

515.57
PD Planned Development

Subdivision 1. Purpose. The purpose of the PD planned development district is to provide a district which will encourage the following:

- a) Flexibility in land development and redevelopment in order to utilize new techniques of building design, construction and land development.
- b) Provision of housing affordable to all income groups.
- c) Energy conservation through the use of more efficient building designs and sitings, and the clustering of buildings and land uses.
- d) Preservation of desirable site characteristics and open space, and protection of sensitive environmental features, including steep slopes, poor soils and trees.
- e) More efficient and effective use of land, open space and public facilities through mixing of land uses, and assembly and development of land in larger parcels.
- f) High quality of design, and design compatible with surrounding land uses including both existing and planned.
- g) Sensitive development in transitional areas located between different land uses and along significant corridors within the city.
- h) Development which is consistent with the comprehensive plan.

Subd. 2. Uses. Within the PD district all permitted uses and accessory uses are allowed. Within the PD district all uses allowed by conditional use permit within any other district are allowed by conditional use permit. Uses allowed by conditional use permit must be reviewed for compliance with the PD master development plan and with the applicable conditional use permit standards specified in this subsection. Uses allowed by conditional use permit are also subject to site and building plan review pursuant to section 520 of the city code.

Subd. 3. Development Standards. Within the PD district all development must be in compliance with the following:

- a) Each PD must have a minimum area of 2 acres, excluding areas within a public right-of-way, designated wetland or floodplain overlay district, unless the applicant can demonstrate the existence of 1 or more of the following:
 - 1) Unusual physical features of the property itself or of the surrounding neighborhood such that development as a PD will conserve a physical or topographic feature of importance to the neighborhood or community.
 - 2) The property is directly adjacent to or across a right-of-way from property which has been developed previously as a PD or planned unit residential development and will be perceived as and will function as an extension of that previously approved development.

- 3) The property is located in a transitional area between different land use categories or it is located on an arterial street as defined in the comprehensive plan.
- 4) The property is proposed to be developed with single family dwelling lots having a minimum area of 15,000 square feet.
- b) The uses proposed within a PD may be used only for a use or uses that are consistent with the comprehensive plan.
- c) Where the site of a proposed PD is designated for more than 1 land use in the comprehensive plan, the city may require that the PD include all the land uses so designated or such combination of the designated uses as the city council deems appropriate to achieve the purposes of this subsection and the comprehensive plan.
- d) If a particular PD would provide an extraordinary benefit to the community, or if a PD site has extraordinary characteristics that make development difficult, the city council may approve a density of up to 10% more than the maximum identified in the comprehensive plan.
- e) Hardsurface coverages and floor area ratios are limited as follows:

<u>Comprehensive Plan Designation</u>	<u>Maximum Hardsurface Coverage</u>	<u>Maximum Floor Area Ratio</u>
Low or Medium Density Residential	50%	0.5
High Density Residential	60%	1.0
Commercial or Industrial	75%	1.0

Individual lots within a PD may exceed these standards if the average meets these standards.

- f) The minimum setback for all buildings within a PD from any property line directly abutting a street, railroad, or residential district is 30 feet, except that in no case shall the minimum setback be less than the height of the building or more than 100 feet. The city council may waive the setback requirement if the abutting property, or property located directly across a public street, is used for recreational, institutional, commercial, industrial or high density residential purposes. Building setbacks from internal public streets will be determined by the city based on characteristics of the specific PD. Parking lots and driving lanes must be set back at least five feet from all exterior lot lines of a PD.

The setback for parking structures including decks and ramps shall be 30 feet from local streets and 30 feet from all other street classifications, except that in no case may the setback be less than the height of the structure. Parking structure setbacks from external lot lines must be at least 50 feet or the height of the structure, whichever is greater, when adjacent to residential properties, and at least 30 feet when adjacent to non-residential properties. Parking structure setbacks from internal public or private streets will be determined by the city based on characteristics of the specific PD.

Where industrial uses abut developed or platted single family lots outside the PD, greater exterior building and parking setbacks may be required in order to provide effective screening. The city council must make a determination regarding the adequacy of screening proposed by the applicant. Screening may include the use of natural topography or earth berming, existing and proposed plantings and other features such as roadways and wetlands which provide separation of uses.

Areas within a PD that are designated in the approved master development plan or final site plan for residential use will be considered a residential district for purposes of determining building and parking setback requirements on adjacent high density residential, commercial and industrial property outside the PD.

- g) More than 1 building may be placed on 1 platted or recorded lot in a PD.
- h) A PD which involves a single land use type or housing type will be permitted provided that it is otherwise consistent with the objectives of this Code and the comprehensive plan.
- i) A residential PD or residential area of a mixed use PD must provide a minimum of 10% of the gross project area in private recreational uses for project residents. Such area must be developed and used for active or passive recreational uses suited to the needs of the residents of the project, including swimming pools, trails, nature areas, picnic areas, tot lots and saunas. This requirement may be waived if the city council finds that adequate recreational opportunities are available sufficiently near the PD to make this requirement duplicative, or if the PD is too small for this requirement to be feasible.
- j) Property to be included within a PD must be under unified ownership or control or subject to such legal restrictions or covenants as may be necessary to ensure compliance with the approved master development plan as well as the long term maintenance of buildings and site improvements in the development.
- k) Signs are restricted to those that are permitted in a sign plan approved by the city and must be regulated by permanent covenants.
- l) The requirements contained in sections of this Code pertaining to general regulations and performance standards apply to a PD as deemed appropriate by the city.
- m) The uniqueness of each PD requires that specifications and standards for streets, utilities, public facilities and subdivisions may be subject to modification from the city ordinances ordinarily governing them. The city council may therefore approve streets, utilities, public facilities and land subdivisions are not in compliance with usual specifications or ordinance requirements if it finds that strict adherence to such standards or requirements is not required to meet the intent of this subsection or to protect the health, safety or welfare of the residents of the PD, the surrounding area or the city as a whole.
- n) A building or other permit may not be issued for any work on property included within a proposed or approved PD nor may any work occur unless such work is in compliance with the proposed or approved PD.

Subd. 4. Review of Application.

a) In order to receive guidance in the design of a PD prior to submission of a formal application, an applicant may submit a concept plan for review and comment by the planning commission and city council. Submission of a concept plan is optional but is highly recommended for large PDs. In order for the review to be of most help to the applicant, the concept plan should contain such specific information as is suggested by the city. Generally, this information should include the following:

- 1) approximate building and road locations;
- 2) height, bulk and square footage of buildings;
- 3) type and square footage of specific land uses;
- 4) number of dwelling units;
- 5) generalized grading plan showing areas to be cut, filled and preserved; and
- 6) staging and timing of the development.

The comments of the planning commission and city council must address the consistency of the concept plan with this subsection. The comments of the planning commission and city council are for guidance only and, if positive, are not to be considered binding upon the planning commission or city council regarding approval of the formal PD application when submitted.

b) Approval of a rezoning to PD and approval of a master development plan is subject to the procedures outlined in subsection 515.05, subdivision 4 of this Code for a zoning map amendment. The master development plan must contain the following:

- 1) building location, height, bulk and square footage;
- 2) type and square footage of specific land uses;
- 3) number of dwelling units;
- 4) detailed street and utility locations and sizes;
- 5) drainage plan, including location and size of pipes and water storage areas;
- 6) grading plan;
- 7) generalized landscape plan;
- 8) generalized plan for uniform signs and lighting;
- 9) plan for timing and phasing of the development;
- 10) covenants or other restrictions proposed for the regulation of the development; and

- 11) renderings or elevations of the entrance side of buildings to be constructed in the first phase of the development.

Approval of the master development plan will indicate approval of the previously listed items and will occur in conjunction with rezoning of the property to PD. After rezoning of the property to PD nothing may be constructed on the PD site except in conformance with the approved plans and this subsection. The procedure for notification of and public hearing on the master development plan shall be the same as required for a zoning map amendment by subsection 515.05, subdivision 4 of this Code.

- c) Approval of a final site and building plan for the entire PD or for specific parts of the PD are subject to the procedures outlined in section 520 of the city code. The final site and building plan must contain information as required by the city, including the following:
 - 1) detailed utility, street, grading and drainage plans;
 - 2) detailed building elevations and floor plans; and
 - 3) detailed landscaping, sign and lighting plans.
- d) The final site and building plan must be in substantial compliance with the approved master development plan. Substantial compliance means that:
 - 1) buildings, parking areas and roads are in substantially the same location as previously approved;
 - 2) the number of residential living units has not increased or decreased by more than 5% from that approved in the master development plan;
 - 3) the floor area of non-residential uses has not been increased by more than 5% nor has the gross floor area of any individual building been increased by more than 10% from that approved in the master development plan;
 - 4) there has been no increase in the number of stories in any building;
 - 5) open space has not been decreased or altered to change its original design or intended use; and
 - 6) all special conditions required on the master development plan by the city have been incorporated into the final site and building plan.

Approval of a final site and building plan includes approval of all plans necessary prior to application for a building permit, subject to conformance with any conditions on the approval and subject to other necessary approvals by the city.

- e) Applicants may combine the final site and building plan review with the master development plan review by submitting all information required for both stages simultaneously.
- f) The planning commission and city council must base their recommendations and actions regarding approval of a PD on a consideration of the following:

- 1) compatibility of the proposed plan with this subsection and the goals, policies and proposals of the comprehensive plan;
- 2) effect of the proposed plan on the neighborhood in which it is to be located;
- 3) internal organization and adequacy of various uses or densities, circulation and parking facilities, public facilities, recreation areas, open spaces, screening and landscaping;
- 4) consistency with the standards of section 520 of the city code pertaining to site and building plan review; and
- 5) such other factors as the planning commission or city council deem relevant.

The planning commission and city council may attach such conditions to their actions as they determine necessary or convenient to better accomplish the purposes of this subsection.

Subd. 5. Term of Approval.

- a) If application has not been made for a final site and building plan approval pursuant to the approved master development plan for all or a part of the property within a PD by December 31 of the year following the date on which the PD zoning map amendment became effective or if within that period no extension of time has been granted, the city council may rezone the property to the original zoning classification at the time of the PD application or to a zoning classification consistent with the comprehensive plan designation for the property. In the absence of a rezoning, the approved master development plan remains the legal control governing development of the property included within the PD.
- b) If construction on the property included within an approved final site and building plan has not commenced by December 31 of the year following the date on which such final site and building plan was approved or if building construction in a phase of a PD approved to be built in phases has not commenced within this period or if within that period no extension of the time has been granted, the city council may rezone the property to the original zoning classification at the time of the PD application or to a zoning classification consistent with the comprehensive plan designation for the property. In the absence of rezoning, the approved master development plan and final site and building plan shall remain the legal control governing development of the property included within the PD.

Subd. 6. Amendments. Major amendments to an approved master development plan may be approved by the city council after review by the planning commission. The notification and public hearing procedure for such amendment is the same as for approval of the original PD. A major amendment is any amendment that:

- a) substantially alters the location of buildings, parking areas or roads;
- b) increases or decreases the number of residential dwelling units by more than 5%;
- c) increases the gross floor area of non-residential buildings by more than 5% or increases the gross floor area of any individual building by more than 10%;

- d) increases the number of stories of any building;
- e) decreases the amount of open space by more than 5% or alters it in such a way as to change its original design or intended use; or
- f) creates non-compliance with any special condition attached to the approval of the master development plan.

Any other amendment may be made through review and approval by the planning commission.