

ORDINANCE 2007-07

CITY OF DUNDAS
STATE OF MINNESOTA

*AN ORDINANCE AMENDING CHAPTER 1500 SECTION 16 OF THE DUNDAS CITY CODE
(ZONING AND SUBDIVISION ORDINANCE) BY ADDING A NEW SUBSECTION 4
AND TO REZONE ALL PROPERTIES WITHIN THE NRSF AND LDSF DISTRICTS TO
ESTABLISH DENSITY INCENTIVES*

RECITALS

WHEREAS, the Dundas Planning Commission has held numerous meetings and public hearings concerning amendments to the Comprehensive Plan for the City of Dundas; and

WHEREAS, the Dundas City Council adopted a development moratorium in August 2006 for the purpose of maintaining the status quo pending the City's consideration of amendments to its Comprehensive Plan, and changes to the Zoning and Subdivision Ordinance; and

WHEREAS, the Dundas Planning Commission has recommended approval of certain amendments to the Dundas Comprehensive Plan, which amendments have been approved by the Dundas City Council; and

WHEREAS, the Dundas Planning Commission has conducted meetings and public hearings concerning additional changes to the Dundas City Code with respect to the creation of a new low density zoning districts to protect sensitive natural resources in the city and to provide a transition to development in Bridgewater Township; and

WHEREAS, the Dundas Planning Commission has conducted meetings and public hearings concerning the creation of density bonuses in such districts to encourage the use of sustainable development practices through the awarding of increased density; and

WHEREAS, the Dundas Planning Commission held a public hearing on April 19, 2007 with respect to all of the said changes to Chapter 1500 of the Dundas City Code, after providing published and mailed notice as required by state statute and Dundas City Code; and

WHEREAS, all of the recommended changes, which have been approved by the Dundas Planning Commission, are consistent with the recommended amendments to the Dundas Comprehensive Plan; and

WHEREAS, The Dundas City Council accepts the recommendation of the Dundas Planning Commission concerning amendments to Chapter 1500, Section 16 of the Dundas City Code (Zoning and Subdivision Ordinance); and

WHEREAS, the City believes that it is the best interest of the City to rezone all properties located with existing and future NRSF and LDSF Districts to add a PUD overlay, in order to make said properties subject to the density incentives established in the new subsection 4, Section 16 of Chapter 1500 of the City Code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF DUNDAS as follows:

1. That Chapter 1500 of the Dundas City Code (Zoning and Subdivision Ordinance) is hereby amended by inserting new Subsection 4 in Section 16, PUD Overlay District, as shown on the attached Exhibit A. Existing Subsections 4 thru 20 are re-numbered accordingly. No other changes are made to Section 16.
2. That all properties located within the NRSF and LDSF districts are hereby rezoned to establish a PUD overlay, in addition to the underlying District, and shall be subject to the provisions of the of Section 16, subsection 4, relating to Density incentives.
3. The Dundas Zoning Map shall be updated to reflect the PUD overlay.
4. That the attached Summary of this Ordinance 2007-07 is hereby approved for publication purposes.

ADOPTED BY THE DUNDAS CITY COUNCIL on this 24th day of September 2007.

CITY OF DUNDAS BY:

ATTESTED TO BY:

Chad Marks, Mayor

John McCarthy, City Administrator/Clerk

Ordinance 2007-07

____Marks ____Amy ____Cruz ____Mazurek ____Zander

Publication in *Northfield News* on September 29, 2007

Exhibit A

Chapter 1500, Section 16 – PUD Overlay District

Subsection 4. Approval Standards for NRSF and LDSF Districts

- (A) This purpose of this subsection is intended to encourage creative site design for the conservation of land and provision of other public benefits through density incentives and by allowing deviation from the strict provisions of this Chapter related to setbacks, heights, lot area, width, depth, and yards. Density incentives are provided to owners and developers of all land in the Natural Resource Single Family Residential and Low Density Single Family Residential Districts regardless of size. Density incentives are offered in exchange for public benefits that achieve Comprehensive Plan goals for open space, habitat and rural character protection, low impact stormwater design, trails, high quality housing and use of public sewer and water service by:
- (1) Defining in quantified terms the significant public benefits that can be used to earn density incentives;
 - (2) Providing rules and formulas for guiding the calculation of density incentives earned by each benefit;
 - (3) Preserving land for wildlife habitat and unique natural resources and reducing negative impacts on the environment
 - (4) Designing land efficiently resulting in smaller networks of utilities and streets thereby lowering development costs and public investments.
 - (5) Creating common open space that provides a unified landscape for the use and enjoyment of the neighborhood community and/or the general public.
 - (6) Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment.
- (B) The density incentive system is described and defined as follows:
- (1) The density incentive is expressed as additional dwelling or bonus units (BU) earned per specified amount of public benefit provided.
 - (2) Bonus units may be earned through any combination of the listed public benefits or amenities.
 - (3) Through the review process, public benefits and bonus units not identified in this section may be proposed by either the developer or the City.

- (4) The awarding of bonus units for each proposed public benefit shall be guided by the following framework. The applicant, Planning Commission, City Council and Staff may suggest other award levels for benefits that are in keeping with the overall purpose of this Section. The City Council shall award the bonus units based on its evaluation of the entire PUD proposal. Based on this evaluation, the Council may deviate from the following framework at its discretion. In its evaluation of each project, the city will consider the capacity of the land to handle increased densities. The City may determine that the land cannot support the proposed densities due to physical limitations or potential negative impacts which may include but are not limited to: soils, slope, loss of vegetation, drainage, habitat, sewer capacity and traffic.

Bonus Density Incentive Framework		
Public Benefit or Amenity	Qualifying Condition	Bonus Unit (BU)
Dedication of active or passive recreation <u>public</u> open space or corridor contributing to the rural character of Dundas.	Dedication of land or granting a permanent easement for land containing public open space to the City of Dundas (or designee) meeting Dundas' standards for open space	.5 BU per acre of buildable land exceeding the 10% park dedication requirement.
Improved Park	Improvements to a dedicated public park site.	.5 - .8 BU per acre of park depending on the amount and quality of improvements. Bonus units earned shall be in addition to bonus units earned by dedication of raw land.
Improved Trail	Improvement to a dedicated corridor land segment meeting City of Dundas multi-purpose trail standards.	.3 - .8 BU per quarter-mile of trail constructed depending on level and quality of improvements.
Tree preservation	Preservation of 70 percent or more of tree canopy within developed area (lots, streets, stormwater mgmt, etc.). At least 50% of developed area must be covered by tree canopy to qualify.	1 BU per allowable unit at base density if 70-75% of canopy preserved. 2 BU per allowable unit at base density if 75-80% of canopy preserved. 3 BU per allowable unit at base density if over 80% of canopy preserved.
Low impact Design Stormwater management systems	The implementation Low Impact Design stormwater systems that retain and infiltrate annual runoff volumes on-site to that of predevelopment conditions with natural vegetation.	2 BU per allowable unit at base density for runoff volume no greater than predevelopment natural vegetative conditions.
LEED (Leadership in Energy Efficient Design) Certification of residential houses built in subdivisions.	All homes in project achieve U.S. Green Building Council (USGBC) LEED certification as defined and updated by USGBC.	Bonus units are awarded per allowable unit at base density for each LEED performance tier: .25 bonus units "certified"

		.50 bonus units “silver” .75 bonus units “gold” 1.0 bonus units “platinum”
Accessible Design	20 % of homes in project achieve a performance level of “Bronze” for accessible design as defined and updated by the City.	Bonus units are awarded per allowable unit at base density for the following performance tiers: .25 bonus units “bronze” .50 bonus units “silver” .75 bonus units “gold”
Other Benefit	Developer or city proposed benefits not listed above.	Bonus units assigned through staff recommendation and Commission and Council review and approval.

(C) The rules for determining total permitted dwelling units are defined as follows:

(1) The formula for calculating the total number of dwelling units (DW) permitted through the review process shall be:

Dwelling Units allowed at base density	+	Bonus Units (Bu)	=	Total Dwelling Units
--	---	------------------	---	----------------------

- (2) The dwelling units allowed at base density is determined by dividing the total buildable area (acres) of the project site by the minimum lot size allowed in the base zoning district. Buildable area excludes slopes of 12 percent or greater, wetlands, poor soils and resources identified to be protected in the Comprehensive Plan.
- (3) The bonus units for each public benefit shall be calculated individually and rounded to the nearest tenth. In summing the bonus units for more than one public benefit, fractional numbers shall be added together and rounded to the nearest whole number; .5 or more dwelling units are rounded up.
- (4) The total number of dwelling units may not exceed a gross maximum density of two units per buildable acre. Higher maximum densities may be allowed based on demonstrated land development capacity, environmental impact, impact on adjacent properties and transportation system as well as available capacity of city sewer and water service.

D. All properties, regardless of size, in the NRSF and LDSF Districts are subject to this subsection, which creates a PUD Overlay district to encourage Density Incentives within said Districts.

SUMMARY OF ORDINANCE 2007-07

CITY OF DUNDAS
STATE OF MINNESOTA

*AN ORDINANCE AMENDING CHAPTER 1500 SECTION 16 OF THE DUNDAS CITY CODE
(ZONING AND SUBDIVISION ORDINANCE) BY ADDING A NEW SUBSECTION 4
AND TO REZONE ALL PROPERTIES WITHIN THE NRSF AND LDSF DISTRICTS TO
ESTABLISH DENSITY INCENTIVES*

The following is the official summary of Ordinance 2007-07, which was approved and adopted by the Dundas City Council on September 24, 2007

Chapter 1500, Section 16 of the Dundas City Code has been amended to add a new subsection 4, to encourage creative site design for the conservation of land and provision of other public benefits through density incentives and by allowing deviation from the strict provisions of Chapter 1500 related to setbacks, heights, lot area, width, depth, and yards. Density incentives are provided developers of land within the Natural Resource Single Family Residential (NRSF) and Low Density Single Family Residential (LDSF) Districts in exchange for public benefits that achieve Comprehensive Plan goals for open space, habitat and rural character protection, low impact stormwater design, trails, high quality housing and use of public sewer and water service. The Zoning Map has also been revised to reflect the rezoning of these districts with a PUD overlay.

A copy of the entire Ordinance 2007-07 is available for inspection by any person during regular office hours at the Dundas City Hall, 216 Railway Street North, Dundas, Minnesota 55019 or viewed on the website at www.cityofdundas.org.

ADOPTED BY THE DUNDAS CITY COUNCIL on this 24th day of September 2007.

CITY OF DUNDAS BY:

ATTESTED TO BY:

Chad Marks, Mayor

John McCarthy, City Administrator/Clerk

Published in the *Northfield News* on September 29, 2007