

SECTION 1105.15 PLANNED UNIT DEVELOPMENT (OVERLAY).

1105.15 SUBD. 1. PURPOSE.

This Section is established to provide comprehensive procedures and standards designed to allow greater flexibility in the development of neighborhoods or areas by incorporating a mixture of densities/intensities, or use types when applied to a Planned Unit Development (PUD) District. The PUD process, by allowing deviation from the strict provisions of this Ordinance related to setbacks, height, lot area, width and depth, yards, etc., and by mix of uses by PUD zoning, is intended to encourage:

1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design and siting of structures and by the conservation and more efficient use of land in such developments.
2. Higher standards of site and building design through the use of trained and experienced land planners, architects and landscape architects.
3. More convenience in location and design of development and service facilities.
4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
5. A creative use of land and related physical development which allows a phased and orderly transition of land from rural to urban uses.
6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
7. A development pattern in harmony with the objectives of the Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles).
8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
9. Clustered developments that respect the overall planned density for the area and that minimize the impact of development of the environment and significant natural features.

(Ord. 09-05, Section 1105.15, Adopted December 21, 2009.)

1105.15 SUBD. 2. GENERAL REQUIREMENTS AND STANDARDS.

1. OWNERSHIP.

An application for PUD must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.

2. COMPREHENSIVE PLAN CONSISTENCY.

The proposed PUD shall be consistent with the City Comprehensive Plan.

3. SANITARY SEWER PLAN CONSISTENCY.

The proposed PUD shall be consistent with the City Comprehensive Sewer Plan.

4. STANDARDS FOR COMMON OPEN SPACE.

No open area may be accepted as common open space under the provisions of this Ordinance unless it meets the following standards:

- A. The location, shape, size and character of the common open space must be suitable for the planned development.
- B. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering the size, density, expected population, topography and the number and type of dwellings to be provided.
- C. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.
- D. Wetlands, flood plains and other such lands designated as undevelopable shall not be considered as common open space.

5. CONVEYANCE AND MAINTENANCE OF COMMON OPEN SPACE.

- A. All land shown on the final development plan as common open space must be conveyed under one of the following methods at the discretion of the City:
1. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings structures or improvements which have been placed on it.
 2. It may be conveyed to a corporation, developer, homeowner association (incorporated or non-incorporated) or trustee provided in an indenture establishing association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the party involved subject to covenants approved by the City Council which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended space.
- B. If the common open space is conveyed to a private party and is not maintained properly to standards established by the City, the City shall have the authority to maintain the property and assess the costs incurred back to the land benefited by the improvement.

6. DENSITY.

The maximum allowable density in a PUD zoning district shall be determined by standards negotiated and agreed upon between the applicant and the City. In all cases the negotiated standards shall be consistent with the development policies as contained in the Comprehensive Plan. Whenever a PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds one hundred twenty-five (125) percent of the proposed residential density of the entire PUD.

7. UTILITIES.

In any PUD all utilities, including telephone, electricity, gas and cable communications shall be installed underground.

8. UTILITY CONNECTIONS.

- A. Water Connections. Where more than one (1) property is served from the same service line, individual unit shut off valves shall be provided as required by the City Engineer.
- B. Sewer Connections. Where more than one (1) unit is served by a sanitary sewer lateral which exceeds three hundred (300) feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.

9. ROADWAYS.

All streets shall conform to the design standards contained in the subdivision regulations, unless otherwise approved by the City Council.

10. LANDSCAPING.

In any PUD, landscaping shall be provided according to a plan approved by the Council, which shall include a detailed planting list with sizes and species indicated as part of the final plan. In assessing the landscaping plan, the Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.

11. URBAN/RURAL SERVICING REQUIREMENTS.

All development will be carefully phased so as to ensure that all developable land will be accorded a present vested right to develop at such time as services and facilities are available. Lands which have the necessary available municipal facilities and services may be granted approval in accordance with existing City Code provisions and development techniques. Lands which lack the available public facilities and services may be granted approval for development, provided that all applicable provisions of this Ordinance, the City Code, and state regulations are complied with.

12. SETBACKS.

The yard setbacks of the PUD shall be the same as imposed in the base zoning districts, unless otherwise approved by the City Council.

1105.15 SUBD. 3. PROCEDURE FOR PROCESSING A PLANNED UNIT DEVELOPMENT.

1. APPLICATION CONFERENCE.

Upon filing of an application for PUD, the applicant of the proposed PUD is encouraged to arrange for and attend a conference with the Zoning Administrator. 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 his/her 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.

2. GENERAL CONCEPT PLAN.

A. Purpose.

The General Concept Plan provides an opportunity for the applicant to submit a plan to the City showing the basic intent and the general nature of the entire development without incurring substantial cost. The following elements of the proposed general concept plan represents the significant elements for City review and comment.

1. Overall maximum PUD density range.
2. General location of major streets and pedestrian ways.
3. General location and extent of public and common open space.
4. General location of residential and non-residential land uses with approximate type and intensities of development.
5. Staging and time schedule of development.
6. Other special criteria for development as requested by the Zoning Administrator, Planning Commission or City Council.

B. Schedule.

1. Developer shall meet with the Zoning Administrator to discuss the proposed developments.
2. The applicant shall file the concept stage application, together with all supporting data and filing fee as established by Council resolution.
3. After verification by the staff that the required plan and supporting data is adequate, the Planning Commission shall hold a public hearing.
4. The Planning Commission shall conduct a public hearing in accordance with Section 1103.09 of this Ordinance and report its findings and make recommendations to the Council.
5. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate and provide general assistance in preparing a recommendation on the action to the Council.
6. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent Sections of this Ordinance.
7. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed development.
8. Within the time frame provided by Minnesota Statutes section 15.99 following receipt of the completed application, the City Council shall render its decision granting or denying the report and plans. Such plans and specifications shall remain a part of the permanent records of the City Council.

C. Optional Submission of Development Stage Plan.

In cases of single stage PUD's or where the applicant wishes to begin the first stage of a multiple stage PUD immediately, he/she may, at his/her option, initially submit Development Stage Plans for the proposed PUD. In such case, the Planning Commission and Council shall consider such plans, grant or deny Development Stage Plan approval in accordance with the provisions of this Section.

D. Effect of Concept Plan Approval.

Unless the applicant shall fail to meet time schedules for filing Development Stage and Final Plans or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Ordinance or of any approval granted pursuant to it, a General Concept Plan which has been approved shall not be modified, revoked or otherwise impaired pending the application of Development Stage and Final Plans by any action of the City without the consent of the applicant.

E. Limitation on General Concept Plan Approval.

Unless a Development Stage Plan covering at least ten (10) dwelling units or the area designated in the General Concept Plan as the first stage of the PUD, whichever is greater, has been filed within six (6) months from the date Council grants General Concept Plan approval, or in any case where the applicant fails to file Development Stage and Final Plans and to proceed with development in accordance with the provisions of this Ordinance and of an approved General Concept Plan, the approval may be revoked by Council action. In such case, the Council shall forthwith adopt a resolution repealing the General Concept Plan approval for that portion of the PUD that has not received final approval and re-establishing the zoning and other City Code provisions that would otherwise be applicable.

3. DEVELOPMENT STAGE.

A. Purpose.

The purpose of the Development Stage Plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the Council and with which substantial compliance is necessary for the preparation of the Final Plan.

B. Submission of Development Stage.

Within six (6) months of approval of the General Concept Plan, the applicant shall file with the Zoning Administrator a Development Stage Plan. The Development Stage Plan shall refine, implement and be in substantial conformity with the approved General Concept Plan.

C. Review and Action by City Staff and Planning Commission.

Immediately upon receipt of a completed Development Stage Plan, the Zoning Administrator shall refer such plan to the following City staff and/or official bodies for the indicated action:

1. The City Attorney for legal review of all documents.
2. The City Engineer for review of all engineering data and the City/Developer agreement.
3. The Building Official for review of all building plans.
4. The Planning Commission shall review the plan and make its recommendation to the Council. Within the time frame provided by Minnesota Statutes section 15.99 following receipt of the completed application, the City Council shall render its decision granting or denying the report and plans. Such plans and specifications shall remain a part of the permanent records of the City Council.
5. When appropriate, as determined by the Zoning Administrator to other special review agencies such as the Watershed Districts, Soil Conservation Services, Highway Departments or other affected agencies.

D. Limitation on Development Stage Plan Approval. Unless a Final Plan covering the area designated in the Development Stage Plan as the first stage of the PUD has been filed within six (6) months from the date Council grants Development Stage Plan approval, or in any case where the applicant fails to file Final Plans and to proceed with development in accordance with the provisions of this Ordinance and/or an approved Development Stage Plan, the approval shall expire. Upon application by the applicant, the Council at its discretion may extend for not more than six (6) months, the filing deadline for any Final Plan when, for good cause shown, such extension is necessary. In any case where Development Plan approval expires, the Council shall forthwith adopt a resolution repealing the General Concept Plan approval and the Development Stage Plan approval for that portion of the PUD that has not received Final Plan approval and re-establishing the zoning and other City Code provisions that would otherwise be applicable.

E. Site Improvements.

At any time following the approval of a Development Stage Plan by the Council, the applicant may, pursuant to the applicable City Code provisions apply for, and the City Engineer may issue, grading permits for the area within the PUD for which Development Stage Plan approval has been given.

4. FINAL PLAN.

A. Purpose.

The Final Plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other City Code provisions as the land use regulation applicable to the PUD. The Final Plan is intended only to add detail to, and to put in final form, the information contained in the Development Stage Plan and shall conform to the Development Stage Plan in all respects.

B. Schedule.

1. The Planning Commission shall review the plan and make its recommendation. Within the time frame provided by Minnesota Statutes Section 15.99 following receipt of the completed application, the City Council shall render its decision granting or denying the report and plans. Such decision shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for the proposed plan. Such plans and specifications shall remain a part of the permanent records of the City Council.

C. Building and Other Permits.

Except as otherwise expressly provided herein, upon receiving notice from the Zoning Administrator that the approved Final Plat has been recorded and upon application of the applicant pursuant to the applicable City Code provisions, all appropriate officials of the City may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved Final Plat provided; however, no such permit shall be issued unless the appropriate official is first satisfied that the requirements of all codes and City Code provisions in which are applicable to the permit sought, have been satisfied.

D. Limitation on Final Plan Approval.

Within one (1) year after the approval of a Final Plan for PUD, or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted as hereinafter provided, automatically render void the PUD permit and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of this Ordinance, and other City Code Provisions, applicable in the district in which it is located. In such cases, the Council shall forthwith adopt an ordinance repealing the PUD permit and all PUD approvals and re-establishing the zoning and other City Code provisions that would otherwise be applicable. The time limit established may, at the discretion of the Council, be extended for not more than one (1) year.

E. Inspection During Development.

1. Compliance with Overall Plan. Following Final Plan approval of a PUD, or a stage thereof, the Zoning Administrator shall, at least annually until the completion of the development, review all permits issued and construction undertaken and compare actual development with the approved development schedule.
2. If the Zoning Administrator finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD plans as finally approved, he/she shall immediately notify the Council. Within thirty (30) days of such notice, the Council shall either by ordinance revoke the PUD zoning, and the land shall thereafter be governed by the regulations applicable in the district in which it is located; or shall take such steps as it shall deem necessary to compel compliance with the Final Plans as approved; or shall require the landowner or applicant to seek an amendment to the Final Plan.

1105.15 SUBD. 4. SUBMISSION REQUIREMENTS. Ten (10) copies of the following exhibits, analysis and plans shall be submitted to the Planning Commission and Council during the PUD process.

1. GENERAL CONCEPT STAGE

A. General Information:

1. The landowner's name and address and his/her interest in the subject property.
2. The applicant's name and address if different from the landowner.
3. 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.
4. 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 interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidences as the City Attorney may require to show the status of title or control of the subject property.

B. Present Status:

1. The address and legal description of the subject property.
2. The existing zoning classification and present use of the subject property and all lands within one thousand (1,000) feet of the subject property.
3. A map depicting the existing development of the subject property and all land within one thousand (1,000) feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred (100) feet of the subject property.

C. Written Statement.

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 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.

D. Site Conditions.

Graphic reproductions of the existing site conditions at a scale of one hundred (100) feet.

1. Contours shown at minimum two (2) foot intervals.
2. Location, type and extent of tree cover.
3. Slope analysis.
4. Location and extent of water bodies, wetlands and streams and floodplains within three hundred (300) feet of the subject property.
5. Significant rock outcroppings.
6. Existing drainage patterns.
7. Vistas and significant views.
8. Soil conditions as they affect development.

All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for clear reference.

E. Schematic Drawing.

Schematic drawing of the proposed development concept including but not limited to the general location of major circulation elements, fire lanes, public and common open space, residential and other land uses.

F. Number of Dwelling Units.

A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations 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 uses.

2. Area devoted to use by 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.

G. Schedule of Development.

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 stages 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 the overall chronology of development to be followed from stage to stage.

H. Common Space Provisions.

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.

I. Restrictive Covenants.

General intents of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

J. Utility Plans.

Schematic utilities plans indicating placement of water, sanitary and storm sewers and lighting.

K. Exceptions.

The City Council 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 for PUD approval.

L. Submittal of Additional Information.

The City Council may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD or any aspect or stage thereof.

2. DEVELOPMENT STAGE.

Development stage submissions should depict and outline the proposed implementations of the general concept stage for the PUD. Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

- A. Zoning classification required for development stage submission and any other public decisions necessary for implementation of the proposed plan.

- B. Ten (10) sets of preliminary plans, drawn to a scale of not less than one (1) inch equals one hundred (100) feet (or scale requested by the Zoning Administrator) containing at least the following information:
1. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat theretofore recorded in Scott County).
 2. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.
 3. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area, of proposed buildings, and existing buildings which will remain, if any.
 4. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all elements.
 5. Location, designation and total area of all common open space.
 6. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
 7. Proposed lots and blocks.
 8. The location, use and size of structures and other land uses on adjacent properties.
 9. Detailed sketches and provisions of proposed landscaping.
 10. General grading and drainage plans for the developed PUD.
 11. Any other information that may have been required by the Planning Commission and City Council in conjunction with the approval of the general concept plan.
- C. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.
- D. A tabulation indicating the number of residential dwelling units and expected population.
- E. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g., drug store, dry cleaning, supermarket).
- F. Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including manufactured homes.
- G. 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, blocks, public and common open space, general landscaping plan, structure, including mobile homes and uses.
- H. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan.
- I. A preliminary plat prepared in accordance with the subdivision regulations.

- J. 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.
- K. A statement summarizing all changes which have been made in any document, plan data or information previously submitted, together with revised copies of any such document, plan or data.
- L. Such other information as the Planning Commission, Zoning Administrator or Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.
- M. The City Council may excuse an applicant from submitting any specific item of information or document required in this Section it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

3. FINAL PLAN STAGE.

After approval of a general concept plan for the PUD and approval of a development stage plan for a section of the proposed PUD, the applicant will submit the following material for review by the City staff prior to issuance of a building permit.

- A. Proof of recording any easements and restrictive covenants prior to the sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.
- B. All certificates, seals and signatures required for the dedication of land and recording of documents.
- C. Final architectural working drawings of all structures.
- D. A final plat and final engineering plans and specifications for streets, utilities and other public improvements, together with a City/Developer Agreement for the installation of such improvements and financial guarantees for the completion of such improvements.
- E. Any other plan, agreements, or specifications necessary for the City staff to review the proposed construction. All work must be in conformance with the Minnesota State Uniform Building Code.

(Ord.09-05, Section 1105.15, Adopted December 21, 2009).