

CHAPTER 74. ZONING

ARTICLE V. District Regulations

DIVISION 1. Generally

Section 74-191. Uses and activities restricted to specific districts.

Notwithstanding any other provisions of this chapter:

- (a) *Charitable gaming.* Establishments in which charitable gambling has been licensed by the State, pursuant to Minnesota Statutes Chapter 349, shall not be located in a residential district.

Section 74-192. Planned unit developments.

- (a) *Application and short name.*
 - (1) *Application.* This section shall apply to planned unit development zoning districts.
 - (2) *Short name.* The term "planned unit development" may be referred to as PUD in this Code.
- (b) *Purpose and intent.* Planned unit development districts are designed to achieve the following purposes:
 - (1) To provide for various types and combinations of land uses that take advantage of large-scale site planning.
 - (2) To allow diversification of land uses as they relate to each other in a physical and environmental arrangement, while insuring compliance with the provision of this Code.
 - (3) To encourage and permit unified planning to achieve a compatible mixture and variety of land uses within the planned unit development district and with the existing and anticipated development in the surrounding area.
 - (4) To promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety, creative design and sensitivity to the natural environment. Planned unit development districts may be established where tracts suitable in location, area, and character will be planned and developed on a unified basis. Suitability of tracts for the development proposed shall be determined with reference to the existing and prospective character of surrounding development.
 - (5) The procedures established in this section are intended as a substitute for strict application of the underlying zoning district standards in recognition of the fact that traditional density, bulk, spacing and use regulations, may impose inappropriate and unduly rigid restrictions upon the development or redevelopment of parcels which lend themselves to an individual, planned approach. In addition, a

development plan should be designed to ensure that the following general goals will be achieved:

- a. The design of the proposed development promotes achievement of the stated purposes of the City community plan (comprehensive plan);
- b. The proposed development efficiently utilizes the available land while protecting and preserving the natural features;
- c. The proposed development provides for harmonious and coherent site and building design that creates a sense of place;
- d. The proposed development provides greater densities and variety in the type of environments available to City residents; and
- e. The proposed development provides transitions in land use in keeping with the character of adjacent land uses.

(c) *Definitions.* The following definitions shall apply to planned unit developments:

Density means the number of residential dwelling units per acre.

Dwelling unit means one or more rooms in a dwelling designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.

Dwelling, attached (group, row or townhouse) means a dwelling joined to one or more other dwellings by a party wall or walls.

Dwelling, detached means a dwelling unit entirely surrounded by open space.

Integrated design means a harmonious selection of uses in groupings of buildings, services, parking areas, traffic and pedestrian circulation and open spaces, all planned and designed as an integrated unit.

Intensity means the extent of development considering such factors as land coverage by buildings, the number of stories, the floor area ratio, the bulk of the buildings, the proximity of buildings on a site in relation to each other, etc.

Planned commercial development (PCD) means a planned development to accommodate retail, service, commercial, or office uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominant uses.

Planned development means an area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained according to plan as a single entity and containing one or more structures with appurtenant common areas.

Planned industrial development (PID) means a planned development consisting of primarily of industrial uses, but may include retail service uses as well as recreational facilities to accommodate the work force.

Planned residential development (PRD) means a planned development containing one or more residential structures or planned unit residential clusters; appropriate commercial, public, or quasi-public uses may be included if such uses are primarily for the benefit of the residential development.

Planned transit-oriented development (PTOD) means a planned development containing one or more residential clusters and one or more areas of retail, service and office uses or industrial uses or a combination of such uses designed to accommodate area mass transit services and including appurtenant common areas and accessory uses incidental to the predominant uses.

Planned unit development (PUD) means an area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters or planned unit residential developments or one or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in the ordinance.

Open space, common means land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests and may include such complementary structures and improvements as are necessary and appropriate.

Open space, private means common open space, the use of which is normally limited to the occupants of a single dwelling or building or property.

Open space, public means open space dedicated to the City and maintained by it for the use and enjoyment of the general public.

Original district means the zoning district from which land is proposed to be rezoned to a planned unit development.

Street, private means a street on the interior of a development which is jointly owned, constructed and maintained by the developer or homeowner's association, is designed and constructed in conformance with the specifications determined by the City engineer, and is not an essential part of the circulation plan of the City.

Street, public means a street which is dedicated to and maintained by the City.

Unified control means property in single ownership or under the management and supervision of a central authority, or otherwise subject to such long-term leases or other ownership controls as the Council deems necessary.

(d) *General regulations.*

(1) *Effect of planned unit development district approval.* Approval of a planned unit development district shall constitute an amendment to the zoning map. PUD approval affecting lands within the Mississippi River Critical Area Corridor or the Rum River Management District is contingent upon approval by the Department of Natural Resources in accordance with legal procedures. Designation of a property as one of the types of planned unit development districts in accordance with an approved development plan shall supersede all existing overlay districts

such as the Mississippi River Critical Area Corridor, the Rum River management District, the Floodplain Management District, or the Shoreland Management District. Such property shall, for zoning purposes, be identified by the letters for the appropriate planned unit development district, followed by an identifying number.

- (2) *Departure from original zoning district regulations.* Except for lands within the Mississippi River Critical Area Corridor, the Rum River Management District, the Floodplain Management District, or a Shoreland Management District, the various zoning regulations and requirements (e.g. use, building setback, height, etc.) which may apply to the original zoning district may be considered as guidelines only and may be departed from in the approval of a planned unit development. More restrictive zoning regulations and requirements for the lands within the Mississippi River Critical Area Corridor, the Rum River Management District, the Floodplain Management District, or the Shoreland Management District shall apply, except as approved by the Department of Natural Resources.
 - (3) *Design and unified control.* All planned unit developments shall include integrated design and shall be developed under unified control.
 - (4) *Coordination with subdivision regulations.* Subdivision review of this Code shall be carried out simultaneously with review of a proposed planned unit development.
 - (5) *Minimum district area.* Planning unit development districts (PCD, PID, PRD, PTOD), which may consist of a parcel or contiguous parcels of land, will not be less than two acres in size. Tracts of less than two acres shall be approved only if the Applicant can demonstrate that a project of superior design can be achieved or that greater compliance with comprehensive plan goals and policies or adopted master plans can be attained through the creation of a PUD district.
 - (6) *Uses and densities permitted.* The development plan shall specify, both for the project as a whole and/or for subareas within the project, those principal and accessory uses and development densities that are to be permitted. The City Council may include or exclude uses from the development plan or include uses with attached conditions as determined appropriate to achieve the intent of this section. In making the determination of the uses and development densities to be permitted within the planned unit development district, the Council shall consider the compatibility and relationship of uses within the project, the compatibility and relationship of permitted uses adjoining or in proximity to the planned unit development district, the appropriateness of permitted uses for the area in general and their overall impact on the community, and the consistency of the permitted uses with the City community plan and other adopted plans and policies.
- (e) *Planned unit development districts and allowable uses.*
- (1) *Establishment of planned unit development districts.* The following table denotes the types of planned unit development districts, the abbreviations for such planned unit development districts, and the allowable uses within each planned unit development district:

PUD Districts	Abbreviations	Allowable Uses
Planned Commercial District	PCD	Retail uses listed in the B-1, B-2, B-3, and B-4 district standards
Planned Industrial District	PID	Industrial uses listed in the M-1 district standards.
Planned Residential District	PRD	Single-family attached or detached dwellings, duplexes, townhomes, condos, apartments, and assisted and independent living facilities.
Planned Transit Oriented District	PTOD	Small lot, single-family attached or detached dwellings; townhomes, duplexes, condos, and apartments; assisted or independent living facilities and child daycare service; and local retail, civic uses, offices with high employee/acre ratio, park and ride facilities, public gathering spaces, on-street transit stops, and sheltered bus stops.

- (2) *Mixed land uses.* Uses other than the allowable uses listed in subsection (e)(1) of this section are permitted in a planned unit development district, provided that:

- a. The use is one that is authorized in one of the four types of planned unit development districts; and
 - b. Such additional use shall not occupy more than one-third of the area within the planned unit development.
- (f) *Planned unit development concept proposal statement.* Any person requesting to establish a planned unit development district shall first submit a planned unit development concept statement to the planning director. The purpose of the planned unit development concept proposal statement is to afford such person an opportunity to have the general feasibility of a planned unit development proposal informally reviewed by the City, without incurring substantial expense.
- (1) *Required information.* A planned unit development concept proposal statement shall provide the following information:
 - a. Name and address of persons requesting establishment of the planned unit development district;
 - b. An original and six copies of the sketch plan which identifies the location and delineates the boundary line of the proposed planned unit development district;
 - c. A detailed written description of the proposed planned unit development, which includes project funding and the planning objectives to be achieved;
 - d. Conceptual schematic drawings of the proposed planned unit development;
 - e. Anticipated development timing for each stage of development; and
 - f. Any additional information that would help the City determine the feasibility of the proposed planned unit development.
 - (2) *Response to the planned unit development concept proposal statement.* Within 20 days after receiving a completed planned unit development concept proposal statement, the planning director shall produce a written response to such statement which may include comments and/or recommendations. A planned unit development application may proceed only after a response has been submitted to the applicant. Acceptance of, or response to, the planned unit development concept proposal by the planning director, shall not constitute, approval of the planned unit development application, planned unit development rezoning, final development plan, or related approvals.
- (g) *Planned unit development application.*
- (1) *Required materials.* Upon completion of the required actions in subsection (f) of this section, the applicant for a planned unit development shall submit an original and six copies of the application materials outlined in this subdivision.

- a. *Materials related to rezoning.* Consistent with this chapter, the applicant shall submit an application and all related materials to support a rezoning from the original district to one of the four types of planned unit development districts.
- b. *Subdivision materials.* If the land within a planned unit development is to be platted, replatted, or subdivided, the applicant shall submit an application and all related materials for review of a subdivision consistent with chapter 54 of this Code.
- c. *Ownership.* A tract of land to be developed as a planned unit development shall be under the control of:
 1. A single owner; or
 2. A group of landowners where each owner agrees in advance to be bound by the conditions and regulations which will be effective within the district and to record such covenants, easements and other provisions with the county recorder/registrar of titles.
- d. *Project identification materials.* The following information shall be submitted in regard to project identification:
 1. A list identifying all current owners, legal and equitable, of land or improvements within the proposed planned unit development;
 2. A list identifying all proposed owners, legal and equitable, of land or improvements within the proposed planned unit development;
 3. A list identifying all developers and parties involved in the development; and
 4. Additional information as identified by the planning director.
- e. *Preliminary plan submission materials.* The following materials shall be submitted:
 1. A site plan indicating the following:
 - i. The boundaries, dimensions, and area of the proposed planned unit development district;
 - ii. The location, dimensions, and gross floor area of proposed structures;
 - iii. The proposed land uses for each parcel and each building, the amount of floor area devoted for each use, and all areas to be designated for mixed land uses;

- iv. The location, arrangement, and number of parking spaces, loading facilities, and mass transit facilities including bus turnouts and shelters;
 - v. The location and dimension of all curb cuts and driveways, and their relationship to all existing and proposed public streets; and
 - vi. The proposed location, design, and dimension of pedestrian and bicycle facilities, walks, skyways, plazas, courts or other related areas.
2. Preliminary building plans, elevations, and general specifications of materials, and unusual structural systems, prepared by an architect registered in the state;
3. A preliminary land/building use profile including computations of gross and leasable square footage, housing unit breakdown to square footage, bedrooms, persons per unit, and parking requirements;
4. A preliminary storm water management plan and site grading plan including an analysis of the adequacy of surface drainage, storm sewer and catch basin drainage, storm water retention, and erosion control;
5. A preliminary plan depicting natural features, including those to be preserved, as well as existing vegetation with detailed locations of trees 12 inches or larger in diameter;
6. A preliminary utility plan showing easements, sewer, water, and power services of all proposed uses;
7. A preliminary plan showing utilities and utility easements to remain, to be installed, to be relocated, and to be removed or vacated;
8. A preliminary landscape plan showing the proposed location and dimensions of all walls, fences, and landscape plantings;
9. A plan showing the proposed location and dimensions of all signs and lighting fixtures, including the illumination characteristics of all lighting;
10. A soils map that depicts surface and subsurface conditions that may affect construction; and

11. Additional information as required by the planning director.
- f. *Legal instruments.* As part of the planned unit development application, the applicant shall submit proposed declarations of covenants, conditions and restrictions, articles of owners, associations and all other such documents as the City may deem necessary to ensure that adequate property control is provided to protect the individual owner's rights and property values, to establish responsibility for maintenance and upkeep, and to ensure continuing compliance with the planned unit development as approved. The City shall require that such declarations of covenants, conditions and restrictions, or other documents provide that, in the event any association or corporation fails to maintain properties in accordance with the applicable ordinances and regulations of the City, fails to pay taxes or assessments on properties as they become due or, in the event the City incurs any expenses in enforcing its ordinances or rules or regulations, the City shall have the right to assess each property its pro rata share of such expenses. These assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made.
- (h) *Review of planned unit development application.*
 - (1) *Procedure.* Upon receipt of a completed planned unit development application and the fee established by the City Council, the following review procedure shall be followed:
 - a. *Planning commission review.* The Planning Commission shall conduct a public hearing on the planned unit development application according to the procedures set forth in Minn. Stats. § 462.357, subd. 3. After the public hearing, the Planning Commission shall submit its recommendation to the City Council. The Planning Commission may recommend approval of the proposal with or without modifications, or may recommend denial of the planned unit development.
 - b. *City Council consideration.* Following action by the Planning Commission, the City Council shall consider rezoning the area described in the plan. If the planned unit development plan is approved, the area shall be rezoned as one of the four types of planned unit development districts. Pursuant to Minn. Stats. § 15.99, an application for a planned unit development approval shall be approved or denied within 60 days from the date of its official and complete submission unless notice of extension is provided by the City or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period an additional 60 days unless this limitation is waived by the applicant. Approval of a planned unit development shall require a two-thirds vote of the City Council.

c. *Required findings.* The findings necessary for approval of a planned unit development application shall be as follows:

1. The proposed development conforms with the goals and objective's of the City's community plan and any applicable redevelopment plans;
2. The proposed development is in substantial conformity with the purpose and intent of the original district, and departures from the original district regulations are justified by the design of the development;
3. The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries;
4. The development will not create an excessive burden on parks, schools, streets, or other public facilities and utilities which serve or are proposed to serve the development;
5. The development will not have undue adverse impacts on neighboring properties; and
6. The terms and conditions proposed to maintain the integrity of the plan are sufficient to protect the public interests.

(i) *Final development plan.* Upon approval of the first reading of the planned unit development rezoning, but prior to commencement of any construction or development of land, the applicant shall submit a final development plan which is consistent with the planned unit development application and any recommended changes made during the preliminary plan review. Approval of such final development plan requires a second reading of the ordinance to establish the planned unit development zoning.

(1) *Contents of the final plan.* A final development plan shall consist of the following:

- a. If required, a final plat of the land to be developed;
- b. All materials required under subsection (g)(1)e, in "final" form; and
- c. Additional information as required by the planning director or City Council.

(2) *Legal instruments.* As part of the final development plan, the applicant shall submit "final" declarations of covenants, conditions and restrictions, articles of owners, associations and all other such documents as the City may deem necessary pursuant to subsection (g)(1)e of this section.

- (j) *Compliance with the planned unit development plan and final development plan.*
- (1) *Changes.* The development of a planned unit development district shall be in substantial compliance with the approved planned unit development plan and final development plan. Compliance shall not be considered substantial if there is:
- a. More than ten percent change in floor area in any one structure;
 - b. More than a ten percent change in the approved separation of buildings;
 - c. Any change in the original approved setbacks from the property line;
 - d. More than five percent change in the ground area covered by the building; and
 - e. Any change in the ratio of off-street parking and loading space to gross floor area.
- (2) If it is determined that the final development plan is not in substantial compliance, the final development plan will be referred to the Planning Commission for review prior to approval by the City Council.
- (3) *Building permits.* A building permit may not be issued for a structure within the planned unit development district until the planning director certifies that the structure conforms to the provisions and conditions of the planned unit development plan and final development plan. Upon approval by the planning director, the building permit application, along with the appropriate information required for building permits, shall be submitted to the building inspector who shall process the building permit in conformance with the building code.
- (4) *Certificate of occupancy.* Certificates of occupancy shall not be issued for a structure with the planned unit development district until the planning director certifies that the structure conforms to the provisions and conditions of the planned unit development plan and final development plan. Upon approval by the planning director, the building inspector shall issue the certificate of occupancy.
- (k) *Cash escrow.* The City Council may require an applicant to provide the City with a cash escrow or letter of credit or bond prior to the issuance of any building permits within a planned unit development. Such escrow amount shall be in an amount of 1.25 times the approved estimated cost of labor and materials for site improvements and shall be submitted to the planning director. Upon satisfactory completion of all construction within the planned unit development, the escrow shall be released by the planning director.
- (l) *Plan amendments.* The Planning Commission shall hold a public hearing on a proposal to amend a final development plan as it may consider necessary, but at least one public hearing shall be held. The Planning Commission shall recommend to the City Council approval with or without modifications, or may recommend denial of the amendment to the planned unit development. The

Planning Commission and City Council may consider all factors considered in connection with rezoning the planned unit development district as well as any other factors relevant to the public health, safety, and welfare. Any planned unit development amendment that changes the classification of the planned unit development district shall require a two-thirds vote of the City Council.

- (m) *Fees.* The application fee for a planned unit development or amendment thereto shall be established by resolution of the City Council. In addition, legal fees, consultant fees, and other reasonable costs incurred by the City in its review and consideration of the planned unit development application shall be paid by the applicant. The application fee shall be paid at the time of the submission of the planned unit development application.
- (n) *Enforcement.* If no construction has begun in the planned unit development within 12 months from the date of approval of the planned unit development, such approval shall lapse and be of no further effect. The Planning Commission, upon showing of good cause by the developer, may extend the time for beginning construction for periods of 12 months.

Section 74-193.

Adult Establishment District.

- (a) District Established.
 - (1) This article establishes the Adult Establishment District which overlies a portion of the M-1 District. All provisions of the M-1 Light Industrial District. All provisions of the M-1 Light Industrial District of this Code apply to all uses within the Adult Establishments Districts.
 - (2) Adult Establishment District. The Adult Establishment District is the area described as follows:

The south half of the Northeast quarter of Section 35, Township 32, Range 25, and the Southwest quarter of the Northwest quarter of Section 36, Township 32, Range 25, Anoka County, Minnesota.

Sections 74-194

Raising of Crops.

The raising of crops, including community gardens, is permitted on vacant parcels within the City, subject to the following:

- (a) Accessory structures, fencing and other miscellaneous improvements are subject of the standards of this ordinance.
- (b) Dead plants and produce not to be used for composting or other garden functions shall be removed from the site in a timely manner.
- (c) Garbage and other trash shall be removed from the site in a timely manner.
- (d) Plantings shall not obstruct any site triangle.
- (e) Chemicals, fertilizers or other toxic materials may not drain onto adjacent properties, into waterways, or onto public rights of way. Chemicals and flammable materials must be disposed of in accordance with Federal and State

requirements. If stored on site, they must be kept in a locked structure when unattended.

Section 74-195 through 74-210.

Reserved.