

SECTION 542 - ZONING: PLANNED UNIT DEVELOPMENTS

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SECTION 542 - ZONING: PLANNED UNIT DEVELOPMENTS
(ADDED, BILL NO. 2007-19)

542.01. Purpose. Subdivision 1. Planned unit development (PUD) regulations provide an opportunity for innovative and creative development, while assuring that the development will complement existing neighborhood character. These regulations allow flexibility beyond that allowed by other zoning districts, if the proposed development is well designed and can be successfully integrated into the neighborhood. Planned developments provide flexibility in the application of the zoning code as it pertains to dimensional requirements, density and land uses without the use of the variance procedure of the code. Planned developments are also intended to encourage the efficient use of land and resources, to promote efficiency in public and utility services, and to encourage innovation in the planning and building of all types of development.

542.03. Scope of PUD Districts. Subdivision 1. Planned district regulations are applied in conjunction with a guiding district, as described in the following table. The planned district provisions may modify any portion of the regulations of the guiding district or other regulations of the code. The provisions may apply additional requirements or allow exceptions to general regulations. The specific regulations of the guiding district or other regulations of this code apply unless the planned district provides other regulations for the same specific topic.

PUD District	Abbreviation	Guiding Districts
Planned Residential	PR	R & R-1
Planned Two Family Residential	PMR-1	MR-1
Planned Multi-Family Residential	PMR	MR-2 & MR-3
Planned Service Office	PSO	PSO
Planned Neighborhood Commercial	PC-1	C-1
Planned General Commercial	PC-2	C-2
Planned Mixed Use	PMU	MU-N, MU-C, & MU-R
Planned Industrial	PI	I

Subd. 2. Minimum area. A PUD district shall contain not less than one acre (43,560 square feet) in lot area.

Subd. 3. PMR-1 density limitation. In the PMR-1 District, the density of two-family dwellings shall not exceed ten dwelling units per acre.

Subd. 4. Mixed or multiple land uses. Both residential and non-residential land uses may be included in a single PUD district provided that:

- a) The uses are those that are authorized in one of the eight types of PUD districts;

- b) The land use that is not normally allowed in the guiding district shall not occupy more than 25 percent of the gross floor area in the planned unit development; and
- c) Notwithstanding the foregoing, an adult establishment as defined and regulated in Section 1196 of the City Code is not permitted in any PUD district other than a PC-2, PMU, or PMI district.

542.05. PUD review procedures. Subdivision 1. Applications for rezoning to PUD and approval of a site plan in a PUD zoning district shall follow these steps:

- 1) Concept plan review
- 2) Preliminary development plan review (PDP)
- 3) Final development plan (FDP) review.

Subd. 2. Optional submission of final development plan (FDP). In cases of single-stage PUDs, or where the applicant wishes to begin the first stage of a multiple-stage PUD immediately, the applicant may at his option submit an application for the FDP review simultaneously with the concept plan review. In such case, the applicant shall comply with all provisions of this chapter applicable to submission of the FDP. The Planning Commission and City Council shall consider such applications simultaneously and shall grant or deny the FDP in accordance with the provisions of Section 542.11.

542.07. Concept plan review. Subdivision 1. The purpose of the PUD Concept Plan is to afford the applicant an opportunity to have the general feasibility of a PUD proposal informally reviewed by the City without incurring substantial expense.

Subd. 2. Required information. A PUD concept proposal statement shall provide the following information, a completed application form and the required review fee:

- a) Name and address of person(s) requesting establishment of the PUD district;
- b) A drawing that identifies the location and boundaries of the proposed PUD district;
- c) A preliminary site plan with a written narrative and financial/funding summary; the narrative shall describe how the PUD advances the objectives of the Comprehensive Plan and why the PUD serves better than the regulations of the guiding district to meet those objectives.
- d) Anticipated timing for each stage of development; and

- e) Any additional information as required by the Director to determine the PUD's conformance to the Comprehensive Plan and any applicable redevelopment plans.

Subd. 3. Response to the PUD concept proposal statement. Within 20 days of receiving a completed PUD concept plan application, the Director shall produce a written response to the application that may include comments and/or recommendations. A PUD application may proceed only after a response has been submitted to the applicant. Acceptance of or response to the PUD concept plan by the Director shall not constitute or require approval of the PUD rezoning or site plan. Review by the Planning Commission or City Council of a Concept Plan is not mandatory but may be conducted at the request of the applicant or the recommendation of the Director.

542.09. Preliminary development plan review. Subdivision 1. All PUD preliminary development plans shall be reviewed under the zoning amendment process as set forth in Section 547.07 of this code.

Subd. 2. Required information. In addition to the information required under Section 547.07 of this code, the following must be information is required:

- a) If land encompassed within a proposed PUD is to be platted, replatted or subdivided, all material for review under Section 500 of the City Code is also required. Subdivision review under Section 500 shall be carried out simultaneously with the review of a PUD.
- b) Proposed declarations of covenants, conditions and restrictions, articles of owners, associations and all other such documents as the City may deem necessary in such form and containing such provisions as will ensure:
 - i. That adequate property control is provided to protect the individual owner's rights and property values; and
 - ii. To ensure continuing compliance with the PUD, as approved.
- c) The City shall require that declarations of covenants, conditions and restrictions, or other documents provide that in the event any association or corporation fails to maintain properties in accordance with the applicable ordinances and regulations of the City or fails to pay taxes or assessments on properties as they become due, and in the event the City incurs any expenses in enforcing its ordinances or rules and regulations, which expenses are not immediately reimbursed by the association or corporation, the City shall have the right to assess each property its pro rata share of such expenses. The assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made.

Subd. 3. Required findings. The findings necessary for approval of a PUD application shall be as follows:

- a) The proposed development conforms with the goals and objectives of the City's Comprehensive Plan and any applicable redevelopment plans;
- b) The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries;
- c) The development is in substantial conformance with the purpose and intent of the guiding district, and departures from the guiding district regulations are justified by the design of the development; (Amended, Bill No. 2002-22)
- d) The development will not create an excessive burden on parks, schools, streets or other public facilities and utilities that serve or are proposed to serve the development;
- e) The development will not have undue adverse impacts on neighboring properties; and
- f) The terms and conditions proposed to maintain the integrity of the plan are sufficient to protect the public interest.

Subd. 4. Limitation on preliminary development plan approval. The City Council's approval of a PUD preliminary development plan shall expire unless:

- a) Construction has commenced or an application for final plat has been filed within one year of the date the City Council approves the PUD preliminary development plan, or
- b) Construction has commenced or an application for final plat has been filed within two years of the date that the City Council approves the corresponding final plat for the first stage or the entire boundary of the PUD preliminary development plan, or
- c) The applicant files a written request for an extension with the Director at least 14 days prior to expiration of Council approval. Upon receipt of said request the following process shall be carried out:
 - i. The Director shall place the applicant's request on the agenda of a regularly scheduled Council meeting to held within 30 days of the filing of the extension request;
 - ii. The Council at its discretion may grant the extension for not more than one year if such extension is demonstrated to be necessary. One such extension may be made.

Subd. 5. Site improvements. A grading permit may be issued at any time following the City Council's approval of the PUD Development Plan.

542.11. Final development plan and conditional use permit. Subdivision 1. Upon approval of the PUD application and rezoning, but prior to issuance of building permits, the applicant shall submit a final development plan together with an application for a conditional use permit for the development shown in the final development plan. This plan must be consistent with the approved PUD application. Final development plans and conditional use permits shall be processed according to the procedures established in Section 547.09, Subdivisions 4 and 5.

Subd. 2. Submittal requirements. Application for final development plan and conditional use permit approval shall consist of the following:

- a) If required, a final plat of the land to be developed;
- b) All materials required under Section 542.09 in "final" form;
- c) Additional information as required by the Director or Council.

Subd. 3. Legal instruments. As part of the final development plan and conditional use permit, the applicant shall submit "final" declarations or covenants, conditions and restrictions, articles of owners, associations and all other such documents as the City may deem necessary pursuant to Section 542.09, Subdivision 2 of this code.

Subd. 4. Building Permits. Upon approval by the Director, the building permit application, along with the appropriate information required for building permits shall be submitted to the Building Official who shall process the building permit in conformance with the Building Code.

Subd. 5. Security deposit. Security deposits shall be provided in accordance with Section 547.17 of this code.

542.13. Amendments to an approved PUD final development plan. Subdivision 1. Amendments to an approved PUD Development Plan shall be administered as follows.

Subd. 2. Minor Amendments. Minor amendments to a PUD final development plan are:

- a) Size increases to signage approved as part of the PUD (Changes that do not result in an increase in signage or changes to signage not included in the final development plan do not require an amendment. All changes to signage require a sign permit.);
- b) Landscape changes;
- c) Parking lot configuration changes (not change in number of spaces);
- d) Less than a ten percent change in floor area in any one structure;

- e) Less than a ten percent change in the approved separation of buildings;
- f) Less than five percent change in the ground area covered by the project;
- g) Less than a five percent change in the number of residential units; or
- h) Less than a five percent change in the number of parking spaces.

Subd. 3. Major Amendments. Major amendments to a PUD final development plan are:

- a) Any decrease in the amount of approved open space;
- b) More than a ten percent change in floor area in any one structure;
- c) More than a ten percent change in the approved separation of buildings;
- d) Any change in the original approved setbacks from property lines;
- e) More than five percent change in the ground area covered by the project;
- f) More than five percent change in the number of parking spaces; or
- g) The introduction of new uses not included in the FDP approval.

Subd. 4. Review of minor amendments. Proposed minor amendments (as specified in Subdivision 2 above) to a PUD Development Plan shall be reviewed and decided by the Director. Decisions of the Director may be appealed to the City Council. The Director may determine that a proposed minor amendment is in fact a major amendment and may refer such proposed amendments to the Planning Commission and Council according to the procedure established in Subd. 5, below. Application fees for a minor amendment to a PUD Development Plan are set forth in Appendix D of this code.

Subd. 5. Review of major amendments. Subdivision 1. Any major amendment to a PUD Development Plan shall be considered by the Planning Commission at a public hearing. The recommendation of the Planning Commission shall be considered by the City Council. Any major amendment shall require a majority vote of the Council.

Subd. 6. Determining if the Underlying PUD District Must Be Rezoned. Subdivision 1. Proposed amendments to a PUD Development Plan that would substantially change the use of the proposed development from one zoning classification to another will require that the parcel in question be rezoned to the appropriate PUD district. Procedural requirements for a rezoning are set forth in Section 547.07. (Amended, Bill No. 2002-22)

542.15. Fees. The application fee for a PUD or amendment thereto is set by Appendix D of the City Code. In addition, legal fees, consultant fees, and other reasonable costs incurred by the City in its review and consideration of the PUD application shall be paid by the applicant.