

SECTION 21 PLANNED UNIT DEVELOPMENT

Subdivision 1: INTENT

The purpose of this Section of the Zoning Ordinance is to provide for the grouping of land parcels for development as an integrated, coordinated unit as opposed to traditional parcel-by-parcel, piecemeal, sporadic and unplanned approach to development. This Section is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities. The City intends Planned Unit Developments (PUD) to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and a harmonious selection and efficient distribution of uses, these regulations are not intended as subdivision regulations and should not be confused as such. Planned Unit Developments shall be of two types:

- A. Planned Unit Residential Development, and
- B. Planned Unit Commercial Development.

Subdivision 2: CONDITIONAL USE PERMIT REQUIRED.

Planned Unit Developments require a conditional use permit for the zoning district in which the proposed PUD is located. Unless specifically varied in the conditional use permit, the underlying zoning district's permitted uses, rules, regulations and requirements shall govern the PUD.

Subdivision 3: SUBDIVISION REGULATIONS.

The City intends that the proposed PUD property be subdivided simultaneously with the conditional use permit application. The

property's subdivision and/or platting as a PUD will be subject to the subdivision approval and recording requirements of the City and state law.

Subdivision 4: PUD APPLICATION.

1. Application and Fee. Applicants must apply for a PUD by filing for a conditional use permit under this Ordinance and paying the required fee. All property owners within the proposed PUD's boundaries must sign the PUD application.
2. Application Fee. The City Council may establish a PUD application fee by resolution.
3. Development Plan. The conditional use permit application for a PUD must be accompanied by twenty (20) copies of a development plan 11"x17" and six (6) full size (approx.. 22"x34") copies, drawn to a scale of not more than fifty (50) feet per inch, showing the following:
 - A. The ownership and developer of the proposed development.
 - B. The entire outline, property lines, overall size and dimensions and area of the tract described in the application.
 - C. The use, zoning and ownership of all adjacent properties within one hundred (100) feet of the tract boundaries including the location of all structures and the right-of-way width and traveled width of all adjacent public roadways.
 - D. The existing and proposed topography and other natural features, including soils, vegetation, slopes, water features and wildlife, of the tract with spot contours to be taken.

- E. The location, general exterior dimensions (square footage, height and other dimensions), distances between all building, distances between buildings and all lot lines, and approximate gross floor areas of all proposed buildings and structures.
- F. The type of each use proposed to occupy each building and the approximate amount of building floor area devoted to each separate use.
- G. The proposed location, arrangement and number of automobile parking stalls.
- H. The proposed location, arrangement and general dimensions of all truck loading facilities.
- I. The location and dimensions of all vehicular entrances, exits, and driveways and their relationship to all existing or proposed public streets and walkways.
- J. The location and dimensions of pedestrian entrances, exits and walks.
- K. The general drainage system.
- L. The location and dimensions of all walls, fences and plantings designed to screen the proposed district from adjacent uses.
- M. The types and location of all ground covers and landscaping.
- N. 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.

- O. A proposed construction schedule. If the proposed PUD's construction is to be in stages, then the components contained in each stage must be clearly delineated. The development schedule must indicate the starting date and the completion date of the complete development plan.

4. Certificate of Survey.

Subdivision 5: APPLICATION PROCEDURE.

A conditional use permit application for a PUD will be governed by the procedures set forth in Section 22 for a conditional use permit.

- 1. Application Deadline. The City Clerk must receive completed applications at least ten (10) business days prior to the Planning Commission's next scheduled meeting.

Subdivision 6: PROPERTY CONTROL

The proposed PUD development property must be under unified control at the time of application, and be planned and scheduled to be developed as a whole. The applicant must have acquired actual ownership of or executed a binding sales contract for all of the property comprising the proposed tract. If more than one owner is involved, each owner must agree to be bound by the conditions and regulations which will be effective within the PUD and to record any covenants, easements and other provisions the City requires.

Subdivision 7: DECLARATION.

- 1. Filing with City. Before the use, occupancy, sale or execution of contracts for sale of an individual building

unit, parcel, tract, townhouse, apartment, or common area, the owner must obtain the City's approval and file with the City a declaration of covenants, conditions and restrictions or an equivalent document with the City before filing the declaration, document or floor plans with the Benton County, Minnesota recording office.

2. Land Subject to Declaration. The declaration of covenants, conditions and restrictions or equivalent document must specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments will subject the properties to the declaration's terms.
3. Owners' Association. Where deemed applicable, the declaration of covenants, conditions and restrictions should provide that an owners' association or corporation be formed and that all owners be members of the association or corporation which maintain all common areas in good repair and which will assess individual property owners proportionate shares of joint or common costs. This declaration will be subject to the City Attorney's review and approval. This requirement's intent is to protect the property values of the individual owner through establishing private control.
4. City's Assessment of Costs. The declaration must also provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City or fails to pay taxes or assessments on properties as they become due and if the City incurs any expenses in enforcing its rules and regulations, which expenses are not immediately reimbursed by the association or corporation, then the City will have the right to assess each property its pro rata share of the expenses. The assessments, together with interest and collection costs, will be a lien on each property against which each assessment is made and, in addition, each

assessment, together with its interest and collection costs, shall also be a personal obligation of the person who was the owner of the property at the time when the assessment became payable.

5. Subdivision. It is the intent of the Ordinance to require subdivision of property simultaneous with application for conditional use. The subdivision and/or platting of land as a planned unit development shall be subject to the requirements for approval and recording with the Benton County Recorder as have been established by the City.

Subdivision 8: GENERAL DEVELOPMENT PROVISIONS

1. Yards.
 - A. Front & Side Yards. The front and side yard restrictions at the periphery of the Planned Unit Development site at a minimum are the same as imposed in the respective districts.
 - B. Roadway Setback. Buildings must be set back at least fifteen (15) feet from the back of the lot line along those roadways which are part of the internal street platform.
2. Roadways
 - A. Private roadways within the project must have an improved surface of twenty-five (25) feet or more in width and shall be so designated as to permit City fire trucks to provide protection to each building.
 - B. No portion of the required twenty-five (25) foot road system may be used in calculating required off-street parking space.

- C. The PUD site must abut, and the major internal street or streets serving the PUD must be connected to at least one (1) arterial public street.

3. Utility Connection

- A. Water Connections. Where more than one (1) property is served from the same service line, a shut off valve must be located so that the City may shut off each unit's service in addition to the normally supplied shut off at the street.
- B. Sewer Connections. Where more than one (1) unit is served by a sanitary sewer lateral which exceeds three hundred (300) feet in length, provisions must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning will be the responsibility of the property owners association, or owner.
- C. Building Types. In addition to the conventional type of construction and arrangements of building, structures uses and property as allowed by this Ordinance, it will be permissible to cluster, adjoin, and attach structures in a row house, townhouse, patio home or similar style of development within the Planned Unit Development. The number of units under this Section, shall not exceed the number of units or structures allowable under the standard development requirements of the district classification which applies to said property.

4. Subdivision and Ownership. It shall be permissible within a Planned Unit Development to subdivide properties into lesser size parcels for individual ownership and create common open space areas in undivided proportions under joint ownerships. Such ownership arrangements are commonly defined as condominium and/or cooperative developments. The joint area of the project must, however, conform to the minimum area requirements established for the respective district classification which jointly applies to the property.
5. Minimum Project Size.
 - A. Within residential districts a Planned Unit Development shall not be applied to a parcel of land containing less than one (1) acre.
 - B. Within a commercial or industrial district a Planned Unit Development shall not be applied to a parcel of land containing less than two (2) acres.
6. Density Bonus. As a consequence of all Planned Unit Development's planned and integrated character, the number of dwelling units allowed within the respective zoning district may be increased by 5%. The building, parking and similar requirements for these extra units shall be observed in compliance with this Ordinance.
7. Public Services. The City Water and Water System shall serve the proposed project and fire hydrants shall be installed at such locations as necessary to provide fire protection.
8. Municipal Improvements. All municipal improvements must be completed (with roadways having at least one lift of blacktop) before building permits are issued.

Subdivision 9: REVIEW AND EVALUATION

The review and evaluation of a proposed Planned Unit Development and supportive materials and plans shall include but not be limited to the following criteria:

1. Adequate property control is established and provided to protect the individual owner's rights and property values and to define legal responsibilities 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 useable 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 uses.
5. The architectural design of the projects is compatible with the surrounding area.
6. The drainage and utility system plans are submitted to the City Engineer and are subject to his approval.
7. The development schedule insures a logical development of the site, which will protect the public interest and conserve land.
8. Principle and accessory uses and requirements are in compliance with the district provisions in which the development is intended.

Subdivision 10: COSTS OF ENFORCEMENT

The applicant shall pay all costs incurred by the City, including, but not limited to, administrative staff time, engineering, legal, planning, and inspection expenses, in

connection with the application, including approval and acceptance of the application and review of site plans and documents, as well as any other required agreements for the application.

Section 21 Planned Unit Development, Subd 4 (3) Site Plan - Certificate of Survey was amended by Ordinance Number 399 adopted August 9, 2011 and published May 22, 2012.

Section 21 Planned Unit Develop, Subdivision 10 – Costs of Enforcement, was added by Ordinance Number 414, adopted November 5, 2013, and published November 12, 2013.