

Section 565 - Zoning: Planned Unit Development

565.01. Planned unit development (PUD): purpose. Subdivision 1. The purpose of this Section is to provide for the establishment of the Planned Unit Development (PUD) zoning districts at the discretion of the City Council, in areas suitable in location and character for use and application of the following considerations:

Subd. 2. Variety. Inclusion within a comprehensive site design plan a mixture of land uses, types of housing and densities.

Subd. 3. Sensitivity. Through the departure from the strict application of required setbacks, yard areas, lot sizes, minimum house sizes, minimum requirements, and other performance standards associated with traditional zoning, planned unit developments can maximize the development potential of land while remaining sensitive to its unique and valuable natural characteristics.

Subd. 4. Efficiency. Consolidation of areas for recreation and utility purposes.

Subd. 5. Density Transfer. Density requirements may be based on a number of units per acre by clustering project density.

Subd. 6. District Integration. The combination of uses which are allowed in separate zoning districts such as:

- a) mixed residential in density and unit types.
- b) integration of compatible mixed land uses.

565.02. Allowed uses. Subdivision 1. Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in the rezoning ordinance, the development plan and the development agreement. The PUD development plan and agreement shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan and agreement. Any change in list of uses presented in the development plan and agreement will be considered an amendment to the PUD and will follow the procedures specified in Section 565.05.

565.03. Required standards. Subdivision 1. The City shall consider the proposed PUD from the point of view of all standards and purposes of the Comprehensive Land Use Plan to achieve a maximum coordination between the proposed development and the surrounding uses, the conservation of woodlands and wetlands, the protection of health, safety and welfare of the community and residents of the PUD. To these ends, the City Council shall consider the location of the buildings, compatibility with surrounding uses, parking areas and other features with respect to the topography of the area and existing natural features such as streams and large trees; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the adequacy and location of green areas; the adequacy, location and screening of parking areas and such other matters as the Council may find to have a material bearing upon the stated standards and objectives of the Comprehensive Land Use Plan.

Subd. 2. Public Utilities. The uniqueness of each PUD requires that specifications and standards for streets, utilities, public facilities and subdivisions may be subject to modification from the City Ordinances ordinarily governing them. The City Council may therefore approve streets, utilities, public facilities and land subdivisions which are not in compliance with usual specifications of ordinance requirements if it finds that strict adherence to such standards or requirements is not required to meet the intent of this Section to protect the health, safety or welfare of the residents of the PUD, the surrounding area or the City as a whole.

565.04. Coordination with subdivision and site plan review regulations. If a subdivision or site plan review is needed, the review under these regulations shall be carried out simultaneously with the review of the PUD. The plans required under this Section shall be submitted in a form that will satisfy the requirements of the subdivision ordinance for the preliminary and final plat and the site plan review requirements. (Amended Ord. 11-1026)

565.05. Revisions and/or changes. Subdivision 1. Minor changes in the location, placement and height of structures may be authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Zoning Administrator.

Subd. 2. Major changes. Changes in uses, significant changes in the location, size, or height of structures, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan may be made only after a public hearing conducted by the Council. Any changes shall be recorded as amendments to the recorded copy of the final development agreement.

Subd. 3. Provisions. All of the provisions of this Section applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD district except as otherwise provided in approval of the final plan.

Subd. 4. Review. If substantial development has not occurred within the time frame as specified in the development agreement, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.

565.06. Phasing and guarantee of performance. Subdivision 1. The Planning Commission shall compare the actual development accomplished in the various PUD zones with the approved development schedule.

Subd. 2. Extend time. Upon recommendation of the Planning Commission, and for good cause shown by the property owner, the Council may extend the limits of the development schedule.

Subd. 3. Development of open space. The construction and provision of all of the common open space and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Zoning Administrator shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If the Zoning Administrator finds that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreation facilities have been constructed, the Zoning Administrator shall forward this information to the Council for possible action.

Subd. 4. Performance bond. A performance bond or letter of credit shall be required to guarantee performance by the developer. The amount of this bond or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement.

565.07. Control of planned unit development following completion. Subdivision 1. After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned unit development shall be governed by the final development agreement.

Subd. 2. Certificate of occupancy. After the certificate of occupancy has been issued, no changes shall be made in the approved final development agreement except upon application as provided below:

a) any minor extension, alteration or modification of existing buildings or structures may be authorized by the Zoning Administrator if they are consistent with the purposes and intent of the final plan. No change authorized by this Section may increase the floor area of any building or structure by more than ten percent (10%).

b) any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under Section 565.05.

c) changes in the use of the common open space may be authorized by an amendment to the final development plan under Section 565.05.

d) any other changes in the final development plan must be authorized by an amendment of the final development plan under Section 565.05.

565.08 Procedure for processing a planned unit development. Subdivision 1. Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Department. 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 applicants proposal for the area for which it is proposed and its conformity to the provisions of this section before incurring substantial expense in the preparation of plans, surveys and other data.

Subd. 2. General concept plan. The general concept plan provides an opportunity for the applicant to submit a plan to the City showing his basic intent and the general nature of the entire development without incurring substantial cost. The plan shall include the following:

a) overall maximum PUD density range;

b) general location of streets and pedestrian ways;

c) general location and extent of public and common open space;

d) general location of residential and nonresidential land uses with approximate type and intensities of development;

e) staging and time schedule of development;

f) generalized grading and utility plan;

- g) other material requested by the staff;

Subd 3. Schedule. The following is the schedule for a concept review of a planned unit development:

- a) developer meets with the Planning Department to discuss the proposed developments;
- b) the applicant shall file the concept application, together with all supporting data;
- c) after verification by the Zoning Administrator that the required plan and supporting data is adequate, the Zoning Administrator shall put the concept plan on the agenda of the next meeting;
- d) the Planning Commission shall consider the concept review at the next meeting;
- e) the Council will conduct a review of the plan after the receipt of the report and recommendations from the Planning Commission.

Subd. 4. Final Plan. Following general concept approval, if given, the applicant shall make application for submission of the final plan, site plan review and preliminary/final plat (if needed). The application shall proceed and be acted upon in accordance with Section 525.09 for zoning district changes, Section 500 for subdivision regulation and Section 526 for site plan review (if needed). If appropriate because of the limited scale of the proposal, the concept stage and final plan stage may proceed simultaneously. (Amended Ord. 11-1026)

Subd. 5. Final Plan Submission Requirements. All of the graphics should be the same scale as the concept plan to allow easy cross reference. The use of overlays is recommended for clear reference. Three (3) 2' x 3' copies and fifteen (15) copies at 8 1/2' x 11' of the following exhibits, analysis and plans shall be submitted to the City for the final plan review:

- a) the landowner's name and address and his interest in the subject property;
- b) the applicant's name and address if different from the landowner;
- c) the names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor;
- d) evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interested held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property;
- e) the address and legal description of the property;

f) a written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the City's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City;

g) preliminary plat/final plat and information required by subdivision (if needed);

h) a map depicting the existing development of the property and all land within three hundred feet (350') thereof and indication the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevation on and within one hundred feet (100') of the property.

i) a detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, structure, including mobile homes, and uses;

j) landscaping plan showing location, species and size of all plant material;

k) plan showing pathway system, width and material, screening fences with detail, lighting system, and recreational features, if any;

l) drainage plan indicating catch basins and , underground improvements;

m) utility system for sanitary sewer, water, gas, telephone and electric which shall all be underground for new construction and a plan for adjustment to existing rights-of-way, easements, utilities and new dedication;

n) off-street parking, drives and access plan;

o) off-street loading plan, if any is necessary;

p) trash container and pick-up plan;

q) architectural plans showing elevations, entrances, heights, floor plans and material to be used on the exterior;

r) description of the construction and the materials proposed to be used for building(s) /structures(s);

s) a statement of the total number of dwelling units proposed for the PUD and a tabulation of the proposed allocation of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

1. area devoted to residential uses.
2. area devoted to residential use by a building type.
3. area devoted to common open space.
4. area devoted to public open space.

- 5. area devoted to streets.
  - 6. area devoted to, and number of, off-street parking and loading spaces and related access.
  - 7. area, and floor area, devoted to commercial uses.
  - 8. area, and floor area, devoted to industrial or office use.
- t) when the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stage or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage and overall chronology of development to be followed from stage to stage;
  - u) when the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities;
  - v) any restrictive covenants that are to be recorded with respect to property included in the proposed PUD;
  - w) a soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.
  - x) the City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal;
  - y) the City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

Subd.6.Schedule. The following is the schedule for the final plan of a PUD:

- a) the applicant shall file the final application and fee, together with all supporting data;
- b) after verification by the Zoning Administrator that the required plan and supporting data is adequate, the Zoning Administrator shall schedule a public hearing for the proposed PUD at the next planning commission meeting;
- c) the Planning Commission shall conduct the public hearing and consider the PUD review at the next meeting;
- d) the Council will conduct a review of the application after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within sixty (60) days following the public hearing and there has been no delay caused or requested by the applicant, the application shall be forwarded to the City Council without comment.

Subd. 7. Additional Information. The Planning Commission or City Council may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.

(Revised Ord. 90-677)