

CHAPTER 11. PLANNED UNIT DEVELOPMENT

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📖 Section 1100 - Purpose

1100. Purpose. A Planned Unit Development, hereafter referred to as a PUD, is intended to encourage a more efficient and creative use of land and development; more efficient and effective use of streets, utilities, and public services; protection of natural resources; and more efficient and effective provision of recreational, public, and open space than can be achieved through conventional development procedures.

📖 Section 1105 – Public Benefit

1105. Public Benefit. A PUD must provide public benefits to the surrounding neighborhood and to the city above and beyond what can be reasonably achieved by application of the zoning provisions applicable to the underlying zoning district. The nature and scale of public benefit shall be determined by the City and include, but not be limited to:

1105.01 Preservation and enhancement of natural systems and resources, topography, vegetation, and other natural features.

1105.02 Provision of a variety of housing and community types.

1105.03 Provision of recreational amenities including trails and parks.

1105.04 Provisions of pedestrian and non-motorized travel facilities.

1105.05 Use of design, landscape, or architectural features to create pleasing environment or other special development features.

1105.06 Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

1105.07 Improved business and commercial development to enhance the local economy and strengthen the tax base.

1105.08 Enhanced efficiency in the provision of utility services, public infrastructure, or public services.

1105.09 Provision of green infrastructure or enhancement of energy efficiency and environmental design, operation, and maintenance of buildings and properties.

1105.10 Preservation and enhancement of historical or cultural resources that contribute significantly to the character of the city.

1105.11 Provision of mixed-use development.

Section 1110 – General Requirements

1110.01 Platting Required. The PUD must be platted.

1110.02 Consistency with Comprehensive Plan. The PUD shall be consistent with the Hermantown Comprehensive Plan.

1110.03 Applicable Zoning Districts. A PUD may be allowed in any zoning district in the City of Hermantown.

1110.04 Uses Allowed. All permitted and conditional uses listed in the underlying specific district are allowed in a PUD.

1110.04.1 Residential Units. Where residential units are provided as part of the PUD, regardless of underlying district, they may be single-family, two-family, multi-family dwellings, or any other type and arrangement of dwelling permitted in the city. The development of multiple types of residential development is strongly encouraged.

1110.04.2 Neighborhood non-residential. Where the underlying district is a residential zoning district, a PUD may integrate commercial, institutional, and services uses designed and intended to serve the residents of the PUD and surrounding neighborhood.

1110.05 Ownership. The tract of land to be developed as a PUD must be under single ownership or control. The property included in the PUD shall be planned and developed as a single unit.

1110.06 Minimum Area. There is no minimum land size requirement for a PUD, except in the S-1 and R-1 zoning districts where the minimum shall be 5 acres of contiguous land. Applicants must demonstrate that the PUD is of sufficient size and scope for the size or the property to achieve the public benefits described in section 1105.

1110.07 Multiple Uses. The inclusion of mixed uses and multiple uses within a PUD is strongly encouraged.

1110.08 Site Layout. A PUD must achieve a greater site design and public benefit. A PUD may not be simply used as a method to avoid zoning regulations or subdivision regulations such as required setbacks, minimum lot size or public frontage requirements.

1110.09 Authority to Modify Regulations. The City Council shall have the authority in approving any PUD to alter, improve, or create anew any provisions of the Hermantown Zoning Regulations or Subdivision Regulations as they apply to the proposed PUD.

1110.10 Site and Building Design.

1110.10.1 The PUD shall be designed to create a unified environment within the PUD boundaries by ensuring compatibility of all structures, efficient vehicular and pedestrian circulations, aesthetically pleasing landscape and site features, and design and efficient use of utilities.

1110.10.2 More than one building may be placed on one lot in a PUD.

1110.10.3 Common open space must be used for amenity or recreational purposes. Parking areas and traffic corridors shall not be considered an approved use of common open space. The uses authorized for common open space must be appropriately scaled to the size and use of the PUD.

Section 1115 – Application Procedure

1115.01 Pre-Application Conference. Prior to submitting an application for a PUD, the applicant shall participate in a pre-application conference with city staff. The purpose of the pre-application conference is to allow city staff to review and provide comments on the suitability of the development concept as a PUD, as well as to provide guidance to application on the procedures and standards for PUD approval.

1115.02 Preliminary PUD Plan. An application for a PUD shall be filed with the City on forms provided by the City. All formal applications for a PUD shall include at least the following information:

a. General information.

- i. Applicant's name, address, information and interest in the property.
- ii. Owner's name, address, contact information, if different than the applicant, and the owner's signed consent to filing the application.
- iii. Street address and legal description of the property.
- iv. Zoning classification and present use of the property.
- v. Proposed title of the project and the names, addresses, contact information of the architect, landscape architect, planner or engineer on the project.

b. Development Plan. A professionally prepared development site plan shall be drawn at sufficient scale to show required details and contain at least the following information, unless determined not applicable by the Zoning Administrator.

- i. Location, dimensions, and total area of the site.
- ii. Site conditions and existing development on the site and adjacent properties.
- iii. Wetlands, streams, and other significant natural features.
- iv. Proposed density, type, use, and size of all proposed buildings and structures.
- v. Proposed use of all areas of the site.
- vi. All public streets, entrance and exit drives, and walkways, and trails.
- vii. Parking areas.
- viii. Landscaped areas and landscaped types.
- ix. Parks and open spaces and common areas.
- x. Generalized drainage and utility plans.
- xi. Location and intensity of lighting.
- xii. Location and purpose of rights-of-way or easements.

c. Utility Plan completed by a Professional Engineer showing the location and size of all on-site utilities and proposed connections to city water and sewer mains and any required extensions to city water and sewer mains and easements as well as stormwater runoff calculations for both the predevelopment and post development conditions of the site.

d. Information sheets of the following:

- i. Proposed densities.
- ii. Total area of each type of land use.
- iii. All proposed modifications of requested zoning district requirements.

e. A statement showing how the PUD will meet the stated purposes and objectives of the Comprehensive Plan and this section of the Zoning Regulations.

f. A staging plan showing how, when and where development will occur and the number of dwelling units and square footage of non-residential structures to be constructed in each stage.

- g. Any deed restrictions, covenants, agreements, and articles of incorporation and bylaws of any proposed homeowners' association or other documents or contracts which control the use of maintenance of property covered by the PUD.
- h. At the discretion of the Zoning Administrator, the applicant shall submit a traffic study containing, at the minimum, the total and peak hour trip generation for site at full development, the effect of such traffic on the level of service of nearby and adjacent streets and intersections, and total parking requirements.

1115.03 Final PUD Plan. The final development for a PUD shall contain the following:

- a. Final site plan drawn to scale showing the location of all structures including their placement, size and type as well as streets, parking areas and stall arrangement, pedestrian facilities, parking calculations, designed outdoor recreation areas, and common areas.
- b. Landscape plan showing the location, size and species of plant materials and all non-vegetative landscape features.
- c. Building plans at a level of detail sufficient to allow parking calculations to be made and building elevation drawings showing architectural details and proposed building materials.
- d. Final staging plan, if staging is proposed, indicating the geographical sequence and timing of development of the PUD or portions thereof, including the estimated date of beginning and completion of each stage.
- e. Any other information which the City, in its sole discretion, may require to fully present the intention and character of the PUD.

1115.04 Review Procedure. Each PUD shall require preliminary and final approval. At the City's discretion, the preliminary and final PUD approvals may be processed concurrently.

- a. Upon receipt of a complete application for a preliminary PUD, the application shall be reviewed by city staff and a report concerning the application shall be submitted to the planning commission for its consideration.
- b. The Planning Commission shall hold a public hearing and make a recommendation to the City Council after a complete application is received by the City. If the Planning Commission fails to deliver a timely recommendation to the City Council, the City Council may then consider the preliminary PUD without the Planning Commission's recommendation.
 - i. Notice of the time, date, and Notice of the time, place and purpose of the public hearing shall be published in the official newspaper at least ten days prior to the day of the hearing. Notice shall also be mailed at least ten days before the day of the hearing to each owner of affected property and the owners of property situated wholly or partly within 1000 feet of the property affected by the PUD. For purposes of giving mailed

notice, owners shall be those as show to be such on the records of the St. Louis County Auditor. The failure to give mailed notice to individual property owners or defects in notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this notice provision has been made. Notice of a hearing for any special use permit affecting any property in a Shoreland or Floodplain District shall be mailed to the Commission of Natural Resources of the State of Minnesota at least 15 days prior to any such hearing.

ii. **Sign Notice.** Sign notice means a sign with minimum dimensions of 24 in. by 30 in. posted as close as reasonable possible to each street frontage on the applicant's property with the text between 3 ft. and 5 ft. above grade level, with a title line reading 'Planning and Zoning Commission Notice' in letters at least 3 in. tall and with the remainder of the text in letters at least ½ in. tall. Each sign must be posted at least two weeks before the date of the public hearing and must remain in place and legible through the date of the public hearing as shown on the sign. If the sign will not be legible at the stated height due to snow accumulations it may be placed higher, but at the lowest elevation that will be legible to the public. If snow obscures the sign during the posting period, the snow shall be removed and/or the sign shall be relocated so as to be legible within 24 hours after snowfall ends. Evidence produced at or before the public hearing that one or more of the required signs were not in place or legible throughout that period shall be grounds for postponement of the public hearing and a requirement to repost the property. Required signs may not be posted in any portion of the public right-of-way.

iii. **Required Applications.** Sign notice postings shall be required for all Subdivision applications. The creation and posting of the signs shall be the responsibility of the applicant.

iv. **Content of Notice.** Each required notice shall include the following information:

- (a) The name of the applicant;
- (b) The address of the property;
- (c) A narrative description of the project including the proposed land uses, size (in square feet) and height (in feet and stories) of any proposed buildings or building expansions;
- (d) The type of permit or approval being sought;
- (e) Contact information where additional information can be obtained from the applicant (which may be an address, telephone number, web site, or e-mail address of other electronic site or method);
- (f) Contact information for the assigned city staff member;
- (g) The date, time and place of the public hearing.

c. The City Council, by resolution, may approve the preliminary PUD plan in whole or in part, may approve the preliminary PUD plan in whole or in part, may approve subject to conditions, may deny, or may defer consideration of the preliminary PUD plan for further study to a later date.

- d. When a preliminary PUD plan has been denied by the City Council, the owner or applicant may not reapply for the same or similar development on the same property for the six-month period following the date of denial.
- e. The final PUD development plan shall be submitted for approval within 365 days after the City Council approval of the preliminary PUD plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.
- f. The final PUD shall be considered according to the following procedure:
 - i. City staff shall review the final PUD plan and make a report of its findings recommendations to the Planning Commission for its consideration following receipt of the final PUD plan.
 - ii. The Planning Commission shall consider the staff report, other applicable data, and testimony and shall submit its recommendation to the City Council. If the Planning Commission recommends approval of the final PUD plan, it shall find that the final PUD plan is in substantial compliance with the preliminary PUD plan and the comprehensive plan.
 - iii. The Planning Commission shall refer its recommendation on the final PUD to the City Council. If the Planning Commission fails to deliver a recommendation to the City Council, the City Council may then consider the preliminary PUD without the Planning Commission's recommendation.
 - iv. The City Council shall consider the final PUD plan. If the City Council deems it necessary, it may set a public hearing for consideration of the final PUD plan. The City Council may deny the final PUD plan or may approve by resolution the final PUD plan in whole or in part.

(Am. Ord. 2016-50, passed 7-18-16)

1115.05 Development Agreement.

- a. The City may, at its sole discretion, require the owner and developer of a proposed PUD to execute a development agreement which may include, but not be limited to, all requirements of the final PUD plan, agreements on utilities, roads, and other infrastructure as a condition to approval of a final PUD.
- b. The development agreement may require the developers to provide an irrevocable letter of credit or performance bond in favor of the City.

Section 1120 – Changes and Amendments

1120.01 Minor changes that do not substantively alter the approved Final PUD in terms of density, land usage, height, parking and loading, provision of open space, or the physical relationship of the elements of the development may be authorized by the Planning Commission. Minor changes include minor changes in the following:

- a. Location of buildings
- b. Open space
- c. Parking
- d. Reconfiguration of the footprint or massing of buildings
- e. Realignment of minor streets

1120.02 Major changes that do substantively change individual elements of the Final PUD, such as the exact use, square footage or height of individual buildings, the location and size of parking and loading facilities, the location, size and configuration of open spaces, and design or roadways, of the phasing elements of the project. Major changes shall require a public hearing before the Planning Commission and approval by the City Council.

1120.03 Substantial deviations from the Final PUD are such changes that considerably alter the character of the PUD as a whole, including but not limited to significant changes to the land included within the PUD, the total amount of development within the PUD, the balance of residential and non-residential uses, the amount of open space provided, or the conceptual layout of buildings, public spaces, and circulation systems, and phasing. Substantial deviations shall require a new PUD application.

Section 1125 – Time Limit on Approved Planned Unit Development

1125. Time Limit on Approval Planned Unit Development. No PUD approval shall be valid for a period longer than 365 days unless a Building Permit is issued. However, upon written request of the applicant, the 365 day period may be extended by the City Council for such time as it shall be determined and for good cause shown, without further hearing.

Section 1130 – Effect of Approval of a Planned Unit Development

1130. Effect of Approval of a Planned Unit Development. The approval of a final PUD by the City Council shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for such permits or approvals as may be required by the regulation of the City, including, but not limited to a building permit and a Certificate of Occupancy.

Section 1135 – Zoning Map Designation

1135. Zoning Map Designation. Upon approval of the final PUD, the PUD boundaries shall be noted on the official zoning map as it is amended from time to time. The map shall include a numbered reference to the final PUD on file with the City.

(Am. Ord. 2015-01, passed 2-2-2015)