ORDINANCE NO. 176

CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA

AN ORDINANCE AMENDING AND RESTATING THE PLANNED UNIT DEVELOPMENT DISTRICT ZONING OF CERTAIN PROPERTY WITHIN DAKOTA ACRES 1ST ADDITION

THE CITY COUNCIL OF THE CITY OF ELKO NEW MARKET ORDAINS:

Section 1. Legal Description. The following described property located within the City of Elko New Market, Scott County, Minnesota is hereby zoned PUD, Planned Unit Development:

Outlot C, Dakota Acres, according to the recorded plat thereof, Scott County, Minnesota, except that part lying westerly of the east line of Outlot D, said Dakota Acres and it's southerly extension.

AND

That part of Outlot B, Dakota Acres, according to the recorded plat thereof, Scott County, Minnesota, described as follows: Commencing at the most northerly corner of said Outlot B; thence South 00 degrees 24 minutes 49 seconds East, assumed bearing, along a west line of said Outlot B, a distance of 245.75 feet to a southwest corner of said Outlot B; thence north 89 degrees 35 minutes 11 seconds East, along a south line of said Outlot B, a distance of 6.02 feet to the point of beginning; thence North 00 degrees 24 minutes 46 seconds West, a distance of 31.56 feet; thence North 89 degrees 35 minutes 11 seconds East, a distance of 45.00 feet; thence South 00 degrees 24 minutes 49 seconds East, a distance of 31.56 feet to said south line of Outlot B; thence South 89 degrees 35 minutes 11 seconds West, along said south line of Outlot B, a distance of 45.00 feet to the point of beginning.

AND

The south 20.50 feet of Lot 1, Block 2, Dakota Acres, according to the recorded plat thereof, Scott County, Minnesota and that part of Outlot B, said Dakota Acres, described as follows: Beginning at the southeast corner of said Lot 1; thence South 00 degrees 23 minutes 54 seconds West, along the southerly extension of the east line of said Lot 1, a distance of 9175 feet; thence South 31 degrees 53 minutes 32 seconds West, a distance of 892 feet to a southwest corner of said Outlot B; thence North 89 degrees 36 minutes 06 seconds West, along a south line of said Outlot B, a distance of 40.34 feet; thence North 00 degrees 23 minutes 54 seconds West, a distance of 17.36 feet to the southwest corner of said Lot 1; thence South 89 degrees 36 minutes 06 seconds East, along the south line of said Lot 1, a distance of 45.00 feet to the point of beginning.

("Property")

Section 2. **PUD Zoning.** The City hereby amends the Planned Unit Development District, PUD for the Property, in its entirety, as provided in this Section. The Property shall be subject to the requirements of the R-4 High Density Residential District except as follows:

	R4 District Requirements	Approved for Dakota Acres 1st Addition
Permitted Uses	Multiple Family Dwellings Containing more than 8 units	Multiple Family Dwellings containing less than 8 units, as depicted on plans dated 6/21/18
Front setback to curb of private street	30'	3' for single unit building 20' for all 4-unit and 7-unit buildings
Setback between buildings	20'	10' to 55' (25' average) as depicted on plans dated 6/21/18
Setback to periphery property lines	30'	5' along west side, as depicted on plans dated 6/21/18
Setback to major collector street	50'	30'
Easements	10' along perimeter and 5' along interior lot lines	Not required along western property line or interior lot lines
Building Design/Exterior Finish 11-25D-8	Minimum 25% of all building facades shall have an exterior of brick, stucco or stone	Stone on front and sides of buildings, as depicted on proposed building elevations dated 11/19/17.
Garage Stall Area & Width	Attached garage of minimum 540 sq ft & minimum width of 20'	Attached garages of 418 sq ft minimum & 19' minimum width

B. **Development Plans.** The plat shall be developed in accordance with the following plans. The plans shall not be attached.

Plan A – Dakota Acres 1st Addition Construction Plans prepared by Larson Engineering containing seven sheets and dated 9/4/18.

Plan B – Landscaping Plan prepared by RHA Architects, Inc containing one sheet and dated 8/29/18.

C. **Regulations.** The PUD must be maintained and comply with the following conditions:

1. Patios. Ground level patios must be provided for all townhome units. Patios shall not exceed 8' x 8' in size and may not encroach into adjacent properties, except that they may encroach into the common area outlot subject to the same being permitted by the homeowners association. Privacy fences constructed of wood, vinyl or brick and of consistent design shall be provided between rear yard patio areas prior to issuance of a certificate of occupancy. Three and four season porch additions may not be added to the townhome units.

2. Mailboxes. Developer shall work with the Elko New Market Postmaster to find an acceptable location within the development for mailbox banks. Mailboxes shall be moved off of James Parkway.

3. Exterior Finishes. Townhome buildings shall contain not less than three earth-tone colors. Adjacent townhome buildings on the same side of the street shall not be identical in color.

4. Garbage Receptacles. Garbage receptacles shall be stored within garages or fully screened from view.

Section 3. Section 11-28C-21 of the Elko New Market City Code is amended to add the following:

PUD-7: Dakota Acres 1st Addition, Ordinance No. 176

Section 4. Zoning Map. The zoning map of the City of Elko New Market shall not be republished to show the aforesaid zoning, but the Clerk shall appropriately mark the zoning map on file in the Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance, and all of the notations, references, and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

Section 5. Effective Date. This ordinance shall be effective upon its passage by the City Council.

PASSED AND ADOPTED this 27th day of September, 2018, by the City Council of the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Robert Crawford, Mayor

ATTEST:

_____
Sandra Green, City Clerk