

## Section 63 - PUD, Planned Unit Development

### **Subdivision**

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### 63.01 PURPOSE

The purpose of the PUD, Planned Unit Development District is to provide comprehensive procedures and standards intended to allow greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications and/or a mixture of uses. The PUD process is intended to encourage:

- A. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
- B. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects and engineers.
- C. More convenience in location and design of development and service facilities.
- D. The preservation and enhancement of desirable site characteristics such as natural topography, wetlands, woodlands, and geologic features and the prevention of soil erosion which are over and above minimum standards and expectations.
- E. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
- F. An efficient use of land resulting in smaller networks of utilities and streets, thereby lowering development costs, long term maintenance expenses, and public investments.
- G. A development pattern in harmony with the objectives of the St. Augusta Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
- H. A more desirable and creative environment than might be possible through the strict application of zoning and subdivision regulations of the City.

## 63.02 USES

All permitted, permitted accessory, conditional uses, interim uses, and uses by administrative permit contained in Sections 44 through 52 of this Ordinance which are consistent with the Comprehensive Plan shall be treated as potentially allowable uses within a PUD District.

## 63.03 REQUIREMENTS, CONDITIONS AND STANDARDS FOR APPROVING A PUD

### A. General Standards:

1. Comprehensive Plan Consistency: The proposed PUD shall be consistent with the City Comprehensive Plan.
2. 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 such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents/occupants of the PUD may be provided within the area of the PUD development.
3. 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 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 the 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:
    - i. Prior to the use, occupancy, sale or the execution of contracts for sale of individual buildings, units, lots, parcels, tracts or common areas, a declaration of covenants, conditions and restrictions or an equivalent document or a document such as specified by Minnesota Statutes 515, Article 2 and a set of floor plans such as specified by Minnesota Statutes 515, Article 2-110 shall be filed with St. Augusta. Said filing with the City is to be made prior to the filings of said declaration or document or floor plans with the recording officers of Stearns County.
    - ii. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases, or documents of conveyance affecting buildings, units, lots, parcels, or tracts shall subject said properties to the terms of said declaration.
    - iii. 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 adequate private control.

- iv. 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 St. Augusta or fails to pay taxes or assessments on properties as they become due and in the event St. Augusta 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.
  - v. Membership must be mandatory for each owner, and any successive buyer.
  - vi. The open space restrictions must be permanent and not for a limited period of years, unless specifically approved by the City.
4. Staging of Public and Common Open Space: When a PUD provides for common private or public open space, and is planned for 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.
  5. Density: The maximum allowable density in a PUD Zoning 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 St. Augusta Comprehensive Plan.
  6. Principal Buildings: No more than one (1) principal building may be constructed on each platted lot within a PUD.
  7. Land Use/Housing Type: A PUD which involves only one (1) land use or housing type may be allowed, provided that it is otherwise consistent with the stated purposes and objectives of this section and the Comprehensive Plan.
  8. Ordinance Modifications: The uniqueness of each PUD requires that specifications and standards for streets, utilities, public facilities, and the approval of land subdivisions may be subject to modifications from the City ordinances generally governing them. The City Council may therefore approve streets, utilities, public facilities, and land subdivisions which are not in strict compliance with usual specifications or ordinance requirements where it is found that such are not required in the interests of the City.
  9. Utilities: In any PUD, all utility installations and connections including telephone, electricity, gas, telecable, public sewer and water, private septic systems and wells shall conform to the applicable provisions of the St. Augusta Subdivision Ordinance, unless otherwise approved by the City Council.
  10. Streets: All streets shall conform to the design standards contained in the St. Augusta Subdivision Ordinance unless otherwise approved by the City Council.

11. Fencing/Screening/Landscaping: In any PUD, fencing, screening, and landscaping shall conform to the applicable provisions of Section 15.07 of this Ordinance.

- B. Benefit: The proposed PUD shall accomplish one or more of the objectives stated in Section 63.01 and shall not simply be for the enhanced economic gain of the applicant. It shall be the applicant's responsibility to demonstrate compliance with this requirement.

#### 63.04 DEVELOPMENT STANDARDS

- A. Purpose: The purpose of this section is to establish standards for residential, non-residential, and mixed-use residential and non-residential PUD Zoning Districts, in addition to those standards contained elsewhere in this Ordinance for all PUD projects. All PUD projects shall be developed in accordance with the following residential area standards:
1. There shall be no minimum lot or area requirement for a tract of land for which a PUD Zoning District is proposed.
  2. There shall be no minimum frontage on a public street required for a tract of land for which a PUD is proposed.
  3. The tract of land for which a PUD is proposed shall have municipal water and sewer available to it or shall provide approved well locations and comply with City and/or County septic system requirements.
  4. For PUD Zoning District projects, the performance standards, area requirements, and construction limitations of generally comparable conventional zoning districts shall apply to the project, except those standards to be modified, as determined by the City Council and as provided above in Section 63.03, Subd. A.1 and A.3.
  5. Off-street parking and loading facilities for a residential PUD shall be provided in accordance with Sections 20 and 21 of this Ordinance.

In addition to the above standards, the City Council may impose such other requirements for individual PUD Districts as are reasonable and as the City Council deems necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.

#### 63.05 SKETCH PLAN

- A. Application Procedures and Information Requirements: Prior to the filing of a formal application, the applicant shall be required to submit a sketch plan of the project to the Zoning Administrator. Such plan shall be processed according to the information requirements, standards, and procedures for preliminary site plans as established by Section 10.03.B of this Ordinance.
- B. Exemptions: At the applicant's request and upon the approval of the Zoning Administrator, minor PUD projects or projects of a noncontroversial nature may be exempt from the sketch plan process and may proceed to the general plan, as regulated by Section 63.06 of this Section.

#### 63.06 GENERAL PLAN

- A. Application Procedure: PUD zoning applications shall be processed according to the evaluation criteria and procedures outlined in Section 10.03.C of this Ordinance.

B. Information Requirement:

1. The information required for all PUD general plan applications shall be as specified in Section 10.06 of this Ordinance.
2. The Zoning Administrator, Planning Commission, and/or City Council may excuse an applicant from submitting any specific item of information or document required by this section which it finds to be unnecessary to the consideration of the specific PUD being considered.

C. Zoning Enactment: The formal establishment of the PUD District shall take place in conjunction with City Council approval of the general plan.

### 63.07 FINAL PLAN

After approval of a sketch plan for the PUD and approval of a general plan for all or a portion of the proposed PUD, the applicant shall submit the following material for review by the Zoning Administrator prior to issuance of a building permit(s).

- A. Proof of recording any easements and restrictive covenants prior to sale of any land or dwelling unit 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 land and recording of documents.
- C. Final architectural working drawings of all structures.
- D. Any other plans, agreements, or specifications necessary for the Zoning Administrator to review the proposed construction. All work must be in conformance with the Minnesota State Building Code.

### 63.08 PUD EVALUATION

If periodic review of a PUD is included as a condition to the approval of a PUD, such a project shall be reviewed by the City Council. At such times, the City Council, at its discretion, may take additional testimony on the PUD.

### 63.09 PLAN MODIFICATION/AMENDMENT OF A PUD

- A. Minor Modifications/Amendment: Plan modifications/amendments qualifying as minor as defined by Section 10.07.A of this Ordinance may be processed and approved pursuant to that section.
- B. Major Modification/Amendment: The same review procedure shall be followed for a major/modification/amendment of a PUD as was followed with respect to the applicant's general plan, outlined in Section 63.06 and pursuant to Section 10.07.B of this Ordinance.

### 63.10 GENERAL REQUIREMENTS

- A. Records: The Zoning Administrator shall maintain a record of all PUD zones approved by the City, including information on a project's allowed 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.
- B. 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.
- C. Platting of a PUD: In the event that a PUD is to be subdivided into lots or parcels for the purpose of separate ownership, such PUD shall be platted under the platting procedures and according to standards contained in the St. Augusta Subdivision Ordinance and the related requirements of Stearns County. The preliminary plat shall be processed in conjunction with the general plan as outlined in Section 63.06. A separate action on the final plat shall be processed before the City Council prior to the final stage of the PUD.
- D. Conveyance of Property Within a PUD: In the event that any real property within an approved PUD is conveyed in total or in part, the buyer(s) thereof shall be bound by all provisions of the PUD and the general plan 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 and the general plan for a project.
- E. Development Agreement: Prior to the approval of the general plan, the applicant shall enter into a development agreement as may be required for site improvements by the Subdivision Ordinance or this Ordinance for the project in question. Once approved, the development agreement shall be recorded with Stearns County and documentation of such action shall be provided to the Zoning Administrator.
- F. Issuance of Building Permits: Following approval by the City Council of a PUD general plan and recording of the PUD development contract with Stearns County, the Building Official may issue a building permit for such structures in compliance with this Ordinance.