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Lake Elmo, MN Code of Ordinances

PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS**§ 154.205 INTENT.**

This subchapter establishes the procedures and standards for the development of areas as unified, planned developments in accordance with the intent and purpose of this zoning chapter and the applicable policies of the Comprehensive Plan. Because of the larger size of PUDs and to help achieve the identified objectives for planned unit development sites, this article provides for flexibility in the use of land and the placement and size of buildings in order to better utilize site features and obtain a higher quality of development. Approval of a planned unit development shall result in a zoning change to a specific PUD district, with specific requirements and standards that are unique to that development.

(Ord. 08-070, passed 2-19-2013)

§ 154.206 IDENTIFIED OBJECTIVES.

When reviewing requests for approval of a planned unit development, the city shall consider whether one or more of the objectives listed below will be served or achieved. It is the responsibility of the applicant to provide a narrative of how the proposed planned development meets one or more of the city's identified objectives ((A) through (J)). Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

- (A) Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.
- (B) Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.
- (C) Provision of more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques.
- (D) Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.
- (E) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- (F) Preservation of historic buildings, structures or landscape features.
- (G) Coordination of architectural styles and building forms to achieve greater compatibility within the

development and surrounding land uses.

(H) Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.

(I) Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.

(J) Higher standards of site and building design than would otherwise be provided under conventional land development technique.

(Ord. 08-070, passed 2-19-2013)

§ 154.207 ALLOWED DEVELOPMENT.

Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change in the list of uses approved in the development plan will be considered an amendment to the PUD, and will follow the procedures specified in §§ 154.015 through 154.021, Administration, for zoning amendments.

(A) *Permitted uses.* The PUD application shall identify all proposed land uses and those uses shall become permitted uses upon the approval of the planned unit development.

(B) *Placement of structures.* More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.

(C) *Development intensity.* The PUD may provide for an increase in the maximum gross floor area or floor area ratio by up to 20% of that allowed in the base zoning district, for the purpose of promoting project integration and additional site amenities.

(D) *Density.* The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district, for the purpose of promoting diversity of housing types and additional site amenities. Increased residential densities of varying levels will be awarded based upon the provision of a combination of various site amenities outlined in § 154.209. In addition, the city retains the right to evaluate all proposals for bonus density in accordance with the overall goals of the city's Land Use Element of the Comprehensive Plan.

(E) *Building setbacks.* The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the adjacent zoning district(s).

(F) *Lot requirements.* The Council may authorize reductions in the area and width of individual lots within

a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space or other public amenities elsewhere in the planned unit development. Any open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.

(G) *Other exceptions.* As part of PUD approval, the Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district, such as the maximum height of structures or the minimum off-street parking requirements. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in § 154.206.

(Ord. 08-070, passed 2-19-2013)

§ 154.208 MINIMUM REQUIREMENTS.

(A) *Lot area.* A PUD must include a minimum of 5 acres for undeveloped land or 2 acres for developed land within the approved development. Tracts of less than 2 acres may be approved only if the applicant can demonstrate that a project of superior design can be achieved to meet one or more of the identified objectives listed in § 154.206, or that compliance with the Comprehensive Plan goals and policies can be attained through the use of the PUD process. The Planning Commission shall authorize submittal of a PUD for a tract of less than 2 acres prior to submittal of a general concept plan application.

(B) *Open space.* For all PUDs, at least 20% of the project area not within street rights-of-way shall be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.

(C) *Street layout.* In existing developed areas, the PUD should maintain the existing street grid, where present, and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

(Ord. 08-070, passed 2-19-2013)

§ 154.209 DENSITY.

The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district. Applicants seeking increased residential density through a Planned Unit Development are required to provide at least 1 or a combination of site amenities that equal the required amount of amenity points to achieve the desired density bonus.

(A) *Amenity points and equivalent density increases.* Increases in density will be awarded through a 1:1 ratio with amenity points. For every increase in amenity points for a Planned Unit Development, the applicant will be allowed an equivalent amount of density increase, up to a maximum increase of 20%. Table 15-1 outlines the required amount of amenity points to achieve various density increases.

Table 15-1: Amenity Points and Equivalent Density Increases

| <i>Amenity Points</i> | <i>Density Increase</i> |
|-----------------------|-------------------------|
| 5 | 5% |
| 10 | 10% |
| 15 | 15% |
| 20 | 20% |

(B) *Site amenities.* Site amenities that are eligible for amenity points are listed in Table 15-2, including the associated standards of implementation. Some of the amenities may be awarded a range of amenity point based upon the quality and magnitude of the amenity. Where the amenity does not meet all of the standards required in Table 15-2, no points shall be awarded. Partial points for site amenities shall not be awarded, except as otherwise allowed in Table 15-2.

(C) *Site amenities not listed.* The city may also consider the allotment of amenity points for site amenities that are not otherwise specified within this ordinance as part of the preliminary plan phase of the planned development.

Table 15-2: Site Amenities

| <i>Points</i> | <i>Amenity</i> | <i>Standards</i> |
|---------------|----------------------------------|---|
| 5-10 | Underground or Structure Parking | Proposed underground or structured parking must be integrated into the primary structure. The purpose of this amenity is to better integrate parking into the site, reduce the amount of surface parking stalls, and reduce the amount of impervious surface. Proposed underground or structured parking must reduce the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25%. Amenity points will be awarded based upon the amount of surface parking stalls reduced (between 25-50%). For every additional 5% of surface parking stalls reduced above 25%, the applicant will be awarded 1 additional amenity point, up to a maximum of 10 amenity points. The facade of any underground or structure parking areas must match the architectural design of the principal structure. |
| 10 | Historic Preservation | Preservation, rehabilitation or restoration of designated historic landmarks |

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| | | in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development. |
| 10 | Additional Open Space | A minimum of 50% of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of 50% of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers. |
| 10 | Public Right-of-Way Dedication | Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved city plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the City Engineer. |
| 5 | Fire Sprinkler Systems | The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under state code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under State Building Code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems. |
| 5 | Contained Parking | The purpose of this amenity is to better integrate surface parking into the site and reduce the amount of visible surface parking from the public right-of-way. Parking should be rear-loaded and hidden by the building facade, or integrated into the site in some other fashion that is acceptable to the city. This amenity is separate from underground or structure parking. |
| Points | Amenity | Standards |
| 5 | Leadership in Energy and Environmental Design | The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements. |
| 5 | Pedestrian Improvements | A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site. The improvements shall use a combination of trails, landscaping, decorative materials, access control and lighting to create safe, clear and aesthetically pleasing pedestrian facilities through and /or around the site that comply with the Americans with Disabilities Act accessibility requirements. |
| 5 | Adaptive Reuse | Significant renovation, rehabilitation and adaptive reuse of an existing |

| | | |
|----------------------|---------------------------------|--|
| | | building(s), rather than demolition. |
| 5 | Plaza | The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas are landscaped or paved open areas that shall have a minimum area not less than 1,000 square feet. Plazas for commercial or mixed-use development shall be open to the public during daylight hours. |
| 1-5 | Enhanced Landscaping | A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The Landscaping Plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the Landscaping Plan. |
| 3 | Enhanced Storm Water Management | Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the City Engineer. |
| <i>Points</i> | <i>Amenity</i> | <i>Standards</i> |
| 1-3 | Theming | Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of Theming elements integrated into the project. |
| 3 | Natural Features | Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment. |

(Ord. 08-070, passed 2-19-2013)

§ 154.210 COORDINATION WITH OTHER REGULATIONS.

(A) *Coordination with subdivision review.* Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this subchapter shall be submitted in a form that will satisfy the requirements of the Subdivision Ordinance for the preliminary and final plat.

(B) *Coordination with other zoning requirements.* All of the provisions of this chapter applicable to the

original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the Final plan.

(Ord. 08-070, passed 2-19-2013)

§ 154.211 PHASING AND GUARANTEE OF PERFORMANCE.

(A) *Development schedule.* The city shall compare the actual development accomplished in the various PUD zones with the approved development schedule.

(B) *Schedule extension.* For good cause shown by the property owner, the City Council may extend the limits of the development schedule.

(C) *Phasing of amenities.* The construction and provision of all of the common open space, site amenities and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Development Review Committee shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If they find that the rate of construction of dwelling units is greater than the rate at which common open spaces, site amenities and public and recreational facilities have been constructed and provided, they shall forward this information to the City Council for action.

(D) *Guarantees.* A financial guarantee or letter of credit shall be required to guarantee performance by the developer. The amount of this guarantee or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement.

(E) *Changes during development period.*

(1) Minor changes in the location, placement and height of structures may be authorized by the Development Review Committee if required by engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Planning Director.

(2) Changes in uses, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan may be made only under the procedures for zoning amendments, §§ 154.015 through 154.021. Any changes shall be recorded as amendments to the recorded copy of the final development plan.

(F) *Rezoning to original district.* If substantial development has not occurred within a reasonable time after approval of the PUD Zoning District, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.

(Ord. 08-070, passed 2-19-2013)

§ 154.212 CONTROL OF PLANNED UNIT DEVELOPMENT FOLLOWING COMPLETION.

(A) *Final development plan controls subsequent use.* After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.

(B) *Allowed changes.* After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:

(1) Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the cubic volume of any building or structure by more than 10%; and

(2) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this chapter.

(C) *Amendment required for major changes.* Any other changes in the final development plan, including any changes in the use of common open space, must be authorized by an amendment of the final development plan under the procedures for Zoning Amendments, §§ 154.015 through 154.021.

(Ord. 08-070, passed 2-19-2013)

§ 154.213 PROCEDURES FOR PROCESSING A PLANNED UNIT DEVELOPMENT.

There are four stages to the PUD process: application conference, general concept plan, preliminary plan and final plan, as described below.

(A) *Application conference.* Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.

(B) *General concept plan.* The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.

(C) *Preliminary plan.* Following approval of the general concept plan, the applicant shall submit a preliminary plan application and preliminary plat, in accordance with the requirements described in § 153.07. The application shall proceed and be acted upon in accordance with the procedures in this subchapter for zoning changes.

(D) *Final plan.* Following approval of the preliminary plan, the applicant shall submit a final plan application and final plat, in accordance with the requirements described in § 153.08. The application shall

proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes. If appropriate because of the limited scale of the proposal, the preliminary plan and final plan may proceed simultaneously.

(E) *Schedule for plan approval.*

- (1) Developer presents the general concept plan to the Planning Commission for their review and comment.
- (2) After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
- (3) The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
- (4) The city may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
- (5) The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the general concept plan and attach such conditions as it deems reasonable.
- (6) Following approval of the general concept plan, the application may proceed to the preliminary plan phase.
- (7) Developer presents the preliminary plan to the Planning Commission for their review and comment.
- (8) After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
- (9) The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
- (10) The city may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
- (11) The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the preliminary plan and attach such conditions as it deems reasonable.
- (12) Following approval of the preliminary plan, the application may proceed to the final plan phase.
- (13) Developer presents the final plan to the Planning Commission for their review and comment.
- (14) After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.

(15) The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.

(16) The city may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.

(17) After the receipt of the report and recommendations from the Planning Commission, the City Council may approve the Final Plan and attach such conditions as it deems reasonable.

(Ord. 08-070, passed 2-19-2013)

§ 154.214 APPLICATION REQUIREMENTS FOR GENERAL CONCEPT PLAN, PRELIMINARY PLAN AND FINAL PLAN.

Ten copies of the following plans, exhibits and documents shall be submitted at the general concept plan stage, preliminary plan stage and the final plan stage.

(A) *General concept plan stage.*

(1) *General information.*

(a) The landowner's name and address and his/her interest in the subject property.

(b) The applicant's name and address if different from the landowner.

(c) The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.

(2) *Present status.*

(a) The address and legal description of the property.

(b) The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property.

(c) A map depicting the existing development of the subject property and all land within 350 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.

(d) *Site conditions.* Where deemed necessary by the city, graphic reproductions of the existing site conditions at a scale of 1 inch equals 100 feet shall be submitted and contain the following:

1. Contours; minimum 5 foot intervals;
2. Location, type and extent of tree cover;
3. Slope analysis; and

4. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property.

(e) A written statement generally describing the proposed PUD and showing its relationship to the city Comprehensive Plan.

(f) Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.

(g) Proposed design features related to proposed streets, showing right-of-way widths, typical cross-sections, and areas other than streets including but not limited to pedestrian ways, utility easements and storm water facilities.

(h) Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

1. Area devoted to residential use by building type;
2. Area devoted to common open space;
3. Area devoted to public open space and public amenities;
4. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
5. Approximate area, and floor area, devoted to commercial uses; and
6. Approximate area, and floor area, devoted to industrial or office use.

(i) When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage and overall chronology of development to be followed from stage to stage.

(j) The city may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.

(k) The city may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

(B) *Preliminary plan stage.*

(1) Preliminary plat and information required by § 153.07.

(2) *General information.*

(a) The landowner's name and address and his interest in the subject property.

(b) The applicant's name and address if different from the landowner.

(c) The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.

(d) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

(3) *Present status.*

(a) The address and legal description of the property.

(b) The existing zoning classification and present use of the subject property and all lands within 350 feet of the property.

(c) A map depicting the existing development of the property and all land within 350 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet of the property.

(d) A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city.

(e) A statement of the proposed financing of the PUD.

(f) *Site conditions.* Graphic reproductions of the existing site conditions at a scale of one 1 inch equals 100 feet. All of the graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis.

1. Contours; minimum two 2 foot intervals.
2. Location, type and extent of tree cover.
3. Slope analysis.
4. Location and extent of water bodies, wetlands and streams and flood plains within 300 feet of the property.
5. Significant rock outcroppings.
6. Existing drainage patterns.
7. Vistas and significant views.
8. Soil conditions as they affect development.

(g) Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.

(h) A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

1. Area devoted to residential use by building type;
2. Area devoted to common open space;
3. Area devoted to public open space and public amenities;
4. Approximate area devoted to streets;
5. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
6. Approximate area, and floor area, devoted to commercial uses; and
7. Approximate area, and floor area, devoted to industrial or office use.

(i) When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD, and demonstrating that the proposed site amenities sufficiently achieve the desired density bonus. Applicant is required to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.

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

(k) When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.

(l) Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

(m) Schematic utilities plans indicating placement of water, sanitary and storm sewers.

(n) The city may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.

(o) The city may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

(C) *Final plan stage.* Development stage submissions should depict and outline the proposed implementations of the Preliminary Plan stage for the PUD. Information from the general concept and preliminary plan stages may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

- (1) A final plat and information required by § 153.08;
- (2) Final plans drawn to a scale of not less than 1 inch equals 100 feet (or a scale requested by the Zoning Administrator) containing at least the following information:
 - (a) Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated);
 - (b) Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
 - (c) The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any;
 - (d) Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;
 - (e) Location, designation and total area of all common open space;
 - (f) Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;
 - (g) The location of applicable site amenities, if any;
 - (h) Proposed lots and blocks, if any and numbering system;
 - (i) The location, use and size of structures and other land uses on adjacent properties;
 - (j) Detailed sketches and provisions of proposed landscaping;
 - (k) General grading and drainage plans for the developed PUD; and
 - (l) Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the Preliminary Plan;
- (3) An accurate legal description of the entire area within the PUD for which final development plan approval is sought;
- (4) A tabulation indicating the number of residential dwelling units and expected population;
- (5) Density calculations, including proposed density bonuses above the base zoning district. To be granted increased density of residential development, the applicant must submit a schedule of site amenities with

proposed designs and standards. The applicant must demonstrate that site amenity standards in Table 15-2 have been met to be rewarded additional density;

(6) A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. retail or office);

(7) Preliminary architectural “typical” plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including manufactured homes;

(8) A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses;

(9) Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan; and

(10) A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Natural Resources Conservation Service, or any other agency with review authority, clearly illustrating erosion control measures to be used during construction and as permanent measures.

(Ord. 08-070, passed 2-19-2013)

§ 154.215 CITY COSTS.

The applicant shall make a deposit of a fee escrow with the city for the purpose of reimbursing any costs directly related to a given development. Such costs include but are not limited to professional fees and expenses incurred by the city for consultants (including but not limited to planners, engineers, architects and attorneys) who the city determines in its sole judgment are necessary to assist in reviewing, implementing or enforcing the provisions of this article. The amount of the deposit, and any addition to it that the city may later require, shall be established by the Planning Director. The city and the applicant may agree to share the costs of consultants based upon a specific written agreement. Any funds not used by the city shall be returned to the applicant at the conclusion of the project.

(Ord. 08-070, passed 2-19-2013)

§ 154.999 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) The violation of any provision of this chapter, except for §§ 154.120 through 154.128, or the violation of the conditions or provisions of any permit issued pursuant to this chapter shall be a misdemeanor and, upon conviction, shall be subject to the penalties set forth in § 10.99.

(1997 Code, § 300.14)

APPENDIX A: FEE SCHEDULE

| <i>Application/Fee/Permit Type</i> | <i>Fee 2013</i> | <i>Escrow or Additional Charge</i> | <i>Department</i> |
|--|-----------------------|------------------------------------|-------------------|
| Accessory bldg. forward of primary structure (§ 154.092) | \$80 | | Planning |
| Administrative citations | | | Administrati on |
| General code violations | | | Administrati on |
| 1 st offense | \$100 per violation | | Administrati on |
| 2 nd offense within one year from the first citation | \$200 per violation | | Administrati on |
| 3 rd offense within one year from the first citation | \$500 | | Administrati on |
| 4 th offense or subsequent offenses may be subject to criminal prosecution or any other legal remedy available to the city. An administrative citation may also be issued independently or concurrent to any other legal action take by the city. | | | Administrati on |
| Building and safety code violations | | | |
| 1 st offense | \$100 per violation | | Building |
| 2 nd offense within one year from the first citation | \$500 per violation | | Building |
| 3 rd offense within one year from the first citation | \$1,000 per violation | | Building |
| 4 th offense or subsequent offenses may be subject to criminal prosecution or any other legal remedy available to the city. An administrative citation may also be issued independently or concurrent to any other legal action take by | | | Building |

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| the city. | | | |
| Amateur radio antenna | \$875 | | Planning |
| Appeal (to Board of Adjustment and Appeals) | \$150 | | Administrati on |
| Assessment search | \$15/search | | Administrati on |
| <i>Application/Fee/Permit Type</i> | <i>Fee 2013</i> | <i>Escrow or Additional Charge</i> | <i>Department</i> |
| Building demolition | | | Administrati on |
| Residential | \$200 | Plus \$5 surcharge (state mandated) | Building |
| Commercial | \$300 | | Building |
| Burning permit | | | Fire |
| Residential | \$45 | | Fire |
| Commercial | \$80 | | Fire |
| Illegal burn | See notes | Additional fees may be incurred based on Wash. Cty. chief's fee schedule and # of responding units | Fire |
| Certificate of zoning compliance | | | Planning |
| Accessory structures <120 sf | \$75 | | Planning |
| Fence (less than 6') | \$75 | | Planning |
| Swimming pool | \$75 | | Planning |
| Comprehensive Plan amendment | \$1,300 | | Planning |
| Conditional use permit (CUP) (new or amended) | new \$1,050 | Wireless communication facilities escrow \$6,000 | Planning |

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| | amended \$500 | Flood plain ordinance escrow \$500 | |
| CONTRACTOR LICENSE FEES | | | |
| Demolition | \$50 | | Licensing |
| Driveway | \$50 | | Licensing |
| Excavator | \$50 | | Licensing |
| HVAC | \$50 | | Licensing |
| Irrigation | \$50 | | Licensing |
| Sewer/water line installer | \$50 | | Licensing |
| Sign installer | \$50 | | Licensing |
| Solid waste hauler | \$120 | | Licensing |
| Tree contract | \$70 | | Licensing |
| <i>Application/Fee/Permit Type</i> | <i>Fee 2013</i> | <i>Escrow or Additional Charge</i> | <i>Department</i> |
| COPY SERVICES (paper/electronic) | | | |
| Copies (B & W) | \$.25 per page | | Administrati on |
| Copies (B&W) 11 x 17 | \$1 per page | | Administrati on |
| Copies (color) | \$.50 per page | | Administrati on |
| Copies (color) 11 x 17 | \$2 per page | | Administrati on |
| GIS scaled aerial | \$15 | | Administrati on |
| City street maps 36 x 40 | \$20 | | Administrati on |
| Existing maps | \$5 | | Administrati on |
| Custom (per hour rate) | \$70 | | Administrati on |
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| Plan size maps larger than 11 x 17 | \$20 | | Administrati on |
| Development standards specification & details | \$55 | | Administrati on |
| Code book | \$160 | | Administrati on |
| Sections, 1, 2, 4, 6-12, 14 | \$12 | | Administrati on |
| Section 3 | \$52 | | Administrati on |
| Sections 5 and 13 | \$27 | | Administrati on |
| Comprehensive Plan | \$125 | | Administrati on |
| OP Ordinance | \$12 | | Administrati on |
| Parks plan | \$80 | | Administrati on |
| Culverts in developments with rural section | \$160 | | Administrati on |
| Daycare inspection fee | \$60 | Plus \$5 surcharge (state mandated) plus 1% of value. Minimum \$100 | Fire |
| Dog license | \$20 | | Licensing |
| Service dogs license (dogs with special training to assist individual with disabilities) | \$5 | Renew on expiration of rabies vaccination | Licensing |
| <i>Application/Fee/Permit Type</i> | <i>Fee 2013</i> | <i>Escrow or Additional Charge</i> | <i>Department</i> |
| Duplicate license or tag | \$1 | | Licensing |
| First impound - unlicensed dog | \$60 | All impound fees plus \$20/day boarding fee | Licensing |
| First impound - licensed dog | \$42 | | Licensing |
| First impound - cat | \$42 | | Licensing |
| Subsequent dog/cat impound | \$85 | Plus boarding fee - \$20/day | Licensing |

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| Driveway | | | Planning |
| Residential | \$70 | | Planning |
| Commercial | \$160 | | Planning |
| Easement encroachment | \$100 | Staff and recording fee | Planning |
| Electronic fund withdrawal/bill payment | Fee and transaction charge | | Administrati on |
| Erosion Control | | | Engineering |
| Re-inspection fee (portal to portal from city hall: 1 hr. min.) | \$50 per hour | \$5,000 security | Engineering |
| Excavating and grading 50 cubic yards, up to 400 cubic yards | \$125 | | Engineering |
| Excavating and grading 400 cubic yards | \$500 | \$50 fee escrow plus security \$1,500 per acre with \$1500 minimum | Engineering |
| False alarms (12 month period*) (*1-3 no charge) | | | Fire |
| Residential | | | Fire |
| 4-6 false alarms | \$110 | | Fire |
| In excess of 6 false alarms | \$520 | | fire |
| Commercial | | | Fire |
| 4-6 false alarms | \$315 | | Fire |
| In excess of 6 false alarms | \$520 | | Fire |
| Fire alarm systems (new or rework including low voltage systems) | 1.2% of value | Plus \$5 surcharge; minimum \$100 | Fire |
| <i>Application/Fee/Permit Type</i> | <i>Fee 2013</i> | <i>Escrow or</i> | <i>Department</i> |

| | | <i>Additional Charge</i> | |
|----------------------------------|------------------------|---|-----------------|
| Flood plain district delineation | \$500 | | Planning |
| Fuel tank removal (underground) | \$100 | Plus \$5 surcharge (state mandated) | Administrati on |
| Fuel tank install | 2% of value of work | Minimum \$100 | Administrati on |
| HVAC | | | Administrati on |
| Residential | \$60/unit | Up to 3 units, max fee \$180 plus \$5 surcharge (state mandated) | Building |
| Commercial | \$60/unit | Up to 3 units or 1% of total valuation, which ever is greater. Plus minimum \$5 surcharge (state mandated) | Building |
| Interim use permit (IUP) | | | Planning |
| Fee | \$1,050 | | Planning |
| Renewal | \$300 | | Planning |
| AG sales/entertainment | \$250 | | Planning |
| Liquor license | | | Licensing |
| Club on-sale intoxicating | \$100 | | Licensing |
| On sale intoxicating | \$1,500 | | Licensing |
| Off-sale intoxicating | \$200 | | Licensing |
| Off-sale non-intoxicating | \$150 | | Licensing |
| On-sale intoxicating - 2nd bldg | \$750 | | Licensing |
| On-sale investigation | \$350 | | Licensing |

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| On-sale non-intoxicating | \$100 | | Licensing |
| On-sale Sunday intoxicating | \$200 | | Licensing |
| Temporary non-intoxicating | \$25 | | Licensing |
| Wine | \$300 | | Licensing |
| Lot line adjustment | \$325 | | Planning |
| <i>Application/Fee/Permit Type</i> | <i>Fee 2013</i> | <i>Escrow or Additional Charge</i> | <i>Department</i> |
| Manufactured home parks | | | Planning |
| Fee | \$1,000 | | Planning |
| New | \$1,200 | Plus \$2,500 escrow | Planning |
| Move home out of city | \$200 | Plus \$5 surcharge (state mandated) | Building |
| Move into city | \$200 | Plus \$5 surcharge (state mandated) | Building |
| Massage therapy premises license | | | Licensing |
| Application fee | \$100 | | Licensing |
| Investigation fee | \$100 | | Licensing |
| Massage therapy practitioner license | | | Licensing |
| Application fee | \$50 | | Licensing |
| Investigation fee | \$25 | | Licensing |
| Massage therapy premises license renewal | \$50 | | Licensing |
| Massage therapy practitioner license renewal | \$25 | | Licensing |
| Massage therapy license amendment | \$50 | | Licensing |

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|---|------------------------|---|--------------------------|
| Minor subdivision | \$525 | | Planning |
| Moving house or primary structure into city | \$520 | Plus security with amount to be determined by city with recommendation from Building Official | Administrati on |
| Moving accessory structure into city | \$305 | Plus security to be determined by the city with recommendation from Building Official | Administrati on |
| Other inspections and fees | | | Building |
| Inspection outside of business hours | \$70 (2 hr. min.) | | Building |
| Re-inspection fees assessed | \$50 per hour | | Building |
| Inspections with no fee assigned | \$50 per hour | | Building |
| <i>Application/Fee/Permit Type</i> | <i>Fee 2013</i> | <i>Escrow or Additional Charge</i> | <i>Department</i> |
| Construction escrow | \$5,000 | Or determined by Building Official | Building |
| Cancelled permits | \$25 | | Building |
| Work without permit | see notes | investigative fee to equal permit fee | Building |
| Park dedication | | | Planning |
| Residential - up to 3 lots | \$ 3,600 per lot | 4 or more lots per § 153.14 | Planning |
| Commercial | \$4,500 per acre | | Planning |
| Parking lots | | | |
| New commercial | \$175 | \$500 fee escrow. Security \$1,500 per acre with \$1,500 min. | Engineering |
| Existing commercial | \$200 | | Engineering |

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|--|------------------------|---|--------------------------|
| Platting | | | |
| Sketch plan review (subdivision) | \$500 | | Planning |
| Concept Plan (OP Development) | \$1,250 | \$2,000 fee escrow | Planning |
| Preliminary plat (and OP preliminary plan) | \$1,850 | \$5,000 fee escrow | Planning |
| Final plat (and OP final plan) | \$1,250 | \$8,000 fee escrow | Planning |
| | | (City will retain escrows to reimburse review costs for each stage of development review) | Planning |
| Planned unit development | | | Planning |
| General concept plan | \$1,250 | \$2,000 fee escrow | Planning |
| Development stage plan | \$1,850 | \$5,000 fee escrow | Planning |
| Final plan | \$1,250 | \$8,000 fee escrow | Planning |
| | | (City will retain escrows to reimburse review costs for each stage of development review) | Planning |
| <i>Application/Fee/Permit Type</i> | <i>Fee 2013</i> | <i>Escrow or Additional Charge</i> | <i>Department</i> |
| Plumbing | | | Administration |
| Residential | \$60/unit | Up to 3 units, max fee \$180 plus \$5 surcharge (state mandated) | Building |
| Commercial | \$60/unit | Up to 3 units or 1% of total valuation, whichever is greater. | Building |

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|---|-------------------|--|-----------------|
| | | Plus \$5 surcharge (state mandated) | |
| Private roads (permitted only in AG zone) | \$150 | | Engineering |
| Restrictive soils and wetland restoration protection and preservation permit | \$800 | \$1,500 fee escrow | Planning |
| Retaining walls over 4' | \$150 | Plus \$5 state surcharge | Building |
| Right-of-way permit | | | Engineering |
| Annual registration | \$200 | \$5,000 security | Engineering |
| Excavation permit | \$275 + \$60/foot | | Engineering |
| Joint trench permit (per lot per utility) | \$100 | | Engineering |
| Obstruction permit | \$275 | | Engineering |
| Permit extension | \$100 | | Engineering |
| Delay penalty (per calendar day) | \$25 | | Engineering |
| Roofing | \$150 | Plus \$5 state surcharge | Building |
| SAC charge (per REC unit) (sewer availability charge) | \$5,935 | Per REC unit: \$2,435 to Met Council; \$3,500 to city | Engineering |
| Scaled aerial drawing | \$15 | | Planning |
| Sewer connection charge | \$300 | | Engineering |
| Sewer lateral benefit charge | \$5,800 | | Engineering |
| Sewer rate | \$4.50/1,000 gal. | | Administrati on |
| 201 off-site maintenance fee | \$76/unit/quarter | | Administrati on |
| Siding | \$150 | Plus \$5 state | Building |

| <i>Application/Fee/Permit Type</i> | <i>Fee 2013</i> | <i>Escrow or Additional Charge</i> | <i>Department</i> |
|--|-----------------|------------------------------------|-------------------|
| Signs | | | Planning |
| Permanent | \$180 | | Planning |
| Temporary | \$75 | | Planning |
| Temporary renewal | \$25 | | Planning |
| Re-inspection fee | \$25 | | Planning |
| Site plan review | \$980 | | Planning |
| Special event permit | \$75 | | Planning |
| Sprinkler system (inspection fee) | 1/2% of value | Plus \$5 surcharge; min. \$100 | Fire |
| Sprinkler system (re-inspection fee) | \$50 | | Fire |
| Surface water | | | Administrati on |
| Residential | \$50 | | Administrati on |
| Nonresidential (commercial, ag., etc.) | \$50 | Utility rate factor per code | Administrati on |
| Vacations (streets or easements) | | | Planning |
| Easements | \$515 | \$500 fee escrow | Planning |
| Streets | \$515 | \$500 fee escrow | Planning |
| Variance | \$750 | | Planning |
| Video reproduction | \$35 | | Administrati on |
| Water availability charge (WAC) | \$3,900 | | Engineering |
| Water equipment/set up | | | Administrati on |

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|---|------------------------|--|--------------------------|
| Meter + connection charge (3/4" or less) | \$440 | Additional fees apply to larger sized meters | Administrati on |
| Driveway curb stop lid | \$100 | | Administrati on |
| Disconnect service | \$80 | | Administrati on |
| Reconnect service | \$80 | | Administrati on |
| Water lateral benefit charge | \$5,800 | | Engineering |
| <i>Application/Fee/Permit Type</i> | <i>Fee 2013</i> | <i>Escrow or Additional Charge</i> | <i>Department</i> |
| Water Usage | | | Administrati on |
| Residential - quarterly rate | \$25 base | | Administrati on |
| Plus rate per 1,000 gallons | | | Administrati on |
| 0 - 15,000 gallons | \$2.14 | | Administrati on |
| 15,001 - 30,000 gallons | \$2.86 | | Administrati on |
| 30,001 - 50,000 gallons | \$3.77 | | Administrati on |
| 50,001 - 80,000 gallons | \$5.00 | | Administrati on |
| 80,001+ gallons | \$6.63 | | Administrati on |
| Commercial - quarterly rate | \$25 base | | Administrati on |
| Plus rate per 1,000 gallons | | | Administrati on |
| 0 - 15,000 gallons | \$3.11 | | Administrati on |
| 15,001 - 30,000 gallons | \$3.26 | | Administrati on |
| 30,001 - 50,000 gallons | \$3.77 | | Administrati on |
| 50,001 - 80,000 gallons | \$5.00 | | Administrati on |
| 80,001+ gallons | \$6.63 | | Administrati on |

| | | | |
|---|------------------------------------|---|--------------------------|
| Hotel/motel - quarterly rate | \$25 base | | Administrati on |
| Plus rate per 1,000 gallons | | | Administrati on |
| 0 - 30,000 gallons | \$3.11 | | Administrati on |
| 30,001 - 50,000 gallons | \$3.26 | | Administrati on |
| 50,001 + gallons | \$4.00 | | Administrati on |
| Delinquent accounts | 6% per quarter | Plus \$25 or 8%, whichever is greater, if certified to county for collection with taxes | Administrati on |
| Bulk water purchase | | | Administrati on |
| <i>Application/Fee/Permit Type</i> | <i>Fee 2013</i> | <i>Escrow or Additional Charge</i> | <i>Department</i> |
| Water from hydrant | \$61.20 for first 5,000 gallons | Plus \$3.26 per additional 1,000 gallons | Administrati on |
| Swimming pool fill | \$61.20 for first 5,000 gallons | Plus \$3.26 per 1,000 gallons and \$15 per labor hour | Administrati on |
| Wind generator | \$850 | \$2,000 fee escrow | Planning |
| Wireless communications permit | \$500 | \$6,000 fee escrow | Planning |
| Zoning amendment (text or map) | \$1,245 | | Planning |

(Ord. 97-202, passed 12-4-2007; Am. Ord. 08-004, passed 2-22-2008; Am. Ord. 08-009, passed 9-26-2008; Am. Ord. 08-013, passed 1-20-2009; Am. Ord. 08-022, passed 1-26-2010; Am. Ord. 08-036, passed 12-7-2010; Am. Ord. 08-037, passed 1-4-2011; Am. Ord. 08-045, passed 6-21-2011; Am. Ord. 08-056, passed 3-6-2012; Am. Ord. 08-068, passed 2-5-2013)

APPENDIX B: ELECTRICAL INSPECTION FEES

| <i>Item Description</i> | <i>Fee</i> |
|--------------------------------|-------------------|
|--------------------------------|-------------------|

| | |
|---|---------------------------|
| 0 to 400 amp power source | \$35/source |
| 401 - 800 amp power source | \$60/source |
| Over 800 amp power source | \$100/source |
| 0 to 200 amp circuit or feeder | \$6/feeder or circuit |
| Over 200 amp circuit or feeder | \$15/feeder or circuit |
| New one- or two-family dwelling (up to 30 circuits and feeders per unit) | \$100/dwelling unit |
| New one- or two-family dwelling (additional circuits over 30 per unit) | \$6/feeder or circuit |
| Existing one- or two-family dwelling (where 15 or more feeders or circuits are installed or extended per unit) | \$100/dwelling unit |
| Existing one- or two-family dwelling (where less than 15 or more feeders or circuits are installed or extended per unit) | \$6/feeder or circuit |
| Reconnected existing circuit or feeder (for panelboard replacements) | \$2/feeder or circuit |
| Separate bonding inspection | \$35/inspection |
| Inspection of concrete-encased grounding electrode | \$35/inspection |
| Technology circuits and circuits less than 50 volts | \$.75/device or apparatus |
| Additional inspection trips(s) | \$35/inspection trip |
| Total inspection fee is the fee calculated above or \$35 multiplied by the number of required inspection trips, whichever is greater. | |

(Ord. 08-049, passed 7-19-2011)

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