

530.05. Planned unit development. Subdivision 1. Purpose and intent. The purpose of this subsection of the code 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 subsection is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities. It is further intended that planned unit developments are 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.

Subd. 2. Property control.

- (a) In order that the purposes of a planned unit development may be achieved, the property shall be in single ownership or under the management or supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this code.

- (b) Prior to the sale of individual units, space or lots within a planned unit development a homeowners association membership or a business property owners association membership, or both, must be included as a deed restriction on the property. This restriction shall specify that common open space and multiple owned structures shall be maintained by the association which shall have the power to assess each individual property owner member their proportionate share of the costs. This agreement shall be subject to the review and approval of the city attorney. The intent of this section is to protect the property values of the individual owner.

- (c) Subdivision of land, required improvements. The subdivision or platting of land, or both, or right conditionally permitted as a planned unit development shall be subject to the requirements for approval and recording with the appropriate official of Hennepin County as have been required by the city council.

Subd. 3. Procedures for establishing a planned unit development and subsequent review.

- (a) An application for a conditional use permit shall be filed and processed based upon procedures established by subsection 535.01 of this code.
- (b) Preliminary development plan. The conditional use permit application must be accompanied by a preliminary development plan, drawn to a scale of not more than 50 feet per inch, showing the following:
 - (1) General area-wide development plan (general outline of the site and surrounding area):
 - (i) uses;
 - (ii) zoning;
 - (iii) streets;
 - (iv) grade or topography;
 - (v) densities.
 - (2) Specific site plan:
 - (i) the entire outline, overall dimensions and area of the tract described in the application;
 - (ii) the use, zoning, and ownership of all adjacent properties within 100 feet of the tract boundaries including the location of all structures thereon and the right-of-way width and traveled width of all adjacent public roadways;
 - (iii) the existing and proposed topography of the tract with contour intervals not greater than five feet.
 - (iv) the location, general exterior dimensions and approximate gross floor areas of all proposed buildings;
 - (v) the type of each use proposed to occupy each building and the approximate amount of building floor area devoted to each separate use;
 - (vi) the proposed location, arrangement, and number of automobile parking stalls;
 - (vii) the proposed location, arrangement and general dimensions of all truck loading facilities;

- (viii) the location and dimensions of all vehicular entrances, exists and driveways and their relationship to all existing or proposed public streets;
 - (ix) the location and dimensions of pedestrian entrances, exists and walks;
 - (x) the general drainage system;
 - (xi) the location and dimensions of all walls, fences, and plantings designed to screen the proposed district from adjacent uses;
 - (xii) the types of all ground covers;
 - (xiii) 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.
- (c) Development schedule. The applicant shall submit a proposed schedule of construction. If the construction of the proposed planned unit development is to be in stages, then the components contained in each stage must be clearly delineated. The development schedule shall indicate the starting date and the completion date of the complete development plan.
- (d) Review and evaluation criteria. The evaluation of the proposed plan and development shall include but not be limited to the following criteria:
- (1) adequate property control is provided to protect the individual owners' rights and property values and the public responsibility 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 the general public;
 - (3) a sufficient amount of usable 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 residential uses;
 - (5) the architectural design of the project is compatible with the surrounding area;
 - (6) the drainage and utility system plans are submitted to the city engineer and the final drainage and utility plans must have his approval;

- (7) the development schedule insures a logical development of the site which will protect the public interest and conserve land;
 - (8) minimum lot frontage shall be not less than 20 feet;
 - (9) dwelling unit and accessory use requirements are in compliance with the district provisions in which the development is planned;
- (e) Council action.
- (1) If the council finds that the preliminary development plan meets all of the requirements of a conditional use permit, the council shall approve the same as the final development plan and the applicant shall then be entitled to make application for necessary building permits.
 - (2) If the council finds that the preliminary development plan contains conditions that must be amended in order to meet the requirements of the conditional use permit, they shall return said application together with a statement of the necessary changes and upon receipt of an amended, altered and changed plan meeting the requirements of the city council, the council shall approve said plan as the final development plan and thereupon the applicant shall be eligible to obtain the necessary building permits.
 - (3) The final development plan, together with such covenants, deed restrictions, reservations, controls or variances as are a part thereof, shall become a part of the official file of the city.

Subd. 4. General development provisions.

- (a) Compliance with the final development plan and changes.
- (1) The development of the planned unit development shall be in compliance with the final development plan.
 - (2) Differences between the actual development and proposed development shown in the final development plan not permitted under the foregoing provisions of this subsection will be permitted only if the final development plan is changed with the approval of the city council. Proposed changes shall be reviewed by the planning commission and recommendations forwarded to the council.

- (b) Building permits. Applications for building permits shall be reviewed and approved by the building inspection department after considering the recommendation of the planning commission. Such applications shall be examined to determine if they are in compliance with this code and the final development plan. The following, as appropriate, shall be submitted with any building permit application:
- (1) preliminary plans, elevations, sections and specifications of materials and structural systems for the proposed building or buildings, approved by a registered architect or engineer;
 - (2) a site plan for traffic engineering analysis, showing location and design of the buildings, driveways, driveway intersections with streets, parking areas, loading areas, maneuvering areas and sidewalks;
 - (3) a site grading plan and planting plan, including screen walls and fences, for analysis of adequacy of surface drainage, erosion control, visual screening and landscaping, including sodding;
 - (4) a site plan showing utilities and utility easements;
 - (5) plans for all signs to be erected including details of sign locations, design, size, color, and lighting;
 - (6) a description of the proposed operations in sufficient detail to enable the building inspector to determine if the proposed land use is within the uses permitted in the established district.
- (c) The building inspection department shall process the permit in compliance with the codes of the city. The application submitted to the building inspection department shall include complete and final plans, elevations, sections, and specifications of materials and structural systems for the proposed building or buildings, prepared by a registered architect.
- (d) Off-street parking.
- (1) The minimum number of off-street parking spaces required for a planned unit development shall be the same as required for similar uses in subsection 510.17 of this code.
 - (2) All parking areas and driveways shall be concrete or blacktop and shall meet city specifications applicable thereto. They shall be so graded and drained as to dispose of all surface water. Drainage shall not be across sidewalks or driveways.

- (e) Off-street loading and unloading. No business shall be permitted to receive or dispatch materials by trucks and similar vehicles except at an authorized loading berth which shall be located so that said trucks or other vehicles are entirely removed from public street or frontage sidewalk. Location and number of said loading berths shall be indicated on the plans and shall be approved by the building inspection department at the time of issuance of a building permit. Said loading berth shall be in compliance with subsection 510.19 of this code.
- (f) Landscaping.
 - (1) All open areas of any site, lot, tract, or parcel shall be graded to provide proper drainage and except for areas used for parking, driveways, or storage, shall be landscaped with trees, shrubs, and planted ground cover. Location size and species of trees and shrubs shall be indicated on the site plan and subject to approval by the building inspection department.
 - (2) It shall be the owners' responsibility to see that this landscaping is maintained in an attractive and well kept condition. In case any trees or shrubs shall die, the owners shall replace them with a like species. Any dead or damaged sod shall be replaced.
 - (3) All vacant lots, tracts, or parcels shall be properly maintained in an orderly manner free of litter and junk.
- (g) Storage. Storage as required for similar uses, but also subject to additional provisions as provided by the city.
- (h) Performance standards. Performance standards required of similar uses in this code, but also subject to additional provisions as provided by the city.
- (i) Certificate of zoning compliance. A certificate of zoning compliance stating that all of the provisions of this subsection, together with all provisions and requirements of the final development plan have been fully complied with shall be obtained from the building inspection department before any building in the planned unit development is used or occupied. Application for a certificate of zoning compliance shall be made to the building inspector at such time as the conditions of this subsection and the final development plan are completed. The building inspection department shall, within ten days thereafter, inspect such building or buildings and the adjacent lands connected therewith, and if they find them to be in conformity with the provisions of this code and the final development plan, a certificate of zoning compliance will be issued.

- (j) Periodic review. If construction within the planned unit development or any staging thereof is not begun within one year from the approval of the final plan establishing it, the building inspection department shall report such fact to the city council together with such other information as is available to them concerning any actual or planned changes in the surrounding area with respect to construction of buildings, roads, highways, or other public improvements. The council will then instruct the planning commission to make any necessary reports, or the council will require the applicant to resubmit his application for development plan. If a report is required from the planning commission, the report shall be considered by the council at the next regular meeting or at such other meeting as the council may direct, in order to determine whether the final development plan is consistent with public health, safety or general welfare. The final development plan shall be reviewed and reconsidered at one year intervals until such construction is substantially completed in accordance with the plan.

Subd. 5. Residential planned unit development.

- (a) Purpose. It is the intent of this subdivision to establish provisions for the granting of a conditional use permit for a residential planned unit development which is in compliance with the permitted or conditional uses, or both, allowed in a R-1, R-2 or R-3 district including dwellings, offices and institutional uses of one or more buildings in relation to an overall design, and integrated physical plan and in accordance with the provisions and procedures as prescribed in this code. (Amended, Ord. No. 93-02)
- (b) Minimum project size. The tract of land for which a residential planned unit development is proposed and permit requested shall contain not less than 1.5 acres of land. (Amended, Ord. No. 93-02)
- (c) Required frontage. The tract of land for which a project is proposed and permit requested shall not have less than 200 feet of frontage on the public right-of-way.
- (d) Yards.
- (1) The front and side yard restrictions at the periphery of the planned unit development site at a minimum shall be the same as imposed in the respective districts.
 - (2) No building shall be nearer than its building height to the rear or side property line when such line abuts an R-1 or R-2 district.
 - (3) No building shall be located less than 15 feet from the back of the curb line along those roadways which are part of the internal street pattern.

- (4) No building within the project shall be nearer to another building than one-half the sum of the building heights of the two buildings.
- (e) Height.
- (1) In R-1 and R-2 districts, height limitations shall be the same as imposed in the respective districts.
 - (2) In all zones higher than R-2 there shall be no vertical limitations on any structure except as found in the set-back or density control provisions in the district in which the land is located and in this section.
- (f) Roadways.
- (1) Private roadways within the project shall have an improved surface to 20 feet or more in width and shall be so designed as to permit the city fire trucks to provide protection to each building.
 - (2) No portion of the required 20 feet road system may be used in calculating required off-street parking space.
- (g) Usable open space. Usable open space shall be provided in compliance with the district requirement.
- (h) Density bonus. As a consequence of a planned unit development's planned and integrated character, the number of dwelling units allowed within the respective zoning district may be increased by five percent. The building, parking, and similar requirements for these extra units shall be observed in compliance with this code.

Subd. 6. Commercial planned unit development.

- (a) Purpose. The intent of this subdivision is to establish provisions for the granting of a conditional use permit to erect a commercial planned unit development which is in compliance with the permitted or conditional uses, or both, allowed in B-2, B-3, B-4 BW and DD-1 districts in one or more buildings in relation to an overall design, an integrated physical plan and in accordance with the provisions and procedures as prescribed in this code. (Amended, Ord. No. 93-02; Ord. No. 98-08)
- (b) Minimum project size. The tract of land for which a commercial planned unit development is proposed and permit requested shall contain not less than two acres of land. (Amended, Ord. No. 93-02)
- (c) Frontage. The tract of land for which a project is proposed and a permit requested shall not have less than 200 feet of frontage on a public right-of-way.

- (d) Public services. The proposed project shall be served by the city water and sewer system and fire hydrants shall be installed at such locations as necessary to provide fire protection.
- (e) Yard. No building shall be nearer than 70 feet to the side or rear property line when such line abuts an R-1, R-2, or R-3 district.
- (f) Landscaping, screening, and surfacing.
 - (1) The entire site other than that taken up by structures or landscaping shall be surfaced with a material to control dust and drainage.
 - (2) A drainage system subject to the approval of the city engineer shall be installed.
 - (3) Developments abutting an R-1, R-2, or R-3 district shall be screened and landscaped in compliance with subsection 510.25, subdivision 2 of this code.

Subd. 7. (Added, Ord. No. 93-02) Residential/business planned unit development.

- (a) Purpose. The intent of this subdivision is to establish provisions for the granting of a conditional use permit to erect a residential/business planned unit development which is in compliance with the permitted or conditional uses, or both, allowed in an RB district in one or more buildings in relation to an overall design, an integrated physical plan and in accordance with the provisions and procedures as described in this code.
- (b) Minimum project size. The tract of land for which a residential/business planned unit development is proposed and permit requested shall contain not less than 10 acres of land.
- (c) Frontage. The tract of land for which a project is proposed and a permit requested shall not have less than 1000 feet on a collector street.
- (d) Public services. The proposed project shall be served by the public water and sewer system and fire hydrants shall be installed at such locations as necessary to provide fire protection.
- (e) Buffer yard. The buffer yard regulations set forth in section 510.25, subdivision 11, shall be strictly adhered to.