

Section 17 R-5 PLANNED UNIT DEVELOPMENT DISTRICT

Intent: The purpose of a Planned Unit Development District is to provide for the grouping of land parcels for development as an integrated, coordinated unit. In order to better provide for community health, welfare, and safety needs, greater flexibility of development is conditionally allowed than would be possible under strict application of the Zoning Ordinance. It is further intended to encourage one or more of the following:

1. Promote mixed uses so that not only may the unit be solely residential or commercial but it may also contain a combination of uses (mixed residential or residential-commercial) for greater convenience to the residents.
2. Development that preserves natural vegetation, topographic, and geologic features:
3. Conserve land for common open and recreational space through clustering of buildings and activities; and
4. Create an efficient use of land resulting in smaller networks of utilities and streets thereby lowering housing costs and public investment.

These regulations are not intended as subdivision regulations and do not replace them.

Subdivision 1: PROCEDURES AND REQUIREMENTS FOR ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT

1. Concept Review Phase - The establishment of a PUD may be initiated by the submission of a Concept Plan by the applicant for review by the Zoning Administrator and Planning Commission. The purpose of the review is to give guidance as to the suitability of the project, including conformity to the Ordinance and the Land Use Plan. Twelve (12) copies of the following shall be made available to the city at least three weeks in advance of the review meeting:
 - a. Base map showing applicant's land and uses in adjoining property:
 - b. Physical feature map showing the general topography, trees, water courses;

- c. Concept Plan generally outlining proposed uses, densities, access and open space.

The Commission shall complete its review within forty-five (45) days of submission.

2. Preliminary Development Phase - The preliminary development phase shall follow upon Planning Commission recommendations resulting from the concept review phase.

- a. The first step in the preliminary phase shall be the application for rezoning to an R-5 district in accordance with procedures outlined in Section 22 of this Ordinance.

- b. Following approval of the rezoning request, the applicant shall submit a preliminary plat accompanied by a preliminary plan. Except as modified in this section, the preliminary plat shall conform to the design requirements specified in the Subdivision Ordinance. The preliminary plan shall be composed of a map and a written narrative showing and describing the following:

- i. Land uses of each lot and proposed population density;
- ii. Location and size of all common open space, recreation, and service areas (if any);
- iii. Areas for cluster or zero lot line development (if any);
- iv. Reasons showing the consistency of proposal with the intent of a PUD and the Land Use Plan;
- v. For any project involving more than one year's construction time, the applicant shall submit a proposed schedule of construction. The components of each construction stage must be delineated. The schedule shall indicate the approximate starting and ending dates for each stage and for the complete project;
- vi. Since the property is to be developed as a unified whole, evidence that the applicant has sufficient control over the whole property to effectuate the proposed PUD.

The map portion of the preliminary plan may be incorporated into the preliminary plat.

- c. The preliminary plat and plan shall be submitted first to staff and then to the Planning Commission for its recommendation and forwarded to the City Council for final approval.
 - d. At its discretion, the Planning Commission may consider and make recommendations on the preliminary plat and its accompanying preliminary plan at the same meeting as the zoning request.
3. Final Development Phase - Following the completion of the Preliminary Development Phase, the applicant shall enter into the Final Development Phase. It is recognized that certain PUD projects may involve construction over an extended period of time. Therefore the Final Development Phase may occur in stages. Whether review is to occur in stages or as a whole, the Final Development Phase shall include the following:
- a. Application for approval of a final plat in accordance with the Subdivision Ordinance.
 - b. At the same time an application shall be made for a conditional use permit in accordance with Section 8 of this Ordinance, except as modified by this section.
 - c. A Final Development Plan, composed of a map, a site plan and a written narrative, shall be included with the application for a conditional use permit. The plan is incorporated in the conditional use permit. The plan shall include the following:
 - i. Final form of the information contained in the Preliminary Development Plan;
 - ii. A traffic and circulation plan showing any pedestrian walkways, private roadways, and egress/ingress to public streets;
 - iii. Preliminary architectural drawings, including elevation and perspective of all proposed structures;
 - iv. Standards for exterior finish, exterior lighting, location and type of exterior signs, architectural style and any other variables that will be controlled in the design of buildings in the development area;
 - v. Proposed solid waste storage and disposal;
 - vi. Landscaping plan showing tree cover, other ground cover and location of all buffer strips

- (walls, fences, plantings) designed to screen the district from adjacent uses;
- vii. Location and size of all common open space, recreation and service areas (if any). Agreements of covenants that govern continued use and maintenance of such space and facilities.

The map portion of the final plan may be incorporated in the final plat.

- d. Single and two family detached, non-clustered dwellings are exempt from the requirement for a Conditional Use and Final Development Plan but must conform to the normal zoning Ordinance requirements for those uses.

4. Limitations of Phase Approvals:

- a. Unless a final development plan covering the whole part of the proposed PUD has been filed within twelve (12) months of City Council approval of the Preliminary development plan, the approval shall expire. Upon application by the proposer the council, for good cause, may extend the filing deadline for not more than six (6) months.
- b. If no construction has begun in the PUD within one year from council approval of the final development plan, all approvals regarding the PUD shall expire. This supersedes any limitations on expiration of conditional use permits. Upon application, the council, for good cause, may extend the construction deadline for not more than one year.
- c. No building permit for construction shall be issued until at each development stage the developer:
 - i. Is in compliance with this section of the Ordinance.
 - ii. Has filed copies of any required covenants or agreements relative to the provision, use and maintenance of required common open spaces and facilities.
- d. No changes may be made in the approved final plan during construction of the PUD except by approval of the City Council after recommendation by the Planning Commission.

Subdivision 2: PROPERTY CONTROL

1. At all phases an application for PUD approval must be filed by the landowner or jointly by all landowners of the property to be included in the project. The application and all submissions must be directed to development of the property as a unified whole. In case of multiple ownership the approved conditional use permit, final plan, and final plat shall be binding on all owners.
2. In the event that common open space, recreational facilities, or service facilities are provided within the PUD, the owner of such land and structures shall enter into an agreement with the city to assure continued operation and maintenance to a predetermined reasonable standard. These common areas shall be placed under single ownership or central management (by one of the following methods) as determined by the City Council:
 - a. Dedicated to the public where a community wide use would be anticipated;
 - b. Landlord control;
 - c. Landowners Association under an agreement approved by the City Attorney.

Subdivision 3: General Development Provisions

1. Front, side yard and height requirements:
 - a. The regulations at the periphery of the PUD site at a minimum, shall be the same as those of the abutting zoning districts within the city limits.
 - b. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street system.
 - c. Such other requirements as the City Council shall determine necessary to achieve the purposes of this section.
2. Roadways:

- a. Public roadways within the plat shall have an improved surface of 32 feet if on street parking is to be permitted or 24 feet if no on street parking is permitted and in both cases a right of width of 66 feet. All roadways and pedestrian walkways shall be designed so as to permit city fire trucks to provide protection to each building.
 - b. No portion of the street right of way may be used in calculating required off street parking space.
3. Utility Connections:
- a. Water connections: Where more than one property is serviced from the same service line, a valve must be located in such a way that each unit's service may be shut off by the city, in addition to the normally supplied shut off at the street.
 - b. Sewer connections: Where more than one unit is served by a sanitary sewer lateral which exceeds 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.
4. Building Types:
- In addition to the conventional types of construction and arrangement of buildings, structures, uses and property as allowed by this Ordinance, it shall be permissible to cluster, adjoin and attach structures within the PUD.
5. Density of Dwelling Units:
- There shall be no standard minimum density requirement for any PUD. It should be expected, however, that the size of the proposed developments will be logical and such that the purposes of this Ordinance will not be defeated.
6. The building, parking, sign, and general requirements shall be as the City Council shall determine to be necessary or helpful to achieve the purposes of this Section.

Subdivision 4: REVIEW AND EVALUATION

The review and evaluation of a proposed PUD and supporting material and plans shall include, but not be limited to, the following Criteria:

1. There exists a demonstrated need for the proposed uses and the development is consistent with the intent and purpose of this section and the Land Use Plan.
2. The development schedule ensures a logical development of the site that will protect the public interest and conserve land.
3. Where applicable 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.
4. The interior circulation plan plus access from and onto public right of way provides for adequate traffic capacity, ease of maintenance, fire and police protection, and for proper on site parking. Every structure containing dwelling units shall have access to a public street directly, through an area dedicated to public use, or through an area under central management.
5. Provision for recreation areas and other facilities commensurate with the needs generated by the property.
6. The arrangement of buildings, structures and uses does not unreasonably adversely impact on the privacy or property values of surrounding uses.
7. The architectural design of the project is compatible with the surrounding area.
8. The drainage, street, and utility plans are subject to approval of the city engineer.