

515.09. Townhouse, cooperative, condominium development. Subdivision 1. Purpose and intent. The purpose of this subsection is to provide for and encourage advances in housing design, changes in types of dwellings, more flexibility in layout and site planning, and the efficient use and conservation of land and open space.

Subd. 2. Property control.

- (a) In order that the purposes of this subsection may be achieved, the property shall be in single ownership or under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this code.
- (b) Prior to the use or occupancy or sale or execution of contracts for sale of an individual condominium or cooperative unit, apartment, townhouse, parcel, tract or common area, or combination thereof, a declaration of covenants, conditions and restrictions or an equivalent document or a document such as specified by Laws of Minnesota 1963, chapter 457, section 11 and a set of floor plans such as specified by Laws of Minnesota 1953, chapter 457, section 13 shall be filed with the city, said filing with the city to be made prior to the filings of said declaration or document or floor plans with the recording officers of Hennepin County, Minnesota.
- (c) Approval of the city shall be secured as to the documents described in paragraph (b) above.
- (d) The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting units, parcel, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.
- (e) The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the city attorney. The intent of this subsection is to protect the property value of the individual owner.

- (f) The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with then applicable rules and regulations of the city or fails to pay taxes or assessments on properties as they become due and in the event the said incurs any expenses in enforcing its rules and regulations which said expenses are not immediately reimbursed by the association or corporation, then the city shall have the right to assess each property its pro rata share of said expenses.

Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made and, in addition, each such assessment, together with such interest thereon and such costs of collection thereof, shall also, be a personal obligation of the person who was the owner of such property at the time when the assessment became payable.

Subd. 3. Procedures for application, review and approval.

- (a) An application for a conditional use permit shall be filed and processed based upon procedures established by subsection 535.01 of this code.
- (b) Preliminary development plan. The conditional use permit application shall be accompanied by a preliminary development plan drawn to a scale of not more than 50 feet per inch, showing the following:
- (1) General area-wide development (general outline of the site and surrounding area).
 - (i) uses;
 - (ii) zoning;
 - (iii) streets;
 - (iv) grades and topography;
 - (v) densities.

- (2) Specific site plan.
 - (i) the entire outline, overall dimensions and area of the tract described in the application;
 - (ii) the use, zoning and ownership of all adjacent properties within 100 feet of the tract boundaries including the location of all structures thereon and the right-of-way width and traveled width of all adjacent public roadways;
 - (iii) the existing and proposed topography of the tract with contour intervals not greater than five feet;
 - (iv) the location, general exterior dimensions, and approximate gross floor areas of all proposed buildings;
 - (v) the proposed location, arrangement and number of automobile parking stalls;
 - (vi) the location and dimensions of all vehicular entrances, exits and driveways and their relationship to all existing or proposed public streets;
 - (vii) the location and dimensions of pedestrian entrances, exits, and walks;
 - (viii) the general drainage system;
 - (ix) the location and dimensions of all walls, fences, and plantings designed to screen the proposed district from adjacent uses;
 - (x) the types of all ground covers;
 - (xi) standards for exterior finish, exterior lighting, location and type of exterior signs, architectural style, and any other variables which will be controlled in the design of buildings in the development area.
- (c) Development schedule. The applicant shall submit a proposed schedule of construction. If the construction of the proposed townhouses, cooperatives or condominiums is to be in stages, then the components contained in each stage must be clearly delineated. The development schedule shall indicate the starting date and completion date of the complete development plan.

- (d) Review and evaluation criteria. The evaluation of the proposed plan and development shall include but not be limited to the following criteria:
- (1) adequate property control is provided to protect the individual owners' rights and property values and the public responsibility for maintenance and upkeep;
 - (2) the interior circulation plan plus access from and onto public right-of-ways does not create congestion or dangers and is adequate for the safety of the project, residents, and general public;
 - (3) a sufficient amount of usable open space is provided;
 - (4) the arrangement of buildings, structures and accessory uses does not unreasonably disturb the privacy or property values of the surrounding residential uses;
 - (5) the architectural design of the project is compatible with the surrounding area;
 - (6) the drainage and utility system plans submitted to the city engineer for his comments and the final drainage and utility plans must have his approval;
 - (7) the development schedule insures a logical development of the site which will protect the public interest and conserve land;
 - (8) minimum lot frontage shall be not less than 20 feet;
 - (9) dwelling unit and accessory use requirements are in compliance with the zoning district provisions in which the development is planned;
- (e) Council action.
- (1) If the council finds that the preliminary development plan meets all of the requirements, the council shall approve the same as the final development plan and the applicant's conditional use permit shall be approved and granted.
 - (2) If the council finds that the preliminary development plan contains conditions that must be amended, they shall return said application, together with a statement of the necessary changes and upon receipt of an amended, altered, and changed plan meeting the requirements of the city council, the council shall approve said plan as the final development plan and thereupon the applicant shall be eligible to obtain the necessary building permits.
 - (3) The final development plan, together with such covenants, deed restrictions, reservations, controls, or variances as a part thereof, shall become a part of the official file of the city.