

CITY OF CORCORAN
Council Work Session Agenda
April 22, 2021 - 5:30 pm

1. Call to Order / Roll Call
2. Residential Zoning District Ordinance Updates*
3. Unscheduled Items
4. Adjournment

Meeting Held Via Telephone/Other Electronic Means Call-in Instructions

Call: +1 312 626 6799 US
Enter Meeting ID: 880 0968 8823
Press *9 to speak during the Public Comment Sections in the meeting.

Video Link and Instructions:

<https://us02web.zoom.us/j/88009688823>
visit <http://www.zoom.us> and enter
Meeting ID: 880 0968 8823

Participants can utilize the Raise Hand function to be recognized to speak during the Public Comment sections in the meeting. Participant video feeds will be muted.

For more information on options to provide public comment visit:
www.corcoranmn.gov

Due to the COVID-19 health pandemic, the City Council's regular meeting place is not available and is not open to the public. Pursuant to Minnesota Statute 13D.021 the one or more members of the City Council may participate by telephone or other electronic means.

***Includes Materials** - Materials relating to these agenda items can be found in the house agenda packet book located by the Council Chambers entrance, or online at the City's website at www.corcoranmn.gov.



TO: Corcoran City Council

FROM: Kendra Lindahl, Landform

DATE: April 15, 2021 for the April 22, 2021 City Council Work Session

RE: Residential Zoning District Ordinance Updates (city file 21-011)

REVIEW DEADLINE: N/A

1. Description of Request

The Council directed staff to prepare information about an urban cluster development option and bring back:

- a. An outline of the problem
- b. Potential options to solve the problem
- c. An outline of the next steps in the process.

2. Background

The Council held a work session on March 25th and discussed a number of ordinance updates that they would like to see and developed a list of their four top priorities:

- a. Revisions to the Planned Unit Development (PUD) ordinance
- b. Urban cluster development
- c. Buffers/Transitions to residential districts
- d. Removal of conditional uses

The Council directed staff to bring back options for the urban cluster development and directed Council members Nichols and Thomas to create a PUD subcommittee and bring back options at a future meeting.

At the work session the Council indicated a desire to use incentives rather than require preservation of natural resources and open space areas.

3. Analysis

Council member Nichols provided several articles about cluster ordinances for staff review (the City Administrator previously shared those with the Council). Additionally, staff reviewed other articles from the American Planning Association and Urban Land Institute. The cluster development is a fairly common planning tool in rural areas. However, cluster development ordinances in urban areas are very rare. Our research suggests that cities typically use the PUD process, rather than a cluster ordinance, to accomplish preservation goals in urban areas.



The conservation subdivision concept gained popularity as a tool to stop urban sprawl into rural areas surrounding urban centers. The Twin Cities approached sprawl differently through the creation of the Metropolitan Council as a regional agency to maintain public services and oversee growth in the 7-county metropolitan area. They established a Metropolitan Urban Service Area (MUSA) to manage growth and established minimum density requirements to ensure cost-effective delivery of services. The only other region in the U.S. with an urban growth boundary is Portland, Oregon.

Staff reviewed the materials provided by Council member Nichols, revisited Randall Arendt's book "Rural by Design", contacted the cities of Elk River and Lake Elmo (as they were two examples suggested by Council member Nichols) and researched cluster and conservation developments in other communities.

The 2008 MPCA PUD Development Ordinance provided by Council member Nichols states that "Communities with urban services should limit PUDs to areas served by urban services. Conservation subdivision standards are a more appropriate tool for meeting natural resource protection goals in areas without urban services." Our research reaffirms that cluster ordinances are not typically used in urban areas.

The City of Elk River and the City of Lake Elmo both have open space development ordinances for development in the rural areas of the City. Neither city allows those types of developments in the urban area, but Wildflower at Lake Elmo was proposed by a developer and approved by a PUD. The project includes 145 units on 117 acres and approximately ½ of the land is preserved as open space (1.24 units per gross area). Lots are as small as 5,865 sq. ft. with public alleys. The City of Lake Elmo has different density requirements than Corcoran, which requires 3-5 units per acre for Low Density Residential areas. The Wildflower project density would not comply with the City of Corcoran land use standards.

The City of Dayton has a Conservation District that requires developers to use a PUD and preserve natural areas as noted in the Comprehensive Plan. They also have an R-3 zoning district that allows smaller lot sizes by right provided that certain standards are met. Developers have the option of whether or not to develop in the R-3 District, but the Dayton City Administrator indicates that is a very popular tool with the developers and is helping the City meet their goals. Both offer a good starting point for discussion of tools other than a cluster ordinance that could help to preserve open space.

Identify the Problem

There seem to be two different perspectives on the problem: Is the intent to preserve open space or is the intent to preserve significant natural resources (and/or greenway corridors)?

Potential Options

1. If the intent is to simply preserve open space in the urban area the City could draft a cluster ordinance option for the residential areas in the MUSA.

One of the common themes in our review of the cluster ordinance standards is that providing prescriptive standards for the amount of open space to be preserved is a critical component. In urban



areas, this could have the effect of limiting developer interest in this option. Developers typically have a palette of housing types that they believe will work in a community; therefore, if the cluster ordinance provided density bonuses that could only be realized through the use of a different product type, it may not be appealing to developers. The City must still meet the density goals of the adopted Comprehensive Plan.

The City of Corcoran has a cluster ordinance adopted as Section 940 – Open Space and Preservation (OS&P) Plats of the Subdivision Ordinance. The OS&P is a subdivision option for land in the Rural Residential (RR) and Urban Reserve (UR) zoning district. The intent of this ordinance is to preserve open space, specifically:

Lands identified on the Natural Resource Inventory or Ecologically Significant Natural Area maps in the Comprehensive Plan qualify for OS&P plats. The boundaries of the land identified in the maps may be modified by the City based on individual site characteristics. A parcel outside one of these categories may apply for preservation or restoration and, if the proposed preservation or restoration is approved by the City, receive the applicable development right bonus as approved by the City.

In order to accomplish these goals, an OS&P plat must preserve a minimum of 50% percent of the gross land area (of no more than two non-contiguous pieces) of the development site as preserved open space. Of that amount, 50 percent (net 25%) shall be upland area. This open space must be protected by a conservation easement or deed restrictions in favor of the city. This allows developers to increase the number of development rights 150% or 200%, subject to the development standards in the OS&P ordinance.

A review the research suggests that a cluster ordinance could be drafted using the OS&P framework. The key components are:

- a. Determine the process.
- b. Determine which parcels are eligible.
- c. Determine the development standards.
- d. Determine whether density bonuses or other incentives will be provided.

Process

Is this a mandatory process or a development option?

Most ordinances allow it as an option. One of the suggestions in many of the ordinances is to allow these types of developments by right to incentivize development. This means developers could apply for a preliminary plat for these types of developments, which limits City discretion in review of the project, but could make it more appealing to developers.

Eligible Parcels

The Council should consider which parcels would be eligible for this type of subdivision. Typically, cluster developments are written for residential development because density bonuses and other incentives are harder to create for commercial industrial uses. The research suggests that the existing



cluster developments are for single family residential districts, but it might be possible to identify tools for commercial development. Our research was focused on residential use. This type of development would be inconsistent with the urban development planned in the Town Center, but could theoretically be applied to other residential land uses.

The Council should consider whether all parcels are eligible or only those with significant natural resources or greenways as defined by the Comprehensive Plan. The plan says: *“Corcoran’s interest in preserving natural resources is not limited to its waters. Remnant native plant communities persist, and the City’s Parks and Trails Plan identifies search areas for greenway corridors and open spaces that coincide with ecologically significant communities in upland and wetland areas. Such areas provide habitat for many species and help protect water quality by limiting impervious surfaces and maintaining vegetation that infiltrates stormwater runoff”.*

Development Standards

The research consistently notes that conservation developments should require 50% of the land to be preserved as open space and protected by a conservation easement or covenant. The challenge is that the City must still meet the adopted Comprehensive Plan density goals.

- The cluster ordinance works well in the rural areas without a significant change in the feel of the development. The rural area allows one unit per 10 acres with a minimum lot size of 2 acres. A cluster development would allow a 200% increase in density on half the land area. For example a standard subdivision in the RR district would allow four homes on 40 acres. An OS&P ordinance would allow up to eight homes on 20 acres (with the other 20 acres as preserved open space). The requirement to provide septic systems for each lot typically requires lots of 1-1.5 acres in these developments.
- In the urban area, if the same standard is applied in the Low Density Residential land use designation where 3-5 units per acre is required, the resulting change might feel very different. Typically, cities offer a density bonus to developers to incentivize the cluster development. That could be very challenging in an urban area. Instead of 120 homes home on 40 acres, a 50% preservation would place those 120 homes on only 20 acres. It would still be 3 units per acre but the developed portion would feel like 6 units per acre. It is very difficult to provide single family homes at 6 units per acre, particularly with the number of wetlands in Corcoran. If we provided a 150% density bonus, that would be 4.5 upa or 180 units. If those were applied to only 20 acres of the site, it would feel like 9 upa. This would typically be accomplished with townhomes rather than detached single family homes.

Development Standards

Is there a minimum development size? The current rural OS&P ordinance does not have a minimum subdivision size, but the city could establish a minimum development size. Forty acres is common for rural cluster developments but 20 acres is the minimum in Elk River.



What is the minimum amount of open space? Most cluster development require 50 percent open space as recommended by the model ordinance, but in the urban area a smaller percentage may be appropriate.

Does the open space need to be connected? Staff believes it is important to provide meaningful open space in connected area.

Who will own the open space? Typically, the homeowner's association owns and maintains this easement with a conservation easement.

Municipal utilities would be available to urban cluster developments and staff would recommend that the developer still be required to stub streets and utilities to adjacent parcels to provide cost effective infrastructure. This could require these connections through the open space areas.

What are the minimum lot sizes and setbacks? Will housing types that are not permitted in the underlying zoning district be permitted? It seems likely that much smaller lot sizes and setbacks as well as other housing types would need to be allowed in the urban single family districts to meet minimum density goals.

Would additional performance standards be required or would open space/nature resource preservation be enough? Some communities require performance standards such as common architecture, a percentage of lots abutting the open space or higher design standards.

Density Bonuses or Other Incentives

Most rural cluster ordinances work when the developer gets density bonuses that make the development appealing. In rural areas, density bonuses can be provided while still allowing single family development consistent with surrounding rural areas. In the MUSA, the clustering might require twinhomes, townhomes or even small apartments to meet the minimum density requirements of the land use as adopted in the Comprehensive Plan. The density bonus could be tied to the amount of preservation. For example a 25% density bonus if 25% of the land is conserved, 30% bonus if 30% is conserved etc.

The other tool would be to allow smaller lots and reduced setbacks. There are developments in the metro with 4-foot side yard setbacks and similar setbacks with smaller lots could be used to incentivize development with open space preservation. If the open space was part of the greenway corridor where off road trails are planned, the City Council consider park dedication credits.

Allowing the development to proceed as a plat (with a conditional use permit or PUD) could also incentivize this type of development.

Pros: Easy to write, easy to understand

Cons: Results in urban development that looks different than what may be expected, may be less appealing to developers who are primarily focused on single family home development, may result in disconnected open space areas



2. If the intent is to preserve significant natural resources and greenway corridors, the City could establish an overlay district to protect significant areas.

If the intent is to preserve significant natural resources and greenway corridors, an overlay district similar to the Dayton Conservation district may be appropriate. Their ordinance requires development as a PUD on land in that corridor, but we could establish a by-right district that incentivizes developers with smaller lots and reduced setbacks in the overlay district if certain standards are met. The City of Dayton R-3 zoning district provides an idea of how this could work. Rather than requiring a standard percentage of open space, it could require preservation of significant natural areas identified in the comprehensive plan regardless of size and negotiate the performance standards with the developer (lot size, setbacks, etc.). The City would need to be clear about how much flexibility would be granted, but it could allow preservation of significant natural areas while maintaining the type of housing envisioned. Land required to be preserved by ordinance would be deducted from net land area when calculating density and would not impact the density of the site.

Wildflower of Lake Elmo is one development in the metropolitan area that seems to meet the Council vision for the type of urban development. The city of Lake Elmo does have a cluster ordinance for rural areas, but not urban areas. This project was proposed by the developer as a PUD. As an alternative to the overlay district, the City could allow this type of development by PUD.

Pros: Implements priorities identified in the Comprehensive Plan, provides incentives for developers, provides clear standards, maintains desired housing type, would preserve significant natural areas and/or greenways identified in the Comprehensive Plan

Cons: Not all parcels include significant natural resources and would not be eligible, could still require negotiation between the City and the developer

Next Steps

The Council should provide direction to staff on the preferred option.

Staff could have a draft ordinance available in a month for Council review. If the Council supports this draft after review, staff could schedule a virtual open house to gather public feedback and then schedule a public hearing at the Planning Commission and Council adoption in August.

Summary

Staff supports the continued use of the OS&P ordinance or cluster ordinance in the RR and UR districts to preserve open space identified on the Natural Resource Inventory or Ecologically Significant Natural Area maps. These areas will continue to preserve the greenway corridors and the rural character of the City in rural areas.



Staff believes that an overlay district may be a better tool to preserve open space in the urban area. The MPCA model PUD ordinance and the Dayton ordinances provide elements that would be used to develop this tool. The Council would need to determine whether to preserve the Significant Natural Areas only or to increase the protection area by adding the greenway corridor.

4. Requested Action

Provide direction for staff on ordinance update priorities.

Attachments

1. Land Use Map
2. Zoning Map
3. Natural Resource Inventory Areas
4. Ecologically Significant Natural Areas
5. Parks and Trails Map
6. 2019 Corcoran Subdivision Concept
7. Wildflower at Lake Elmo staff report and exhibits
8. Section 940 of the Corcoran Subdivision Ordinance
9. 2008 Planned Unit Development model ordinance from MPCA
10. Dayton Conservation District
11. Dayton R-3 District Standards



CITY OF CORCORAN

2040 COMPREHENSIVE PLAN

Map 2-1 2040 Future Land Use

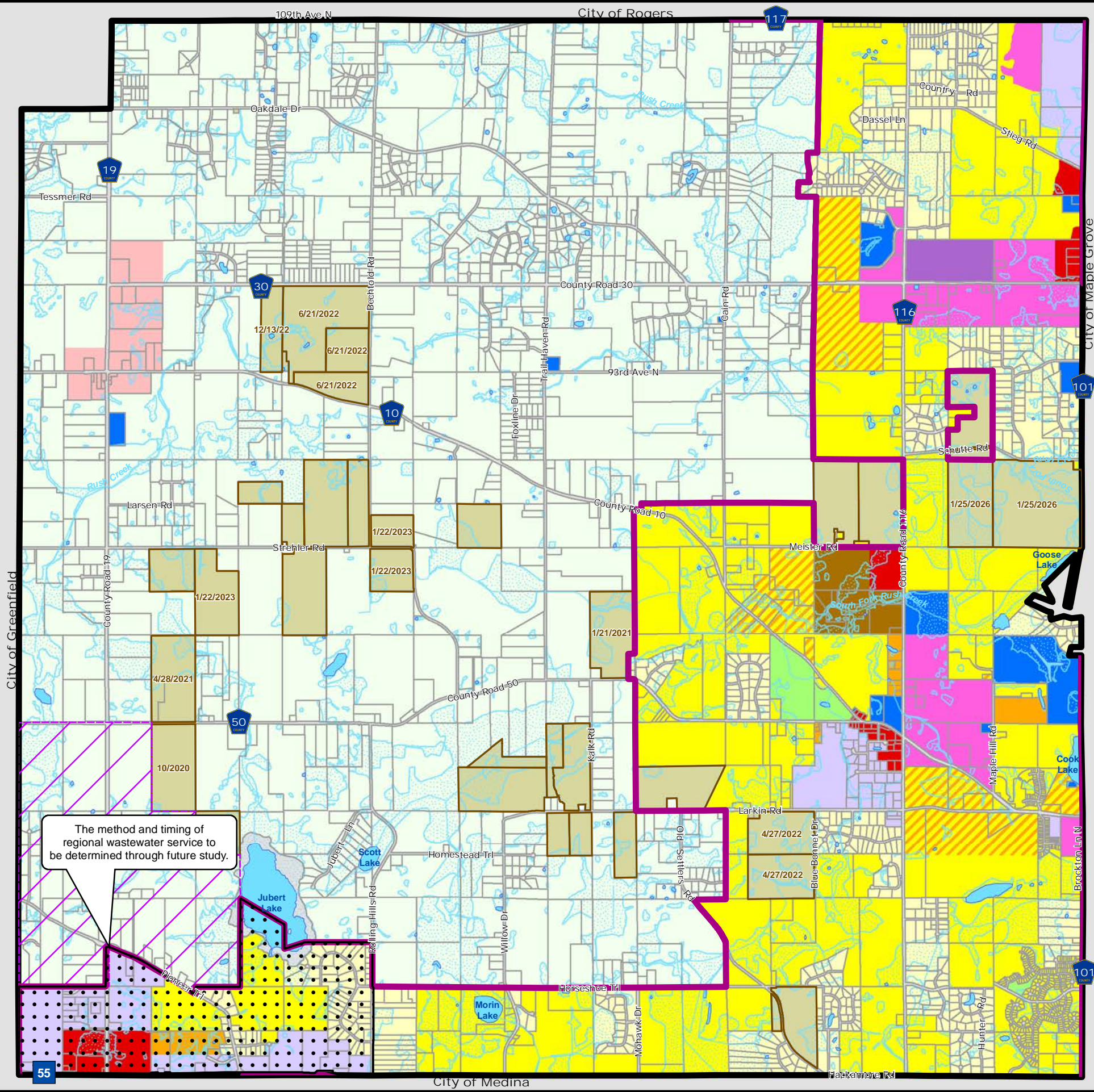
- Rural/Ag Residential
- Existing Residential
- Low Density Residential
- Medium Density Residential
- Mixed Residential
- High Density Residential
- Rural Service/Commercial
- Commercial
- Mixed Use
- Business Park
- Light Industrial
- Public/Semi-Public
- Parks/Open Space
- Agricultural Preserve (Date of Expiration)
- Open Water
- Municipal Boundary
- 2040 MUSA
- Future MUSA Expansion Area
- Future Study Area
- Parcel Boundaries
- Streams
- Lake/Open Water
- Wetlands

Source:
Revised National Wetland Inventory (MN DNR, 2009-2014)

3,000 1,500 0 3,000



Feet

































CITY OF CORCORAN

Official Zoning Map

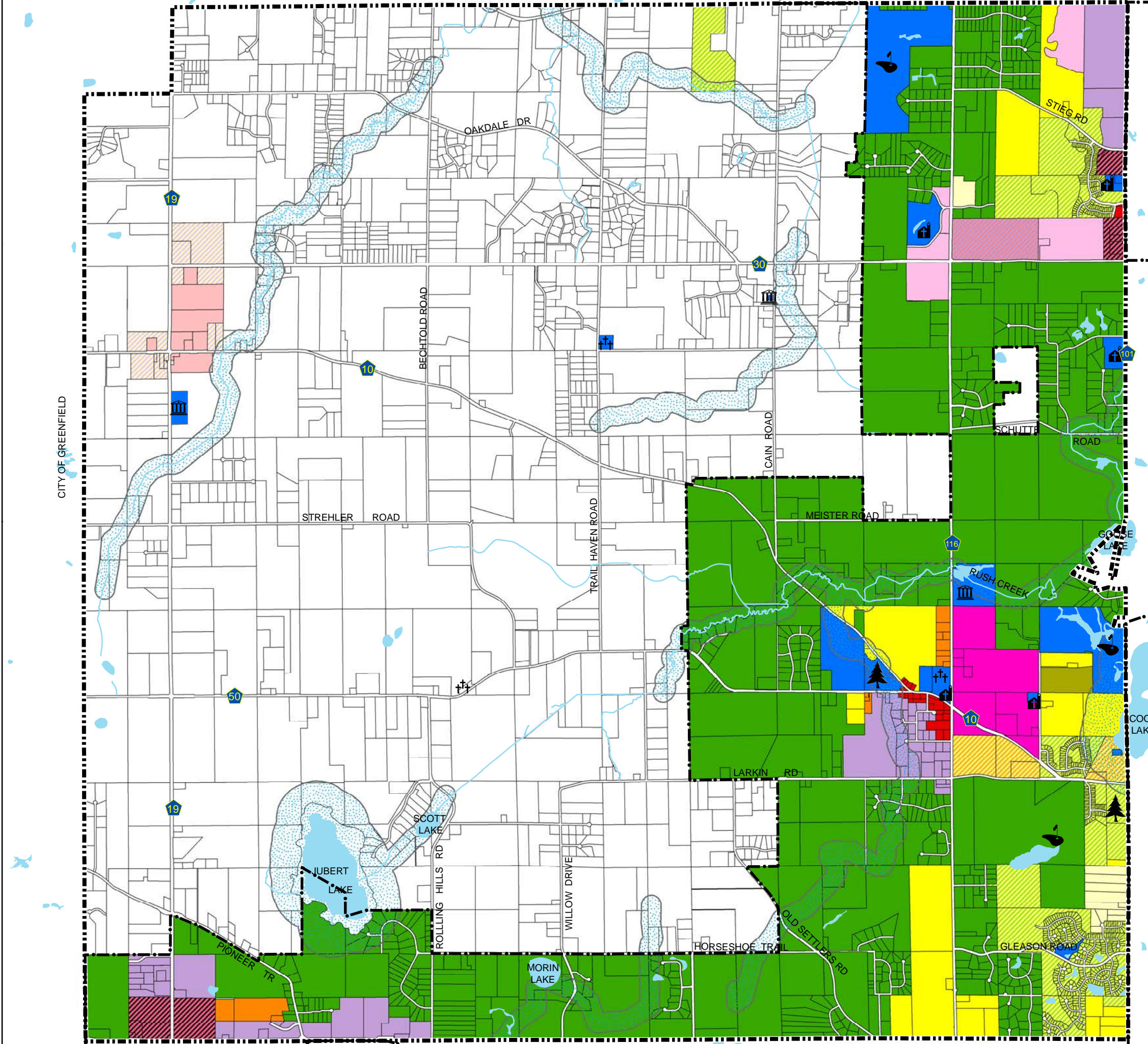
Zoning Districts:

-  UR Urban Reserve
-  RR Rural Residential
-  RSF-1 Single Family Residential 1
-  RSF-2 Single Family Residential 2
-  RSF-3 Single and Two Family Residential 3
-  RMF-1 Medium Density Residential
-  RMF-2 Mixed Residential
-  RMF-3 High Density Residential
-  MP Manufactured Home Park
-  P-1 Public / Institutional
-  TCR Transitional Rural Commercial
-  CR Rural Commercial
-  C-1 Neighborhood Commercial
-  C-2 Community Commercial
-  DMU Downtown Mixed Use
-  GMU General Mixed Use
-  BP Business District
-  I-1 Light Industrial
-  PUD Planned Unit Development
-  Cemetery
-  Church
-  Golf Course
-  Government Building
-  Public Park
-  2040 Metropolitan Urban Service Area
-  City Limit
-  Open Water
-  Shoreland Overlay District

3,000 1,500 0 3,000 Feet



Updated September 2020
Adopted June 2011



CITY OF GREENFIELD



CITY OF CORCORAN

2040 COMPREHENSIVE PLAN

Map 1-7 Natural Resource Inventory Areas

- ★ Natural Community
- Rare Species Occurrence
- High Quality Natural Community

Natural Plant Communities

Wetlands

- Wet Prairie
- Emergent
- Shrub
- Floodplain Forest
- Open Water
- Flood Plain (Reed Canary Dominant)

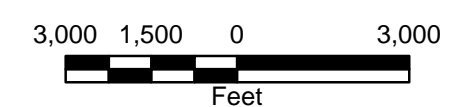
Uplands

- Savanna/Pasture
- Maple/Basswood
- Oak Forest
- Disturbed Woodland
- Old Field

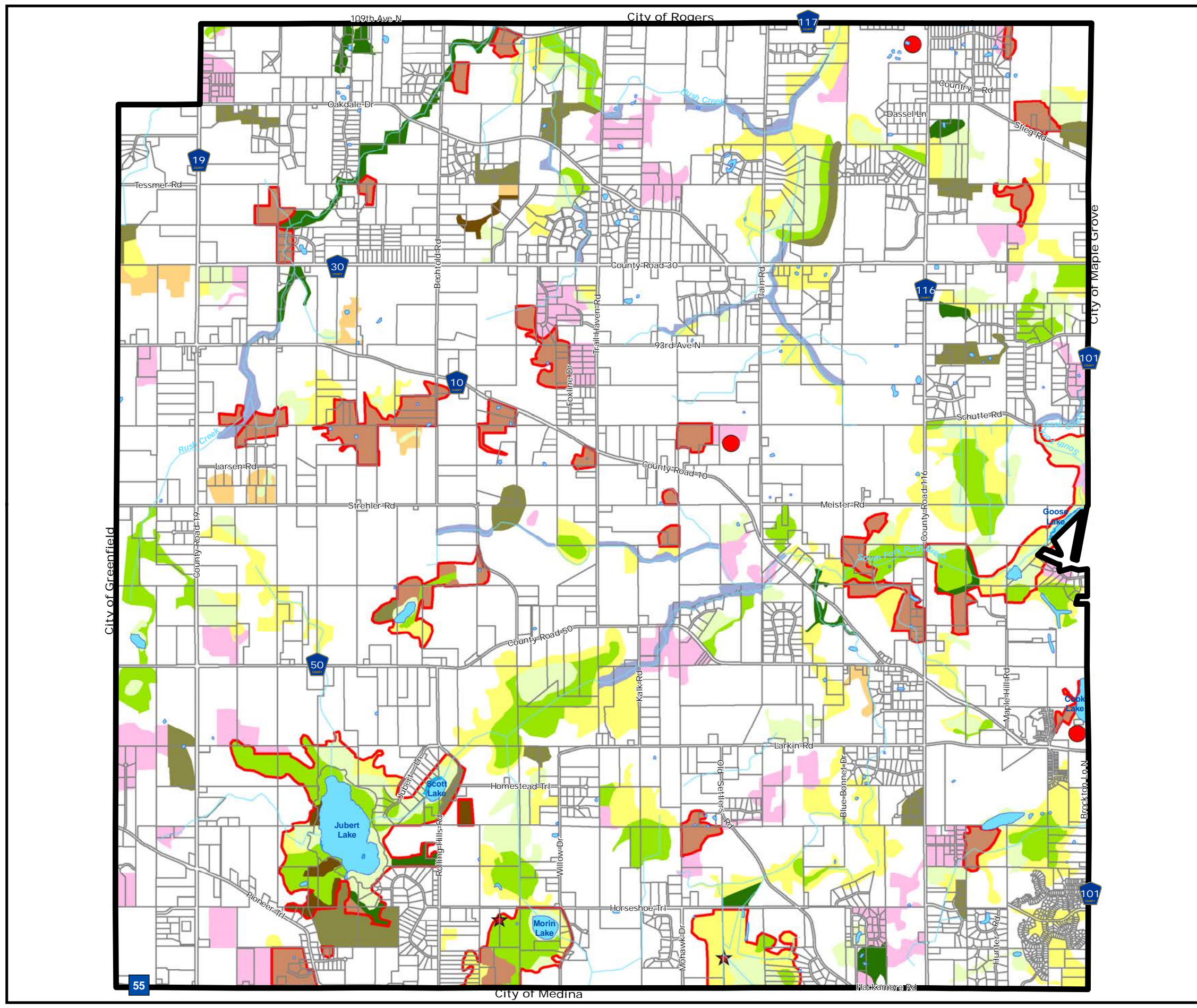
- Municipal Boundary
- Parcel Boundaries
- Streams
- Lake/Open Water

Note: Due to limitations of map scale, distribution and proportion of Natural Community types within each colored area are approximate.

Source: Natural Plant Communities, Rare Species Occurrence (Natural Resource Inventory and Management Plan, Nov. 2001, Bonestroo Rosene Anderlik & Associates)



Path: L:\2941\00\2040CompPlan\Natural Resource Inventory Areas.mxd
Date: 1/7/2019 Time: 1:10:39 PM User: ShuJC0243





CITY OF CORCORAN

2040 COMPREHENSIVE PLAN

Map 1-12
Ecologically Significant Natural Areas

- Aspen Forest
- Cattail Marsh
- Lowland hardwood forest
- Maple-basswood forest
- Mesic Prairie
- Mixed emergent marsh
- Mixed hardwood swamp
- Oak Forest
- Oak woodland-brushland
- Tamarack swamp
- Wet meadow
- Willow Swamp
- Municipal Boundary
- Parcel Boundaries
- Streams
- Lake/Open Water

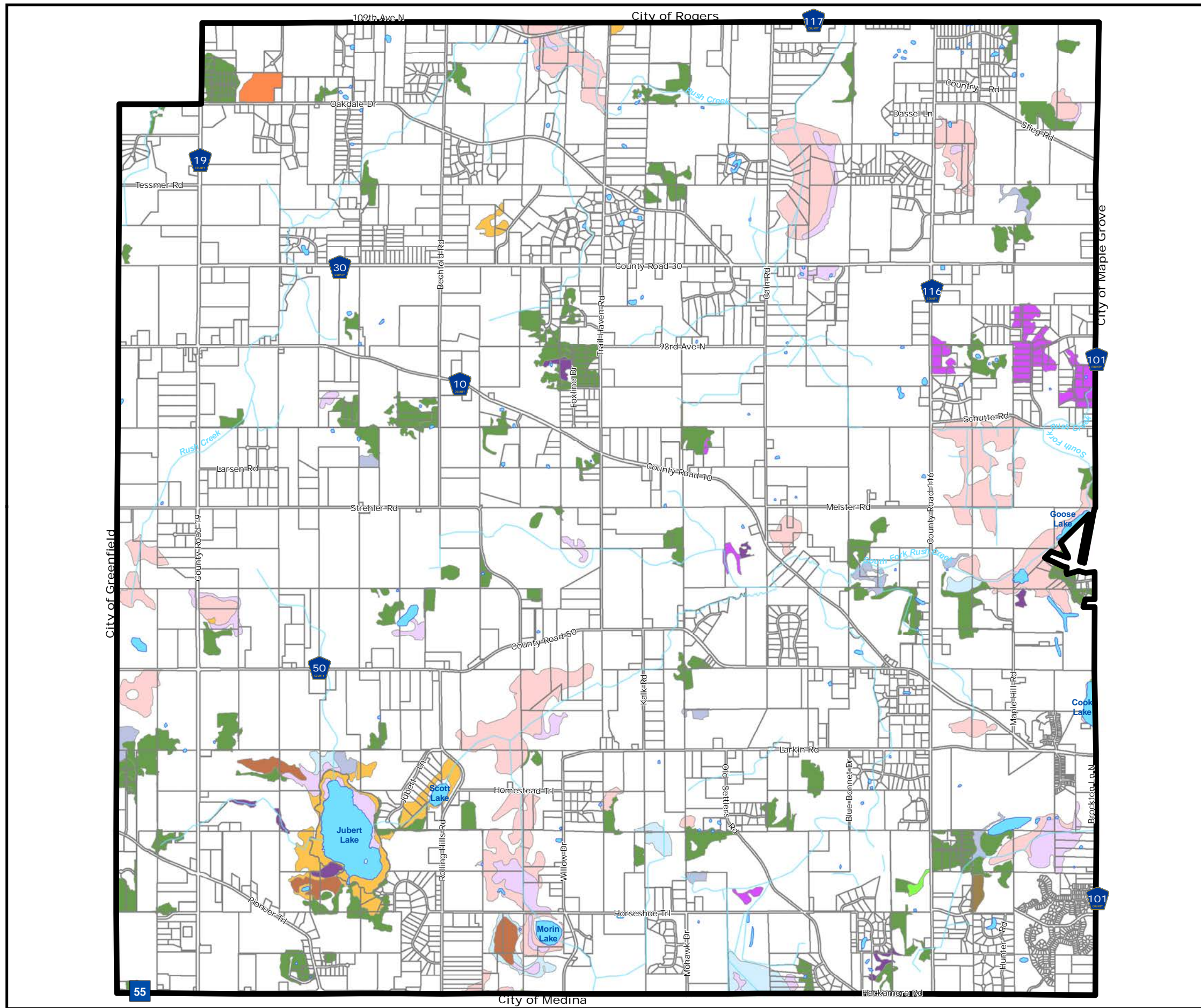
Source:
Ecologically Significant Natural Areas (MN DNR MLCCS-2015, Natural Resource Inventory and Management Plan, Nov. 2001, Bonestroo Rosene Anderlik & Associates)

3,000 1,500 0 3,000

Feet



Path: L:\2294\100\2040CompPlan\Ecologically Significant Natural Areas.mxd
Date: 1/7/2019 Time: 3:17:35 PM User: ShuJC0243

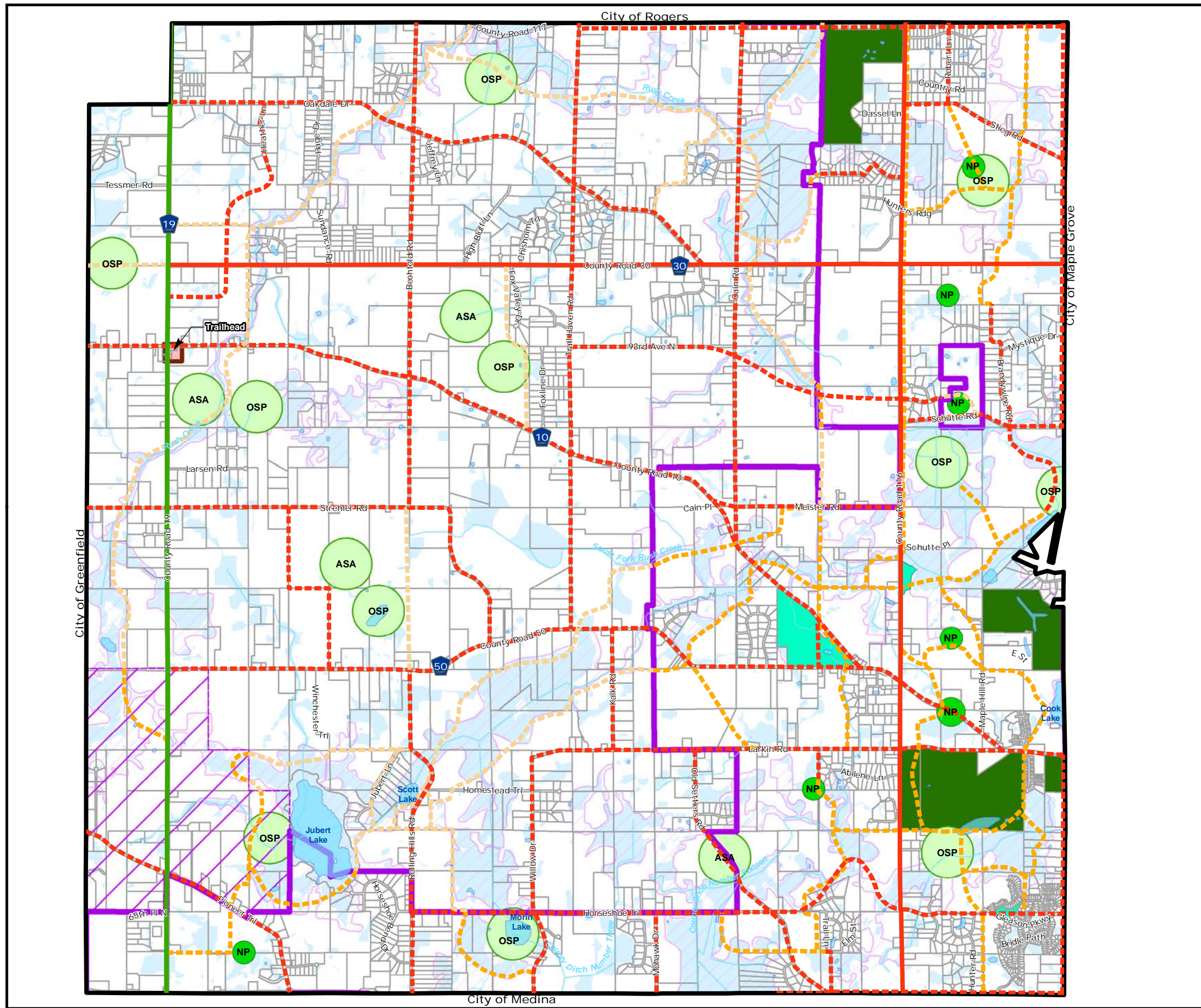




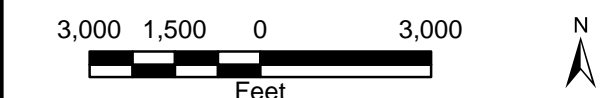
CITY OF CORCORAN

2040 COMPREHENSIVE PLAN

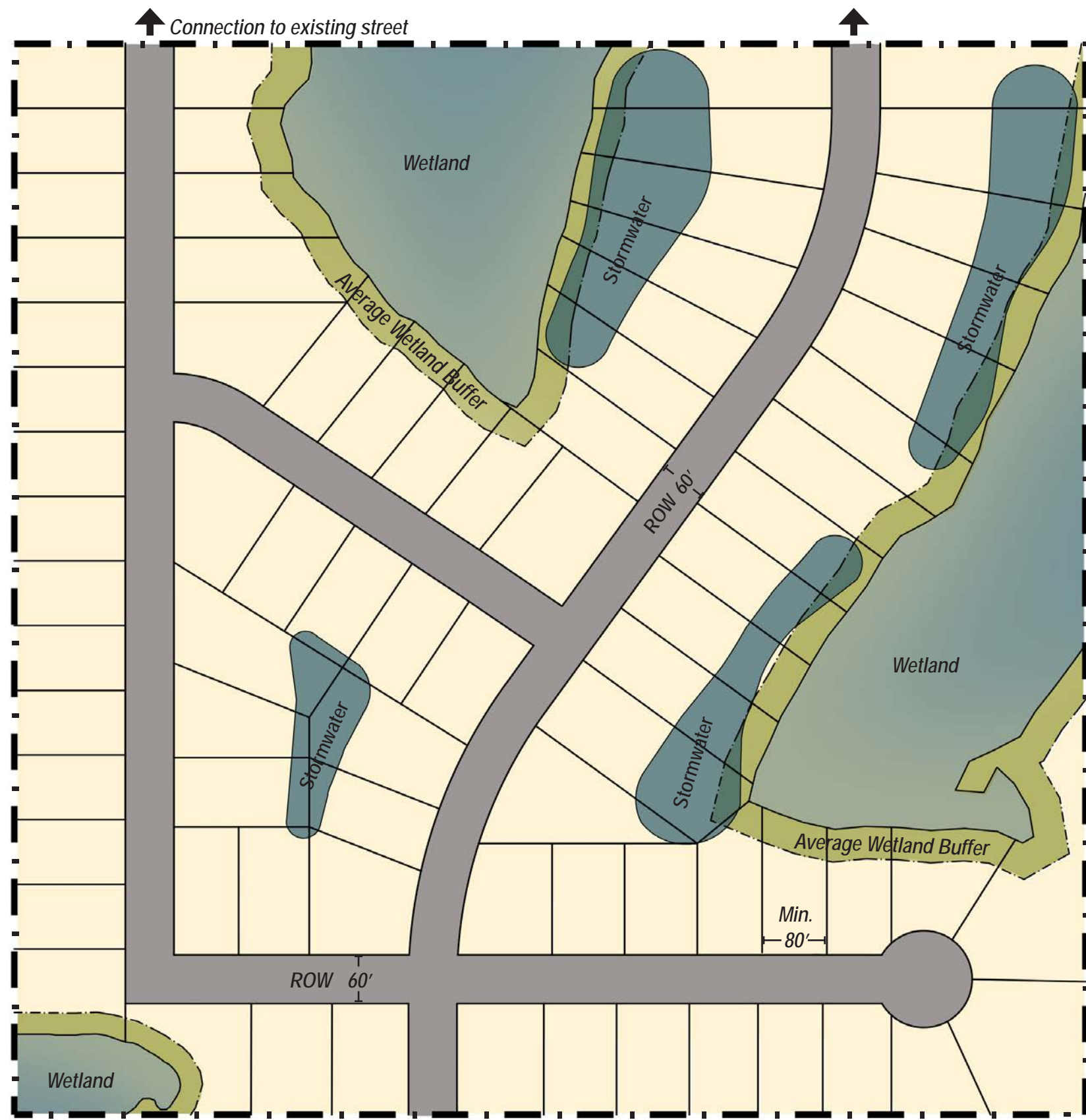
Map 5-1 Parks and Trails Plan



- Existing Parks and Trails**
- Regional Trail
 - Existing On Road Trail
 - City Park
 - Trailhead
 - Private Park/Open Space
- Proposed Parks and Trails**
- Proposed On Road Trail
 - Proposed Off Road Trail
 - Proposed Off Road Trail outside 2040 Development Area
 - Neighborhood Park
 - Community Park
 - Greenway Corridor
 - Municipal Boundaries
 - 2040 MUSA
 - Future MUSA Expansion Area
 - Parcel Boundaries
 - Streams
 - Lake/Open Water
 - Wetlands



Path: L:\2294\100\2040CompPlan\Parks and Trails Map.mxd
Date: 1/15/2019 Time: 1:22:31 PM User: Shu.JC0243



40-Acre Subdivision

Corcoran RSF-2 District Zoning Standards

Allowable Density: 3.0-5.0 Units / Acre

Minimum Lot Area: 11,000 Sq. Ft.

Minimum Lot Width: 80 Ft

Example 40-Acre Subdivision

Gross Acres: 40.3 Acres

Net Acres: 25.3 Acres

Lots in Subdivision: 77

Average Lot Size: 15,000 Sq. Ft.

Subdivision Net Density*: 3.04 Units / Acre

**Net Density (Post-Development) Definition from Corcoran Zoning Ordinance:*

The number of housing units divided by the net residential acreage (gross land area minus land to be dedicated as public park, lakes, streams, wetlands, required wetland or shoreland buffer strips, areas below the 100-year ordinary high water elevation, stormwater management ponds that are covered by easement and right-of-way or easements for existing and proposed public streets).

SECTION 940 – OPEN SPACE AND PRESERVATION (OS&P) PLATS

940.010 – PURPOSE OF DIVISION.

The purpose of Open Space and Preservation plats (OS&P) is to minimize acreage used in developments that are approved prior to availability of urban services and to improve and preserve wildlife habitat, quality of life and land values within the City through economic incentives to preserve high quality woodlands, interconnected vegetated corridors, agricultural land, open space, and other significant natural features as identified in the Comprehensive Plan. OS&P plats provide owners within the Rural Residential and Urban Reserve zoning districts with added flexibility in designing plats as well as incentives to voluntarily protect, preserve, enhance or restore natural resources on their property. In addition to encouraging natural resource preservation and restoration, OS&P plats are intended as a means of facilitating an orderly and economically viable transition to eventual development with urban services.

940.020 – OBJECTIVES OF DIVISION AND DEFINITIONS.

Subd. 1. The objectives of this division are to:

- A. Preserve natural resources as identified in the Comprehensive Plan.
- B. Preserve permanent natural habitat and vegetated corridors for the shelter and movement of diverse wildlife.
- C. Preserve viable tracts of land for long-term agricultural use.
- D. Allow greater flexibility in the design of residential developments in order to create a more esthetically pleasing visual impact than standard development, particularly along arterial roadways and with respect to abutting properties.
- E. Create cohesive neighborhoods to establish local identity and increase community interaction.
- F. Reduce the costs of future public street and utility infrastructure by designing to improve the efficiency of future connections and minimize site restoration costs associated with future utility construction.
- G. Provide economic incentives to land owners to preserve, protect and/or restore high quality woodlots and other identified natural resources areas.

H. Accomplish the objectives of the comprehensive plan in a voluntary manner through the use of incentives.

940.030 APPLICATION TYPES.

Subd.1. OS&P plats are subject to the standards in this section, which provide additional development rights in exchange for preservation of natural features and creation of a higher quality development than might otherwise be expected.

Subd 2. Lands identified on the Natural Resource Inventory or Ecologically Significant Natural Area maps in the Comprehensive Plan qualify for OS&P plats. The boundaries of the land identified in the maps may be modified by the City based on individual site characteristics. A parcel outside one of these categories may apply for preservation or restoration and, if the proposed preservation or restoration is approved by the City, receive the applicable development right bonus as approved by the City.

Subd 3. Any Application type can develop in stages based on the approved plat.

Subd 4. A Planned Unit Development (PUD) will be required for any application type that proposes a deviation from minimum lot standards and/or the use of off-lot septic or well or community septic or well.

940.040 – PROCEDURE.

Subd. 1. All procedures for a standard subdivision as provided in Section 930 and Section 935 of the Subdivision Ordinance shall be followed for each type of open space preservation plat application, with the addition of the following:

A. A pre-application meeting with the City and potential easement holders in order for all parties to be made fully aware of any procedures, policies, or other issues regarding the plat.

B. A sketch/concept plan shall be required that includes the following:

1. Classification by wetland type and acreage of all wetlands with and to a distance of 100 feet beyond the boundary lines of such plat.

2. Vegetation of the site (pasture, woodlands, hedgerows, etc.) including a general description of species of trees and a summary of the

approximate percent of each species and their size and stage of maturity.

3. An outline of the land area to be designated as open space and its proposed use as park, trail, temporary open space, preserve or restoration, or wastewater treatment area.
- C. Data for preliminary plat. All information required to be submitted in Section 930 is required to be submitted with any OS&P application, with the addition of the following:
1. A resource inventory presented on an aerial photograph at a scale of no less than one inch equals 200 feet, including the following:
 - a. Vegetation inventory identifying the general cover types defining boundaries of woodland areas and identifying stand-alone trees of a size and species identified in the City preservation and restoration standards as significant.
 - b. Trees or wooded areas to be removed for streets, drives, buildings, drainage or other purposes shall be identified.
 - c. Visual resources, showing views onto the tract from surrounding streets and public areas, as well as views within the tract.
 - d. Description of the historic character of buildings and structures, historically important landscapes, and known archeological features.
 - e. Context, including general outlines of existing buildings, land uses, and natural features such as water bodies or wooded areas, streets and property boundaries within 100 feet of the tract.
 2. A calculation of the proposed open space or preservation plat density as determined by Section 940.070.
 3. A narrative from the applicant as to the rationale behind the proposed layout and open space.
 4. An itemized list of all documents, agreements and actions necessary to be completed prior to recording of the plat, including land area to be protected with a conservation easement as open space or park dedication, the number and size of lots, areas proposed for

stormwater management and sewage treatment areas (primary and secondary). This shall include all applicable Homeowners' association documents (if any), including bylaws, deed restrictions, covenants, and proposed conservation easements, prepared or approved by the holder of the conservation easement.

940.050 – DEVELOPMENT STANDARDS.

Subd. 1. OS&P or restoration plats shall comply with the following minimum standards:

A. Land area.

1. Minimum gross acreage is determined based on a wastewater treatment plan. On-site treatment will require appropriate setbacks and a primary and secondary wastewater treatment/disposal site.
2. Under an OS&P , land not used in the development may be retained by the owner and any successor in interest, subject to a covenant with the City that such land may not be developed until such time as urban sewer service is provided and at such time shall be subject to development standards with urban densities. Continued agricultural use shall be permitted until such time as sewer and water are available and orderly urban development occurs.
3. Under an OS&P plat a minimum of 50% percent of the gross land area (of no more than two non-contiguous pieces) of the development site shall be dedicated as preserved open space Open space must be protected by a conservation easement or deed restrictions in favor of the city. Of that amount, 50 percent (net 25%) shall be upland area.

B. Open space development standards. Open space to be preserved or restored within an OS&P plan shall meet the following criteria:

1. Open space shall be in a contiguous, connected configuration including or adjacent to existing natural areas or parks. Open space that is divided by a local street shall be considered contiguous.
2. Open space shall be maintained free of noxious weeds, litter or debris.

3. Open spaces shall be protected by the placement of a conservation easement, covenant or deed restriction in favor of the City over the open space.
 - a. For areas designated as high quality by the Natural Resource Inventory or Ecologically Significant Natural Area maps in the Comprehensive Plan, the conservation easement shall be permanent.
 - b. For all other areas, the conservation easement shall remain in place until municipal sewer and water are available to serve the site. At such time, the open space may be developed in accordance with the regulations in place at that time.
4. Open space shall be owned by an individual, a homeowners' association, the City or other legal entity that will use the land for open space purposes pursuant to a conservation easement or covenant restricting additional development until urban services are provided. In the case of private ownership of open space where public access is desired, such as a trail crossing or other public purpose, the City shall require that a public easement be provided over the open space area.
5. In the event that it is impossible to locate sufficient suitable building sites to use the development rights generated by the property and plat design, such rights may be transferred to an adjacent property, within the city, so long as the development rights are used in a development that also follows open space development standards and does not exceed a 35% increase in development intensity compared to the property without transferred-in development rights. A PUD will be required for any OS&P desiring to transfer development rights.
6. A preservation, restoration and management plan agreeable to the City shall be prepared and filed for open space land. This plan shall include areas proposed for interim agricultural uses as well as temporary open space easements.
 - a. The City Council may, at its discretion, require financial guarantees of performance of restoration, seeding, cutting or planting.
 - b. Where land remains in the ownership of the developer or an association, the City may inspect the property at any time to

ensure that provisions of the management plan are being implemented.

C. Water and sewer systems.

1. Water may be provided by individual on-site wells, or by one or more community wells in open space areas, meeting all State Department of Health requirements.
2. Individual sewage treatment systems are required to be located on each individual lot, except as otherwise approved by the City Council. The developer must identify both primary and secondary locations for City planning review. Permitting of individual septic systems shall be through Hennepin County. Individual sewage systems shall not be located on land with preservation or restoration easements or land dedicated to the City.
3. The City may approve a centralized wastewater treatment system and smaller individual lots as part of a Planned Unit Development (PUD), provided the applicant can show compliance with MPCA standards and the City finds that the proposal would comply with PUD standards, all City requirements and would have no adverse impact on the environment or neighboring properties. The City will review the following information as part of the plan review, but all permitting shall be as required by the State of Minnesota. Centralized wastewater treatment systems may be located in temporarily restricted open space within an easement. This area shall not be included in the land area designated as preserved or restored open space. A sewage treatment system management plan must be submitted to the city that must be reviewed and approved prior to being recorded with the final plat. The plan shall clearly identify the following:
 - a. The applicant must provide the following information to support the proposed primary and secondary septic sites:
 - i. Hydrologic study prepared by a qualified individual for the proposed septic site.
 - ii. A minimum of 4 soil borings on each primary septic site and 2 soil borings on each secondary site.
 - iii. Percolation tests for the primary septic site.

- iv. Well locations for the proposed development.
- b. The applicant must provide a management (maintenance, replacement and repair) plan for centralized wastewater treatment system as approved by the City. The management plan must be reviewed and approved by the City Council and recorded with the final plat. The plan should clearly identify the following:
- i. The ownership of the centralized wastewater treatment system.
 - ii. An annual schedule for maintenance, inspection and monitoring of the centralized wastewater treatment system.
 - iii. Assignment of responsibility for the management of and payment for the centralized wastewater treatment system.
 - iv. Contingency plan in the event of failure of the centralized wastewater treatment.
 - v. Financial guarantees, covering the estimated cost of maintaining and replacing a centralized system.
 - vi. Provisions describing how the sewage treatment portion of the system will be protected from vehicles, animals, humans and other sources of risk.
 - vii. The name and license number of the system's designer.
 - viii. Provision for cost effective future connection of the wastewater treatment system(s) to urban services within one year after such services are provided at the boundary of the development, with sufficient financial guarantees to ensure no added cost to the City.
 - ix. If financial guarantees for any of the above provisions are part of an association assessment or treasury fund, the City shall be given access to annual audit records, at the expense of the association, to ensure proper funding. If such guarantees are the private responsibility of the developer, the City shall require guarantees from the responsible individual(s).

D. Dimensional regulations and Development standards. The dimensional regulations for open space preservation plats must comply with the following standards:

1. Minimum lot size. There is no minimum lot size. The applicant must provide information to show that a primary and secondary septic site can fit on the site or on adjacent property in compliance with ordinance requirements.
2. The maximum lot area of each created lot shall not exceed two times the minimum lot area for a single family dwelling in the zoning district that is compatible with the land use category in which the property is located
3. Building setbacks. The minimum building setbacks shall be as follows:
 - a. Front: 25 feet (unless adjacent to an Major Roadway, which has minimum setback of 100 feet. Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander Roadways and A Minor Connector as shown on the Roadway Functional Classification map in the Comprehensive Plan.).
 - b. Side, internal: 10 feet.
 - c. Side, street: 25 feet.
 - d. Rear: 25 feet.
4. Variations from the dimensional requirements for lot size, setbacks or impervious surface may be approved with a PUD if the City Council finds that the request is consistent with the PUD standards.
5. Street standards. Street standards shall comply with this article.
 - a. OS&P plats in the UR zoning district shall comply with urban street standards, which include curb and gutter and sidewalks within the right-of-way and shall be permitted to develop at 200% of the existing development rights.
 - b. OS&P plats in the RR zoning district may be permitted to use the rural street standards.

- i. OS&P plats in RR district that choose to develop with rural street section shall be permitted to develop at 150% of the existing development rights.
 - ii. OS&P plats that choose to develop with the urban street section shall not be required to provide sidewalk and shall be permitted to develop at 200% of the existing development rights.
6. Accessory structures (such as gazebos, benches and play equipment) shall be allowed on preserved open space lots without a principal structure as provided for in the developer's agreement and approved by the City Council.
7. A buffer zone of at least 100 feet shall be provided at the perimeter of the developed area of the site abutting public streets. The buffer zone shall be thickly planted with native grasses, shrubs and trees to minimize land use conflicts.

E. Development design guidelines applicable to all OS&P developments :

1. All lots shall be clustered in a manner to create temporary open space that will be held in a covenant for future development at the time sewer is extended.
2. The temporary open space shall be contiguous land, or adjacent to a similarly classified property, in order to facilitate future development.
3. A ghost plat shall be designed for all temporary open space areas at the same time as the Preliminary and Final plat is review and approved. The ghost plats shall indicate future access, internal street network and connections and future lot layout.
4. All lots shall front a paved street, internal to the site.

F. Residential lots should be designed to achieve as many of the following objectives as possible:

1. Arrange lots around a central focal point such as:
 - a. A central green, boulevard or square.

- b. A physical amenity such as a meadow, a stand of trees, a stream or water body, or some other natural feature.
2. Locate lots such that at least 50 percent of the lots within a neighborhood abut open space, or other amenity, on at least one side. A local street may separate lots from open space.
3. Preserve views from each building unit and from off-site vantage points to the maximum possible.
4. Locate neighborhood recreational open spaces such that they are an integral part of the neighborhood, are suitable for the projected demographic makeup of residents, are at an elevation appropriate to their intended recreational use, have boundaries that are clearly defined and are accessible to all neighborhood residents from a public street or trail. Connect individual home sites with pedestrian corridors or sidewalks to larger open spaces and places of destination on-site and off-site. Open spaces should be accessible to pedestrians at roughly 1,200-foot intervals along public roadways. Pedestrian corridors between lots shall be at least 50 feet in width and buffered from view of adjacent properties.
5. Locate lots to preserve woodlands, farmland or other natural features or character, including places of historic, archeological or cultural value. Preserve natural resources as identified in the Comprehensive Plan to the maximum extent possible in a contiguous, connected configuration. Natural open spaces may include, but are not limited to, fields, wetlands, slopes, bluffs, woods, lakes, ponds, streams, shore lands, and other environmentally sensitive areas.
6. Providing covenants to create an architectural theme to include items such as landscaping, porches, side or rear loaded or detached garages. A written narrative describing the architectural theme shall be provided with the preliminary plat.
7. Locate houses and garages such that the garages do not dominate the streetscape.
8. Locate septic systems on the most suitable soils for subsurface septic disposal and in such manner as to provide for cost effective and least disruptive future connection of the wastewater treatment system(s) to urban services.

9. Landscape common areas and street rights-of-way with native vegetation with high wildlife conservation value.

940.060 – OWNERSHIP OF COMMON AREAS.

Subd. 1. Operation and maintenance requirements for residential subdivision common open space facilities shall be as provided in this division. Where certain land areas or structures are provided within the subdivision for private recreational use or as common service facilities or centralized wastewater treatment systems, the owner of such land and buildings shall provide covenants as approved by the City to ensure their continued operation and maintenance to a predetermined reasonable standard. These common areas may be placed under the ownership of one of the following, depending upon which is more appropriate in the discretion of the city:

- A. Dedicated to the public where a community-wide use would be anticipated; or
- B. Subdivider's ownership and control; or
- C. Homeowners' associations. A homeowners' association shall be established to maintain all preserved open space and recreational facilities, except in cases where the land is dedicated to the City for public purposes. Such homeowners' association management agreements shall be established prior to the sale of any lots. Homeowners' association management agreements shall include the following:
 1. The agreement shall include a legal description of the common lands, facilities and open space or conservation areas.
 2. Membership in the association shall be mandatory for all purchasers of homes in the development and their successors.
 3. The agreement shall include restrictions placed upon the use and enjoyment of the lands or facilities, including the persons or entities entitled to enforce the restrictions.
 4. The agreement shall include a mechanism for resolving disputes among the owners or association members.

5. The agreement shall provide standards for scheduled maintenance of open spaces, buildings and facilities. The association must be responsible for liability insurance and local taxes,
6. The agreement shall provide a plan guaranteeing continuing maintenance of open spaces that shall be submitted to the city council as part of the data requirements for an open space development.
7. The agreement shall include a mechanism to assess and enforce the common expenses for the land or facilities, including upkeep and maintenance expenses, real estate taxes and insurance premiums.
8. The agreement shall include the conditions and timing of the transfer of ownership and control of land or facilities to the association or the common ownership.
9. The homeowners must pay their pro rata share of associated costs and the assessment levied by the association shall become a lien on the property in accordance with the law; and
10. The association must be able to adjust the assessment to meet changed circumstances and needs
11. Any proposed change in the articles of association or incorporation shall require the prior written approval of the City.
12. Any other matters the developer or City deems appropriate shall be included.

940.070 – CALCULATION OF BASE DENSITY; DENSITY BONUSES.

- Subd. 1.** To calculate the allowed density for a given parcel for open space preservation plat purposes, the following shall apply:
- A. OS&P Plats must provide paved access within the site and must require all owners and their successors to covenant that they will participate at 100% of the per unit cost of future assessments for paving to City standards the streets outside of the development boundaries and servicing the site, if those streets are not currently paved.

- B. Development rights shall be as recorded on the official City of Corcoran “Development Rights Map” and as described in Section 1040.020, Subd. 8 and 1040.030, Subd. 7 (Density Requirements) of the Zoning Ordinance.
- C. Multiply the number of development rights on the parcel by the percent based on the application type to determine the maximum number of lots. Percentages are as follows:
 - 1. Standard Plat: = 100% of development rights (one development right per 10 acres)
 - 2. OS&P design in the RR district with rural street section = 150%
 - 3. OS&P with urban street section = 200%

Example 1:

Gross land area consisting of approximately 46 acres and one development right per 10 acres.

Standard Plat: $46 \div 10$ (100% of development rights) = 4.6 development rights which is rounded up to 5.

OS&P in the RR district with rural street section = $(46/10) \times 1.5$ (150% of development rights) = 6.9 development rights which is rounded up to 7.

OS&P in the UR district or in the RR district with urban street = $(46/10) \times 2.0$ (200% of development rights) = 9.2 development rights, which rounds down to 9.

Maximum density = $46/9 = 5$ in 5.11

Example 2:

Gross land area consisting of approximately 60 acres and one development right per 10 acres.

Standard Plat: $60 \div 10$ (100% of development rights) = 6 development rights

OS&P in the RR district with rural street section = 9 development rights.

OS&P in the UR district or in the RR district with urban street section= $(60/10) \times 2.0$ (200% of development rights) = 12 development rights.

Maximum density = $60/12 = 1$ in 5

(Ord. 212, passed 12-21-04, Ord. 224, passed 10-27-05, Ord. 262, passed 12-19-11, Ord 348, passed 05-25-17, Ord. 394, 06-27-19)



MAYOR & COUNCIL COMMUNICATION

DATE: April 7, 2015
REGULAR
ITEM # 14
RESOLUTION 2015-025

AGENDA ITEM: Wildflower at Lake Elmo - Preliminary Plat and Preliminary PUD Plan

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Nick M. Johnson, City Planner
Jack Griffin, City Engineer
Greg Malmquist, Fire Chief
Stephen Mastey, Landscape Consultant

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: The Planning Commission and Staff are recommending that the City Council approve a request by Robert Engstrom Companies for a Preliminary Plat and Preliminary Planned Unit Development (PUD) Plans to be located on approximately 117 acres of land within the northern portions of the Village Planning Area. The City’s Subdivision and PUD Ordinance requires that the City Council review and approval a preliminary plat and preliminary development plans before an applicant may proceed with the preparation and recording of a final plat.

FISCAL IMPACT: TBD – The City will require that the applicant enter into a developer’s agreement with the City to specify the financial responsibilities for various aspects of the subdivision and related public improvements. The project may include oversizing payments for regional public infrastructure. The financial responsibility for these improvements will be negotiated as part of a development contract for the project. Please note that the developer is not

seeking any City contributions for the nature conservancy area, which will be owned and maintained by the private homeowner's association. The project does include an extensive network of trails that will be owned and maintained by the City.

SUMMARY AND ACTION REQUESTED: The City Council is being asked to review a request for a Preliminary Plat and Preliminary Planned Unit Development (PUD) Plan for a proposed residential subdivision to be called Wildflower at Lake Elmo. This application follows the City's review and approval of a PUD Concept Plan for the site, as well as the City's approval of a Comprehensive Plan Amendment to allow the development to move forward as presented. There have been some minor modifications to the plans since the concept approval, but in general, the preliminary plan submission follows the concept plan very closely.

The proposed subdivision would be located immediately north of the Brookfield Addition along 39th Street and would extend to the northern limits of the Village area boundary. The preliminary plat includes 145 single-family lots (matching the number depicted on the concept plans) on a total site area of approximately 117 acres, roughly half of which would be preserved as open space in the form of a nature conservancy, storm water ponds, and parklands. The developer is requesting that the development be approved as a Planned Unit Development, which will allow the creation of the "courtyard" homes as described in the attached materials in addition to other exceptions from standard subdivision and zoning requirements.

The Planning Commission and Staff are recommending that the City Council approve the Wildflower at Lake Elmo Preliminary Plat and Preliminary PUD Plan with 20 conditions of approval through the following motion:

"Move to adopt Resolution No. 2015-025, approving the Wildflower at Lake Elmo Preliminary Plat and Preliminary PUD Plan subject to 20 conditions of approval."

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The Planning Commission reviewed the preliminary plat and preliminary PUD plans at its February 23rd and March 9th meetings, conducting the required public hearing on the earlier date. The Staff reports for both of these meetings are attached for review by the City Council, along with most of the supporting information that was distributed along with reports. In the interest of conserving space, some of the documents not directly associated with the plat have been left out of the City Council packet but are still available for viewing as part of the Commission agendas.

The Planning Commission reports include information about the application, a summary of the relevant planning and zoning issues, a thorough review of the proposed plat and public improvements, draft findings, and the staff recommendation. It should be noted that the City approved the Wildflower General Concept Plan on June 17, 2014 (Resolution 2014-045). Approval of the concept plan allows the applicant to prepare a preliminary PUD plan and preliminary plat.

After conducting a public hearing at its February 23rd meeting, the Commission tabled the application in order to give Staff and the developer time to address several specific questions and

issues that were raised either by members of the public during the hearing or by individual Commissioners during the course of the meeting. The issues are summarized in the March 9th Staff memorandum to the Commission, along with a response to each of the general concerns. Since the issue summary incorporates comments received from the public, Staff is not including a separate summary of the public hearing comments as part of the Council report. Minutes from the February 23rd Commission meeting have previously been provided to the Council and have been posted on the City's website.

The Commission further reviewed the request at its March 9th meeting and requested modifications to the draft conditions of approval to remove a condition concerning the Minnesota Land Trust (this matter has been resolved), to revise language concerning temporary easements adjacent to Layton Avenue, to require that the developer work with the City to include restrictions on the future use of certain outlots within the development, and to incorporate other minor corrections. The Commission also considered a request from one of the adjacent property owners to eliminate any looped trails over Outlot H, but voted to leave these particular trails as part of the plans.

In addition to the general information noted above, the Planning Commission report includes a breakdown of the changes made to the concept plan in response to specific City conditions and a summary of the flexibility being requested as part of the PUD plans.

Since the Planning Commission review of the Wildflower at Lake Elmo preliminary plat and plans, the City and developer have met to further discuss some of the issues raised during the meetings and to review the conditions of approval. As a follow-up to this discussion, please note the following:

- The developer has agreed to expand the pavement width of the divided, primary east-west street in the development (Wildflower Drive) to meet City engineering standards. This decision was made after a meeting with City Staff, including the City Engineer, Public Works Director, Fire Chief and Community Development Director, all of whom strongly recommended compliance with City standards for this street. Condition # 8 addresses this matter for future plan reviews.
- The developer has submitted an exhibit that depicts both the City's current FEMA flood elevations on the property in addition to the recently updated flood elevations as approved by the Valley Branch Watershed District. This exhibit is not included with the attachments to this report, but will be used by Staff to verify compliance with applicable flood regulations.

All of the Commission's revisions to the findings of fact and the conditions of approval are incorporated into the attached Resolution 2015-025 for review by the City Council.

After discussing the Wildflower at Lake Elmo Preliminary Plat and Preliminary PUD Plan, the Planning Commission recommended approval subject to 20 conditions of approval. The motion to approve the PUD passed unanimously with a vote of 6 to 0.

STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:

- Strengths**
- The Planning Commission and Staff have found the Preliminary PUD plans to be consistent with the General Concept Plan for the development.
 - Approval of the Wildflower PUD Concept Plan allows the applicants to move forward with the preparation of a PUD Final Plan and Final Plat application.
 - The City Council has previously determined that the proposed Concept Plan is consistent with the City’s Comprehensive Plan.
 - The proposed planned development offers unique design that incorporates courtyard homes with shared open space and with a plan that includes rear alley access to garages.
- Weaknesses**
- The project includes several conditions of approval that will need to be met by the applicant.
- Opportunities**
- The PUD will add users to the City’s public water and sanitary sewer system (with connection fees).
 - The project includes the construction of Layton Avenue to 39th Street, which will be accessed by both the Wildflower and Village Preserve developments.
 - The project will help preserve large areas of open space that the developer intends to use for native habitat and ecological restoration.
- Threats**
- Several elements of the development plans required the cooperation of the adjacent land owner, Gonyea Homes. The City understands that Gonyea does consent to this work, but no formal agreement has been provided to the City on this matter.

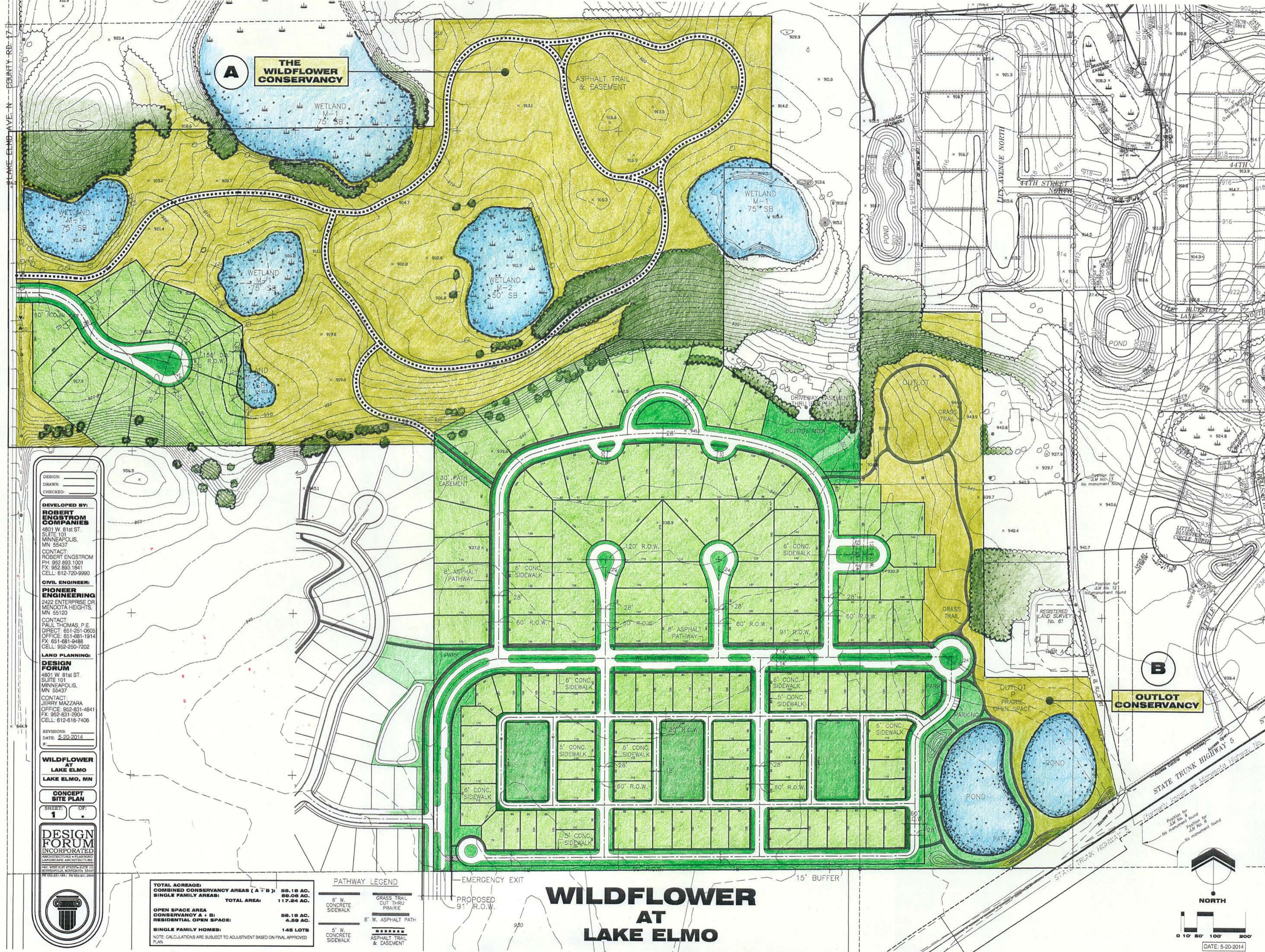
RECOMMENDATION: Based upon the above background information, Staff report and Planning Commission recommendation, it is recommended that the City Council approve the Wildflower at Lake Elmo Preliminary Plat and Preliminary PUD Plans with the 20 conditions of approval as documented in the resolution of approval by taking the following action / with the following motion:

“Move to adopt Resolution No. 2015-025, approving the Wildflower at Lake Elmo Preliminary Plat and Preliminary PUD Plan subject to 20 conditions of approval.”

ATTACHMENTS:

1. Resolution No. 2015-025
2. Planning Commission Staff Report – 3/9/15
3. Planning Commission Staff Report – 2/23/15
4. Application Forms
5. Development Contact Information

6. Location Map
7. Legal Description
8. Wildflower at Lake Elmo Overview
9. Wildflower Lot Profile
10. Written Statements for PUD Application
11. City Engineer Review – 2/18/15
12. Fire Department Review – 2/13/15
13. Fire Department Street Naming Comments
14. Landscape Architect Review – 2/4/15
15. MnDOT Review Comments – 3/2/15
16. Valley Branch Watershed District Permit Review – 12/2/14
17. Email Correspondence from Developer Dated 2/26/15
18. Memorandum from Developer's Engineer Dated 2/26/15
19. Letter from Mary Jean Dupuis – 3/4/15
20. Letters from Robert Engstrom Companies:
 - a. Richard Smith
 - b. Mary Jean Dupuis
21. Preliminary Plat and Preliminary PUD Plans:
 - a. Existing Conditions
 - b. Preliminary Plat and Site Plans
 - c. *Construction Plans (Available Online)*
 - d. *Landscape Plans (Available Online)*
 - e. *Tree Inventory (Not included with packet)*



DESIGN: _____
 DRAWN: _____
 CHECKED: _____

DEVELOPED BY:
ROBERT ENGSTROM COMPANIES
 4801 W. 81st ST.
 SUITE 101
 MINNEAPOLIS, MN 55437
 CONTACT:
 ROBERT ENGSTROM
 PH: 952-893-1001
 FX: 952-893-1841
 CELL: 612-720-9990

CIVIL ENGINEER:
PIONEER ENGINEERING
 2422 ENTERPRISE DR.
 WENDOTA HEIGHTS, MN 55120
 CONTACT:
 PAUL THOMAS, P.E.
 DIRECTOR: 651-251-0605
 OFFICE: 651-681-1914
 FX: 651-681-9488
 CELL: 952-250-7202

LAND PLANNING:
DESIGN FORUM
 4801 W. 81st ST.
 SUITE 101
 MINNEAPOLIS, MN 55437
 CONTACT:
 JERRY MAZZARA
 OFFICE: 952-831-4841
 FX: 952-831-2004
 CELL: 612-618-7406

REVISIONS
 DATE: 5-20-2014

WILDFLOWER AT LAKE ELMO
 LAKE ELMO, MN

CONCEPT SITE PLAN
 SHEET: 1 OF: 1

DESIGN FORUM INCORPORATED
 ARCHITECTURE + PLANNING
 4801 W. 81st ST., SUITE 101
 MINNEAPOLIS, MINNESOTA 55437
 PH: 952.831.1841 FX: 952.831.2004



TOTAL ACREAGE:	58.18 AC.
COMBINED CONSERVANCY AREAS (A + B):	66.06 AC.
SINGLE FAMILY AREAS:	117.24 AC.
TOTAL AREA:	241.48 AC.
OPEN SPACE AREA CONSERVANCY A + B:	58.18 AC.
RESIDENTIAL OPEN SPACE:	4.89 AC.
SINGLE FAMILY HOMES:	146 LOTS

NOTE: CALCULATIONS ARE SUBJECT TO ADJUSTMENT BASED ON FINAL APPROVED PLAN.

PATHWAY LEGEND

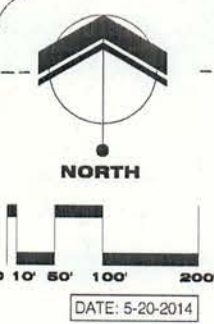
6" W. CONCRETE SIDEWALK	GRASS TRAIL CUT THRU PRAIRIE
8" W. ASPHALT PATHWAY	ASPHALT TRAIL & EASEMENT
5' W. CONCRETE SIDEWALK	

EMERGENCY EXIT
 PROPOSED 91' R.O.W.

WILDFLOWER AT LAKE ELMO

15' BUFFER

B
OUTLOT CONSERVANCY



Wildflower at Lake Elmo

A Healthy Community

Healthy Communities and Places are a timely topic in the planning and development community nationwide. Most experts agree that easy access to sidewalks pathways and open space is the most important component of a healthy community.

Healthy Community Features at Wildflower:

- The convenience of three miles of sidewalks and pathways provides connectivity, and adds interest winding through the woods, past the ponds, wetlands, and the acres of native prairie.
- Socialization is encouraged by a structured land plan that includes destinations like natural area features, or perhaps the library within walking distance at "The Old Village". Easy walking distance to multi-generational parks and school provide neighborhood-gathering places.
- Wildflower Drive has a divided median, single entrance. One way in and one way out provides a safe and secure environment for residents.
- The network of sidewalks and pathways are separated for pedestrians and bicycles, and protected from vehicular traffic.
- Community educational opportunities are provided by the Stillwater School District and local events and resources, along with coffee, are available at the Lake Elmo Public Library.
- Local and fresh produce is available nearby. On-site gardening spaces are available to all homeowners.
- Creative play areas are available at the common park and the natural Conservancy.
- Builders provide improved indoor air quality and energy efficiency in their homes.
- The natural habitat provides food and living environments for bees, butterflies, and other pollinators. This is a sensory delight for the humans and birds that share Wildflower with them.
- Easy access to open space reinforces healthy living opportunities. "Communing with Nature has a positive healing effect on human beings and does wonders for your spiritual health." (Lynn M. Steiner in Landscaping with Native Plants of Minnesota.)

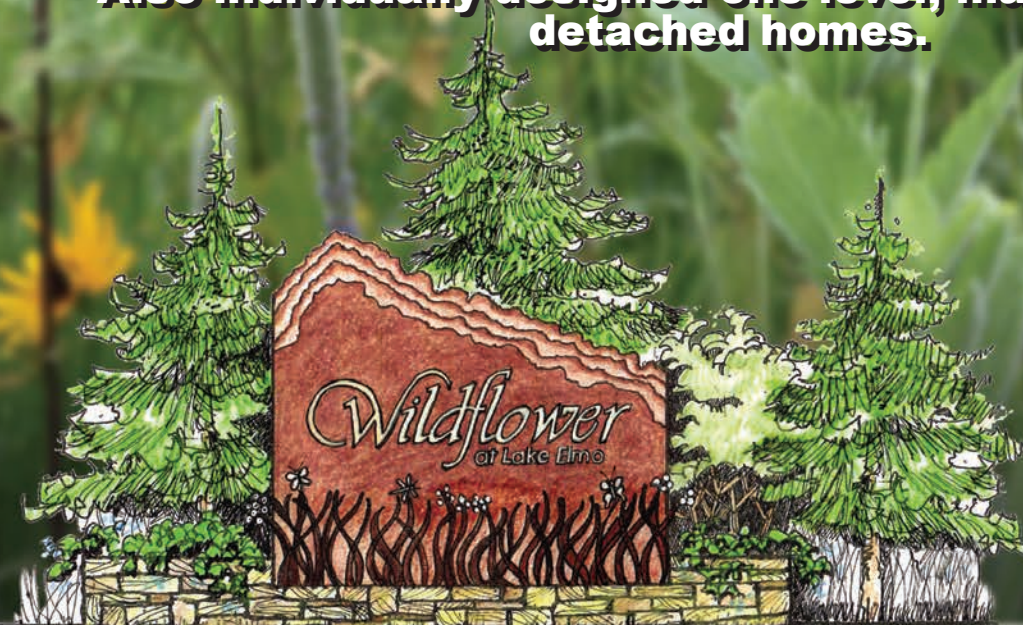


Wildflower

at LAKE ELMO

60 acres of native habitat friendly to bees, butterflies, birds and you!

- Miles of sidewalks & trails.
- Association owned nature preserve.
- **Adjacent to The Fields of St. Croix & Downtown Lake Elmo.**
- Choice of 4 types of home sites, including large lots for custom homes.
- **Also individually designed one-level, maintenance-free, detached homes.**



Developed by:

ROBERT ENGSTROM COMPANIES

www.engstromco.com 952-893-1001

ROBERT ENGSTROM COMPANIES

Our Vision at Wildflower at Lake Elmo



Located on the edge of the charming Old Village in Lake Elmo, Wildflower provides a setting of lasting value for homeowners, bees, butterflies, and other pollinators.

Opportunities abound for walking, biking, and cross country skiing. Sixty acres of open space will include native habitat, prairie, ponds, marshes, and private parks providing a laboratory for those aspiring to further their knowledge of native grasses, flowers, shrubs, and trees. Similarly, the interaction of pollinators with native plants paints a memorable experience on a living canvas. And don't forget about birds, especially Hummingbirds searching for food.

In early 1994 we established native plants and prairie at Cloverdale Farm and the Fields of St. Croix, our developments adjacent to Wildflower. This will create natural synergism with the newer habitat at Wildflower.

We require all homesites at Wildflower to have a minimum of 100 square feet of native plants, in accordance with national experts who state the pollinator crisis will be solved by native plants in everyone's yard. It is likely this requirement will set an example locally and nationally of a pollinator environment with sustainable beauty.



"There is ample room to accommodate creative ideas from all new residents!" -Bob Engstrom, Developer

Features:

Unique land plan / 3 miles+ Pathways & Sidewalks / 60 acres of Prairie & Native Habitat / Robert Engstrom Companies, the developer of The Fields of St. Croix and Cloverdale Farm / Easy walk to The Old Village and ambiance of small town, rural atmosphere / Individual builders and architects / The security of one-way in and one-way out / Stillwater Schools / Architectural variety, standards and approvals / Beautiful landscape / Likely a trend setting neighborhood / Walking distance to the Elementary School - Stillwater district / Creative Play Areas / High speed fiber cable / Easy access to alternate transportation arteries / Nearby commercial services including Hwy 36, downtown Stillwater and Woodbury



Garden Villa Concept: In 1977, Robert Engstrom Companies developed and restored historic buildings at Summit Place in the Historic District of St. Paul. Located next to the St. Paul Cathedral, between Selby and Summit Avenues, the city and neighbors wanted to maintain the historic streetscape by minimizing garages and driveways. As a result, the garage access was placed in back. What is unusual is these blocks were square rather than the customary city rectangular blocks, This resulted in an open space in the center of the blocks, creating a private park.

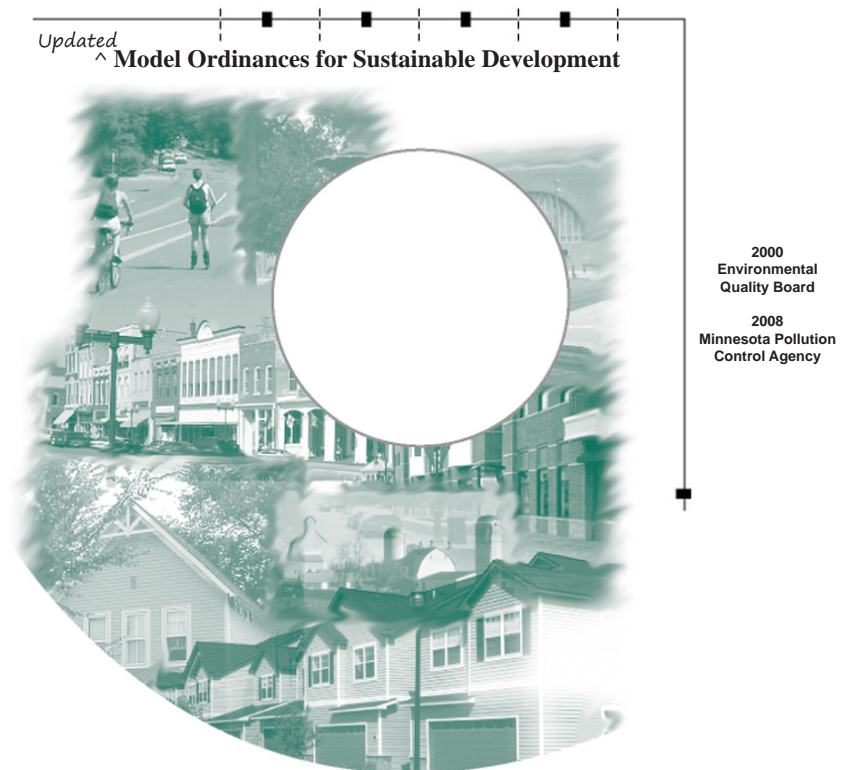
At Wildflower, we emulated that concept to provide a main street look with a variety of architectural home designs. The Association maintained exterior grounds and snow removal provides freedom to pursue other interests. For homeowners who enjoy flowers and gardening, a private space on each lot is available. Vehicular access in back surrounds the spectacular private park with interesting landscaping for the enjoyment of the residents.
-Paul Engstrom



Planned & Developed by: ROBERT ENGSTROM COMPANIES Developer of nearby The Fields of St. Croix & Cloverdale Farm

*This plan is an artistic conceptual rendering only, and should NOT be interpreted as an EXACT representation. Some information may differ from actual plans and may be subject to change. ©2016

From Policy to Reality



Primary Author:



Brian Ross

Project Coordinator:



INTRODUCTION

Planned Unit Developments (PUDs) are a type of development where the local government allows greater flexibility than otherwise allowed under the zoning or subdivision code in return for a coordinated development that provides public benefits not otherwise part of the development process. Frequently, the elements required in PUDs that bring additional public benefit include:

- More open space or natural resource protection than likely under as-of-right zoning;
- A greater mix of housing types and sometimes a mix of residential and commercial land uses designed in a complementary manner that emphasizes synergy;
- More affordable housing or greater housing density but with design standards that ensure greater density maintains community character.

Sustainability and PUDs

The elements described above are relatively commonplace in Minnesota PUD ordinances, and these elements frequently improve the sustainability of buildings, infrastructure, community character, and natural systems. As communities recognize that local government has opportunities and responsibilities for other sustainable development practices, these too can be incorporated into PUD ordinances, including:

- Meeting climate protection or carbon footprint goals
- Building additional capacity into public infrastructure such as stormwater management systems, electric and gas distribution systems, and wastewater systems
- Improving energy efficiency or utilization of local renewable resources
- Creating neighborhoods that are more pedestrian- and transit-oriented
- Encouraging restoration and maintenance of natural systems
- Protecting or enhancing opportunities for local food production

Creating the foundation

The following PUD ordinance provides basic language showing how these sustainability goals can be incorporated into most PUD processes. The key, however, to requiring PUD applicants to address carbon footprints or transit-oriented design is that the policy foundation, in the Comprehensive Plan or other formally adopted policy plan, must be set first. Regulatory requirements must implement adopted policy. Many comprehensive plans do not explicitly address issues such as energy security, transit availability, or climate protection. Other formally

Certifying Sustainability

Some of the sustainability requirements noted in this model may require training or knowledge that local staff do not have. Communities can, in some instances, rely on existing sustainability standards, some with third party certification processes, rather than retaining staff. Programs that require third-party certification provide a level of assurance to the community that the sustainability requirements are met. Sustainability standards, such as energy efficiency standards that go beyond the minimum standards of the State Energy Code, can similarly be used as a baseline standard. The community can require the PUD applicant to provide third party certification of compliance if the standard does not have a built-in compliance certification process.

Examples of certification programs that might apply to PUD sustainability include LEED certification, particularly the LEED-Neighborhood Design or the proposed LEED-Site Design standards and the Green Communities certification. Both of these processes address multiple components of sustainability, including density thresholds, access to transit, and energy efficiency. Other third-party certification programs or sustainability standards address more narrowly focused sustainability issues, such as building energy efficiency, use of low-impact materials, protection of natural resources, and sustainable food production.

adopted policy, such as resolutions supporting the U.S. Mayors' Climate Protection Agreement, can substitute for comprehensive plan language, provided the resolution does not conflict with the comprehensive plan.

Limitations of PUDs

PUDs provide flexibility to developers and opportunities to the community for improving the sustainability of buildings, infrastructure, and natural systems. PUDs can, however, actually diminish sustainability if not written and administered carefully. Responsibility for adhering to the Comprehensive Plan is the community's responsibility (staff, Commission, and elected officials), not the developer's responsibility. The flexibility provided in a PUD should result in development that more closely meets Comprehensive Plan goals than would occur without the negotiated zoning standards; the PUD must not become a way to simply circumvent zoning and subdivision standards. Communities need to have experienced staff who can spend the necessary time negotiating details with the developer to ensure Comprehensive Plan and sustainability goals are met. PUD approval processes are more difficult for staff and Commission members to manage due to these negotiated standards and balancing of flexibility with Comprehensive Plan goals.

- Carefully select which elements of the land use code are open for flexible treatment and the degree of flexibility allowed. The ordinance should not put every zoning standard on the table for negotiation.
- Identify the elements that would benefit the community and set standards for how the development needs to demonstrate that the standards will be met.
- Explicitly tie Comprehensive Plan and sustainability goals to the elements of flexibility and the public benefits expected in the PUD.
- Recognize in fee structures, approval timelines, and in a minimum size requirement that the PUD process requires more staff and Commission involvement than other proposals.
- Require a development agreement that defines the negotiated elements of the development in order to allow staff to ensure that public benefits are realized.

Alternatives to PUDs

Sometimes a community is better off not using PUDs to achieve sustainability goals, but to instead create specific development regulations tailored to a specific sustainability result. For instance, creating a conservation subdivision ordinance is often the best way to achieving natural resource protection goals. Similarly, a Traditional Neighborhood Design ordinance may be more effective than trying to adapt PUD language to meet community character or urban design goals. Examples of these alternatives are found elsewhere in this model.

- I. **Scope** - This article applies to planned unit development (PUD) conditional use permits.

- II. **Applicability** - The PUD regulations are applicable in all zoning districts where PUDs are a conditional use. The PUD regulations can be used for developments meeting the following criteria:
 - A. **Minimum Size** - A tract of land of no less than 10 acres, except as provided elsewhere in this ordinance, that is developed as a unit under single or unified ownership or control
 - B. **Minimum Number and Configuration of Buildings, Uses** - A development that includes two or more principal buildings or uses but which may consist of one building containing a combination of principal and supportive uses.
 - C. **Consistency with Zoning District** - Uses not otherwise allowed in the zoning district are prohibited within a PUD except as provided in this Article and listed in the development agreement.

Minimum Size Considerations

The minimum size and minimum number of buildings noted here are appropriate for urban locations with a high density development typical for metropolitan areas. Lower density areas, such as counties or communities without centralized water and wastewater systems might set the minimums at 25 acres or 10 buildings. Another alternative for rural communities is to consider not using a PUD ordinance but instead relying on a conservation subdivision ordinance to meet sustainability goals.

- III. **Purpose** - The purposes of this article are:
 - A. **Comprehensive Plan Goals** - To meet the goals of the Comprehensive Plan and preserve the health, safety and welfare of Model Community’s citizens by encouraging creative and efficient development of land and infrastructure and preservation of natural features and amenities that would not be permitted under the more restrictive application of zoning requirements. The PUD regulations specifically implement the following goals from the Comprehensive Plan:
 1. **Goal** - Provide a variety of housing types and encourage a mixture of housing development to allow people to live in Model Community at any stage in their life.
 2. **Goal** - Work with the private sector to meet Model Community’s greenhouse gas emission reduction goals.
 3. **Goal** - Enhance the local labor supply through provision of higher density housing in close proximity to major Places to Work.
 4. **Goal** – Encourage the use of local renewable energy resources, including appropriate applications for wind, solar, and biomass energy.
 5. **Goal** - Protect areas of significant natural resources and provide future passive and active recreational opportunities.

Comprehensive Plan Goals

Setting the policy foundation for regulatory actions in the community’s Comprehensive Plan, then clearly linking the policies to the regulation as shown in this example, helps staff, commissioners, and developers understand the intent of the regulation. Regulatory conditions that are not supported by comprehensive plan policies are likely to draw challenges.

6. **Goal** – Promote sustainable building design and management practices in residential, commercial, and industrial buildings to serve the needs of current and future generations.
 7. **Goal** - Promote a walkable, sustainable development pattern that supports alternative forms of transportation (walking, biking and mass transit) while still accommodating the automobile.
- B. **Mix of Uses** - To allow for a complementary mixture of uses in an integrated and well planned area within a single zoning district.
 - C. **Integrate Natural Resources** - To ensure contiguous and well-planned open space and preservation of the site’s natural resources and Model Community’s natural heritage.
 - D. **Public Utilities** - To facilitate economic and sustainable investment in streets and public utilities.
 - E. **Community Assets** - To facilitate sustainable building design and site layout, affordable housing, recreational uses and institutional uses.

IV. Flexibility on Zoning Standards - PUDs may allow subdivision and development design elements not otherwise permitted in some zoning districts if specific conditions are met, provided the design meets the general standards for development in this Article.

- A. **Elements for Flexibility** - The subdivision and development design elements that are granted flexibility include:
 1. non-standard lot sizes,
 2. higher density of housing units or floor-to-area ratios for commercial uses
 3. reduced rights-of-way and street widths,
 4. broader range of housing types,
 5. land use mix, excluding uses that are not permitted in the zoning district,
 6. zero lot lines and other modifications to minimum or maximum building setbacks.
- B. **Conditions for Flexibility** - The conditions required for flexibility on zoning regulation advance Model Community’s Comprehensive Plan goals and may include, but are not limited to, the following:
 1. **Natural Systems** - Conditions to permanently protect and manage natural systems and resources.

Elements for Flexibility

The community should identify what zoning or subdivision provisions are negotiable in the PUD process. PUDs are particularly useful for combining land uses that would not be allowed in the base zoning district. However, the appropriate range of commercial uses that are compatible with residential development is much narrower than all commercial uses. A coffee shop is not the same as a nightclub. Combining land uses also requires careful design to minimize nuisances while maximizing connectivity.

2. **Housing Types and Affordability** - Conditions to ensure an appropriate mix of housing types and affordability.
3. **Pedestrian and Non-motorized Travel** - Conditions to enhance the options for non-motorized travel within Model Community.
4. **Appropriate Mix of Uses** - Conditions to ensure a sustainable and synergistic mix of land uses.
5. **Utility Services and Infrastructure** - Conditions to protect or enhance the quality of service from water, sewer, stormwater, electric, gas, and telecommunications systems.
6. **Green Infrastructure** - Conditions to enhance park and trail access, landscaping and appearance, and optimal stormwater management.
7. **Building Design** - Conditions on building design to protect community, natural, and economic resources.

V. Effect on Existing Zoning - The granting of a PUD permit does not alter in any manner the existing zoning district classification except that building permits shall not be issued unless in conformity pursuant to an approved PUD permit and development agreement. Whenever a question arises concerning the interpretation of this article, it shall be the duty of the planning and zoning commission to ascertain all facts concerning the question and forward all data and a recommendation to the city council for a determination.

VI. Permitted Uses - Planned unit developments include the following permitted uses:

- A. Dwelling units in detached, clustered, semi-detached, or attached multi-storied structures or combinations thereof.
- B. Commercial and industrial uses.
- C. Supporting community facilities.
- D. Open space, parks, trails, and natural systems.
- E. Community-supported agricultural and community gardens.

Defining Flexibility and Community Benefits

The City of Minneapolis is (Spring of 2009) considered a PUD ordinance that creates a list of development flexibility options and a menu of community benefit requirements from which a PUD applicant can select. Each community benefit is assigned points, and the applicant must achieve a sufficient number of points in order to be considered for flexibility on zoning conditions. The menu of benefits includes a variety of sustainability options such as:

- Green building certification (LEED Silver)
- On-site renewable energy (solar, wind)
- Geothermal based HVAC systems
- Super energy efficiency
- Bicycle and transit amenities
- Use of car sharing programs for residents/businesses

Permitted Use Considerations

The base zoning district defines the permitted and conditional uses for any given development, but since PUDs may be conditional in a wide variety of districts the permitted uses here is quite broad. If a PUD proposes to include land uses not permitted in the base zoning district, and not specifically allowed as part of the flexibility provisions, the PUD may require a re-zoning as well as a PUD conditional use permit.

VII. Conditions for Approval - Planned unit developments are a conditional use or are not permitted, as noted in the land use tables for each zoning district. Model Community may approve the planned unit development only if it finds that the development satisfies all of the following standards:

- A. **Consistent with Comprehensive Plan** - The planned unit development advances Model Community's Comprehensive Plan goals, including both city-wide and the specific area goals.
- B. **Protects and Unifies Natural Systems** - The planned unit development creates an effective and unified treatment of the development and preservation possibilities on the project site. The development plan must provide for the preservation or creation of unique amenities such as natural streams, stream banks and shore buffers, wooded cover, rough terrain, man-made landforms or landscaping and similar areas.
- C. **Integrated with Surrounding Uses** - The planned unit development is planned and developed to harmonize with existing or proposed development in the areas surrounding the project site.
- D. **Ensures Sustainable Design of Buildings** - The applicant ensures that buildings will be designed and constructed according to the sustainable design standards adopted by Model Community.
- E. **Single Ownership** - The tract under consideration is under single ownership or control.
- F. **Minimum Size and Exceptions** - The tract is at least ten acres in size. Smaller tracts may be allowed if the applicant can show that the proposed PUD meets the standards and purposes of the comprehensive plan and preserves the health, safety and welfare of the citizens of the community and that all of the following conditions exist:
 - 1. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.
 - 2. The proposal would benefit the area surrounding the project to greater degree than development allowed within the underlying zoning district(s), including improved pedestrian or transit access to jobs, goods, and services.
 - 3. The proposal would provide mixed land use and/or site design flexibilities while enhancing site or building aesthetics to achieve an overall, workable higher quality of development than would otherwise occur in the underlying zoning district.

Sustainable Design Standards

Reference is made to Model Community's sustainable design standards. The design standards are in this case a separate document identifying the preferred sustainable building design elements, such as high energy efficiency, renewable energy generation, minimization of construction waste, green roof standards, accessibility standards, or other elements of sustainable building design. Alternatively, the standards could reference an existing set of standards such as LEED, Energy Star, Minnesota Green Communities, or Minnesota GreenStar. The design standards document should identify how certification must be accomplished and any provisions for failing to meet certification, such as forfeiture of a bond or denial of an occupancy permit.

Infrastructure Considerations

Communities with urban services should limit PUDs to areas served by urban services. Conservation subdivision standards are a more appropriate tool for meeting natural resource protection goals in areas without urban services.

4. The proposal would ensure the concentration of open space into more workable or usable areas and would preserve the natural resources of the site than would otherwise occur in the underlying zoning district.

G. **Urban Service Area** - The proposed tract is within Model Community's urban service area.

VIII. Density - In any planned unit development the maximum number of dwelling units allowed shall not exceed the density identified for that site in the Comprehensive Plan, except as noted below.

- A. **Exceptions for Comprehensive Plan Goals** - Density increases consistent with the comprehensive plan may be allowed if the proposed development can be demonstrated to better meet Comprehensive Plan affordable housing, natural resource protection, sustainable building design, or transit-oriented development goals.
- B. **Optional Waiver of Lot Size, Setback Requirements** - Zoning and subdivision standards relating to lot size and setback may be modified when a PUD is submitted for approval. Increased residential densities and open space areas may be subject to additional design conditions that are necessary, in the judgement of Model Community, to meet Comprehensive Plan goals.
- C. **Minimum Lot Size for Single Family Homes** - Up to 40 percent of single-family detached home lots in a single development may use reduced lot areas. Lot areas must have a minimum of 3,500 contiguous square feet of buildable area. Buildable area must be unencumbered by setbacks, public easements and other physical constraints (such as topography or similar features).

IX. Coordination with Subdivision Regulations

- A. **Simultaneous Subdivision Review** - Subdivision review must be carried out simultaneously with the review of a planned unit development.
- B. **Preliminary and Final Plats** - The plans required under this article must be submitted in a form that will satisfy Model Community's subdivision requirements for the preliminary and final plats.
- C. **Flexibility of Subdivision Standards** - Flexibility of design standards and criteria of Model Community's subdivision ordinance may be allowed as part of a planned unit development.

Density Considerations

Each community will have distinct community character goals in regard to how much flexibility to provide a PUD in terms of lot size and lot dimensions. This ordinance restricts increases in project density (over base zoning allowances) except for specific circumstances. Such a strategy in a high-growth community acts as an incentive for developers to go beyond base requirements for providing open space, natural resource protection, or sustainable building design. In contrast, the limitation on increased density in subsection C to 40% of residential lots is a recognition that density can affect community character in a manner inconsistent with the Comprehensive Plan, and that base zoning was designed to set the character of the project site.

The dimensions noted in this ordinance (3,500 sq ft of buildable area, subsection C) are consistent with Metropolitan Council density targets proposed by the Climate Change Advisory Group (6 units/acre). Where base zoning already calls for 6 or more units per acre, the building area would need to be reduced. An alternative for metropolitan area communities is to set minimum and maximum lot size standards geared to encourage the development that meets the minimum LEED-ND standard of seven (7) units per acre or the LEED NPD credit for compact development (10 units/acre). In both cases, single-family density could be offset by attached or multi-family homes, or by allowing accessory dwelling units, which would meet the housing diversity goals of this PUD ordinance.

- X. Pre-application Meeting** - Prior to the submission of any plan to the planning and zoning commission, the applicant shall meet with the zoning administrator to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps and exhibits required. This includes the procedural steps for a conditional use permit, preliminary plat, and a general development plan. The applicant may submit a simple sketch plan at this stage for informal review and discussion. The applicant is urged to avail himself or herself of the advice and assistance of the city staff to facilitate the review of the general development plan and preliminary plat.
- XI. General Development Plan** - The following information and documents shall be filed as part of the general development plan.
- A. **Application** - An applicant shall make an application for a planned unit development permit following the procedural steps as set forth in the conditional use regulations.
- B. **Additional Requirements for PUD** - In addition to the criteria and standards set forth under the conditional use chapter, the following additional findings shall be made before the approval of the development plan:
1. **Comprehensive Plan** - The proposed PUD is in conformance with the comprehensive plan.
 2. **Neighboring Impacts** - The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.
 3. **Phasing** - Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated.
 4. **Sustainable Design** - The PUD will result in the construction of sustainable buildings and make use of renewable energy sources.
 5. **Public Facility Capacity** - The PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities, which serve or are proposed, to serve the area.
 6. **Unified Development** - The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

Sustainable Design - Renewable Energy

Urban PUDs, in most cases, are limited to solar energy as the on-site renewable energy source. PUDs with a larger land area, or that include industrial uses or large parking areas, may be able to incorporate wind energy. However, wind energy technology has some safety and potential nuisance issues in regard to tower fall zones, noise, and visual impacts. These tend to limit the applicability of wind energy to locations that have sufficient open space, parking areas, or areas with industrial or institutional land uses to provide appropriate setbacks.

Geothermal-based HVAC systems are sometimes also considered as renewable energy and have a wide applicability, provided that soil conditions are appropriate and system design is managed to ensure that the heat sink capability of the site is not exceeded.

- C. **Required Exhibits and Narratives** - The following exhibits and written narratives shall be submitted to the zoning administrator by the proposed developer as a part of the application for a conditional use permit:
1. **Character** - An explanation of the character of the planned development and the manner in which it has been planned to take advantage of the planned development regulations.
 2. **Ownership** - A list of the present ownership of all the land included within the planned development and a list of property owners within 500 feet of the outer boundaries of the property as obtained through County records.
 3. **Schedule** - A general indication of the expected schedule of development including progressive phasing and time schedule.
 4. **Mapped Information** - A map giving the legal description of the property including approximate total acreage and also indicating existing property lines and dimensions, ownership of all parcels, platting, easements, street right-of-ways, utilities, and buildings for the property and for the area 500 feet beyond.
 5. **Natural Features** - Natural features, maps or maps of the property and area 500 feet beyond showing contour lines at no more than two-foot intervals, drainage patterns, wetlands, vegetation, soil, and subsoil conditions.
 6. **Proposed Land Uses** - A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.
 7. **Government Services** - Full description as to how all necessary governmental services will be provided to the development including sanitary sewers, storm sewers, water systems, streets and other public utilities.
 8. **Soils** - An engineering report presenting results of percolation tests and soil analysis of the site.
 9. **Sustainable Design** - Full description as to how sustainable building design requirements will be met, including third-party certification, consistent with Model Community's sustainable design standards.
 10. **Additional Information** - Any additional information requested by the city staff, the planning and zoning commission and city council that may be required for clarification of the proposed project.
 11. **Copies** - Twenty-six copies of all required information shall be submitted.

Sustainable Design - Building Codes

Minnesota has a “max/min” state energy code, which means that communities are not allowed to be either more or less stringent than the standards. Including provisions in the PUD for higher levels of energy efficiency than required by the State code must be done in a way that does not mandate exceeding the State energy code. For most PUD ordinances, this is satisfied by the PUD ordinance being a voluntary option selected by the developer. Using a third party standard such as LEED or GreenStar provides additional clarity, as these standards do not substitute for the energy code but allow the developer to select from a menu of options for meeting the certification process, and the standard is certified by a third party rather than the local building code official.

Soils

One component of sustainable design is maximizing the infiltration of rain water on the site. Soils information is critical to knowing where the ideal infiltration areas are. Rather than designing the site and then looking for locations for stormwater ponds, the PUD should use the soils information to identify opportunities for the use of low-impact development techniques.

- D. **Subdivision Process** - The applicant shall submit a preliminary plat for all or that portion of the project to be platted including all the necessary documentation required under Model Community's subdivision ordinance. For purposes of administrative simplification, the public hearings required for the conditional use permit, preliminary plat, and rezoning of property (if necessary) may be combined into one hearing or may be held concurrently.

XII. Final Development Plan and Development Agreement

Development Agreements

The PUD final plan identifies the expectations of the community in regard to the proposed development. The development agreement creates a contract in which the developer's responsibilities are clearly assigned and linked to the parcel of land which has been platted and approved for development. The agreement protects the interests of the community, particularly when the community is committing to investments in infrastructure or has rezoned the land in order to allow the PUD to proceed.

- A. **Final Plan to Include All Required Modifications** - The final development plan with recommended modifications, if any, and if necessary, the modified preliminary plat, shall be filed with the zoning administrator containing the information required in the general development plan plus any changes recommended by the planning and zoning commission and the city council as a result of the public hearing.
- B. **Final Plat** - The applicant shall also submit a final plat for all or that portion to be platted. The final general development plan shall be submitted with the first final plat which shall conform to the approved general development plan and approved preliminary plat. Such plats may be submitted in smaller increments as may be economical to finance or construct at one time. This plan shall include any recommended changes by the planning and zoning commission or city council to the original general development plan and original preliminary plat.
- C. **Development Agreement Required** - A development agreement, signed by the applicant and noting all conditions of the final development plan, shall be submitted with the final plat. The development agreement shall include an expiration date consistent with the phasing of the project.
- D. **Review of Final Documents** - The Council shall review the final development plan and final plat. If the final development plan is approved by the Council, the zoning administrator shall issue a conditional use permit to the applicant.

- XIII. **Enforcement of Development Schedule** - The construction, restoration, and other provisions of all of the common open spaces, public and recreational facilities, renewable energy or low-impact development infrastructure, or other required amenities identified in the final development plan and development agreement must proceed at the same phase of the construction of dwelling units and commercial buildings. From time to time the zoning administrator may review all of the building permits issued for the planned development and examine the construction which has taken place on the site. If the zoning

administrator finds that the rate of construction of dwelling units is greater than the rate at which open space, public and recreational facilities, renewable energy and LID infrastructure, or other amenities have been constructed and provided, the administrator shall forward this information to the Council, which may modify or revoke the planned unit development permit.

XIV. Conveyance and Maintenance of Common Open Space

- A. **Open Space Platted and Conveyed** - All land shown on the final development plan as common open space must be conveyed to a homeowners' association or similar organization provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be permanently restricted to the uses specified on the final development plan, either by:
1. Assigning covenants, to be approved by the Model Community attorney, restricting the common open space to its designated purpose and providing for long-term maintenance in a manner that assures its intended purpose.
 2. Placing conservation easements on the open space that restrict the open space to its designated purpose and provide for long-term maintenance that assures its intended purpose. The easements shall be held and managed consistent with Minnesota Statute.
- B. **Hometowns' Association Required** - A homeowners' association or similar organization must be created if the PUD includes common open space. The applicant shall submit all required homeowners' association documents to the Model Community attorney and planning staff at the time of the first final plat of development, including the following:
1. Ownership and membership requirements.
 2. Articles of incorporation and bylaws.
 3. Time at which the developer turns the association over to the homeowners.
 4. Approximate monthly or yearly association fees for homeowners.
 5. Specific listing of items owned in common including such items as roads, recreation facilities, parking, common open space grounds, and utilities.
 6. Management plans for items owned in common.

Open Space Protection

The ordinance language allows either covenants or conservation easements to permanently protect open space. The preferred method is conservation easements, so that the interests of the homeowner's association is clearly separated from the open space protection, and instead vested in a conservation organization whose mission is consistent with long-term protection of the open space.

In either case, the common open space should be platted as an outlot and conveyed to the homeowner's association. An alternative is to convey the land to the local government, but in that case the purpose of the open space should be consistent with the local government's parks/open space goals.

Uses of Open Space

The uses listed here include habitat and recreation. Other uses that may apply in some communities include stormwater amenities, wetland banking areas, drain fields for community wastewater system, agriculture or local food production, or renewable energy production (wind energy).

XV. Standards for Common or Open Space - No open area may be approved as common open space under the provisions of this article unless it meets the following standards:

- A. **Suitable for Development** - The location, shape, size, and character of the common open space must be suitable for the planned development.
- B. **Uses of Open Space** - Common open space must be used as a natural amenity or for recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.
- C. **Required Improvements** - Common open space must be suitably improved for its intended use but common space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.
- D. **Other Outlots** - Outlots to be dedicated for park, ponding or other purposes shall be deeded to Model Community before the final plat is released for recording.

XVI. Review and Amendments

- A. **Commencement of Development** - From time to time the zoning administrator may review PUDs within the Model Community and may make a report to the Council on the status of non-compliance for a particular PUD. If the zoning administrator finds that the development has not commenced within one year after the original approval of the conditional use for the PUD, the zoning administrator may recommend that the Council extend the time or revoke the conditional use permit as set forth in Model Community's conditional use process. Prior to cancellation or revocation of this permit, the Council shall hold a public hearing at which time all interested parties will be given an opportunity to be heard.
- B. **Additional Phases** - For additional phases of the PUD, if within five years the project has not progressed, the zoning administrator may recommend that the Council determine what action will be taken with the remainder of the project. Prior to determining the outcome of the PUD, the Council shall hold a public hearing at which time all interested parties will be given an opportunity to be heard.

- C. **Minor Changes** - Minor changes in the location, placement, and heights of the buildings or structures may be authorized by the zoning administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved.

- D. **Major Changes Require New Development Agreement** - Major changes, such as rearrangement of lots, blocks and building tracts require a public hearing and renegotiated development agreement. All changes shall be consistent with the purpose and intent of the original approved final development plan and the Comprehensive Plan. All amendments to the development agreement shall require the same procedures as for the application for a conditional use permit as set forth in Model Community's ordinances.

1002.15 CONSERVATION SUBDIVISION.

Subd. 1 Purpose

(1) The City finds that the Greenway Overlay Corridor (as identified on the Comprehensive Plan) serves to protect important natural resource areas, provides a critical habitat corridor, and also provides recreational opportunities. Therefore it is in the public interest to provide and encourage measures of protection to those properties that touch any portion of the Greenway Overlay Corridor while also providing opportunities for equitable economic return in consideration of protection and preservation of the Greenway Overlay Corridor. Design standards have been established to support natural resource conservation goals while accommodating new growth and development. The purposes of these standards are:

- a. To allow for flexibility in lot design which directs buildings, site disturbance and activities to the most suitable locations with respect to the natural conditions of a tract.
- b. To protect unique natural features of the Greenway Corridor.
- c. To minimize visual impact upon the scenic character of the City by fitting new construction harmoniously into the natural landscape.
- d. To provide an opportunity for creative, varied, environmentally sensitive, and economical development, permitting a range of lot areas, building densities and housing sizes and to promote continued diversity of age and income in the community.

Subd. 2 Application.

In addition to the preliminary and final platting requirements of Section 1002, all subdivisions that occur or are proposed to occur on any parcel that touches the Greenway Overlay Corridor identified on the official Future Land Use Map and shown below shall be subject to the additional requirements of this Subsection.

Subd. 3 Planned Unit Development Designation.

To provide for development flexibility to protect and preserve Greenway Overlay Corridor areas while also supporting equitable economic return, a Planned Unit Development (PUD) designation shall be required in areas adjacent to or within the Greenway Overlay Corridor. The PUD shall be reviewed at the same time as the preliminary plat.

(1) *Hierarchy of protection standards and development standards.* In developing and/or reviewing the PUD for a property that touches the Greenway Overlay Corridor, City staff and the applicant shall take into account the following hierarchy of protection standards and development guidelines.

a. *Hierarchy of protection standards.* The hierarchy of protection areas in Subdivision 3(1)a.1. through 3. below are based on the conceptual greenway inclusion criteria identified in the Dayton Natural Resource Inventory and the Dayton Park, Trail, and Open Space Plan. The priority areas for protection are listed in descending order from the highest to the lowest level of protection.

1. *Most important areas for protection.* Areas defined as most important for protection include high and moderate quality natural areas defined by the City of Dayton Natural Resource Inventory; and other unique or ecologically significant areas, such as natural communities mapped by the Minnesota County Biological Survey, DNR PWI water features, and rare species habitat areas. These areas are the highest protection priority. Development should be located outside of these areas, with an adequate buffer to avoid adverse construction and development impacts. The goal is to protect these areas and avoid any deterioration.

2. *More important areas for protection.* Areas defined as more important for protection include riparian areas such as water bodies and wetland complexes. The goal is to conserve the quality of

these areas while allowing minor encroachment or disturbance.

3. *Important areas for protection.* Areas defined as important for protection include semi-natural areas immediately adjacent to natural areas and natural corridors that serve as important links between natural areas or public open spaces. The goal is that design placement and construction techniques used in these areas will enhance the general ambiance and character function and value of the natural resource area.

b. *Development guidelines.* The following guidelines are based on the hierarchy of protection in Subdivision 3(1)a. above and shall be used in the site planning and PUD process to determine permitted site design and development activities.

1. Maximize the protection of the function and value of the Greenway Overlay Corridor.
2. Provide for an opportunity for equitable economic return for the development.
3. Maintain viable riparian and wildlife corridors, rare species, and connections between Greenway Overlay Corridor areas. Avoid direct or indirect impacts to the corridor area that may destroy or diminish the resource.
 - (a) Keep undeveloped Greenway Overlay Corridor areas large enough to maximize sustainability and minimize fragmentation.
 - (b) Maintain a buffer adequate to the health and viability of the Greenway Overlay Corridor.
 - (c) Minimize adverse construction impacts on the Greenway Overlay Corridor. Rectify impact by repair, replacement or restore affected greenway area.
 - (d) Cluster homes to protect larger areas of open space and avoid fragmented habitat areas.
 - (e) Consideration should be given in the layout of the subdivision to provide each dwelling unit with access and or views onto the preserved natural area(s).
 - (f) Residential design standards for the applicable zoning district shall apply.

c. *Incentives.* To provide for an opportunity for equitable economic return in consideration of protection and preservation of the Greenway Overlay Corridor, incentives may be offered as part of the PUD process including, but not limited to (but subject to applicable local, state, and federal laws) the following:

1. Deviations from subdivision and zoning regulations, such as narrower public right-of-way, reduced sidewalk requirements, reduced street widths, reduced setback requirements.
2. Acceptance of donation of Greenway Overlay Corridor upland areas and/or buffer areas to fulfill portion of required park dedication acreage established in Section 1002.
3. Allowance of increased density and smaller lot sizes.
4. Cluster of development outside the Greenway Overlay Corridor.
5. Variance from lot coverage regulations.
6. Expedited application review.
7. Land acquisitions of the Greenway Overlay Corridor.
8. Variance from landscape requirements.
9. Other options that meet the intent of this Subsection.

Subd. 4 Data Required for Preliminary Plats.

In addition to the data required for preliminary plats under Section 1002, preliminary plats subject to this Subsection shall also provide the following information.

(1) *Resource inventory.* Any development proposed under this Subsection shall also include a resource inventory. The resource inventory shall be prepared by qualified professionals on behalf of the applicant. If the applicant is unable or unwilling to prepare the inventory it will be prepared by the City or its designees and the applicant will be charged an appropriate fee as established by the City Council. The resource inventory shall identify all natural resources located on the site, and shall designate natural resource areas on the site according to the hierarchy of protection standards in Subdivision 3(1)a.

(2) *Natural resource narrative.* Any development proposed under this Subsection shall also include narrative describing how the proposed plat addresses the hierarchy of protection standards and development guidelines in Subdivision 3(1)a and b.

(Ord. 2010-04, passed 9-28-2010)

Subd. 5 Single-Family Attached and Detached District (R-3)

(1) a. *Purpose.* The purpose of the R-3, Single-Family Attached and Detached District is to allow a mix of single-family detached and single-family attached housing (with a maximum of 4 units per building) at a more moderate single-family density. The R-3 District will also support a range of lot sizes of single-family detached, including villas, to accommodate natural topography of the site, preserve open space, natural features and provide shared amenities on site with a variety of lot width and sizes that support a greater variety in home design within a single development that is served by municipal sewer and water. A maximum of 30% of the lots shall be villa lots.

b. A conventional subdivision of traditional single-family housing units is also allowed provided it meets minimum density requirements.

(2) *Permitted uses.* In addition to other uses specifically identified elsewhere in this Code, the following are permitted uses in an R-3 District:

- a. Permitted uses as allowed within the R-1 Zoning District.
- b. Attached single family dwelling units (townhomes, single or multi-level).
- c. Two-family dwelling units.
- d. Four-plex dwelling units.

(3) *Permitted accessory uses.* In addition to other uses specifically identified elsewhere in this Code, the following are permitted accessory uses in an R-3 District:

a. Accessory uses permitted in the R-1 Zoning District except townhomes, twin homes, or quad units shall not be permitted attached or interior accessory dwelling units.

(4) *Conditional uses.* In addition to other uses specifically identified elsewhere in this Code, the following are conditional uses in an R-3 District and require a conditional use permit based upon procedures set forth in and regulated by Subsection 1001.23 of this Code.

- a. Conditional uses permitted in the R-1.

(5) *Lot requirements and setbacks.*

- a. Minimum lot requirements:

1. *Lot area.* Total lot area of single family detached lots may vary to accommodate variety in subdivision design and layout provided the development includes public and private open space, increased protection of natural resources and/or on site amenities above what is required by ordinance.

(a) All R-3 developments shall incorporate 4 of the following elements into the development plan at time of Preliminary Plat.

- i. Public or private open space accessible and useable by the neighborhood;
- ii. Increased park land dedication of 2% beyond the required park dedication amount when land is required by the ordinance;
- iii. Expansion of existing open space or open space corridors and/or linking open space corridors beyond borders of the site;
- iv. Preservation of existing natural resources, woodlands and unique topographical features if they exist;

- v. Increased landscape buffer along roadways beyond minimum requirements of the ordinance;
- vi. Increased internal landscaping throughout the site beyond minimum requirements of the ordinance;
- vii. Private parks furnished with commercial grade playground equipment approved by City Staff;
- viii. Enhanced pedestrian scale and decorative street lighting;
- ix. Construction of trails (above what is required by ordinance);
- x. Sidewalks are provided on both sides of the street;
- xi. Recreational facilities, pool or other on site amenities which serve the entire development;
- xii. Monument signage with decorative lighting, and enhanced entry landscaping surrounding the monument;
- xiii. Water feature at entry or used in storm water ponds;
- xiv. Innovative street designs that encourages a variety of building orientation along roads;
- xv. Architectural detail beyond minimum requirements of the ordinance;
- xvi. Unique environmentally friendly development characteristics or building techniques.

2. Minimum single family detached lot size shall be 10,000 square feet (except for lots located in exception as described in Subdivision 5(6) below). Developments providing elements as indicated in the following categories (listed below) may include a variety of lots sizes, including lots below 10,000 square feet provided the lot area of all proposed lots, within a single development, maintains an average of 10,000 square feet and no single family lots shall be below 6,000 square feet. Various lot sizes shall be distributed throughout the development. Required elements include the following:

(a) Category 1: Choose 1 of the following:

- i. Public or private open space (above what is excluded in net calculation);
- ii. Increased park land dedication beyond the required park dedication amount when land is required by the ordinance;
- iii. Expansion of existing open space or open space corridors and/or linking open space corridors beyond borders of the site;
- iv. Preservation of existing natural resources and woodlands (as mapped as the greenway corridor on the Land Use Plan) beyond minimum net calculation or required by ordinance.

(b) Category 2: Choose 1 or more of the following:

- v. Site amenities: private parks, enhanced pedestrian scale and decorative street lighting, tot lots, trails (above what is required by ordinance), recreational facilities, community center, pools or other on site amenities which serve the entire development.

(c) Category 3: Choose 1 of the following:

- vi. Development based storm water treatment system that provides treatment benefits beyond the site and the City's LID ordinance;

vii. Multiple development wide enhanced entry features including the following elements: monument signage with decorative lighting, water feature and enhanced entry landscaping surrounding the monument;

viii. Innovative street designs including but not limited to curvilinear streets;

ix. Architectural detail beyond minimum requirements;

x. Unique environmentally friendly development characteristics or building techniques;

3. When a development contains a mixture of attached and detached dwelling units a transition area shall be provided through means of landscaping berming, buffering, or other manner.

4. *Density.* The minimum net density for the total development shall be 2 units per acre with a maximum density of 4 units per net acre. When calculating net density exclude from gross acres wetlands and water bodies, public park dedication, arterial streets and natural resources mapped as the Greenway Corridor on the Comprehensive Land Use Plan.

b. *General standards for approval.*

1. A rezoning will be required for all R-3 development. The rezoning shall be considered at the same time as a site plan review and/or preliminary or final plat review. A rezoning to R-3 cannot be approved independently. The City may approve the rezoning only if it finds that the development satisfies all of the requirements in this section and all of the following requirements:

(a) The rezoning to R-3 is an effective treatment of the development possibilities on the project site and the development plan provides for the preservation or creation of unique amenities.

(b) The rezoning to R-3 and associated development plan is prepared in a manner that harmonizes with an existing or proposed development in the areas surrounding the project including connections to natural resources, open space and trails.

(c) The R-3 rezoning and development plan, using a range of lot sizes, provides better adaptation to physical and aesthetic conditions of the site.

(d) The R-3 rezoning and development plan provides a better mix of lot sizes, house styles in an overall integrated design to achieve a higher quality development.

(6) *Exception.* R-3 zoned areas within the Critical Area Boundary as shown the Future Land Use Plan shall maintain a minimum lot area of 20,000 square feet.

(7) The following minimum requirements shall be observed in an R-3 District subject to additional requirements, exceptions and modifications set forth in this Code:

	<i>Single-Family</i>	<i>Two-Family</i>
Minimum lot size (SF)	6,000 - 10,000 sq. ft.	15,000 sq. ft.
Minimum lot width at setback (SF)	65 feet	80 feet
Minimum lot frontage at street	50 feet	60 feet
Minimum corner lot frontage	75 feet	
Maximum impervious surface	50%	40%
Living area or side loaded garage	20 feet	20 feet
Front porch (120 sq. ft.)	20 feet	20 feet
Garage front	25 feet	25 feet

Side yards	7.5 feet	7.5 feet
Side yard corner lots	20 feet	
Rear	20 feet	20 feet
Maximum height (as measured from the midpoint on a hipped or pitched roof)	35 feet	35 feet

Setbacks - Dwelling - Detached	
Living area	20 feet
Front porch	15 feet
Garage	25 feet
Side to dwelling	10 feet
Side to non-dwelling	10 feet
Rear	20 feet
Dwelling maximum height	35 feet
Setbacks - Dwelling - Attached	
Front, side or rear to a street*	30 feet
Side to dwelling	10 feet
Side to non-dwelling	10 feet
Rear	20 feet
* minimum setback to an arterial street is 50 feet	

a. *Front yard (detached single-family)*. The front yard setback for living area in an R-3 District shall be 25 feet. The setback may be reduced to 20 feet if the following conditions are met:

1. The setback reduction is for an attached living area or porch to the principal structure, not including the garage, which does not exceed a total of 120 square feet of above grade finished livable space.
2. The exterior materials of the proposed living area or porch are consistent or complementary in color, texture and quality with those visible at the front of the dwelling.
3. The roof of the proposed living area or porch is properly proportioned to and integrated with the roof of the dwelling.
4. The structure does not adversely affect drainage on the lot or neighboring properties.

b. *Side yard (detached single-family)*. The side yard setback in an R-3 District shall be 10 feet. The setback may be reduced to 5 feet if the following conditions are met:

1. The setback reduction is for the garage structure; and
2. There is a minimum of 15 feet between neighboring structures.

c. *Rear yard (detached single-family)*. The rear yard setback for a principal structure in an R-3 District shall be 30 feet. The setback may be reduced to 20 feet if the following conditions are met:

1. The setback reduction is for an attached living area to the principal structure, not including the garage, that does not exceed a total of 300 square feet of above grade finished livable space.

2. There is a minimum of 40 feet measured at the closest point, between the attached living area and the neighboring principal structure and any attached living area to the rear.

3. The structure does not adversely affect drainage on the lot or neighboring properties.

(8) *Special minimum requirements - detached single-family.*

a. A private 2 car garage with a minimum floor area of 440 square feet shall be required to be built concurrent with the principal structure. The maximum footprint of the garage shall not exceed the footprint of the living area of the principal structure.

1. Two surface parking spaces shall be provided in a driveway location.

2. For non-residential permitted or conditional uses, parking shall be as required in Subsection 1001.19.

b. All developed properties shall display the street address on at least 1 street frontage.

c. Newly constructed single-family homes (detached) shall be constructed with the design elements as required in R-1 Single Family Residential District.

(9) *Special minimum requirements for attached dwelling units.*

a. *Unit size.* The following unit size shall apply:

1. Floor area: 500 square foot minimum floor area for efficiency apartment units. Minimum 800 square feet for a 1-bedroom unit plus 100 square feet for each additional bedroom. Seven hundred square foot minimum floor area for 1-bedroom apartment dwelling units in retirement housing developments, plus 100 square feet for each additional bedroom. Garages, breezeways and porch floor spaces shall not be credited in determining the required floor area of units.

b. *Unit width.* The minimum width of a dwelling unit within the R-3 District shall be 25 feet.

c. *Unit construction.*

1. *Subdivision requests.* Building elevations and floor plans shall be furnished with subdivision requests illustrating exterior building material and colors to demonstrate compliance of this Code. Building floor plans shall identify the interior storage space within each unit.

2. *Decks or porches.* Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.

3. *Minimum overhang.* In case of a gable roof, a minimum 12 inch soffit shall be required.

4. *Exterior building finish.* The exterior of attached/townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, attached/townhome dwelling structures shall comply with the following requirements:

(a) A minimum of 25% of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.

(b) Except for brick, stucco, and/or natural or artificial stone, no single building facade shall have more than 75% of 1 type of exterior finish.

(c) Except for brick, stucco, and/or natural or artificial stone, no townhome dwelling structure shall have more than 60% of all building facades of 1 type of exterior finish.

(d) For the purpose of this section and material calculations:

i. The area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

ii. Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different materials meeting the requirements of this section.

iii. Integral colored split face (rock face) concrete block shall not qualify for meeting the brick, stucco and/or natural or artificial stone material requirements.

5. *Color.* Each attached/townhome building shall feature a broad array of colors, including earth tones, muted natural colors found in surrounding landscape or other colors consistent with the adjacent neighborhood. Buildings in proximity to each other shall not look alike in terms of color of siding, accent and roofing materials. The home under consideration will be compared to 2 homes on 2 lots on either side of it and to the 3 homes directly facing it.

6. *Facades and walls.* Each attached/townhome dwelling unit shall be articulated with projections, recesses, covered doorways, balconies, covered box or bay windows or other similar features, dividing large facades and walls into human scaled proportions similar to adjacent single-family dwellings.

7. *Roofs.* Each attached/townhome building shall feature a combination of primary and secondary roofs. Primary roofs shall be articulated by at least 1 of the following elements:

(a) Changes in place and elevation.

(b) Dormers or gables.

(c) Transitions to secondary roofs over entrances, garages, porches, bay windows.

8. *Garages.*

(a) Each dwelling unit shall include an attached garage.

(b) Garages shall comply with the following minimum size standards:

i. For dwellings with basements: 440 square feet.

ii. For dwellings without basements: 540 square feet.

iii. Garages shall be a minimum of 20 feet in width.

d. *Outside storage.* Outside storage shall be allowed only in designated areas which are screened in accordance with Subsection 1001.24 of this Code and under the ownership of the property owners' association subject to other applicable provisions of this Code.

(10) *Common areas.* The following minimum requirements shall be observed in the R-3 District governing common areas:

a. *Ownership.* All common areas within an R-3 development not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, and the like, shall be owned in 1 of the following manners:

1. Twinhome and townhome subdivision common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.

b. *Homeowners' association.* A homeowners' association shall be established for all townhome developments within the R-3 District, subject to review and approval of the City Attorney, and shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than 1 individual property owner having interest within the development.