

**ORDINANCE NO. O2018-009**

**AN ORDINANCE OF THE CITY OF SHAKOPEE AMENDING TITLE XV LAND USE  
SECTION 151.048 PLANNED UNIT DEVELOPMENT DISTRICT**

**THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, ORDAINS:**

Section 1. Section 151.048 of the Shakopee City Code is repealed in its entirety and replaced with the following:

**§ 151.048 PLANNED UNIT DEVELOPMENT DISTRICT.**

(A) Purpose and intent. The purpose of the Planned Unit Development (PUD) District is to provide comprehensive procedures and standards intended to allow more creativity and flexibility in site plan design than would be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the City Council to make in its legislative capacity. The purpose and intent of a PUD is to include most or all of the following:

(1) Provide for the establishment of planned unit development (PUD) zoning districts in appropriate settings and situations to create or maintain a development pattern that is consistent with the city's comprehensive plan;

(2) Promote a more creative and efficient approach to land use within the city, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability and general welfare of the city;

(3) Provide for variations to the strict application of the land use regulations in order to improve site design and operation, while at the same time incorporate design elements that exceed the city's standards to offset the effect of any variations. Desired design elements may include: sustainable design, integration of public art or design elements, greater utilization of new technologies in building design, special construction materials, additional landscaping, creative parking and pedestrian connections, specialty lighting, stormwater management, pedestrian-oriented design or transition to residential neighborhoods, parks or other sensitive uses;

(4) Ensure high quality of design and design compatible with surrounding land uses, including both existing and planned;

(5) Maintain or improve the efficiency of public streets and utilities;

(6) Preserve and enhance site characteristics, including natural features, wetland protection, trees, open space, scenic views and screening;

(7) Allow for mixing of land uses within a development;

(8) Encourage a variety of housing types, including affordable housing; and

(9) Ensure the establishment of appropriate transitions between differing land uses.

(B) Applicability/criteria.

(1) Uses. All permitted uses, permitted accessory uses, conditional uses and uses allowed by administrative permit, contained in the various zoning districts, as defined in this chapter, shall be treated as potentially allowable uses within a PUD district, provided they would be allowable on the site under the comprehensive plan.

(2) Eligibility standards. To be eligible for a PUD district, all development should be in compliance with the following:

(a) Where the site of a proposed PUD is designated for more than one land use in the comprehensive plan, the city may require that the PUD include all the land uses so designated or such combination of the designated uses as the City Council shall deem appropriate to achieve the purposes of this chapter and the comprehensive plan;

(b) Any PUD which involves a single land use type or housing type may be permitted, if it is otherwise consistent with the objectives of this chapter and the comprehensive plan and the design substantially exceeds any current standards;

(c) Permitted densities may be specifically stated in the appropriate planned development designation and shall be in general conformance with the comprehensive plan; and

(d) The setback regulations, parking ratios, building height, lot and building coverage ratio of the most closely related conventional zoning district shall be considered presumptively appropriate, but may be departed from to accomplish the purpose and intent described in (A) of this section.

(C) Design standards.

(1) Generally. The PUD development plan establishes the requirements for a planned unit development and shall govern land uses and design.

(a) For a single-family PUD, the Applicant must provide house elevations for approval, since the granting of a PUD means exceeding standards, there should be a variety of types and designs. For other PUD types, applicants must provide material boards along with renderings for design evaluation;

(b) A planned unit development, which includes dwellings, shall provide at least 15% of the project area as open space. If the planned unit development is to be developed in phases, the applicant must include the entire site in the plat of the first phase of development and designate public open space. Open space is a landscaped area or areas available for the common use of and is accessible by all residents or occupants of the buildings within the planned unit development. Open space shall be calculated on a net basis which excludes private yards, private streets from back of curb to back of curb, public rights-of-way, any areas within an easement; or any other non-recreational impervious surface area. Dedicated

parkland shall not be used in calculating open space for a development. The applicant shall be required to submit, along with the PUD site plan, an open space plan illustrating the use and/or function of the open space area or areas. The open space plan shall include any proposed improvements and/or design of the open space area.

(c) Contiguous land. The proposed planned unit development shall be comprised of at least 2 acres of contiguous land.

(D) Parcels of land under applicant's control. The parcels of land, which are the subject of the PUD application, shall be under the applicant's control at the time of application. The development plan shall provide for the development of all of the parcel(s) included in the application. In addition, the development plan must include provisions for the preservation of natural amenities where they exist.

(E) Municipal sewer and water availability. All PUDs shall have municipal sewer and water service available.

(F) Modification prohibited. No design standards shall be modified in any way which violates or compromises the fire and safety codes of the city.

(G) Buildings on platted PUD districts. More than one building may be placed on one platted lot in a PUD district.

(H) PUD proposals. Any PUD plan proposed to be constructed in stages shall include full details relating to staging and the City Council may approve or modify, where necessary, any such proposals.

(I) Staging. The staging shall include estimates of the time for beginning and completion of each stage. Such timing may be subsequently modified by the City Council on the showing of good cause by the developer.

(J) Criteria for granting a planned unit development application. The City Council shall base its decision to grant or deny an application for a planned unit development upon the following factors, and shall adopt findings relative to these criteria.

(1) Is the proposed development consistent in all respects with the comprehensive plan and with this section;

(2) Is the proposed development, including deviations from design standards compatible with surrounding land uses;

(3) Does the proposed development provide adequate open space, circulation, pedestrian orientation, parking, recreation, screening, and landscaping;

(4) If the primary function of the PUD is to encourage development which will preserve and enhance the worthwhile, natural terrain characteristics, it should not force intense development to utilize all portions of a given site in order to arrive at the maximum density

allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in granting approval or denial;

(5) Whether there exists an overall compatibility of land uses and overall appearance and compatibility of individual buildings to other site elements or to surrounding development; however, the architectural style of buildings shall not solely be a basis for denial or approval of a plan; and/or

(6) Whether the proposed PUD plan would afford a greater general public benefit than would be realized under the underlying zoning district and/or general zoning provisions.

(K) Procedures.

(1) Preapplication conference. Prior to filing of an application for a PUD, the applicant must arrange for and attend a conference with city staff. 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 the proposal for the area for which it is proposed and its conformity to the provisions of this chapter before incurring substantial expense in the preparation of plans, surveys and other data.

(2) Preapplication sketch plan review. Prior to filing of a PUD, the applicant is encouraged to submit a sketch plan of the project to the Planning and Development Department. The submittal should include a statement providing justification for the PUD, including, but not limited to, the intended utilization of the items listed in the purpose, intent and criteria in this subdivision.

(3) Planning Commission and City Council review. The Planning and Development Director shall refer the sketch plan to the Planning Commission and City Council for discussion, review and informal comment. Any opinions or comments provided to the applicant by the city staff, Planning Commission and City Council shall be considered advisory only and shall not constitute a binding decision on the request. There shall be no official application made for a sketch plan. It is an informal review and comment by Planning Commission and City Council.

(4) Preliminary development plan and preliminary rezoning. Preliminary development plan submissions may depict and outline the proposed implementation of the sketch plan for the PUD. The preliminary development plan submissions shall include, but not be limited to, the submission requirements for a Zoning Ordinance Amendment as stipulated in 151.009.

(5) Final development plan and final rezoning. After approval of the preliminary development plan, the applicant may apply for a final development plan and final rezoning approval for all or a portion of the PUD. The final development plan submissions shall include, but not be limited to, the submission requirements. The final development plan and final rezoning shall be heard before the City Council. The final development plan and final PUD are reviewed to ensure that the proposed final development plan is consistent with the preliminary development plan and to address any

new or outstanding concerns from preliminary approval. Should the plans be revised by the Applicant beyond the allowed plan modifications outlined below, it shall require review by both Planning Commission and City Council.

(6) The city may impose such conditions as part of the approval of a development plan as it deems necessary in order to ensure consistency with the comprehensive plan and this section. The Zoning Administrator shall maintain a record of all approved plans, amendments, and development agreements.

(7) Final rezoning to PUD. Final rezoning to PUD becomes official upon adoption of an ordinance rezoning the property by a majority vote of the City Council.

(8) Amendments. The Planning Commission may approve minor changes to an approved plan upon such hearing and notice, if any, as it deems appropriate. Minor changes are those changes listed below, when these changes do not significantly alter the original overall design, uses, or intent of the development:

(a) Changes in building location or size, which do not affect more than 10% of the site and/or floor space, not to exceed 10,000 square feet;

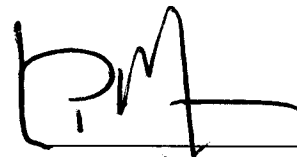
(b) Changes in landscaping, streets, parking, driveways, or site improvements which do not affect more than 10% of the site area, not to exceed 10,000 square feet; or

(c) Changes in dwelling units, which do not result in the number of housing units changing by more than 10%.

Sec. 2. Publication by Summary. The city council determines that publication of the title and the approved summary of this ordinance would clearly inform the public of the intent and effect of the ordinance and therefore directs that only the title of the ordinance and the approved summary be published.

Sec. 3. Effective Date. This Ordinance shall be in force and effect upon adoption and publication in the official newspaper of the City in accordance with applicable law.

Adopted in Regular session of the City Council of the City of Shakopee, Minnesota, held this 5th day of June, 2018



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Mayor of the City of Shakopee

ATTEST:

*Leigh Ann*  
City Clerk