

CHAPTER 90

PUD, PLANNED UNIT DEVELOPMENT DISTRICT

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01-90-1: PURPOSE: The purpose of the PUD, Planned Unit Development District is to provide comprehensive procedures and standards intended to allow flexibility in the development of residential neighborhoods and/or nonresidential areas than would be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the City Council to make in its legislative capacity. The intent of this Chapter is to:

- A. Provide for the establishment of PUD (planned unit development) zoning districts in appropriate settings and situations to create or maintain a development pattern that complies with the City's Comprehensive Plan.
- B. Allow for the mixing of land uses within a development when such mixing of land uses could not otherwise be accomplished under this Article.
- C. Provide for variations to the strict application of the land use regulations in this Article in order to improve site design and operation, while at the same time incorporating design elements (e.g., construction materials, landscaping, lighting, etc.) that exceed the City's standards to offset the effect of any variations.
- D. Promote a more creative and efficient approach to land use within the City, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the City.
- E. Preserve and enhance natural features and open spaces.
- F. Maintain or improve the efficiency of public streets and utilities.

G. Ensure the establishment of appropriate transitions between differing land uses.

01-90-2: ALLOWED USES: All permitted uses, permitted accessory uses, conditional uses, interim uses, and uses allowed by administrative permit contained in the various zoning districts defined in Chapter 50 of this Article shall be treated as potentially allowable uses within a PUD District, provided they would be allowable on the site under the Comprehensive Plan.

01-90-3: SETBACKS AND BUILDING HEIGHT: The various setback and height regulations of the most closely related conventional zoning district shall be considered presumptively appropriate, but may be departed from to accomplish the purposes described in Section 01-90-1 of this Chapter.

01-90-4: INTEGRATED DESIGN: A PUD shall consist of a harmonious arrangement and selection of land uses in groupings of buildings that are planned and designed as an integrated unit. The integrated design shall include elements such as building orientation and materials, utilities, parking areas, traffic and pedestrian circulation, landscaping, and open spaces.

01-90-5: SKETCH PLAN: Prior to the filing of a formal application, the applicant shall submit a sketch plan of the project to the Zoning Administrator. A sketch plan shall be processed according to the information requirements, standards and procedures for sketch plans as established by Chapter 9 of this Article.

01-90-6: DEVELOPMENT STAGE PLAN: Development stage submissions shall depict and outline the proposed implementation of the sketch plan stage for the PUD. Information from the sketch plan 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, the submission requirements stipulated in Chapter 9 of this Article.

01-90-7: FINAL PLAN: After approval of the development stage plan, the applicant may apply for final plan approval for all or a portion of the PUD. The applicant shall submit the following material for review by and approval of the Zoning Administrator prior to issuance of any building permit(s):

A. If the PUD will be developed in different phases, the applicant shall submit a phasing plan for construction of the various elements of the entire PUD.

- B. Development plans in final form based on the approved development stage plan, covering that portion of the PUD where building permits will be requested under the phasing plan.
- C. 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.
- D. All certificates, seals and signatures required for the dedication of land and recordation of documents.
- E. Final architectural working drawings of all structures.
- F. A final plat and final engineering plans and specifications for streets, utilities and other public improvements, together with a development contract agreement for the installation of such improvements and financial guarantees for the completion of such improvements.
- G. Any other plan, agreements, or specifications necessary for the Zoning Administrator to review the proposed final plan.

01-90-8: PROCESSING:

- A. Pre-application Conference: Prior to the 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 proposal for the area for which it is proposed and its conformity to the provisions of this Article before incurring substantial expense in the preparation of plans, surveys and other data.
- B. Sketch Plan:
 - 1. Application Procedures And Information Requirements: Prior to the filing of a formal application, the applicant shall submit a sketch plan of the project to the Zoning Administrator. A sketch plan will be processed according to the information requirements, standards and procedures for sketch plans as established by Section 01-90-5 of this Chapter.
- C. Development Stage:
 - 1. Application Procedure: PUD zoning applications shall be processed according to the evaluation criteria and procedures outlined in Chapter 4 of this Article.

2. Information Requirement:
 - a. The information required for all PUD development stage plan applications shall be as specified in Section 01-90-6 of this Article.
 - b. The Zoning Administrator, Planning Commission, and/or City Council may excuse an applicant from submitting any specific item of information or document required by this Section which it finds to be unnecessary to the consideration of the specific PUD being considered.
 3. Zoning Enactment: A rezoning of a parcel of land to PUD shall not become effective until such time as the City Council approves an ordinance reflecting said amendment, which shall take place at the time the City Council approves the development stage plan.
- D. Final Stage Plan: After approval of a development stage plan for all or a portion of the proposed PUD, the applicant shall submit the materials outlined in Section 01-90-7 of this Article for review by the Zoning Administrator prior to issuance of a building permit(s).

01-90-9: PERIODIC PUD REVIEW: The City Council may require periodic review of a PUD as a condition to approval of a PUD in order to ensure compliance with the conditions of the PUD. At such times, the City Council may, at its discretion, choose to take additional testimony on the PUD.

01-90-10: PLAN MODIFICATION/AMENDMENT OF A PUD:

- A. Minor Plan Modifications/Amendment: Plan modifications/amendments qualifying as minor as defined by Chapter 9 of this Article shall be processed pursuant to that Section.
- B. Major Modification/Amendment: The same review procedure shall be followed for a major modification/amendment of a PUD as was followed with respect to the applicant's development stage plan, outlined in Section 01-90-8.C of this Article and pursuant to Chapter 4 of this Article.

01-90-11: GENERAL REQUIREMENTS:

- A. Records: The Zoning Administrator shall maintain a record of all PUD zones approved by the City, including information on a project's allowed uses, all pertinent project plans, any conditions imposed on a project by the City Council, and such other information as the Zoning Administrator may deem appropriate.

- B. Withdrawal Of An Application: Any application under this Chapter may be withdrawn by an applicant without prejudice at any time prior to final City Council action thereon.
- C. Platting Of A PUD: In the event that a PUD is to be subdivided into lots or parcels for the purpose of separate ownership, such PUD shall be platted under the platting procedures of the Howard Lake Subdivision Ordinance and the related requirements of Wright County. The preliminary plat shall be processed in conjunction with the development stage plan as outlined in Section 01-90-8.C of this Article. A separate action on the final plat shall be processed before the City Council prior to or in conjunction with the final stage of the PUD.
- D. Conveyance Of Property Within A PUD: In the event that any real property within an approved PUD is conveyed in total or in part, the buyer(s) thereof shall be bound by all provisions of the PUD and the general plan for that project. However, nothing in this Chapter shall be construed as to make such conveyed property nonconforming with regard to normal zoning standards as long as the conveyed property conforms with the approved PUD and the development plan for a project.
- E. Agreement/Financial Guarantee: Following the approval of the development plan but prior to final plan approval, the applicant shall enter into an agreement with the City relating to the terms of the PUD, and shall also provide such financial guarantees as the City requires or deems necessary. Such agreement may take the form of:
 - 1. A development contract; and/or
 - 2. Site improvement performance agreement; and/or
 - 3. Another form of legally binding instrument as may be required by the City.

01-90-12: PLANNED UNIT DEVELOPMENT DISTRICTS: Except as otherwise provided in this Section, planned unit developments approved by the City prior to February 10, 2003 hereof this Article are rescinded. The following properties are zoned planned unit development, in accordance with the identified ordinance or as provided herein:

- A. None.