single Family Residential	Low Density Residential
R-2	Mixed Residential	Medium Density Residential
R-3	Multiple Family Residential	High Density Residential
Mixed-Use Districts		
MU-1	Downtown Mixed-Use	Small-scale mixed-use
MU-2	Transitional Mixed-Use	Medium-scale mixed-use
MU-3	Corridor Mixed-Use	Higher intensity mixed-use and smaller-scale industrial
Overlay Districts		
D-1	Downtown District Overlay	Dense residential on edges, compressed downtown core
S-1	Shoreland Overlay	Protect the quality of surface waters
Special Districts		
LID	Low-Impact Development	Conservations, open space, sustainability
PUD	Planned Unit Development	Integrated, coordinated development <u>that provides public benefits in exchange for ordinance flexibility</u>
Floodplain Districts		
F-1	Floodway District	Provides additional floodplain regulations
F-2	Flood Fringe District	Provides additional floodplain regulations
F-3	General Floodplain District	Provides additional floodplain regulations
F-4	Flood Storage District	Provides additional floodplain regulations

(C) Planned Unit Development District (PUD).

1. Purpose. Planned Unit Developments (or PUDs) are allowed to encourage innovation in project design that cannot be achieved through traditional zoning. More specifically, This district is established to:
 - (a) Provide for development as an integrated, coordinated unit as opposed to a traditional parcel-by-parcel, approach to development.
 - (b) Introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities.
 - (c) ~~Planned unit developments (PUD's) are to b~~Enable development that is e characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and a harmonious selection and efficient distribution of uses.
 - (d) Provide flexibility from ordinance requirements and joint planning between the city and developer to protect other features such as existing development, planned streets, vegetation, slopes, wetlands, lakes or streams.
 - (e) ~~Permit and promote greater flexibility to allow more creativity and imaginative design, and to p~~Promote more efficient uses of the land while preserving existing landscape amenities and allowing harmonious development consistent with the Comprehensive Plan and preserving the health, safety and general welfare of the community.
2. Objectives. The PUD is intended to encourage the efficient use of land and resources, to promote greater efficiency in public utility services and encourage innovation in the planning and building of all types of development. Public benefits to be derived as a result of the PUD include, but are not limited to:
 - ~~(a) Permit and promote greater flexibility to allow more creativity and imaginative design, and to promote more efficient uses of the land while preserving existing landscape amenities and allowing harmonious development consistent with the Comprehensive Plan and preserving the health, safety and general welfare of the community.~~
 - (a) Harmonious mix of land uses, building types, open spaces, and circulation elements
 - ~~(b) Ensure c~~Concentration of open space into more usable areas, ~~and the~~
 - ~~(b)(c) p~~Preservation of the natural resources of the site including wetlands, woodlands, steep slopes and scenic areas.
 - ~~(c)(d)~~ Facilitate the economical provision of streets and public utilities.
 - ~~(d)(e) Encourage the p~~reservation and enhance ~~ment of~~ historic and natural resources ~~while creating a positive environment with special development features.~~
 - ~~(e)(f)~~ Allow more than one principal building on a lot.

~~(f)~~(g) Allow for a Provision of a mixture of residential unit types and densities in an integrated and well-planned area, ~~and provide for creating~~ a variety of housing types, consistent with the city's housing goals.

~~(g)~~(h) Promote energy conservation through the use of more efficient building designs, sites and clustering of land uses and buildings.

~~(h) Provide for mixed commercial and residential uses, where appropriate.~~

~~3. Types of permitted planned unit developments. The underlying zoning district shall be consistent with the Comprehensive Plan. PUD overlay districts may be one of the following:~~

~~— (a) Planned Residential District (PRD)~~

~~— (b) Planned Commercial District (PCD)~~

~~— (c) Planned Industrial District (PID)~~

~~— (d) Planned Mixed Use District (PMD)~~

4. General requirements and standards.

(a) Ownership. An application for PUD approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approval of the final plat shall be binding on all owners. In absence of an ownership application, the project developer may submit with the development application the written consent of all property owners within the proposed PUD. The financial commitments incurred through any portion of the development shall be the responsibility of the owner.

(b) Consistency with Comprehensive Plan. The proposed PUD shall be consistent with the Comprehensive Plan.

(c) Permitted uses. All permitted, conditional, and interim uses contained in the underlying zoning district shall be treated as permitted, conditional, and interim uses in the PUD Overlay District.

(d) Flexibility from Ordinance Requirements. The city may, but shall not be required to, provide concessions in setbacks, density, or lot size to achieve the purpose and objectives of the PUD in (C) (1 and 2) herein.

~~(e)~~ Density. In a PUD, the City may permit increased density beyond the maximums provided in Table 4, if certain public benefits are achieved. ~~shall be permitted to encourage the preservation of natural topography and geological features. The city may, but shall not be required to, provide concessions in setbacks, density, or lot size to protect waterways or water bodies, steep slopes or other areas which would normally not be developable.~~ The City will consider allowing an increase in the allowable density upon proof by the applicant that some of the following ~~features~~ are being provided as part of the proposed development:

i. Increased Preservation of natural site features, topography, geological features, wetlands, lowlands, wooded areas, and the like, beyond what is required ~~protected~~ by the Minnesota Department of Natural Resources, by the City and/or Ramsey County ordinances.

ii. Creation of conservation easements due to steep slopes, wooded areas and/or environmentally sensitive areas, as identified in the Comprehensive Plan.

iii. Creation of park/public areas for active and passive park uses beyond required standards or other public purposes such as schools, public buildings, greenways, and the like

which meet the intent of the Park and Recreation goals of the Comprehensive Plan and are consistent with the public dedication requirements for the proposed development.

iv. Installation of public improvements designed to serve areas beyond the project boundary.

v. ~~The city may consider increased density for h~~Housing projects which provide affordable housing options, consistent with the Comprehensive Plan.

(e) ~~Minimum lot size~~Development Density. 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 guideline to determine the maximum dwelling unit density of a total development. The maximum dwelling unit density shall be determined by the area remaining after appropriate space for street right-of-ways and any other public dedications have been determined and subtracted from the total PUD area. If the property involved in the PUD includes land in more than one zoning district, the number of dwelling units or the square footage of commercial, residential or industrial uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts or as guided by the Comprehensive plan. In the Shoreland Overlay District total development density shall be that of the underlying zone.

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

(g) 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 exempt from this requirement if the city finds that such exemption will be consistent with the objective of this section and the character of the proposed PUD.

(h) Parking. Off-street parking and loading space shall be provided in each PUD in the same ratios for types of buildings and uses as required in the underlying zoning district -unless the developer can demonstrate to the City's satisfaction that a lesser standard should be permitted on the grounds of the complementarity of peak parking demands by the uses within the PUD. The City may require execution of a restrictive covenant limiting future use of the property to those uses which will continue this parking complementarity, or which are otherwise approved by the City.

(i) Street width. Requirements outlined in the subdivision ordinance for street widths may be relaxed depending on the number of off-street parking locations and the anticipated density in the planned unit development. The Planning Commission, City Engineer and city's Emergency Services (Fire, Ambulance and Police) shall review each planned unit development to determine street width requirements.

(j) Landscaping. In any PUD, the developer shall prepare and submit a landscaping plan as a part of the Final Plan, which shall include a detailed planting list with sizes and species indicated to be approved by the City Council. 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 PUD plan.

(k) 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 required by the City Engineer or the Fire Chief to provide fire protection.

(l) Building height. Height limitations shall be the same as imposed in the respective underlying zoning districts.

(m) Development agreement. Prior to the issuance of a building permit as part of the PUD, the permit applicant, builder, or developer shall execute and deliver to the City Council a development agreement for the PUD.

(n) Open space. Common open space shall be either held in common ownership by all owners in the PUD or dedicated for public use with approval of the City Council. Whenever possible, common open space shall be linked to the open space areas of adjoining developments. Common open space shall be of such size, shape, character, and locations as to be useable for its proposed purpose.

5. Operating and maintenance requirements for PUD common open space and service facilities.

(a) Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard.

(b) Common open space and service facilities within a PUD shall be placed under the ownership of one or more of the following or may include a method deemed most appropriate by the City Council.

i. Landlord control, where only use by tenants is anticipated.

ii. Property owners association, provided all of the following conditions are met:

A. Prior to the use, occupancy, sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document as specified in M.S. § 515.00, as may be amended from time to time, shall be filed with the Zoning Administrator prior to the filings of the declaration of documents or floor plans with the Ramsey County's Recorder's Office.

B. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject the properties to the terms of the declaration.

C. The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation may be formed, and if such an association or corporation is formed property owners must be members of the association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing effective private control.

D. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable

rules and regulations of the city, or fails to pay taxes or assessments on properties as they become due, and in the event the city incurs any expenses not immediately reimbursed by the association or corporation, then the city shall have the right to assess each property its pro rata share of the expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.

E. Membership in the association must be mandatory for each owner and any successive buyer and the association must be responsible for liability insurance, taxes, and the maintenance of the open space facilities to be deeded to it. This requirement may be waived by the City Council for existing units which are being incorporated into a PUD.

F. The open space restrictions must be permanent and not for a given period of years.

G. Property owners must pay their pro rata share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with state law and the association must be able to adjust the assessment to meet changing needs.

H. The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan. If a final PUD plan is filed in one phase, with staged final plats, the bylaws, rules of the association and all covenants and restrictions may be filed with the final plat.

I. Staging of common open space. The construction and provision of all of the common open space and public improvements and recreational facilities that are shown on the final development plan for a PUD must proceed at the same rate as the construction of dwelling units or other private facilities.

6. PUD process.

(a) Pre-application meeting. ~~Upon filing of an application for a PUD, the applicant of the proposed PUD shall be encouraged to~~ arrange for and attend an informational meeting with city staff. At such conference, the applicant shall be prepared to generally describe their proposal for a PUD. The primary purpose of the meeting shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the conformity to the provisions of this Code before incurring substantial expense in the preparation of detailed plans, surveys, and other data.

(b) Concept PUD plan. Prior to Preliminary PUD application, owners of property in the PUD District may at their option prepare, for review by the city development sketch plans. As far as may be practicable on the basis of a sketch plan, the city will informally advise the owner as promptly as possible of the extent to which the proposed plan conforms to the design standards of this section and discuss possible plan modifications necessary to secure conformance. The sketch may be reviewed, where applicable, by the Planning Commission and the Council. Such sketch plans submitted shall be for informal discussion between the developer and the city. Submission of sketch plan shall not constitute formal filing of an application.

~~(b)~~ Preliminary PUD plan ~~process:~~

i. The developer/owner shall submit an application for subdivision or preliminary PUD plan at least 30 days prior to the Planning Commission meeting.

ii. The Zoning Administrator shall review the preliminary application and distribute to appropriate staff and consultants for review. The Zoning Administrator shall post notice of a public hearing and forward all comments, along with the application, to the Planning Commission.

iii. The Planning Commission shall conduct a public hearing, following published notice and mailed notice to property owners within 350 feet of the proposed PUD. Notice shall occur not less than ten or more than 30 days prior to the hearing. Failure of a property owner to receive notice shall not invalidate the process. The Planning Commission shall review the preliminary PUD plan and submit a written report and recommendation to the City Council. ~~if the Planning Commission fails to make a report within 30 days after receipt of the application, the City Council may proceed without the report.~~ Such report shall contain the findings and recommendations of the Planning Commission ~~with respect to the conformity of the preliminary PUD plan to the approved general concept plan, with respect to the merit or lack of merit of any departure of the preliminary PUD plan from substantial conformity with the general concept plan, and~~ with respect to the compliance of the preliminary PUD plan with the provisions of this Code and all other applicable federal, state, and local codes and ordinances, and the Comprehensive Plan or other relevant plans.

iv. Within 60 days of the receipt of a complete application, the City Council ~~will~~ may take action to grant approval, grant conditional approval, or deny approval of the plan. The City may extend the review period by up to 60 days if it provides the applicant written notice of and reasons for the extension before the end of the initial 60 days

v. Upon City Council approval, the City Attorney shall draft a PUD development agreement which stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, City Manager, and the applicant.

vi. Where the preliminary PUD plan is denied approval, City Council action shall be by resolution setting forth the reasons for its actions. A certified copy of the document evidencing said City Council action shall be delivered to the applicant. ~~The applicant will have 60 days to submit a revised preliminary PUD plan to the Planning Commission. After the 60 day period, a revised general concept plan must be submitted to the Planning Commission unless otherwise arranged with the Zoning Administrator.~~

~~vii. If subsequent submittals of the preliminary PUD plan are denied approval two times within one year of the original submission date, the applicant will be required to submit a revised general concept plan.~~

viii. Limitation on preliminary PUD Plan approval. Unless a final plan covering the area designated in the first stage of the preliminary PUD plan has been filed within six months from the date the City Council grants preliminary PUD 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 section and/or an approved preliminary PUD plan, the approval shall expire. The City Council may, at its discretion, extend for not more than one additional period of six months the filing deadline for any final plan when, for good cause, such extension is necessary. In any case where the preliminary PUD plan approval expires, the City Council shall forthwith adopt a resolution repealing the general concept plan approval and the preliminary PUD plan

approval for that portion of the PUD that has not received final plan approval, and re-establish the zoning and other ordinance provisions that would otherwise be applicable.

[ixvii.](#) Review and evaluation criteria. The evaluation of the proposed preliminary PUD plan shall include, but not be limited to, the following criteria:

A. Adequate property control is provided to protect the individual owner's rights and property values and the public responsibility for maintenance and upkeep.

B. The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project resident and the general public.

C. A sufficient amount of usable open space is provided.

D. The arrangement of buildings, structures, and accessory uses does not unreasonably disturb the privacy or property values of the surrounding residential uses.

E. The architectural design of the project is visually compatible with the surrounding area. Architectural style or type of buildings shall not solely be a basis for denial or approval of the preliminary PUD plan. However, the overall appearance and compatibility of individual buildings to other site elements of surrounding development will be given primary consideration in the review stages of the Planning Commission and City Council.

F. The drainage and utility system plans are submitted to the City Engineer and shall be subject to approval of the City Engineer.

G. The development schedule insures a logical development of the site which will protect the public interest and conserve land.

H. Proposed unit and accessory use requirements are in compliance with the district provisions in which the development is planned.

[I. The Preliminary PUD is Consistent with the goals and objectives of the Comprehensive plan and any applicable plan.](#)

([ed](#)) Final PUD plan process. The final plan is to serve as a complete, thorough and permanent public record of the 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 PUD process. It shall serve in conjunction with other city ordinances as the land use regulation applicable to the PUD.

i. Submission of the final plan. Upon approval of the preliminary PUD plan, the applicant shall file with the Zoning Administrator a final plan consisting of the information and submissions required by the final plan stage, for the entire PUD or for one or more stages. 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 preliminary PUD plan which shall conform to the preliminary PUD plan in all respects. A final plan of [a single-phase proposed development or](#) a portion of ~~the~~ [a multiple phase](#) proposed development may be submitted simultaneously with the overall preliminary plan for purposes of expediting the review process.

ii. Review and approval of final plan. The Zoning Administrator shall forward comments of staff and consultants to the Planning Commission, who shall prepare a recommendation for the City Council. No public hearing shall be required for approval of the final plan. The City Council may approve the PUD final plan with a majority vote.

iii. Recording of final plat and PUD agreement. Within ~~30~~180 days of the Zoning Administrator's notice of approval, the applicant shall record the final plat and PUD agreement, or such portions thereof as are appropriate, with the Office of the Ramsey County Recorder.

iv. Building and other permits. No building permit shall be granted on land for which a plan for a PUD is in the process of review or which does not conform to the approved final plan. Upon receiving notice from the Zoning Administrator that the approved final plat and agreement has been recorded and upon appropriate application of the applicant, building and other permits may be issued to the applicant if the following conditions are met:

- A. Public open space, if applicable, has been deeded to the city and officially recorded.
- B. A development agreement has been approved and executed by all parties.
- C. The homeowner's association (if applicable) by-laws, covenants and deed restrictions have been approved by the City Attorney and officially recorded.
- D. The construction plans for proposed structures have been approved by the Building Official.

E. All detailed site plans have been approved by the Zoning Administrator.

v. Limitation of final plan approval. Within one year after the approval of a final plan for PUD, or such shorter time as may be established by the appropriate development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension has been granted as hereinafter provided, automatically renders void the PUD permit and all approvals of the PUD plan. The area encompassed within the PUD shall thereafter be subject to those provisions of the zoning ordinances and other ordinances applicable in the district in which it is located. In such case, the City Council shall forthwith adopt a resolution repealing the PUD permit and PUD approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

7. PUD data requirements.

(a) ~~Pre-application c~~Concept PUD plan. Prior to ~~the initiation of a zoning change~~Preliminary PUD application, owners of property in the PUD District are invited to prepare, for review by the city, development sketch plans. Items to be supplied by the applicant ~~for the pre-application meeting~~ include:

- i. Overall maximum PUD density range.
- ii. Proposed general development and use.
- iii. General location of major streets, pedestrian walkways adjacent to the tract, and scale and tract boundaries and north point.
- iv. General location and extent of public and/or common open space, areas to be preserved, significant topographical and physical features.
- v. Sketch illustrating the general location of residential and non-residential land uses with approximate intensities of development and any zoning change requested.
- vi. Staging and timetable of development.
- vii. Other special criteria for development.

~~viii. Such sketch plans submitted shall be for informal discussion between the developer and the city. Submission of sketch plan shall not constitute formal filing of an application.~~

~~ix. As far as may be practicable on the basis of a sketch plan, the city will informally advise the owner as promptly as possible of the extent to which the proposed plan conforms to the design standards of this section and discuss possible plan modifications necessary to secure conformance. The sketch may be reviewed, where applicable, by the Planning Commission and the Council.~~

~~x. The proposed use(s) must be consistent with the Comprehensive Plan.~~

~~xi. All proposals shall include a PUD plan for the site.~~

(b) Preliminary PUD plan. An application for approval of a preliminary PUD plan shall be filed with the Zoning Administrator by the owner(s) of title of property for which the PUD is proposed. A filing fee, as established from time to time by City Council ordinance, shall accompany the preliminary PUD application. The application and accompanying statements shall be submitted and shall include:

i. A vicinity map at a scale approved by the Zoning Administrator showing property lines, streets, easements, existing zoning, graphic scale, north point, date of preparation, and such other items as the Planning 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.

ii. Abstractor's certified copy property certificate providing names and addresses of property owners within 350 feet of the outer boundaries of the property (one copy).

iii. The legal description of the property and lot size.

iv. Boundary survey prepared by a registered surveyor, including the property and 200 beyond, which illustrates:

- A. Existing property lines and dimensions.
- B. Ownership of all parcels.
- C. Platting and easements.
- D. Street and railroad right-of-ways.
- E. Buildings.
- F. Utility lines and facilities.
- G. Public park and open space.
- H. Private land use, subdivisions, and private property.

v. Natural features map(s) illustrating:

- A. Contour lines at no more than two foot intervals.
- B. Steep slopes of 18% or more.
- C. Hydraulic information including drainage patterns, delineated wetlands and land subject to periodic flooding, floodplain, watercourses.
- D. Soil and subsoil conditions.
- E. Vegetation including classification of tree cover by species.

vi. A preliminary plan of the entire area in such detail as to show the land uses being requested, the densities being proposed, the proposed lots and blocks and the off-street parking system or preliminary plat, if applicable.

vii. A written statement explaining in detail, and with supporting documentation, the specifics of the development plan as it relates to the type of dwelling units proposed and the resulting population, the extent and nature of non-residential development and the resulting traffic generated and parking demands created.

viii. The proposed schedule and/or phasing for the development of the site.

ix. The location, shape, size, and character of public or private/common open space which is suitable for the PUD, in accordance with the City Code Chapter 153 requirements for park and open space dedication.

x. The location and size of all utilities including telephone, electricity, gas, cable, water, sanitary sewer and storm sewer.

xi. Landscape plan including a detailed planting list.

xii. Size and location of all street right-of-ways and proposed paved widths, and vehicular and pedestrian circulation, in conformance with the City Code Chapter 153.

xiii. 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 for PUD's.

xiv. Financial capacity of the developer/owner and fiscal resources available including a FDIC insured letter of credit for 110% of the estimated cost of public improvements associated with the development.

xv. Market area of the project and demand trends within the area.

xvi. Other materials as requested by the Planning Commission or City Council.

(c) Final plan data requirements. A final application and its supporting documentation shall give the same information as is required of plats under City Code Chapter 153 in addition to such other information as required by this chapter and by the Planning Commission as a condition for approval of the preliminary plan. In addition, the application shall be accompanied by such other documentation, such as:

i. The location, size, use and arrangement, including height in stories and feet, and total square feet of ground area coverage and floor area, for proposed building, and existing buildings which will remain, if any.

ii. The location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces, access alleys, and all other circulation elements including bicycle, pedestrian walkways, and the total site coverage of all circulation elements.

iii. Approximate area, and potential floor area, devoted to commercial or office uses.

iv. Approximate area, and potential floor area, devoted to industrial uses.

v. Schedule of construction. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season (time period between road restrictions), a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed

during each such stage, and the overall chronology of development to be followed from stage to stage.

vi. Care and maintenance of open spaces or service facilities. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities shall be submitted. If it is proposed that such open space be owned, operated and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted during the preliminary PUD plan stage.

vii. Where applicable, a preliminary and final plat prepared by a land surveyor, duly registered in the state, in accordance with M.S. § 505.00 and City Code Chapter 153, as may be amended from time to time, which shall contain a notarized certification by such surveyor that the plat represents a survey made by the surveyor and that the monuments shown herein exist as located, and all dimensions are correct, and a notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas as required.

viii. Detailed utility and infrastructure construction plans, grading plan and drainage plan, approved by the City Engineer.

ix. A statement summarizing all changes which have been made to any document, plan data, or information previously submitted, together with revised copies of any such document, plan or data.

x. Such other and further information as the Zoning Administrator, City Engineer, Planning Commission or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.

xi. Title opinion provided by the developer showing good and marketable title in the names of the owners of the property. This opinion, together with an updated abstract, should be submitted to the City Attorney for review.

xii. The Planning Commission may, by a written order, excuse any applicant from submitting any specific item of information required herein which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

8. Amendments and administration.

(a) Generally. Amendments may be made in the approved final plan when they have shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the city.

(b) Minor changes in location, siting, design, ~~and~~ height of buildings and structures, parking lot configuration provided no reduction in the number of stalls, engineering details, stormwater functions, or landscaping changes in plant type may be authorized by the Zoning Administrator if requested, and if caused by unforeseen circumstances and if they are consistent with the intent and purpose of the final plan and do not increase the size of any building or structure any more than 10% than originally proposed in the preliminary PUD plan.

(c) All other changes, including but not limited to use, rearrangement of lots, blocks and open space must be authorized by the Planning Commission and City Council under procedures

outlined in the preliminary PUD plan, following a public hearing, with amendments to the recorded copy of the final plan, following Council approval. ~~It could leave questions later on that it wasn't listed in the ordinance.~~

(d) ~~Annual review-Revocation.~~ The Zoning Administrator shall review each PUD at least once each year and shall make a report through the Planning Commission to the City Council on the status of the development in each PUD Overlay District. ~~If development is not progressing reasonably well, according to schedule, the owner shall be required to submit a statement to the Zoning Administrator setting forth the reasons for the lack of progress.~~ If the City Council finds that the development has not occurred according to the establishing development schedule or is not otherwise reasonable in the view of the City Council, the City Council may revoke the PUD Overlay District in any event.