

**CITY OF NORTH OAKS
COUNTY OF RAMSEY
STATE OF MINNESOTA**

ORDINANCE NO. 109

**AN ORDINANCE IMPLEMENTING THE
CHARLEY LAKE PRESERVE PLANNED UNIT DEVELOPMENT**

The City of North Oaks hereby ordains as follows:

**SECTION I. Rezoning of Land to Residential Single Family Medium Density District
Planned Unit Development (RSM-PUD).**

- (A) The property legally described on Exhibit A hereto (the “Property”) is hereby rezoned from Residential Single Family Medium Density District (RSM) to Residential Single Family Medium Density District Planned Unit Development (RSM-PUD).
- (B) The Property is hereby rezoned for the purpose of:
 - 1) Protecting a significant percentage of the existing wooded areas on the Property;
 - 2) Establishing a significant buffer between home sites and Hodgson Road, thereby preserving privacy for both the City and this neighborhood;
 - 3) Securing trail and park improvements beyond dedication requirements that would otherwise not be built;
 - 4) To allow for lots that are less than the required average size called for in the underlying RSM zoning district;
 - 5) To allow for a reduction in required parking on individual lots; and
 - 6) To provide more efficient and effective use of land, open space and public facilities not possible under RSM zoning.
- (C) In rezoning the property to allow for establishment of a PUD, the City of North Oaks City Council has found the following:
 - 1) That the design and overall concept of Charley Lake Preserve is consistent with the City of North Oak’s Comprehensive Plan for the Property for development for residential use.
 - 2) That the proposed development has been designed as a complete and unified development within its own boundaries.
 - 3) That the proposed layout, design, and land uses within the proposed development will result in compatible land uses with present and planned uses in the surrounding area.

Ordinance No. 109

- 4) That the overall design for the proposed development of the Property necessitates and justifies flexible application of the City of North Oak's Zoning Code to the Property.
 - 5) That the overall design for the proposed development of the Property will preserve the quality of the natural resources on the Property.
- (D) The Official Zoning Map of the City of North Oaks shall be updated accordingly.

SECTION II. Incorporation. The plans for Charley Lake Preserve attached hereto as Exhibit B; dated June 3, 2013; prepared by Westwood Professional Services, Inc., and approved by the City Council on July 11th, 2013; are hereby incorporated by reference as if specifically set forth herein, and shall be hereinafter referred to as the "Final PUD Plans".

SECTION III. Planned Development Agreement Land Use Regulations.

- (A) **PERMITTED PRIMARY USES:** Each parcel within the Charley Lake Preserve PUD shall adhere to the usage regulations for the RSM zoning district.
- (B) **PERMITTED ACCESSORY USES:** Each parcel within the Charley Lake Preserve PUD shall adhere to the permitted accessory use regulations for the RSM zoning district.
- (C) **CONDITIONALLY PERMITTED USES:** The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with city code requirements:
- 1) Municipal and public utility buildings and structures necessary for the health, safety, and general welfare of the community, provided that:
 - (a) The architectural appearance and functional plan of the buildings and site shall be compatible with the adjacent area;
 - (b) Screening is provided in compliance with § 151.034 of the City of North Oaks Zoning Code;
 - (c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028 of the City of North Oaks Zoning Code; and
 - (d) All accessory equipment is completely enclosed in a permanent structure with no outside storage.

Ordinance No. 109

- 2) Neighborhood or community centers, provided that:
 - (a) The architectural appearance and functional plan of the buildings and site shall be compatible with the adjacent area;
 - (b) Screening is provided in compliance with § 151.034 of the City of North Oaks Zoning Code;
 - (c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028 of the City of North Oaks Zoning Code;
 - (d) All accessory equipment is completely enclosed in a permanent structure with no outside storage; and
 - (e) The site of the principal use and related parking is served by a road or street of sufficient capacity to accommodate the traffic which will be generated.
 - 3) Sales and management office for a planned unit development (PUD) or planned residential development (PRD) or a home owners association management office, provided that:
 - (a) The architectural appearance and functional plan of the buildings and site shall be compatible with the adjacent area;
 - (b) Screening is provided in compliance with § 151.034 of the City of North Oaks Zoning Code;
 - (c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028 of the City of North Oaks Zoning Code; and
 - (d) All accessory equipment is completely enclosed in a permanent structure with no outside storage.
 - 4) Garage which exceeds 1,500 square feet, provided that:
 - (a) The garage shall not exceed 3,000 square feet;
 - (b) The garage shall be constructed in the same architectural style as the principal building or structure;
 - (c) The floor area ratio shall not exceed the maximum allowed for the specific lot as spelled out in the PDA performance standards; and
 - (d) No use of the garage shall be permitted other than for private residential noncommercial use; and
- (D) **LOT AREA REQUIREMENTS:** All lots shall be arranged and sized in accordance with the Final PUD Plans.
- (E) **SETBACKS:** Structural setbacks for all lots shall be as depicted on the Final PUD Plans.

Ordinance No. 109

(F) BUILDING HEIGHT: The height of any building shall not exceed 35 feet. Buildings shall be limited to a basement (a floor level that has less than 50% of the perimeter walls exposed above the lowest grade) and 2 full stories. Finished areas within the roof structure will be considered a full story.

(G) MAXIMUM SQUARE FOOTAGE OF STRUCTURES: The maximum square footage of structures on individual lots are as indicated in the table below:

<u>Lot #</u>	<u>Pad Style</u>	<u>Lot SF</u>	<u>Max Sq ft</u>		<u>Lot #</u>	<u>Pad Style</u>	<u>Lot SF</u>	<u>Max Sq ft</u>
1	R	25484	5000		33	R/CUST.	33135	5100
2	R	26277	4800		34	R/CUST.	31376	5450
3	R	27912	4500		35	R/CUST.	30008	5100
4	LO	28177	5350		36	R/CUST.	22848	5450
5	LO	29743	4800		37	R/CUST.	25220	5100
6	LO	34031	4800		38	R/CUST.	22100	5450
7	R	36116	4450		39	R/CUST.	22263	5100
8	LO	44352	5670		40	R/CUST.	25645	5450
9	LO	38632	5870		41	R	28675	4500
10	LO	48072	5870		42	R	28283	5000
11	WO	37728	5800		43	R	23661	4557
12	WO	46601	6300		44	R	26215	5000
13	WO	67588	5993		45	R	41517	4500
14	WO	40065	6300		46	R	26845	5000
15	WO	75811	5800		47	LO	21479	5000
16	LO	65871	5670		48	LO	26445	5250
17	LO	54043	5870		49	LO	32849	4800
18	LO	56509	5670		50	LO	30747	5250
19	LO	50681	5870		51	LO	30873	5250
20	LO	54544	5670		52	LO	24463	4800
21	R	46530	5450		53	LO	28053	5250
22	R	48802	5450		54	LO	35725	4800
23	WO/LO	78861	6300		55	LO	47572	5250
24	LO	58149	5670		56	LO	28904	4800
25	WO	106097	5800		57	WO	28098	5600
26	WO	76778	6300		58	WO	27223	5720
27	WO	62807	5800		59	LO	31774	5350
28	LO	31804	5670		60	R	30802	5000
29	R/CUST.	27715	5000		61	R	25949	5000
30	R/CUST.	29988	4450		62	R	29169	5000
31	R/CUST.	35903	4750		63	R	26021	5350
32	R/CUST.	34246	5450					

Ordinance No. 109

- (H) **MINIMUM REQUIRED PARKING:** Each residential lot shall be required to provide a minimum of three parking spaces (at least two of which must be enclosed).
- (I) **DRIVEWAY STANDARDS:** Driveways for residential lots shall adhere to the following standards:
- 1) Driveways shall be located so as to preserve existing trees as much as possible.
 - 2) Only one driveway access per lot shall be allowed.
 - 3) The maximum width of a driveway within the street easement shall be 24 feet.
 - 4) Except as outlined below, driveways shall be a minimum of 10 feet from side lot lines.
 - (a) Adjacent lots may choose to share a single driveway entrance point in which case the setback requirement from the shared lot line shall be waived.
 - (b) The driveway location for Lot 5, Block 2A (a flag lot in the development's northeastern most corner), shall be reviewed and approved by the City Engineer. The driveway design must not impact the storm sewers in the area, and shall ensure drainage does not impact Lot 6, Block 2A to the south.
- (J) **ENTRANCE MONUMENTS:** One entry monument per access point onto Hodgson Road shall be allowed subject to the following conditions:
- 1) The monument shall be a maximum of 8' high as measured from the finished grade.
 - 2) The monument shall not extend into any portion of a roadway easement except within a median as approved by the City Council.
 - 3) The monument shall not obstruct the view of oncoming traffic.
 - 4) The monument shall include landscaping as deemed necessary to mitigate the impact of the signage.
 - 5) The monument shall not include any neon lighting.
 - 6) The monument shall be architecturally designed to be compatible with adjacent building architecture.
 - 7) The monument shall not exceed 80 square feet per side.
 - 8) Designs for entry monuments shall be submitted to the City and be approved by the City Council prior to a building permit being issued to allow for installation.

Ordinance No. 109

- (K) ALL PERFORMANCE STANDARDS NOT ADDRESSED BY THE CHARLEY LAKE PRESERVE PDA:** All issues not specifically addressed by the Charley Lake Preserve PDA shall be governed by RSM zoning district regulations.

SECTION IV. Administration.

- (A) AMENDMENTS:** Amendments to this Ordinance or the Final PUD Plans shall be processed in the same manner as a zoning code amendment as outlined in the North Oaks Zoning Code. Notwithstanding the foregoing, a minor change deemed insignificant with no chance of impacting adjacent properties may be administratively approved by the City Administrator.
- (B) PHASING:** Development of Charley Lake Preserve may be completed in one or more phases.

SECTION V. Effective Date.

This ordinance shall be effective upon adoption and publication according to law.

ADOPTED this 11th day of July, 2013 by the North Oaks City Council.

CITY OF NORTH OAKS

John Schaaf, Mayor

ATTEST:

Melinda Coleman, City Administrator

EXHIBIT "A"

LEGAL DESCRIPTION

EXISTING PROPERTY DESCRIPTION

That part of Government Lot 3, Section 12, Township 30 North, Range 23 West of the Fourth Principal Meridian, described as follows: Commencing at a point on the South line of said Section 12 distant 892 feet Westerly of the Southeast corner of the Southwest quarter of said Section 12 (for descriptive purposes said South line having an assumed bearing of West); thence North 3 degrees 30 minutes east a distance of 241.52 feet to the point of beginning of the land to be described; thence continuing North 3 degrees 30 minutes East a distance of 243.48 feet; thence North 27 degrees 45 minutes East a distance of 682 feet; thence South 12 degrees 23 minutes 15 seconds West a distance of 377.48 feet; thence South 27 degrees 45 minutes West a distance of 540 feet to the point of beginning.

(Torrens Property, Certificate of Title No. 368530)

That part of Government Lot 3, Section 12, Township 30 North, Range 23 West of the Fourth Principal Meridian, lying Westerly of a line described as follows: Commencing at a point on the South line of said Section 12, distant 892 feet westerly of the southeast corner of the Southwest Quarter of said Section 12 (for descriptive purposes said south line has an assumed bearing of East); thence North 3 degrees 30 minutes East a distance of 485 feet; thence North 27 degrees 45 minutes East a distance of 682 feet; thence North 2 degrees 15 minutes East to a point in the North line of said Government Lot 3 and there terminating.

(Torrens Property, Certificate of Title No. 368531)

The South 300 feet of the Southwest quarter of the Southwest quarter of Section 12, Township 30, Range 23 West, which lies East of the West 600 feet thereof.

That part of the Southwest quarter of the Southwest quarter of Section 12, Township 30, Range 23 West, except a strip 50 feet in width conveyed to St. Croix Falls Minnesota Improvement Company by a deed recorded at 469 Deeds, Page 146, being 25 feet on each side of the center line of the right-of-way of transmission line of said company, described as follows: Commencing on the South line of said Section 12 at a point 324 feet east of the southwest corner thereof; thence northeasterly at an angle of 56 degrees 36 minutes 15 seconds with the south line of said Section 12 a distance of 912 feet; thence on a 5 degree curve to the left a distance of 590.6 feet, more or less to the north line of the Southwest quarter of the Southwest quarter of said Section 12, which lies North of the South 300 feet of the Southwest quarter of the Southwest quarter of said Section 12.

(Torrens Property, Certificate of Title No. 504396)

AN that part of Government Lot 2, Section 12, Township 30 North, Range 23 West, Ramsey County, Minnesota, lying westerly of Registered Land Survey Nos. 324 and 506 and westerly of Meader Addition as filed in the office of the Registrar of Titles in and for said Ramsey County, EXCEPT the following parcels:

That part of Government Lot 2, Section 12, Township 30 North, Range 23 West, Ramsey County, Minnesota, described as follows:

Beginning at the southwest corner of Lot 1, Block 1, Meader Addition, according to the recorded plat thereof; thence North 67 degrees 41 minutes 35 seconds West, assumed bearing, along the westerly extension of the south line of said Lot 1 a distance of 63.00 feet; thence North 4 degrees 20 minutes 30 seconds East 188.25 feet; thence North 11 degrees 20 minutes 30 seconds East 45.98 feet to the intersection with the westerly extension of the north line of said Lot 1; thence South 79 degrees 32 minutes 23 seconds East 56.85 feet, along said north line extended, to the northwest corner of said Lot 1; thence southerly, along the west line of said Lot 1, to the point of beginning;

AND That part of Government Lot 2, Section 12, Township 30 North, Range 23 West, Ramsey County, Minnesota, described as follows:

Beginning at the northwest corner of Tract K, Registered Land Survey No. 506, Ramsey County, Minnesota; thence North 67 degrees 41 minutes 35 seconds West, assumed bearing, along the westerly extension of the north line of said Tract K a distance of 63.00 feet; thence South 2 degrees 25 minutes 31 seconds East 165.02 feet to a point on the westerly line and 150.00 feet southwest of the northwest corner of said Tract K; thence northeasterly, along the westerly line of said Tract K to the point of beginning.

(Abstract Property)

EXHIBIT “B”

PLAN SETS

Grading, Drainage and Erosion Control Plan (6/3/13)

Construction Plans (6/3/13)