

# Planned Unit Development

## **153.700 Purpose**

This subchapter is established to provide comprehensive procedures and standards designed to allow the development of neighborhoods or portions thereof incorporating a variety of residential and non-residential uses. Recognizing that traditional density, bulk, setbacks, use and subdivision regulations which may be useful in protecting the character of substantially developed areas, may be inappropriate to control development in less developed areas.

## **153.701 Identified Objectives**

When reviewing requests for approval of a planned unit development, the County Board shall consider whether one or more of the objectives listed below are served or achieved. It is not the intent of this subchapter to allow for reductions or waivers to standard zoning requirements solely for the purpose of increasing overall density or allowing development that otherwise could not be approved.

- (A) Accommodation of the growing demand for housing of all types and for commercial facilities conveniently located to such housing.
- (B) Promotion of integrated land uses, allowing for a mixture of residential, business, and public facilities along corridors and in transitional areas.
- (C) More convenience in location of accessory commercial and service areas.
- (D) The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- (E) Higher standards of site and building design through the use of trained and experienced land planners, architects and landscape architects.
- (F) An efficient use of land resulting in smaller networks of utilities and streets thereby lowering housing costs and public investments and the promotion of energy resource conservation.
- (G) A development pattern in harmony with the objectives of the Redwood County Comprehensive Plan.
- (H) A more desirable environment than would be possible through the strict application of zoning and subdivision regulations of the county.

## **153.703 Relationship to Other Applicable Regulations**

A planned unit development shall be subject to all applicable standards, procedures, and regulations of this subchapter and the zoning district in which it is located.

## **153.704 Platting Requirement**

All land proposed for planned unit development shall be platted or re-platted into one or more lots, in compliance with the applicable requirements of this subchapter. For the purposes of this subchapter, the site plan shall include the necessary information to serve as a preliminary plat for the development.

## **153.705 Allowed Uses**

Any use allowed within the zoning district in which the planned unit development is located may be included as part of the development plan. In addition, other uses of land may be permitted within the planned unit development upon approval by the County Board. The development plan shall identify all proposed land uses and those uses shall become permitted uses with the acceptance of the development plan.

## **153.706 Minimum Project Size**

There shall be no required minimum or maximum area size for planned unit developments.

### **153.707 Phasing of Development**

Phasing of the planned unit development shall be permitted, provided that each individual phase shall be designed and developed according to the development plan. Additionally, the construction and provision of all common open space and site amenities that are shown on the development plan must proceed at the same rate as the construction of dwelling units, if any. Any violation of this provision shall authorize the Planning Commission to hold a public hearing to review compliance of the planned unit development.

### **153.708 Procedure for Planned Unit Development Approval**

Prior to the issuance of any building permits for development within a Planned Unit Development District, the following approvals are required:

- (A) Approval of a development plan and Planned Unit Development District designation as described in this subchapter.
- (B) Final plat approval in accordance with Article 3 of this subchapter.

### **153.709 Concept Plan Required**

The developer of a planned unit development project shall meet with the Zoning Administrator prior to submittal of an application for development plan approval to review a concept plan for the project. Such plan shall include the following minimum information:

- (A) Property boundary.
- (B) North arrow.
- (C) Scale.
- (D) Proposed density of development.
- (E) General location of major streets and pedestrian ways.
- (F) General location and extent of public and common open space.
- (G) General location of residential and non-residential land uses with approximate type and intensities of development.
- (H) Proposed development schedule.

## **ARTICLE 2. DEVELOPMENT PLAN**

### **153.710 Purpose**

The development plan is intended to illustrate the basic intent and general nature of the proposed planned unit development and to establish the requirements and standards that will apply to the project. The development plan shall name which 153.701 objectives it is serving. Approval of the development plan shall authorize the applicant to seek approval of a final plat.

### **153.711 Application Procedure**

Any person having a legal or equitable interest in a property may file a development plan application for a planned unit development. An application for development plan approval shall be filed with the Zoning Administrator on an approved form and shall be accompanied by the following materials:

- (A) *In general.* Required submittal materials include a narrative statement, site plan, building plans, and any other information requested by the Zoning Administrator and/or Planning Commission.

(B) *Narrative statement.* A written narrative of the proposed development shall be provided, indicating, at a minimum, the information listed below:

- (1) A statement providing evidence that the applicant has sufficient property control to effectuate the planned unit development.
- (2) Development schedule showing the time and sequence of proposed development.
- (3) A summary of the total number of units of each type of use, number of dwelling units, the acreage devoted to all land uses, and the overall net density of the development.
- (4) A statement as to the character and size of all proposed structures, including the use, height, and gross floor area of the buildings.
- (5) A description of architectural design standards that will be implemented as part of the development.
- (6) A description of how runoff will be controlled.
- (7) A description of the anticipated market which the development is intended to serve.
- (8) A statement presenting the applicant's justifications for approval of the planned unit development and how the identified objectives of this subchapter are being satisfied.
- (9) A statement describing the form of ownership and maintenance of all common open space, recreational facilities, and other commonly held area intended for the exclusive benefit of the occupants.
- (10) A description of proposed protective covenants, easements, or restrictions to be imposed upon the use of the land, buildings, and structures.
- (11) A statement identifying, and providing justification for, any variances, modifications, or waivers from the development standards specified in this subchapter.

(C) *Site plan information and contents.* The site plan submitted in support of a development plan shall include the information listed below, unless specifically waived by the Zoning Administrator prior to submittal:

- (1) Proposed name of development; names shall not duplicate or too closely resemble names of existing subdivisions or developments.
- (2) Location of boundary lines in relation to known section, quarter-section or quarter-quarter section lines comprising a legal description of the property.
- (3) Vicinity sketch, at a legible scale, illustrating the relation of the plan to its surroundings.
- (4) Names and addresses of all persons having property interest, the developer, designer, and surveyor together with his registration number.
- (5) Graphic scale of plat, not less than one (1) inch to one hundred (100) feet.
- (6) Date and north arrow.
- (7) Boundary line and total acreage of proposed plan, clearly indicated.
- (8) Designation of existing zoning classifications for land within one hundred (100) feet of the proposed development.
- (9) Location, widths, and names of all existing or previously platted streets or other public ways, showing type, width, and condition of improvements, if any, railroad and utility rights-of-way,

parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract.

- (10) Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes and hydrants shall also be shown.
  - (11) Boundary lines of adjoining unsubdivided or subdivided land, within three hundred fifty (350) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
  - (12) Topographic data of the site and area within one hundred (100) feet, including contours at vertical intervals of not more than two (2) feet. Watercourses, floodplain areas, wetlands, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. U.S.G.S. data shall be used for all topographic mapping and such preliminary plat shall also show the location of all open public or private drainage ditches and tile branches or laterals thereof, and all storm sewers and sanitary sewers.
  - (13) Location and type of land uses to be developed including a summary of the number of residential dwellings by building type and gross floor areas of both residential and nonresidential buildings.
  - (14) Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross-sections, and proposed names of streets. The name of any street heretofore used in the county or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
  - (15) Locations and widths of proposed alleys and pedestrian ways.
  - (16) Locations and size of proposed sewer lines and water mains.
  - (17) Location, dimension, and purpose of all easements.
  - (18) Layout, numbers, lot areas, and preliminary dimensions of lots and blocks.
  - (19) Minimum front and side street building setback lines to illustrate compliance with development standards of this subchapter. When lots are located on a curve, the width of the lot at the building setback line shall be shown.
  - (20) Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public or private use, including the size of such area or areas in acres.
  - (21) Location of parking areas, including the number of stalls required and the number provided, loading facilities, and proposed vehicular driveways and aisles.
  - (22) Location, general exterior dimensions, and approximate gross floor areas of all proposed buildings, along with a description of the proposed use and, if applicable, approximate amount of floor area devoted to each separate use.
  - (23) The location, type, and size of proposed landscape and screening plantings, signs, or other site enhancements.
- (D) *Building plans and elevations.* Drawings shall be submitted indicating use and illustrating typical floor plans, elevations, and exterior building materials.

### **153.712 Public Hearing on Planned Unit Development: Notice**

The Planning Commission shall hold a public hearing on each completed application for a planned unit development.

- (A) *Notice.* At least ten days in advance of the hearing, notice of the time and place of the hearing shall be published in the official newspaper of the county. Written notice of public hearings shall be sent by letter to all property owners of record within 500 feet of the affected property in incorporated areas, and one-half mile in unincorporated areas, the affected board of township supervisors and the municipal council of any municipality within two miles of the affected property. The failure to give mailed notice to the individual owners or defects in the notice shall not invalidate the proceedings providing a bona fide attempt to comply with this section has been made.
- (B) *Preliminary Plat.* The Zoning Administrator shall refer one copy of the site plan, which serves as the preliminary plat, to the County Engineer, one copy to the town board, and one copy each to the telephone and utility companies. Each may then submit a report to the Zoning Administrator within 15 days. Failure to submit such a report shall constitute approval of the preliminary plat. The reports permitted in this section shall be forwarded to the Planning Commission for their consideration.
- (C) *Hearing.* The developer shall attend the Planning Commission meeting at which his or her proposal is scheduled for consideration. After the closing of the hearing on a proposed development, the Planning Commission shall make findings, pursuant to Section 153.713, and shall submit the same together with its recommendations to the County Board to be heard at its next regularly scheduled Board meeting.

### **153.713 Required Findings**

The Planning Commission shall make each of the following findings before recommending approval of a planned unit development:

- (A) Adequate property control is established and provided to protect the individual owner's rights and property values and to define legal responsibilities for maintenance and upkeep.
- (B) The interior circulation plan and access from and onto public right-of-way does not create congestion or dangers and is adequate for the safety of the project residents and general public.
- (C) A sufficient amount of usable open space is provided.
- (D) The arrangement of buildings, structures, and accessory uses does not unreasonably disturb the privacy of surrounding property owners or reduce the value of adjacent properties.
- (E) The architectural design of the project is compatible with the surrounding area.
- (F) The project will not place a burden on existing county infrastructure, including utility and drainage systems.
- (G) The development schedule insures a logical development of the site, protecting the interests of project residents and the general public.
- (H) The planned unit development is in reasonable compliance with the intent and purpose of the Redwood County Comprehensive Plan.

### **153.714 Action by Commissioners on Planned Unit Development**

The County Board shall make the final decision regarding all applications for planned unit development approval. Upon filing of the report or recommendation, the County Board may hold public hearings upon the preliminary plat as it deems advisable. After the conclusion of the hearings, if any, the County Board may approve the proposed plat or any part thereof in such form as it deems advisable. Upon approval of the development plan,

the official zoning map shall be amended to designate the property as a "PUD- Planned Unit Development" overlay district.

#### **153.715 Established Conditions of Approval**

The County Board may establish any reasonable conditions of approval that are deemed necessary to mitigate adverse impacts associated with the planned unit development, to protect neighboring properties, and to achieve the objectives identified within this subchapter and elsewhere in this Chapter.

#### **153.716 Expiration of Planned Unit Development Approval**

If no final plat is submitted within a period of one (1) year from the date of initial approval of the planned unit development, the County Board may revoke approval of the planned unit development.

### **ARTICLE 3. FINAL DEVELOPMENT PLANS**

#### **153.717 Procedure for Approval of Final Development Plans**

Approval of the development plan shall authorize the applicant to proceed with final plans, including any necessary final plat, site plan, and building permit approvals.

#### **153.718 Final Plat Approval**

- (A) *Procedures.* An application for a final plat shall be filed with the county's Zoning Administrator. The final plat may be submitted for approval as follows.
- (1) The final plat shall be submitted to the county's Planning Commission at least four weeks prior to a Planning Commission meeting at which consideration is requested. The Planning Commission may, at its discretion, require a public hearing on the final plat. In the event it decides to require a public hearing on the final plat, the notice procedures in 153.712 shall be followed. Approval, conditional approval, or disapproval of the final plat will be conveyed to the developer in writing within ten days after the meeting of the county's Planning Commission at which the plat was considered. In the case the plat is disapproved, the developer shall be notified of the reason for the action and what requirements will be necessary to meet the approval of the Commission.
  - (2) After review of the final plat by the county's Planning Commission, the final plat, together with the recommendations of the Planning Commission, shall be submitted to the County Board for consideration. The County Board may, at its discretion, require a public hearing on the final plat. In the event it decides to require a public hearing on the final plat, the notice procedures in 153.712 shall be followed. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all streets, roads, easements or public purposes. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Board of County Commissioners and reported to the person applying for such approval.
- (B) *Data required.*
- (1) The final plat shall comply with the requirements of M.S. Ch. 505, as it may be amended from time to time, including plat format, contents, and certifications.
  - (2) The following certifications are required: Notarized certification by owner and by any mortgage holder of record at the adoption of the plat and the dedication of streets and other public areas; Notarized certification by a registered land surveyor, to the effect that the plat represents a survey made by him or her and that monuments and markers shown therein exist as located

and that all dimensional and geodetic details are correct; Certification of review to be signed by the chairperson of the affected township board of supervisors; Certifications of approval to be signed by the Chairperson of the county's Planning Commission and the county's Board of Commissioners; Certification by County Auditor-Treasurer showing that all taxes of record and special assessments due on the property have been paid in full; and Certification of filing to be filed in by the County Recorder.

#### **153.719 Plan Consistency**

The final plat must be consistent with the approved development plan. The Environmental Office shall withhold approval of any site plan or building permit required for a planned unit development if the proposal is inconsistent with the development plan as approved, except as provided below:

- (A) *Minor revisions.* Minor changes, such as the location, placement, and height of structures may be authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the development plan was approved.
- (B) *Major revisions.* Changes in use, any rearrangement of lots, blocks, and building tracts, changes in the provision of common open spaces, and all other changes shall require approval of a revised development plan, in accordance with the procedures established in Section 153.712.

### ARTICLE 4. DEVELOPMENT STANDARDS

#### **153.720 Exceptions to Ordinance Standards**

As part of planned unit development approval, the County Board shall be authorized to approve exceptions to the zoning controls applicable to the zoning district in which the planned unit development is located. Such exceptions shall only be granted, however, when it is clearly warranted to achieve the objectives identified in Section 153.701. Nothing in this subchapter, however, shall be construed to provide a property owner any right to compel the County Board to grant such exceptions.

#### **153.721 Placement of Structures**

More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of individual buildings to other site elements and to surrounding development shall be given primary consideration in reviewing and approving the placement and spacing of structures.

#### **153.722 Bulk Regulations**

- (A) *Building height.* The County Board may authorize an increase in building height for the purpose of promoting project integration and additional site amenities.
- (B) *Building setbacks.* The County Board may authorize a reduction in or elimination of required yards provided that a landscaped yard of at least the minimum width established for the base zoning district is maintained along the periphery of the planned unit development. The County Board may then require maintenance of a larger yard along the periphery if it determines that it is necessary for the planned unit development to conform to the general nature of the surrounding area.
- (C) *Non-residential lot size requirements.* No minimum lot size is required; however, the lot size shall be adequate to meet the setback, yard, and other requirements, as allowed in the underlying zoning district, or as otherwise authorized by the County Board pursuant to subdivision (B), above.

#### **153.723 Residential Lot Requirements**

- (A) *In general.* The County Board may authorize reductions in the area and width of individual lots within a planned unit development from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space elsewhere in the planned unit development. Such open space shall not include areas designated as public or private streets.

- (B) *Density bonus.* The County Board may authorize a reduction in the minimum lot area per dwelling unit required by the zoning district regulations by not more than twenty (20) percent for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.

**153.724 Open Space**

For all planned unit developments, at least twenty (20) percent of the project area not within street right-of-way must be devoted to open space. The development plan must coordinate improvements to open space areas concurrent with construction of permitted structures and other required improvements within their respective phase of the planned unit development.

- (A) *Residential.* Such open space must be available to the residents or tenants of the planned unit development for recreational purposes or other similar benefit. Land reserved for stormwater detention facilities and other required site improvements, private yards and required or proposed setback areas, and areas not accessible by those living in the development, shall not be applied toward satisfaction of open space requirements. Such open space must be suitably improved for its intended use, and plans for such improvements shall be submitted and approved as part of the planned unit development approval process. Areas containing natural features worthy of preservation or excessive areas of public or private utility easements may be counted as open space and may be left unimproved, at the discretion of the County Board.
- (B) *Non-residential.* Stormwater detention facilities, private yards, and proposed setback areas may apply toward satisfaction of open space requirements, at the discretion of the County Board.

**153.725 Parking**

- (A) *Residential Parking.* When private streets are proposed as part of a residential planned development, additional common area off-street parking will be required in accordance with Table 15-1 below. Such parking areas shall be dispersed throughout the planned development and shall not be located directly in front of any residential unit.

Table 15-1. Additional parking requirements, residential planned development.			
On-street parking	No garages	Single garages 1 stall / unit	Double garages
None	1½ stalls / unit	1 stall / unit	½ stall / unit
1-side of street	1 stall / unit	½ stall / unit	none
2-sides of street	½ stall / unit	none	none

- (B) *Non-residential parking.* Adequate parking will be provided to account for the anticipated traffic of the uses of the project.

**153.726 Private Streets**

- (A) *When permitted.* Private streets will be allowed when the pattern of development does not lend itself to through streets, taking into consideration existing properties, buildings, or topographical features that make construction of a public street unfeasible or inappropriate.

Private streets will not be permitted in the following instances:

- (1) When a street serves as an extension of an existing public street.
- (2) When a future extension of the street will serve as access to adjacent properties.
- (3) When the street is, or will be, part of a larger neighborhood traffic system or is part of the county wide comprehensive street system.

- (B) *Design standards.* Private streets shall be located within a dedicated easement. The County Board may require private streets to include concrete curb and gutter, with surmountable style curbing permitted, and street lighting equivalent to standards for installation along public streets. Minimum street width, as measured from face-to-face of curb or from the edge of the impervious surface if no curb is required, along with the minimum easement width to allow for utility installations, is indicated in Table 15-2.

Proposed on-street parking	Minimum street width	Minimum easement width
None	24 feet	50 feet
1-side of street	28 feet	50 feet
2-sides of street	32 feet	60 feet

- (C) *Maintenance.* Maintenance of private streets and street lighting shall be the responsibility of the developer or property owner's association formed as part of the planned development. Requests for dedication of private streets as public streets shall only be considered if streets are constructed to meet the standards of the road authority.

#### ARTICLE 5. ENFORCEMENT OF TERMS OF PLANNED UNIT DEVELOPMENT APPROVAL

##### **153.727 Recording of Documents**

Upon approval of the development plan, it shall be filed with the Redwood County Recorder's office to serve as notice that the property is being developed under the terms and conditions agreed to by the applicant and the County Board. Upon approval of a final plat, said plat shall be filed along with a development agreement, executed by both the applicant and County Board, and any necessary restrictions or property owner's association documents governing the planned unit development.

##### **153.728 Performance Guarantee**

A cash escrow or letter of credit shall be required by the County Board to guarantee performance by the developer. The amount of said cash escrow or letter of credit, and the specific elements of the development that it is intended to guarantee, will be stipulated in the development agreement.

##### **153.729 Control of planned development following completion**

- (A) *In general.* After completion of the planned development, no changes shall be made in the use or configuration of any buildings or structures within the planned unit development, except as permitted below. All other modifications shall require approval of a revised development plan in accordance with the procedures specified in Section 153.711.
- (B) *Permitted amendments.* The Zoning Administrator may authorize any minor extensions, alterations, or modifications to existing buildings or structures if they are consistent with the purpose and intent of the development plan. No change authorized by this section may increase the size of any building or structure by more than ten percent (10%).

##### **153.730 Violations**

Any use, arrangement, or construction that varies from what has been authorized by the approved planned unit development or any violation of the conditions established with approval of the planned unit development will be a violation of this Chapter and subject to the provisions of Section 153.999 of this Chapter.