

## **SECTION 1006 – ADMINISTRATION – PLANNED UNIT DEVELOPMENT**

**1006.01**     **PURPOSE.** This Section is established to provide comprehensive procedures and standards created to allow greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD district. The PUD process, by allowing deviation from the strict provisions of this Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage.

Subd. 1.     **Innovations.** Innovations in development to the end that the growing demands for housing at all economic levels may be met in greater variety in tenure, type, design, and siting of dwellings and by the conservation and more efficient use of land in such developments.

Subd. 2.     **Higher Standards.** Higher standards of site and building design through the use of trained and experienced land planners, architects and landscape architects.

Subd. 3.     **Flexibility of Location.** More convenience in location of commercial and service areas.

Subd. 4.     **Geological Features.** The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.

Subd. 5.     **Transitions.** A creative use of land and related physical development which allows a phased and orderly transition of land from rural to urban uses.

Subd. 6.     **Utilities.** An efficient use of land and related physical development which allows a phased and orderly transition of land from rural to urban uses.

Subd. 7.     **Comprehensive Plan.** A development pattern in harmony with the objectives of the City Comprehensive Plan.

Subd. 8.     **Environment.** A more desirable environment than would be possible through the strict application of zoning and subdivision regulations of the City.

Subd. 9.     **Preliminary Approval.** To give the landowner and developer reasonable assurance of ultimate approval before expending complete design monies while providing City officials with assurances that the project will retain the character envisioned at the time of concurrence.

Subd. 10. Variation. To allow variation from the provisions of this Ordinance including setbacks, height, lot area, width and depth, yards, etc.

**1006.02 GENERAL REQUIREMENTS AND STANDARDS.**

Subd. 1. General Standards. In its review of any application under this Section, the City Council shall consider comments of those persons appearing before the Council and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of this Section. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of this Section, it may approve a PUD permit, although it shall not be required to do so.

Subd. 2. Ownership. An application for PUD approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the Approved final Plan shall be binding on all owners.

Subd. 3. Comprehensive Plan Consistency. The proposed PUD shall be consistent with the City Comprehensive Plan.

Subd. 4. City Code Consistency. The proposed PUD shall be consistent with the City Code requirements for connections to the sanitary sewer.

Subd. 5. Common Open Space. Common private or public open space and facilities at least sufficient to meet the minimum requirements established in the Comprehensive Plan and this Ordinance and such complementary structures and improvements are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD.

Subd. 6. Operating and Maintenance Requirements for PUD Common Open Space/Facilities. Whenever common private or public open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD may be placed under the ownership of one or more of the following, as approved by the City Council:

- a. Dedicated to public, where a community-wide use is anticipated and the City Council agrees to accept the dedication.
- b. Landlord control, where only use by tenants is anticipated.

- c. Property Owners Association, provided all of the following conditions are met:
1. Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tracts, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document or a document such as specified by Laws 1963, Chapter 457, Section 11 and a set of floor plans such as specified by Laws 1963, Chapter 457, Section 13 shall be filed with the City, said filing with the City to be made prior to the filings of said declaration or document or floor plans with the recording officers of Hennepin County.
  2. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments shall subject said properties to the terms of said declaration.
  3. The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing private control.
  4. The declaration shall additionally amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City or fails to pay taxes or assessments on properties as they become due and in the event the said City incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its prorated share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made.
  5. Membership must be mandatory for each owner, and any successive buyer.

6. The open space restrictions must be permanent and not for a given period of years.
7. The association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities deeded to it.
8. Property owner must pay their prorated share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes.
9. The association must be able to adjust the assessment to meet changed needs.
10. The by-laws and rules of the Association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan.

Subd. 7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

Subd. 8. Density.

- a. The maximum allowable density in a PUD District shall be determined by standards negotiated and agreed upon between the applicant and the City. In all cases, the negotiated standards shall be consistent with the development policies as contained in the Comprehensive Municipal Plan. Whenever any PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds one hundred twenty-five (125) percent of the proposed residential density of the entire PUD.
- b. There shall be no density variation from the standards applied in an applicable zoning district for PUD conditional use permits.

Subd. 9. Utilities. In any PUD, all utilities, including telephone, electricity, gas and telecable shall be installed underground.

Subd. 10. Utility Connections.

- a. Water Connections. Where more than one (1) property is served from the same service line, a shut off 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 by the street.
- b. Sewer Connections. Where more than one (1) unit is served by a sanitary sewer lateral which exceeds three hundred (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.

Subd. 11. Roadways.

- a. Private roadways shall not be allowed within a project. Public roadways within a PUD shall be allowed to vary from the minimum street width standards upon approval of the City Engineer and shall be so designed as to permit fire trucks to provide protection to each building.
- b. No portion of the required road system may be used in calculating required off-street parking space or be used for parking.

Subd. 12. Landscaping. In any PUD, landscaping shall be provided according to a plan approved by the City Council, which shall include a detailed planting list with sizes and species indicated as part of the Final Plan. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.

Subd. 13. Setbacks.

- a. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the respective districts.
- 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 pattern.
- c. No building within the project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings.

Subd. 14. Height.

- a. The maximum building height to be considered within a PUD District shall be thirty (30) feet.
- b. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits.

**1006.03 RESIDENTIAL PROJECT STANDARDS.**

Subd. 1. Purpose. The purpose of this section is to establish standards for single family, multiple family, institutional and other residential PUD District and conditional use permit projects, in addition to those standards contained elsewhere in this Ordinance for all PUD projects. All residential PUD projects shall be developed in accordance with the following residential area standards:

- a. There shall be no minimum lot or area size required for a tract of land for which a PUD District project is proposed. There shall be no minimum lot or area size imposed for a PUD conditional project except for standards applicable within the zoning district in which it is utilized.
- b. Minimum unit lot frontage for townhouses shall not be less than twenty (20) feet.
- c. The tract of land for which a PUD project is proposed shall have municipal water and sewer available to it.
- d. For single family residential PUD District projects, the normal standards of either the R-1A, R-1B, R-2A, or R-2B Zoning Districts shall apply to each project, excepting usage standards, as determined by the City Council.
- e. For multiple family residential PUD District projects, the normal standards of either the R-3 or R-4 zoning Districts shall apply to each project, excepting usage standards, as determined by the City Council.
- f. In addition to the above standards, the City Council may impose such other standards for a residential PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.

- g. Townhomes, quadraminiums, cooperatives and condominiums shall be subdivided on an individual unit basis according to the provisions of this Ordinance.
- h. Condominium development and conversions shall be in compliance and adhere to the Uniform Condominium Act Laws of Minnesota – 1980 Chapter 582 as may be amended.
- i. Condominium development and conversions shall comply with the following:
  - 1. No application for permit for condominium conversion shall be accepted by the Zoning Administrator without the written verification of the applicant on a form to be prescribed by the Zoning Administrator, of the following information:
    - a) That there have been no increases in rent with regard to rental units proposed to be converted to condominiums by the applicant within one hundred twenty (120) days immediately preceding the filing of the application.
    - b) That there have been no evictions of tenants for reasons other than waste, non-payment of rent, or willful damage to property from rental units proposed to be converted to condominiums within one hundred twenty (120) days immediately preceding the filing of the application.
    - c) The names and addresses of all tenants or sub-tenants occupying rental units proposed to be converted to condominiums by the applicant.
    - d) The names and addresses of any individuals occupying a rental unit proposed to be converted to a condominium who are either sixty-two (62) years of age or older, or handicapped, as that term is defined in Minnesota Statutes 129A.01.
    - e) A statement by the applicant that he/she has provided by mail a true and correct copy of the application to any and all occupants of rental units proposed to be converted to condominiums.
    - f) A statement by the applicant identifying the fee owner, or owners of the premises to be converted into

condominiums, further identifying all lien holders and/or persons having or claiming to have an interest of record in and to the structure.

2. Any structure proposed to be converted into a condominium shall be made to comply with the building code of the City, and no sale or transfer of any unit therein for the purposes of occupancy or otherwise shall be allowed without the written certification by the Building Official for the City that the proposed condominium structure and all dwelling units contained therein comply with all applicable building code specifications of the City.
3. In addition to the notice and hearing requirements otherwise set forth herein, the applicant shall provide to the Zoning Administrator written verification that written notice has been supplied to each occupant or lessee of the dwelling unit or apartment, stating the time, place and purpose of all hearings to be held with regard to the request for condominium conversion. The applicant shall also provide notice to the occupants and lessees of any dwelling unit or apartment building proposed to be converted into condominium use with notice that they shall be provided, upon their request, with access to all data in the possession of the applicant to be presented to the City Council by the applicant in advance of any hearing to be held thereon.
4. No application for condominium conversion shall be approved where the proposed conversion is not in compliance with the City's adopted Comprehensive Municipal Plan.
5. In addition to the rights and privileges of occupants, tenants, or sub-tenants as set forth in Minnesota Statutes 515A, 4-110, the applicant shall be required, as a condition of any condominium conversion approved by the City, that all tenants or sub-tenants in possession of any structure proposed to be converted to condominium use who are sixty-two (62) years of age or older or handicapped, as that term is defined in Minnesota Statutes 129A.01, who do not elect to purchase that or any unit in the building as a condominium or who do not enter into a separate agreement extending their tenancy with the owner and/or applicant beyond the time of actual conversion to condominium units, shall be provided by the applicant with relocation benefits to

defray the actual expense of relocating or moving, up to an amount not to exceed three hundred (\$300.00) dollars.

**1006.03      NON-RESIDENTIAL PROJECT STANDARDS.**

Subd. 1.      Purpose. The purpose of this Section is to establish standards for non-residential projects, in addition to those standards contained elsewhere in this Ordinance for all PUD projects. All non-residential PUD projects shall be developed in accordance with the following area standards:

- a.      There shall be no minimum lot or area size required for a tract of land for which a PUD District project is proposed. There shall be no minimum lot or area size imposed for a PUD conditional use project except for the standards applicable within the zoning district in which it is to be utilized.
- b.      There shall be no minimum frontage on a public street required for a tract of land for which a PUD project is proposed.
- c.      The tract of land for which a non-residential PUD project is proposed shall have municipal water and sewer available to it.
- d.      Off-street parking and loading facilities for a non-residential PUD project shall be provided in accordance with Section 1011 of this Ordinance.
- e.      For non-residential PUD District projects, the normal standards of either the C-1 and C-2 zoning classifications shall apply to each project, excepting usage standards, as determined by the City Council and as provided above in Section 1006.02.
- f.      In addition to the above standards, the City Council may impose such other standards for a non-residential PUD project as are reasonable and as the City Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.

**1006.04      GENERAL CONCEPT STAGE.**

Subd. 1.      Application Procedure.

- a.      An applicant shall complete and submit to the City an application form for concept approval, together with a fee as determined by City Council resolution. The applicant shall submit with an application such information as is required by the City and such other information as is deemed necessary to explain the general

intent of the application. Should concept approval be granted for a PUD project, this approval in no way shall bind the City to subsequent approval of a General Plan of Development. The request shall be considered officially submitted and the application timeline commences when all the information requirements are in compliance.

- b. The public hearing for concept approval shall be placed on the agenda of the first possible City Council meeting occurring at least thirty (30) days from the date of official submission of the application unless waived by the Zoning Administrator. All property owners within three hundred fifty (350) feet (public right-of-way shall not be included in such measurement) of the subject property shall be notified of this hearing, as listed in the records of the City Assessor, although the failure of any property owner to receive such notification shall not invalidate the proceedings. Notification shall be by mail to all such property owners, shall be given at least ten (10) days in advance of the hearing, and may include a larger geographic area if deemed advisable by the Zoning Administrator.
- c. Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the City staff. At such conference, the applicant shall be prepared to generally describe the proposal for a PUD. 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 the proposal for the area for which it is proposed and its conformity to the provisions of this Ordinance before incurring substantial expense in the preparation of plans, surveys and other data.

Subd. 2. General Information.

- a. Purpose. The General Concept Plan provides an opportunity for the applicant to submit a plan to the City showing the basic intent and the general nature of the entire development without incurring substantial cost. This Concept Plan serves as the basis for the public hearing so that the proposal may be publicly considered at an early stage. The following elements of the proposed General Concept Plan represent the immediately significant elements which the City shall review and for which a decision shall be rendered.
  - 1. Overall maximum PUD density range.
  - 2. General location of major streets and pedestrian ways.

3. General location and extent of public and common open space.
4. General location of residential and non-residential land uses with approximate type and intensities of development.
5. Staging and time schedule of development.

b. Schedule.

1. Developer files application for a conditional use permit and rezoning (where applicable) concurrently with the official submission of the General Concept Plan (at least thirty [30] days prior to the City Council meeting).
2. Developer meets with the City staff to discuss the proposed development.
3. A technical staff report shall be prepared on the proposed development, and distributed to the City Council and the applicant prior to the meeting.
4. Zoning Administrator formally acknowledges filing of the application(s) for PUD and sets a public hearing.
5. City Council holds a public hearing.
6. The petitioner and/or their representative shall appear before the City Council at the hearing to answer questions regarding the proposed project.
7. The City Council may approve the application as originally submitted or with certain modifications or conditions therein, may deny the application, or may request amendment of the application. At this time, the Council also may indicate the controlling standards to be used in further evaluation and planning of the project, in accordance with this Ordinance. The affirmative vote of four-fifths (4/5) of the full Council shall be required for approval of a Concept Plan.
8. Pursuant to Minnesota Statutes 15.99, as may be amended, an application for a Concept Plan shall be approved or denied within sixty (60) days from the date of its official and complete submission unless notice of extension is provided by the City or a time waiver is granted by the applicant. If applicable, processing of the application through required

state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant.

- c. Optional Submission of General Plan of Development Stage. In cases of single stage PUDs or where applicant wishes to begin the first stage of a multiple stage PUD immediately, the General Plan of Development may be submitted for the proposed PUD simultaneously with the submission of the General Concept Plan. In such case, the applicant shall comply with all the provisions of the ordinance applicable to submission of the General Plan of Development Stage. The City Council shall consider such plans simultaneously and shall grant or deny the General Plan of Development approval in accordance with the provisions of this Section.
- d. Effect of Concept Plan Approval. Unless the applicant shall fail to meet time schedules for filing General Plan of Development Stage and/or Final Plans or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Ordinance or of any approval granted pursuant to it, a General Concept Plan which has been approved and a PUD Agreement signed by the applicant shall not be modified, revoked or otherwise impaired pending the application for approval of the General Plan of Development Stage and Final Plans by any action of the City without the consent of the applicant.
- e. Limitation on General Concept Plan Approval. Unless a General Plan of Development covering the area designated in the General Concept Plan as the first stage of the PUD has been filed within six (6) months from the date Council grants General Concept Plan approval, or in any case where the applicant fails to file General Plan of Development Stage and Final Plans and to proceed with development in accordance with the provisions of this Ordinance and of an approved General Concept Plan, the approval may be revoked by Council action. In such case, the Council shall forthwith adopt a resolution repealing the General Concept Plan approval for that portion of the PUD that has not received final approval and re-establishing the zoning and other ordinance provisions that would otherwise be applicable. Upon application by the applicant, the Council at its discretion may extend for additional periods not in excess of six (6) months each, the filing deadline for any General Plan of Development Stage, when for good cause shown, such extension is necessary.

Subd. 3. Information Requirements.

a. Application Submitted. The General Concept Plan of Development submitted for a PUD project shall include ten (10) large scale copies and ten (10) reduced scale (8.5" x 11") copies as applicable, but not limited to the following information:

1. The landowner's name and address and interest in the subject property.
2. The applicant's name and address if different from the landowner.
3. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.
4. Evidence that applicant has sufficient control over the subject property to effectuate the proposed PUD including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certificate of title, abstract of title, or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property. Prior to approving an application for a PUD, the City shall receive from the applicant certification that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the PUD application relates.

b. Present Status.

1. Address and legal description of subject property.
2. Existing zoning classification and present use of subject property and all lands within one thousand (1,000) feet of subject property.
3. A map depicting existing development of subject property and all land within one thousand (1,000) feet thereof and locations of existing streets, property lines, easements water mains and storm and sanitary sewers, with invert elevations on and within one hundred (100) feet of subject property.

- c. Market. A written statement generally describing the proposed PUD and the market which it is intended to serve and the market demand. The statement is also to demonstrate the proposed PUDs relationship to the City's Comprehensive Municipal Plan and how the proposed PUD is to be designed, arranged and operate in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.
  
- d. Site Conditions. Graphic reproductions of the existing site conditions at a scale of one (1) inch equals one hundred (100) feet. All of the graphics should be the same scale as the final plan to allow each cross reference. The use of overlays is recommended for clear reference.
  - 1. Contours – minimum two (2) foot intervals.
  - 2. Location, type and extent of tree cover and vegetation.
  - 3. Slope analysis.
  - 4. Location and extent of water bodies, wetlands and streams and floodplains within three hundred (300) feet of the subject property.
  - 5. Significant rock outcroppings.
  - 6. Existing drainage patterns.
  - 7. Vistas and significant views.
  - 8. Soil conditions as they affect development.
  
- e. Required Drawings. Schematic drawings of the proposed development concept including, but not limited to, the general location of major circulation elements, public and common open space, buildings, structures, and other land uses, trash receptacles, and buffering and screening.
  
- f. Dwelling Units and Land Use. A statement of the estimated total number of dwelling units or square feet of developed land use activities proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
  - 1. Area devoted to residential uses.

2. Area devoted to residential use by building type.
  3. Area devoted to common open space.
  4. Area devoted to public open space.
  5. Approximate area devoted to streets.
  6. Approximate area devoted to and number of off-street parking and loading spaces and related access.
  7. Approximate area, and floor area, devoted to commercial uses.
  8. Approximate area, and floor area, devoted to office use.
- g. Staging. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and structures/units to be provided or constructed during each such stage and the overall chronology of development to be followed from stage to stage.
- h. Open Space. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
- i. Restrictive Covenants. General intents of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
- j. Utility Plans. Schematic utility plans indicating placement of water, sanitary and storm sewers.
- k. Submission Requirements. The City Council may excuse an applicant from submitting any specific item of information or document required in this stage, which it finds to be unnecessary to the consideration of the specific proposal for PUD approval. The City Council may also require the submission of any additional

information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD or any aspect or stage thereof.

**1006.05      GENERAL PLAN OF DEVELOPMENT.**

Subd. 1.      Purpose. The purpose of the General Plan of Development is to provide a specific and particular plan upon which the City Council can determine compliance and consistency with the General Concept Plan which is necessary for the preparation of the Final Plan.

Subd. 2.      Submission of Development Stage. Upon approval of the General Concept Plan, and within the time frame established by this Section, the applicant shall file with the Zoning Administrator a General Plan of Development consisting of information and submissions required by this Section of the City Code for the entire PUD or for one or more stages thereof in accordance with a Staging Plan approved as part of the General Concept Plan. The General Plan of Development shall refine, implement and be in substantial conformity with the approved General Concept Plan. A detailed Plan shall be deemed not to be in substantial conformity with an approved General Concept Plan if it:

- a.      Departs by more than five (5) percent from the maximum density approved for the PUD or exceeds the implied maximum density established by the Comprehensive Plan for the area in which the PUD will be located.
- b.      Decreases by more than five (5) percent the area approved for public and common open space or changes the general location of such areas.
- c.      Relocates approved circulation elements to any extent that would increase their functionality, adversely affect their relation to surrounding lands and circulation elements or reduce their effectiveness as buffers or amenities.
- d.      Significantly alters the arrangement of land uses within the PUD.
- e.      Delays by more than one (1) year any stage of an approved Staging Plan.
- f.      Departs from the General Concept Plan in any other manner which the City Council finds to materially alter the plan or concept for the proposed PUD.

Subd. 3. Time Extension. General Plan of Development proposal shall be submitted within six (6) months of approval of the concept plan unless a time extension is approved by the City Council.

Subd. 4. Schedule.

- a. If a request for Concept Plan approval of a PUD project has been approved by the City Council, as the next step in the application procedure, an applicant shall submit to the City an application form for General Plan of Development approval for the proposed project as required herein, together with a fee as determined by City Council resolution. The applicant shall submit with an application such information as is required by the City and such other information as deemed necessary to explain the general intent of the application. The application shall be considered officially submitted and the application approval timeline commences when all the information requirements are in compliance.
- b. Developer meets with the City staff to discuss specific development plans.
- c. Immediately upon receipt of the completed General Plan of Development application, the City Administrator shall refer such plan to the following City staff and/or official bodies for the indicated action:
  1. The City Attorney for legal review of all documents.
  2. The City Engineer for review of all engineering data for compliance with the requirements of this Ordinance and review of the City/Developer agreement.
  3. The City Building Official for review of all plans for compliance with the requirements of this Ordinance, the State of Minnesota Uniform Building Code and any other applicable Federal, State, or local codes.
  4. The City Planner for review of all plans for compliance with the intent, purpose and requirements of this Ordinance and conformity with the General Concept Plan and Comprehensive Plan. All staff designated in paragraphs one (1) through four (4) hereof shall submit their reports in writing to the City Council and applicant.
  5. The City Council for preliminary review.

6. When appropriate, as determined by the City Administrator, to the Park and Recreation Board for review and recommendations.
  7. When appropriate, as determined by the City Administrator, to other special review agencies such as the Watershed Districts, Soil Conservation Service, Highway Departments, or other affected agencies.
- d. The request for general plan approval shall be placed on the agenda of the first City Council meeting occurring at least thirty (30) days from the date of official submission unless waived by the Zoning Administrator.
  - e. The City Council holds a public hearing.
  - f. The same notification procedure for this hearing shall be followed as was followed with respect to the applicant's Concept Plan, outlined in Section 1006.05.
  - g. Within sixty (60) days of the public hearing, or such further time as may be agreed to by the applicant, the Council shall grant approval, resubmit the plan to the City staff for further consideration of specified items or deny approval of the plan.
  - h. The affirmative vote of four-fifths (4/5) of the entire Council shall be required for approval of a General Plan of Development. The approval of a General Plan of Development shall constitute the approval of a PUD permit.
  - i. Pursuant to Minnesota Statutes 15.99, as may be amended, an application for a General Plan of Development shall be approved or denied within sixty (60) days from the date of its official and complete submission unless notice of extension is provided by the City or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant.
  - j. The Zoning Administrator shall instruct the City Attorney to draw up a PUD Agreement which stipulates the specific terms and conditions approved by the City Council and accepted by the applicant. This Agreement shall be signed by the Mayor of the City of Tonka Bay, City Clerk and the applicant within thirty (30) days of Council approval of the General Plan of Development stage.

Where the General Plan of Development is to be resubmitted or denied approval, Council action shall be by written report setting forth the reasons for its action. In all cases, a certified copy of the document evidencing Council action shall be promptly delivered to the applicant by the Zoning Administrator.

- k. At any time following the approval of a General Plan of Development by the City Council, the applicant may, pursuant to the applicable ordinances of the City apply for, and the City Engineer may issue, grading permits for the area within the PUD for which General Plan of Development approval has been given.

Subd. 5. Information Requirements. The General Plan of Development should depict and outline the proposed implementations of the General Concept Plan stage for the PUD. Information from the General Concept may be included for background and to provide a basis for the submitted plan. The General Plan of Development submissions shall include but not be limited to:

- a. Present and possible new zoning classifications required for development stage submission and any other public decisions necessary for implementation of the proposed plan.
- b. Ten (10) large scale copies and ten (10) reduced scale (8.5" x 11") copies, drawn to a scale of not less than one (1) inch equals one hundred (100) feet (or scale requested by the Zoning Administrator) containing at least the following information:
  - 1. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat in Tonka Bay).
  - 2. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.
  - 3. The location, size, use and arrangement, including height in stories and feet and total square feet of ground area coverage and floor area, of proposed buildings, including model homes, and existing buildings which will remain, if any. Also all required setback lines shall be depicted.
  - 4. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.

5. Location, designation and total area of all common private open space and facilities.
  6. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
  7. Proposed lots and blocks, if any, and numbering system.
  8. The location, use and size of structures and other land uses on adjacent properties.
  9. A detailed, drawn to scale, landscape plan and planting specifications showing the areas to be sodded and the location, size and species of all trees and shrubbery to be planted.
  10. General grading and drainage plans for the developed PUD.
  11. A detailed plan including size, location and structural specifications for exterior signing and lighting.
  12. Any other information that may have been required by the City staff or City Council in conjunction with the approval of the General Concept Plan.
- c. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.
  - d. Where applicable, a tabulation indicating the number of residential dwelling units by number of bedrooms and expected population/housing profile.
  - e. Where applicable, a tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g., drug store, dry cleaning, supermarket).
  - f. Preliminary architectural “typical” plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including model homes.
  - g. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights-of-way, utility lines and facilities, lots, blocks, public and common private open space, general landscaping plan, structure, including model homes, and uses.

- h. A traffic flow plan and analysis.
- i. Solid waste disposal procedures, provisions and screening.
- j. Preliminary grading and site alteration plan illustrating changes to exiting topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved Concept Plan.
- k. A preliminary plat prepared in accordance with the Tonka Bay Subdivision Regulations.
- l. An environmental impact analysis and soil erosion control plan acceptable to the Watershed District, Department of Natural Resources, Soil Conservation Service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.
- m. A statement summarizing all changes, which have been made in any document, plan data or information previously submitted, together with revised copies of such document, plan or data.
- n. Such other and further information as the City staff, or Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.
- o. The City Council may excuse an applicant from submitting any specific item of information or document required in this Section which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

**1006.06 FINAL PLAN.**

Subd. 1. Purpose. The Final Plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other City ordinances as the land use regulation applicable to the PUD.

Subd. 2. Submission of Final Plan. After approval of a General Concept Plan for the PUD and approval of a Development Stage Plan for a section of the proposed PUD, the applicant will submit the following material for review by the City staff prior to issuance of a building permit:

- a. Proof of recording any easements and restrictive covenants prior to sale of any land or dwelling units 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.
- b. All certificates, seals and signatures required for the dedication of and recording of documents.
- c. Final architectural working drawings of all structures.
- d. A final plat and final engineering plans and specifications for streets, utilities and other public improvements, together with a Development Agreement for the installation of such improvements and financial guarantees for the completion of such improvements.
- e. Any other plan, agreements or specifications necessary for the City staff to review the proposed construction. All work must be in conformance with the City adopted Building Code.

Subd. 3. Recording of Final Plan. Within ten (10) days of its approval, the applicant shall cause the Final Plan, or such portions thereof as are appropriate, to be recorded with the Hennepin County Recorder.

Subd. 4. Building and Other Permits. Except as otherwise expressly provided herein, upon receiving notice from the Zoning Administrator that the approved Final Plan has been recorded and upon application of the applicant pursuant to the applicable ordinances of the City, the City may issue building and other permits to the applicants for development, construction and other work in the area encompassed by the approved Final Plan provided, however, that no such permit shall be issued unless all requirements of all codes and ordinances which are applicable to the permit sought, have been satisfied and required performance bonds submitted.

Subd. 5. Limitation on Final Plan Approval. Within one year after the approval of a Final Plan for PUD, or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted as hereinafter provided, automatically render void the PUD permit and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of the zoning ordinances, and other ordinances, applicable in the district in which it is located. In such cases, the Council shall forthwith adopt an ordinance repealing the PUD permit and all PUD approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable. The time limit established by this paragraph may, at the discretion of

the Council, be extended for not more than one year by ordinance or resolution duly adopted.

Subd. 6. Inspections during Development.

- a. Compliance with Overall Plan. Following Final Plat approval of a PUD, or a stage thereof, the Zoning Administrator shall, at least annually until the completion of development, review all permits issued and construction undertaken and compare actual development with the approved plans for development and with the approved development schedule. If the Zoning Administrator finds that development is not proceeding in any other respect to comply with the PUD plans as finally approved, the City Council shall be immediately notified. Within thirty (30) days of such notice, the Council shall either by ordinance revoke the PUD permit, and the land shall thereafter be governed by the regulations applicable in the district in which it is located; or shall take such steps as it shall deem necessary to compel compliance with the Final Plans as approved; or shall require the landowner or applicant to seek an amendment of the Final Plan.
- b. Compliance with Construction Plans and Drawings.
  1. All improvements to be constructed or erected shall be subject to inspection by the City Building Official. The cost attributable to all inspection required by this subparagraph shall be charged to and paid by the owner or applicant. Before any required inspections take place, the owner or applicant may be required to post a deposit with the City Clerk to cover the cost of such inspections. The owner or applicant shall give at least twenty-four (24) hours written notification to the City Building Official prior to the performance of any of the following work:
    - a) The surfacing of any roadway or street.
    - b) The installation of any curbing or gutters.
    - c) The grading or backfilling or any open trench or excavation in which any utility facilities, including but not limited to, water lines, sewer lines, gas lines and electrical cables, shall have been installed.
  2. If, upon investigation, in the opinion of the Zoning Administrator, any work does not comply with the approved construction plans and drawings or the approved Final Plan,

the City Building Official shall have authority to order that all such work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies, the owner or applicant shall notify the City Building Official and request a reinspection.

3. Upon completion of all required improvements within the area covered by the approved Final Plan, the owner or applicant shall notify the City Building Official who shall thereupon conduct a final inspection of all improvements as installed from the approved Construction Plan and drawings or approved Final Plan, which defects will, in the opinion of the City Building Inspector, adversely affect the performance, suitability, or desirability of said improvements, the Building Inspector shall notify the applicant in writing of such defects, deficiencies or deviations and the owner or applicant shall, at his/her sole cost and expense, correct such defects or deviations within six (6) months of the date of notification. When such defects, deficiencies or deviations have been corrected, the owner or applicant shall notify the City Building Official that the improvements are again ready for final inspections.
4. If a final inspection indicates that all improvements as installed contain no defects, deficiencies or deviations, then within ten (10) days from the completion of such inspection, the City Building Official shall certify to the Council that all improvements have been installed in conformity with the construction plans and drawings and the Final Plan. Following certification of all improvements by the City Building Official, the applicant shall have prepared and submitted to the City, three (3) sets of "as-built drawings" of all improvements. The Council shall thereupon by resolution formally accept such improvements at which time they shall become the property of the City of Tonka Bay.

**1006.08 PUD PROGRESS EVALUATION.** If periodic review of a PUD project is included as a condition to the approval of a PUD permit, such a project shall be reviewed by the City Council. They Council may at its discretion call a public hearing as part of its review. Notice of such hearing shall be given in the same manner as outlined in Section 1006.05 for review of a Concept Plan.

**1006.09 AMENDMENT OF A PUD PERMIT.**

Subd. 1. Application Procedures. Any deviation or modification from the terms or conditions of an approved PUD permit or any alteration in a project for

which a PUD permit has been approved shall require an amendment of the original permit. An application for amendment of the original PUD permit specifying the proposed variance or alteration shall be submitted to the City, together with a fee established by City Council resolution and such information as is required by the City or as the applicant deems necessary to fully explain the application. Should the applicant request an amendment of a PUD permit to erect an additional building or buildings, the applicant fee therefor shall be established by City Council resolution. In either case, the applicant also shall pay, as an additional fee, any consulting expenses which are incurred by the City in review of the application. The same application and hearing procedure for an amendment of a PUD permit shall be followed as was followed with respect to the applicant's Concept Plan, as outlined in Section 1006.05.

Subd. 2. Action by the Planning Commission and City Council. The same review procedure by the City Council shall be followed for an amendment of a PUD permit as was followed with respect to the applicant's Concept Plan, outlined in Section 1006.05. The affirmative vote of four-fifths (4/5) of the full Council shall be required for approval of an amendment of a PUD permit.

#### **1006.10 GENERAL REQUIREMENTS.**

Subd. 1. Records. The Zoning Administrator shall maintain a record of all PUD permits issued by the City, including information on a project's permitted 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.

Subd. 2. Withdrawal of an Application. Any application under this Section may be withdrawn by an applicant without prejudice at any time prior to final City Council action thereon.

Subd. 3. Resubmission of an Application. Once an application for a PUD permit has been denied by the City Council, that application may not be resubmitted for a period of six (6) months from the date of such denial.

Subd. 4. Cancellation of a PUD Permit. Physical implementation of any approved PUD project must begin within twelve (12) months following City Council approval of the PUD permit for that project, unless in granting such a permit the Council shall specify a different period of time for project implementation. Failure to initiate project implementation within the appropriate time period automatically shall cancel the PUD permit for a project unless an extension of said permit is approved by the Council prior to the date of cancellation. An application for extension of a PUD permit shall be administered in the same manner as outlined in Section 1003.03 of this Ordinance for extension of a conditional use permit. An existing PUD permit also shall be

canceled if any rezoning or other action by the City shall occur which supersedes the permit.

Subd. 5. Qualifications of an Applicant. Any application under this Section shall be made only by the owner of the property covered in the application or by duly authorized representative, provided, however, that an option-holder or a contract-holder also may submit such an application if it is accomplished by a fully executed agreement or document from the property owner stating that there are no objections to the proposed project and that the applicant is in fact joining in said application as his interest may appear.

Subd. 6. Financial Security to Assure Compliance. In order to insure that all improvements contained in a General Plan of Development are completed in accordance with said Plan and to insure that an applicant fully complies with all conditions of a PUD permit, the applicant may be required to post a corporate surety bond, cash bond or letter of credit guaranteeing the faithful performance of such work and compliance with such conditions. Such security shall be in a form satisfactory to the City, shall be in an amount established by the City Council, and shall cover each segment of each phase of a PUD project as outlined in the General Plan of Development. However, the amount of said security may be reduced or a portion of said bond may be released as specific segments of each phase of development have been completed, upon approval by the City Council.

Subd. 7. Platting of a PUD Project. In the event that any approved PUD project is to be subdivided into lots or parcels for the purpose of separate ownership, such a project first shall be platted under the platting procedures of the City and Hennepin County in effect at that time. The plat shall be processed according to standards contained in the Tonka Bay regulations and in conjunction within the General Plan of Development as outlined in Section 1006.06.

Subd. 8. Conveyance of Property Within a PUD Project. In the event that any real property within an approved PUD project is conveyed in total or in part, the buyer(s) thereof shall be bound by all provisions of the PUD permit and the General Plan of Development for that project. However, nothing in this Ordinance shall be construed as to make such conveyed property non-conforming with regard to normal zoning standards as long as the conveyed property conforms with the approved PUD permit and the General Plan of Development for a project.