

CHAPTER 11. PLANNED UNIT DEVELOPMENT

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📖 Section 1100 - Purpose

1100. Purpose. The Planned Unit Development (PUD) process provides a mechanism for City officials to consider development proposals that do not meet the minimum requirements provided by the Zoning Code. Benefits resulting from this process include an opportunity for site based design, conservation of natural features and resources, efficient design and use of transportation systems and utilities, improved housing and neighborhood options, and housing affordability and provide for the modification of certain regulations when it can be demonstrated that such modification would result in development which would not have been provided if no regulations were modified; which remains compatible with surrounding development; and, which conforms to the goals and policies of the Comprehensive Plan.

(Am. Ord. 2021-08, passed 9-20-21)

Section 1105 – Public Benefit

1105. Public Benefit. A PUD must provide public benefits 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 Provision 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.

(Am. Ord. 2021-08, passed 9-20-21)

Section 1110 – General Requirements

1110.01 Consistency with Comprehensive Plan. The PUD shall be consistent with the Hermantown Comprehensive Plan.

1110.02 Applicable Zoning Districts. A PUD may be allowed in any zoning district in the City of Hermantown.

1110.03 Uses Allowed. All permitted and conditional uses listed in the underlying zoning district are allowed in a PUD.

1110.03.1 Residential Units. Where residential units are provided as part of the PUD, regardless of the underlying zoning district, they may be single-family, two-family, multi-family dwellings, or any other type and arrangement of dwelling permitted in the Zoning Code. The development of multiple types of residential units is strongly encouraged.

1110.03.2 Mixed Use Development. A PUD may integrate commercial, institutional, and services uses designed and intended to serve the residents of the PUD and surrounding neighborhood regardless of the underlying zoning district.

1110.04 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 tract.

1110.05 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.

1110.06 Multiple Uses. The inclusion of mixed uses and multiple uses within a PUD is strongly encouraged.

1110.07 Site Layout. A PUD must achieve greater site design creativity and flexibility. 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.

1110.08 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.

1110.09 Site and Building Design.

1110.09.1 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 efficient use of utilities.

1110.09.2 More than one building may be placed on one lot or parcel in a PUD.

1110.09.3 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.

(Am. Ord. 2021-08, passed 9-20-21)

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 applicant on the procedures and standards for PUD approval. Density bonus targets and amenities will be discussed pursuant to Section 1115.02 during the pre-application conference. A determination of whether a plat will be required as part of the PUD will be made at the pre-application conference. If a plat is required, the application for the plat and the PUD shall be considered at the same time.

1115.02 Density Bonus. All density bonuses listed below are maximums allowed. The City may award a lower density bonus or no density bonus. An applicant desiring higher densities than allowed in the underlying zoning district shall demonstrate that the higher number will not have an undue or adverse impact upon existing public facilities and is appropriate for that site. In determining the reasonableness of the authorized units per acre, the site-based design, conservation of natural features and resources, efficient design and use of transportation systems and utilities, improved housing and neighborhood options, and housing affordability and amenities beyond Zoning Code requirements may be considered. Maximum density provided for in this Section and required amenity targets identified in Section 1125 will be discussed at the pre-application conference. Once identified, the site-specific bonus density shall not increase, but may be decreased or otherwise modified by the Planning Commission or City Council.

1115.02.01 S-1 and R-2 zoning district – Double density bonus (2 units per 5 acres) and (4 units per five acres)

1115.02.02 R3 – PUDs in an R3 (or residential) zone shall not exceed a moderate suburban density

1115.02.03 Hermantown Marketplace – 50 units per acre for multi-family housing (35 units is maximum density in the Zoning Code)

1115.02.04 Commercial and Industrial Zones – Not applicable

1115.03 Neighborhood Meeting. At an appropriate point during development of a preliminary PUD plan, combined PUD, or major PUD amendment application process, the applicant is encouraged to hold a neighborhood meeting. All property owners within 1000 feet of the PUD shall be given notice of the meeting. The purpose of the meeting is to inform the neighborhood of the proposal, discuss the concepts and basis for the plan being developed, and to obtain information and suggestions from the neighborhood.

1115.04 Preliminary PUD or Combined Preliminary and Final PUD. An application for a Preliminary PUD or Combined Preliminary and Final PUD shall be filed with the City on forms provided by the City. All applications for a Preliminary PUD or Combined Preliminary and Final PUD shall include at least the following information:

1115.04.01 Site plan showing applicant's land and uses in adjoining property and physical features.

1115.04.02 A description of the proposed density, types of uses, and general location of uses.

1115.04.03 Concept utility plan.

1115.04.04 Concept grading and stormwater plan.

1115.04.05 Concept building elevations.

1115.04.06 Concept landscape/screening plan (if over 4 units/acre).

1115.04.07 Narrative stating how the proposed development complies with the goals and policies of the Comprehensive Plan and this Chapter 11.

1115.04.08 General description of provided amenities.

1115.04.09 Other criteria as requested by Community Development Director.

1115.04.10 Wetland impacts.

1115.04.11 Shoreland impacts.

1115.04.12 Identification of proposed density bonus discussed at the preapplication meeting and factors justifying the requested bonus density.

1115.05 Final PUD. An application for a Final PUD shall be filed with the City on forms provided by the City. All applications for a Final PUD shall include at least the following information:

1115.05.1 The Final PUD must include all of the information provided in the Preliminary Plan except it must include any changes required by the City in its approval of the Preliminary PUD.

1115.05.2 A detailed Site plan prepared by a qualified and licensed civil engineer illustrating the proposed use(s) of land; proposed densities; buildings, including square footage, height and other dimensions, distances between buildings and the front, side and rear lot lines, and other buildings located on the property and on property adjacent to the property; wetland areas; shoreland areas; street and

walkway locations; curb cuts and driveways; parking areas and loading areas; open spaces; the locations of easements and utilities (existing and proposed); landscaping (showing size, types and locations); lighting; grading; drainage; project phasing; anticipated variances from setbacks or other regulations of the underlying zone; tabulation of density, land use intensity, lot coverage and acreage; percentages of land devoted to buildings, parking, and open space; and any other information which may be helpful to understanding and evaluating the proposal.

1115.05.3 Drainage plan indicating catch basins and underground improvements and all other stormwater improvements.

1115.05.4 Detailed description and calculation of areas devoted to amenities and open space.

1115.05.5 Designation of ownership of stormwater improvements upon completion of construction.

1115.06 Review Procedure. At the discretion of the Community Development Director, residential PUDs of 4 units/acre or less and/or less than five acres in size may combine the Preliminary and Final PUD requirements and process into one. PUDs over 4 units/acre and/or 5 acres in size are required to make separate Preliminary and Final PUD submissions.

1115.06.1 Preliminary PUD plan or combined Preliminary and Final PUD.

1115.06.1.1 Upon receipt of a complete application for a preliminary PUD, or a combined Preliminary and Final 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.

1115.06.1.2 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 or Combined Preliminary and Final PUD without the Planning Commission's recommendation.

1115.06.1.2.1 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 Preliminary PUD plan or combined Preliminary and Final 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 Preliminary PUD plan or combined Preliminary and Final PUD 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.

1115.06.1.2.2 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 produces 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.

1115.06.1.2.3 Plat. If a Plat is required with respect to the proposed PUD, any public hearing required for any Plat may be combined with the public hearing on the Preliminary PUD or combined Preliminary and Final PUD. A combined action on the Plat and PUD may be taken following the public hearing.

1115.06.1.2.4 Required Applications. Sign notice postings shall be required for all applications for Preliminary PUD Plan or

combined Preliminary and Final PUD plan. The creation and posting of the signs shall be the responsibility of the applicant.

1115.06.1.2.5 Content of Notice. Each required notice shall include the following information:

1115.06.1.2.5.1 The name of the applicant;

1115.06.1.2.5.2 The address of the property;

1115.06.1.2.5.3 A narrative description of the Preliminary PUD plan or combined Preliminary and Final PUD Plan including the proposed land uses, size (in square feet) and height (in feet and stories) of any proposed buildings or building expansions;

1115.06.1.2.5.4 The type of permit or approval being sought;

1115.06.1.2.5.5 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);

1115.06.1.2.5.6 Police, Fire Department and school information;

1115.06.1.2.5.7 Contact information for the assigned City staff member;

1115.06.1.2.5.8 The date, time and place of the public hearing;

1115.06.1.2.5.9 Information on the size, type, location, expected population, and other relevant factors as determined by the Community Development Director shall be provided to the Hermantown Police, Fire Departments and Hermantown school during the Preliminary PUD or combined Preliminary and Final PUD Plan planning process and be given a chance to submit written or oral comments or to meet with the City and Applicant.

1115.06.2 Final PUD

1115.06.2.1 Upon receipt of a complete application for a Final 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.

1115.06.2.2 The Planning Commission shall hold a public hearing and make a recommendation to the City Council after a complete application for a Final PUD 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 Final PUD without the Planning Commission's recommendation.

1115.06.2.2.1 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.

1115.06.2.2.2 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 property affected by the Final PUD Plan 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 produces 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.

1115.06.2.2.3 Plat. If a Plat is required with respect to the proposed PUD, any public hearing required for any Plat may be combined with a the public hearing on the Final PUD. A combined action on the Plat and Final PUD may be taken following public hearing.

1115.06.2.2.4 Required Applications. Sign notice postings shall be required for all Final PUD applications. The creation and posting of the signs shall be the responsibility of the applicant.

1115.06.2.2.5 Content of Notice. Each required notice shall include the following information:

1115.06.2.2.5.1 The name of the applicant;

1115.06.2.2.5.2 The address of the property;

1115.06.2.2.5.3 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;

1115.06.2.2.5.4 The type of permit or approval being sought;

1115.06.2.2.5.5 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);

1115.06.2.2.5.6 Police, Fire Department and school information;

1115.06.2.2.5.7 Contact information for the assigned city staff member;

1115.06.2.2.5.8 The date, time and place of the public hearing;

1115.06.2.2.5.9 Information on the size, type, location, expected population, and other relevant factors as determined by the Community Development Director shall be provided to the Hermantown Police, Fire Departments and Hermantown School District during the Final PUD planning process and be given a chance to submit written or oral comments or to meet with the City and Applicant.

1115.06.3 The City Council, by resolution, may approve the Preliminary PUD plan or combined Preliminary and Final PUD plan or Final PUD in whole or in part, may approve the Preliminary PUD plan or combined Preliminary and Final PUD plan or Final PUD in whole or in part, may approve subject to conditions, may deny, or may defer consideration of the Preliminary PUD plan or combined Preliminary and Final PUD plan or Final PUD plan for further study to a later date.

1115.06.4 When a Preliminary PUD plan or combined Preliminary and Final PUD plan or Final 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.

1115.06.5 The Final PUD may 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.

1115.07 Development Agreement.

1115.07.1 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, stormwater impacts and other infrastructure as a condition to approval of a final PUD .

1115.07.2 The development agreement will specify who will own and maintain any project amenities, including stormwater infrastructure.

1115.07.3 The development agreement may require the developers to provide an irrevocable letter of credit or performance bond in favor of the City to insure completion of the required infrastructure improvements and stormwater facility.

(Am. Ord. 2016-50, passed 7-18-16) (Am. Ord. 2021-08, passed 9-20-21)

Section 1120 – Design

1120. The City Council shall have the authority in approving any PUD to alter, improve, or create anew any provisions of the Zoning Code.

1120.01 The City may allow adjustments in setbacks. Requiring greater or allowing lesser setbacks may be based on uses on and off the site, natural site features, amenities and preservation, topography, density, building heights and other plan features. The rationale and justification for these setbacks shall be described in a narrative.

1120.02 Maximum building height of underlying zoning district shall be applied to all PUD's. An additional 25% of height may be allowed if providing additional setbacks and study of relationship to adjacent structures. No principal building shall be closer than its height to the rear or side lot line when such line abuts on a Residential Zoning District.

(Am. Ord. 2021-08, passed 9-20-21)

Section 1125 – Project Amenities

1125.01 All applications for new PUDs over 4 units/acre shall provide additional amenities that correlate with the size, density, land use type, and help integrate the PUD into the community. Amenities options include but are not limited to:

PUD Amenity Options	
Amenity	Standards
Public open space	Contiguous ground level outdoor open space that is provided beyond the amount of open space required in the underlying zoning district requirements. The space shall preserve the natural landscape while providing the opportunity for members of the public to interact with the natural habitat using walkways, benches, or other mechanisms.
Community garden	Permanent and viable growing space and/or facilities such as a greenhouse or a garden, which provides fencing, watering systems, soil, secured storage spaces for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development to minimize the visibility of mechanical equipment.

Public recreation area	An active, safe, and secure outdoor recreation area open and visible to the public that includes equipment or natural features suitable for recreational use.
Public plaza	Plazas shall be open to the public during daylight hours and provide opportunities for the public to interact with the space using outdoor furniture, art, or other mechanisms.
Enhanced bicycle and pedestrian facilities	Amenities and facilities that increase the convenience and encourage the use of public walkways and bikeways beyond what is otherwise required in the underlying zoning district.
Innovative stormwater management	The design must provide capacity for infiltrating stormwater beyond what is required by the City and the design must serve as a visual amenity to the property and be reflective of innovative techniques.
Enhanced landscaping	A landscaping plan prepared by a licensed landscape architect that provides exceptional design with a variety of pollinators and native trees, shrubs, and plant types that provide seasonal interest.
Preservation of natural systems	Preservation or restoration and protection of natural systems like wetlands, shorelands, waterways, wooded areas, and agricultural lands that beyond what is required by the City and other relevant agencies.

1125.02 The Final PUD plan shall identify the party who will own and maintain the PUD amenities.

(Am. Ord. 2021-08, passed 9-20-21)

Section 1130 – Adequate Public Facilities

1130. An Applicant shall demonstrate that the PUD will not have an undue or adverse impact upon existing public facilities including streets and roads, City water and sanitary sewer utilities, stormwater utility, police and fire services, parks and recreation facilities, and the Hermantown School District.

1130.01 Using a standard and format acceptable to the City Engineer and Community Development Director the Applicant shall provide a report on the estimated impact on City water, sanitary sewer, and stormwater utilities.

1130.02 PUD's greater than 4 units per acre and/or five acres or more in size shall provide a traffic study. The scope of the analysis shall be determined by the Community Development Director and City Engineer.

1130.03 The City Engineer, in consultation with County or State Engineers if applicable, shall review the submitted materials and make a positive, negative, or conditional determination on the adequacy of public facilities. The City Engineer shall consider:

1130.3.1 The estimated impact to the water, sewer, stormwater, streets or roads.

1130.3.2 The design capacity of existing water, sewer, stormwater, streets or roads.

1130.3.4 Planned (or Programmed) improvements to public facilities.

1130.3.5 The cumulative impact of other approved development in the City.

1130.04 In making an adequacy determination the City Engineer and Community Development Director may direct the Applicant to alter the PUD allow for a positive determination through reduction of the density or intensity of the development, phasing of the development and/or through Applicant's provision of facilities or design changes to address the reason for a negative determination as allowed by Minnesota State law.

1130.05 The Applicant shall provide information on the impact to the City's parks and recreation system using a standard acceptable to the Community Development Director. The Community Development Director shall review the submitted materials and make a positive, negative, or conditional determination on the adequacy of the City's parks and recreation system to accommodate the PUD. The amount and quantities of recreational amenities provided by the PUD and Park Dedication fees shall be considered in the determination.

1130.06 In making an adequacy determination the Community Development Director may direct the Applicant to alter the PUD allow for a positive determination through reduction of the density or intensity of the development, phasing of the development and/or through Applicant's provision of facilities or design changes to address the reason for a negative determination as allowed by Minnesota State law.

(Am. Ord. 2021-08, passed 9-20-21)

Section 1135 – Changes and Amendments

1135.01 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:

1135.01.1 Location of buildings

1135.01.2 Open space

1135.01.3 Parking

1135.01.4 Reconfiguration of the footprint or massing of buildings

1135.01.5 Realignment of minor streets

1135.02 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.

1135.03 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.

(Am. Ord. 2015-01, passed 2-2-2015) (Am. Ord. 2021-08, passed 9-20-21)

Section 1140 – Time Limit on Approved Planned Unit Development

1140. 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 for construction within the PUD. 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.

(Am. Ord. 2021-08, passed 9-20-21)

Section 1145 – Effect of Approval of a Planned Unit Development

1150. 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.

(Am. Ord. 2021-08, passed 9-20-21)