

Zoning Code

Chapter 7

Planned Developments

Article 1. Planned Residential Development, §§ 7-010--7-100

Article 2. Planned Unit Development, §§ 7-200--7-250

Article 1. Planned Residential Development

Sec. 7-010. Reserved. (Code of 2001)

Sec. 7-020. Purpose.

The Zoning Code and the Platting Ordinance of the City have been adopted to ensure uniformity in the treatment of land use, density, bulk and open space. Such uniform treatment is based on the concept of a single building on a single lot. The City Council recognizes that there have been important changes in the methods of subdivision layout, the design and use of land, and placement of buildings thereon. The City Council also recognizes that the methods for preservation of public health, safety, morals, and general welfare must be altered from time to time as the City Council deems fit to meet advances in technology and changes in social thought as they occur and present the demand.

This Article of the Zoning Code presents a method whereby, with the approval of the City Council, an applicant may proceed with a program for the use of land in a manner that encourages social interchange, life-cycle environment, and efficiency in the use of land without creating a detriment to public health, safety, morals, or general welfare.

The City Council further recognizes that in the creation of planned residential development, variations in density, bulk, height, setback, and other regulations pertaining to the use of land may occur that are not in strict accordance with other provisions of the Zoning Code or any other ordinance of the City. However, if it can be shown by the applicant that such variations, due to the design and layout of the planned residential development, are not detrimental to the public health, safety, morals, and general welfare, then variations will be allowed within the confines stated elsewhere in this Article.

The purpose of this Article of the Zoning Code is to provide for and encourage advances in housing design; changes in types of dwellings; more flexibility in layout and site planning; the development of the life-cycle environment; and the more efficient use of land, open space, and public facilities. This Article also details the requirements for obtaining a permit for a planned residential development of residential and ancillary uses. (Code of 2001)

Sec. 7-030. Application.

(1) **Site.** The owner of any tract of land containing two or more acres in any residential or commercial district adjacent to a residential district may apply to the City Council for development of the tract under the planned residential development as provided in this Article.

(2) **Applicant.** Application shall be made by the property owner except that an option holder may apply

provided the application is accompanied by signed letters stating no objection from all the owners of all land included in the application.

(3) **Required Information.** The application shall be filed with the City and shall be accompanied by sixteen copies of the preliminary plan containing the following information:

- A. All data required on a preliminary plat.
- B. Density of land use.
- C. All types of uses proposed.
- D. Location of all buildings.
- E. Height of all buildings.
- F. Bulk of all buildings.
- G. Feasibility study for disposal of sanitary waste and storm sewer.
- H. Proposed water service.
- I. An abstractor's certificate showing the names and addresses of all property owners within 600 feet of the proposed planned residential development.
- J. Any plans for modification of standards set by other provisions of the Zoning Code or any other ordinance of the City.
- K. The proposed geographical staging and timing of the plan.
- L. A statement from the applicant indicating why the proposal would be in the public interest and how it would conform with the purpose as stated in Section 7-020.

(4) The applicant shall file the final plan with the City no later than ninety days after the City Council approves the preliminary plan. The final plan shall include but not be limited to sixteen copies of the following materials:

- A. A final plat in accordance with regular subdivision procedures under Chapter 26 of the City Code.
- B. A final plan indicating placement and type of all buildings and their uses.
- C. An elevation drawing of the proposed development at a point that will best indicate the height and bulk of all structures.
- D. A copy of all deed restrictions, and covenants and a copy of the bylaws of the proposed association of owners, including but not being limited to the provisions of the "Minnesota Condominium Ownership Act," Chapter 457, Laws of 1963 (Minnesota Statutes, Sections 515.01 to 515.29).
- E. Landscape plan.
- F. Any changes in the final plan caused by amendments to the preliminary plan by the City Council.

(5) The fee for processing a planned residential development shall be established by resolution. (Ord. No. 518, 1-24-84; Ord. No. 539, 2-25-86; Code of 1988; Ord. No. 633, 8-26-97; Code of 2001)

Sec. 7-040. Procedure.

(1) The general procedure for action on an application for a planned residential development shall be:

- A. Application sent to the Community Development Department.
- B. City sets public hearing and publicizes according to Section 7-080.
- C. Planning Commission review and recommendation, maximum of forty days after first appearing on agenda of the Planning Commission.
- D. City Council action.

- E. Final plan must be received no later than ninety days after action on the preliminary plan by the City Council.
- F. Planning Commission review and recommendation.
- G. Final plan review by City Council.

Sec. 7-050. Permitted Uses.

- (1) The uses permitted under a planned residential development in any residential district shall be:
 - A. Detached dwelling units.
 - B. Semi-detached dwelling units.
 - C. Attached dwelling units.
 - D. Multi-storied dwelling units.
 - E. Religious uses.
 - F. Non-commercial recreational uses.
 - G. Non-commercial cultural uses.
 - H. Commercial uses.
- (2) Commercial uses may not be built or engage in business or operate in any manner until at least one half of the total number of residential units in all stages of the planned residential development have been built. (Code of 1988; Ord. No. 633, 8-26-97; Code of 2001)

Sec. 7-060. Standards.

- (1) The plan shall be consistent with the stated purposes and intent of the Zoning Code.
- (2) A planned residential development shall conform with Chapter 26 of the City Code and the Zoning Code except as hereinafter modified or exempted and any amendments as will be adopted from time to time to better meet the stated purposes of this Chapter.
- (3) No amendments to this Chapter shall be enacted that may apply to any proposal for a planned residential development for which an application has been received by the City and upon which action is still pending.
- (4) A planned residential development that which shall include only a single type of dwelling unit, such as all detached or all semi-detached shall not be deemed inconsistent with the stated purposes of this Chapter because it contains only a single type of dwelling unit.
- (5) Architectural styling shall not be the sole basis for denial of a planned residential development.
- (6) The maximum ground floor area for the sum of all buildings in the project shall not exceed 25 percent of total land area in the planned residential development.
- (7) There shall be no height limitation for any buildings in a planned residential development except that all buildings and dwelling units shall observe the following setbacks and densities:
 - A. There shall be a minimum setback of the height of the building or 25 feet, whichever is less, from all property lines that form the perimeter of the entire plan of the planned residential development. Subject to approval of the City Council, building setbacks may be decreased from

the perimeter setback requirement for any new planned residential development if pedestrian linkages to neighboring developments for residents, employees, or shoppers is provided along with an approved streetscape plan with enhanced landscaping.

B. When any property line forming the perimeter of the plan for a planned residential development is in, abuts, or is less than seventy feet from an R-1 or R-2 district, the setback for each building in the planned residential development shall be at least its building height away from said line except where said abutting or adjacent property is publicly owned and is seventy feet or more in width, then the setback shall be a minimum of 25 feet.

C. In accordance with, and to better meet the stated purpose of the Planned Residential Development Article of the Zoning Code, the dwelling unit density for a planned residential development within an R- 1, R-2, R-3A or R-3B district may be computed on a basis of eighty percent of the required minimum lot area per unit as stipulated for the respective districts in the Zoning Code. Adjusted densities may be applied to any land within the district that will be developed in accordance with an approved site plan for a planned residential development.

D. In order to provide for the unique characteristics of developments serving the elderly and in recognition of their reduced levels of population and activity, housing developments for elderly persons may have their density calculated on the basis of fifty percent of the minimum lot area per dwelling unit stipulated for the respective districts in this Zoning Code.

(8) There shall be a minimum of two off-street parking spaces per dwelling unit in a planned residential development serviced by a private road. In addition, a minimum of 1/2 space per dwelling unit shall be provided for visitor parking and visitor parking shall be posted "visitor parking only".

(9) More than a single building may be placed on single lot in a planned residential development.

(10) Any and all common open space shall be labeled as such and as to its intent or design function. Provisions for maintenance, ownership, and preservation shall be made in accordance with the provisions of the "Minnesota Condominium Act," Chapter 457, Laws of 1963 (Minnesota Statutes, Sections 515.01 to 515.29).

(11) The final plan shall include the following:

- A. All proposed covenant restrictions and easements to run with the land, together with any provisions for release from same;
- B. Provisions for dedication of easements for public streets, ways, and facilities;
- C. All provisions relating to height, density, bulk, and location of all structures.

All or any of the foregoing may be modified as deemed necessary by the City Council for the preservation of the public health, safety, morals, and general welfare of the residents of the planned residential development and the City.

(12) If the plan for planned residential development is proposed to be built in stages, the final plan shall give all details relative thereto. The City Council may approve or modify, where necessary, any such proposals and may grant temporary variances allowing a greater ground floor area or density in any one stage, provided, that the total ground floor areas and density of the entire planned residential development will not be affected.

(13) The staging of any plan for planned residential development shall include the time for the beginning and completion of each stage. Such timing may be modified by the City Council on the showing of good

cause by the owner.

(14) Any improvements, such as streets, sidewalks, or utilities to be located on or in land dedicated to the public, shall be ordered and financed in accordance with Sections 25-16 through 25-45 of the City Code.

(15) The plan and profile of all public facilities, including but not limited to streets, sewer, and water, shall be reviewed and approved by the City prior to the final approval of the plan for the planned residential development.

(16) The plan for planned residential development may include sizing for water supply, sanitary sewers, and storm sewers; the width and type of paving of streets, alleys, sidewalks, public ways, curbs, and gutters; and the width and type of public utility easements and street lighting, which do not meet the standards as provided for in other sections of the City or Zoning Codes. Whenever such a case arises, the City Council may modify these requirements in order to accommodate the plan for planned residential development, provided, that such modification on the advice of the proper City officials will not impair the preservation of the public health, safety, morals, and general welfare of the residents of the planned residential development or of the City.

(17) Where it can be shown that the land proposed for planned residential development has already been platted or a registered land survey filed and that such plat or registered land survey need not be changed to support the proposed project, no platting or replatting shall be necessary if the petitioner can conform to the following requirements:

- A. There is at least 200 feet of frontage on a public street.
- B. The land is proposed for attached or multi-storied dwelling units.
- C. The planned residential development can be served adequately by police and fire vehicles.

(18) When no plat is to be filed according to Section 7-060 (17), the plan for a planned residential development shall still conform to all other sections of this Article.

(19) No building permit shall be granted for any building on land for which a plan for a planned residential development has been approved that does not conform to the final plan. (Ord. No. 521, 3-27-84; Ord. No. 538, 2-11-86, Code of 1988; Ord. No 633, 8-26-97; Ord. No. 650, 12-22-98; Code of 2001)

Sec. 7-070. Planning Commission Study and Review of Preliminary Plan.

(1) The application for a planned residential development shall be placed on the agenda of the first regularly scheduled meeting of the Planning Commission after a public hearing has been duly called. The Planning Commission shall take action to recommend approval of the preliminary plan as submitted, recommend approval with the addition of conditions, or recommend against approval of the preliminary plan. Such recommendation shall be made within forty days after the application is first heard at the public hearing unless it can be shown that the delay has been caused or requested by the applicant who shall state the same in writing to the Planning Commission. If a delay is not caused or requested by the applicant, the application shall be forwarded to the City Council. If a delay is requested by the applicant, the Planning Commission shall determine whether or not to grant the delay.

(2) The recommendation of the Planning Commission shall be forwarded with the application for preliminary plan approval to the City Council. The recommendation shall be based on and include but not be limited to the following items:

- A Consistency of the plan with type, density, height and bulk of surrounding lands and the Zoning Code.
- B. Consistency with the stated principles of the planned residential development.
- C. The plat of the plan and its provisions for public facilities, internal circulation, and recreational spaces.
- D. The adequacy of size and intended function of the open space in common and the provisions for its maintenance and conservation.
- E. The design for the handling of vehicular traffic on abutting or adjacent streets and their role in the comprehensive thoroughfare plan.
- F. The provisions for the servicing and safety of the residents of the planned residential development.
- G. The variation from standard subdivision regulations of the plan.

Sec. 7-080. Public Hearing.

- (1) Upon receipt of the application the City shall set a public hearing for the Planning Commission.
- (2) The public hearing shall be held after notice of the time and place of such hearing has been published in the official newspaper at least ten days before the hearing. Further, the City shall cause a notice to be mailed to each property owner within 600 feet of the property for which the planned residential development is requested. The notice to the property owners shall be mailed at least ten days before the hearing. The mailing shall be made in accordance with the abstractor's certificate as provided by the petitioner.
- (3) After the public hearing and Planning Commission recommendation, the City Council shall consider the application and approve with conditions or modifications or deny it.
- (4) If the application for a preliminary plan for planned residential development is denied, the applicant may elect to abandon the application or may reapply with a new plan. (Ord. No. 518, 1-24-84; Code of 2001)

Sec. 7-090. Planning Commission Final Plan Review and Consideration.

- (1) No final plan shall be received or considered unless it is based on an approved preliminary plan.
- (2) The Planning Commission shall review the final plan at its first regularly scheduled meeting occurring fourteen days after filing the application for final approval.
- (3) The final plan for planned residential development shall be in substantial compliance with the preliminary plan.
- (4) Substantial compliance shall mean any plan that:
 - A. Has not increased its residential density.
 - B. Has not enlarged its nonresidential floor area.
 - C. Has not decreased the area of the open space or changed the design of it so as to inhibit its original intent and design.
 - D. Has complied with the conditions or amendments placed on the preliminary plan by the City Council.

(5) The Planning Commission shall determine whether the final plat is in compliance with the provisions for filing a plan according to Chapter 26 of the City Code and shall list all variations or modifications from Chapter 26 in accordance with Section 7-060 (10) and (15).

(6) The Planning Commission shall indicate by recommendation to the City Council that the final plan for planned residential development is in substantial compliance with the preliminary plan and shall add any further conditions it deems necessary to protect the public health, safety, morals, and general welfare. Any final plan deemed not to be in substantial compliance with the preliminary plan or in compliance with Chapter 26 of the City Code except as changed by variation noted by the applicant shall be as noted in the recommendation to the City Council as to exactly where the final plan is not in compliance and to what degree and shall further recommend as to whether another public hearing is in order.

Sec. 7-100. City Council Final Plan Review.

(1) The final plan for planned residential development (PRD) and the recommendations of the Planning Commission shall be placed on the agenda of the next regular meeting of the City Council.

(2) In the event that a project is to be built in stages, final plan approval may be given only to that portion or stage of the plan under specific consideration. The requirements of Section 7-030(4) shall apply only to that portion or stage under specific consideration.

Subsequent stages of a staged PRD shall be submitted a minimum of one stage each year after final approval of the initial stage. If stages are not submitted in accordance with this timetable, they shall be considered as separate and new PRD's which must be reviewed from the preliminary stage and are subject to payment of all application fees of a new PRD. All PRD's which are single-stage developments must comply with the provisions of this section relating to construction commencement.

(3) An extension of any limit in the PRD Article of the Zoning Code may be granted by the City Council upon a three-fifths vote but only upon written request for such an extension by the applicant. The request must be filed with the City a minimum of ten days prior to the expiration of the time limit.

(4) Any planned residential development which receives final approval shall be filed with the City. The plat of the plan or portion thereof finally approved shall be filed as stipulated under Chapter 26 of the City Code.

(5) Any planned residential development that receives final approval and includes therein provisions for multiple ownership under condominium shall also comply with all requirements of the "Minnesota Condominium Act", Chapter 457, Laws of 1963 (Minnesota Statutes, Sections 515.01 to 515.29).

(6) No building permits shall be issued until the plat of the plan has been filed in accordance with Sections 7-100 (4) and (5).

(7)-At the time of approval of a PRD, the City Council shall specify a Commencement Date and a Compliance Date. If development of the PRD in stages is approved, the Council shall specify Commencement Date and a Compliance Date for each stage. For purposes of this Section, Commencement Date means the date by which the applicant must qualify for and receive a building permit for the development of the PRD. If no building permit is issued by the Commencement Date,

PRD approval shall expire and be of no further force or effect. The Compliance Date is the date by which the construction and development of the PRD or an approved stage must be complete, including all site improvements and landscaping, and all conditions of approval satisfied. Failure to meet such requirements by the Compliance Date is a violation of this Code. If no Commencement or Compliance Dates are specified, the Commencement Date shall be six (6) months after the date of approval of the PRD and the Compliance Date shall be eighteen (18) months after the date of approval of the PRD. The City Council may, upon application, in accordance with paragraph (3) of this Section, extend Commencement and Compliance Dates and the dates for completion of site plan improvements under Section 8-040. (Ord. No. 791 4-27-2010)

Sec. 7-110. Amendments

(1) An amendment to an approved planned residential development shall be considered either minor or major. Minor amendments may be approved administratively by the City Planner. Major amendments may be approved by the City Council only after a recommendation is made by the Planning Commission following the notification and public hearing procedure in Section 7-080.

(2) Amendments to an approved planned residential development shall be considered minor only if they meet the following requirements:

A. The amendment includes only changes in engineering details, stormwater functions, or landscaping changes in plant type as approved by the City Planner; and.

B. The City Planner determines that the changes will not have land use impacts that are materially different than the original approved plan.

(3) Amendments to an approved planned residential development shall be considered major if they include any changes in uses, building location, building size, building height, types and distribution of exterior building materials, open space arrangements, landscaping improvements, arrangements of lots and blocks, signs not part of an approved Comprehensive Sign Plan, or any other changes not meeting the definition of a minor amendment.

(4) All planned residential development standards of Section 7-060 shall apply to all planned residential development amendments, except as otherwise allowed through the original approval.

(5) The review procedure for any major amendment shall follow the steps outlined in Section 7-010, except that only a final plan review by the Planning Commission and City Council is required.

(6) Approval of any amendment to the existing planned residential development shall be dependant on its conformance with the stated principles of Section 7-070 (2) (A – G).

(Ord. 784, Adopted 10/27/2009)

Article 2. Planned Unit Development

Sec. 7-200. Reserved.

Sec. 7-210. Purpose.

It is the intent of the planned unit development provisions of the Zoning Code to establish a mechanism whereby major commercial developments or mixed use developments containing commercial and industrial uses or commercial and residential uses may be regulated in a manner that allows for sensitivity to the needs of the development and of the natural and man-made environment in order to create a harmonious relationship between that development and its larger environment.(Code of 2001, Ord. No. 691, 7-24-01)

Sec. 7-220. Application.

(1) **Applicant.** Application for approval of a planned unit development shall be made by the fee owner of the property except that a purchaser by contract for deed or an option holder may apply provided the application is accompanied by letters signed by all of the property owners stating no objection from the fee owner or owners of all land included in the application. If an applicant chooses the two-step procedure as described in Section 7-220 (2)(B), a letter of consent from affected property owners shall be required prior to final plan approval as described in Section 7-220 (2)(B). (Ord. 737 2-28-2006)

(2) **Procedures.** Applicants, except applicants for planned unit developments involving subdivision of land, may choose to have their application processed according to either the “single-step procedure” or “two-step procedure” presented in this Subsection. The applicant shall select the procedure to be used when the application is submitted provided that a planned unit development application involving the subdivision of land shall be processed in accordance with the “two-step procedure”.

A. *Single-step procedure:*

1. An application shall be filed with the City that contains all the information specified in Section 7-220 (2), C1 and 2. The number of copies of the application shall be as specified by the City.
2. Upon receipt of the application, the City shall set a public hearing for the Planning Commission. The public hearing shall be held after publication and mailed notices have been completed in accordance with Section 7-080 (2).
3. The City Council shall act upon the application.

B. *Two-step procedure:*

1. An application shall be filed with the City that contains all the information specified in Section 7-220 (2), C1 and 2. The number of copies of the application shall be as specified by the City.
2. Upon receipt of the application, the City shall set a public hearing for the Planning Commission. The public hearing shall be held after publication and mailed notices have been completed in accordance with Section 7-080 (2).
3. The City Council shall act in regard to the preliminary plan for the planned unit development.
4. A final plan containing all information required in Section 7-220 (2) C1 and C2 shall be filed with the City. The number of copies of the final plan shall be as specified by the

City.

5. The final plan shall be referred to the Planning Commission for their review and recommendation.

6. Following action by the Planning Commission, the City Council shall review and act in regard to the final plan.

C. Required information:

1. Preliminary plan:

a. Detailed drawings showing:

i) All data required for a preliminary plat according to Chapter 26 of the City Code.

ii) Location of all buildings.

iii) Height of all buildings.

iv) Bulk of all buildings.

v) Location of all driveways, maneuvering areas, and parking areas.

vi) Location of any and all common open space and its intent or designed function.

vii) Feasibility study for sanitary sewer, water, storm sewer, and public streets, including plans and profiles therefore.

b. A written text including:

i) Abstractor's certificate showing the names and property descriptions of all property within 600 feet of the proposed planned unit development.

ii) Beginning and completion times for construction of the planned unit development.

iii) A description of all land uses proposed, including square footage of building devoted to each.

2. Final plan:

a. If a subdivision is part of the proposed planned unit development, all data required for a final plat according to Chapter 26 of the City Code.

b. A final plan containing all information required for a building permit in Section 8-010 of the Zoning Code.

c. A copy of all deed restrictions, covenants to be recorded as part of the planned unit development, and provisions for maintenance, ownership, and preservation of any and all common open space.

d. If the planned unit development is proposed to be built in stages, the staging shall be described, including the applicant's best available information regarding location of stage areas and beginning and ending times for each stage.

D. Other procedural requirements:

1. Failure to comply with beginning and completion dates approved as part of the planned unit development shall result in no further building permits being issued unless an extension is approved by the City Council.

2. Despite other provisions of this Chapter to the contrary, final plans for planned unit developments involving multiple buildings may, at the option of the City Council, be approved without detailed building plans for all buildings proposed being submitted at the time of approval of the final planned unit development. In such cases future buildings may be approved by issuance of a special use permit, as provided for in Section 8-110 et seq., amending the approved planned unit development. The City Council may also require that the final planned unit development include design standards for future buildings in such cases.

3. Revisions to an approved final plan for a planned unit development shall be made according to the procedure that would be required if the revision were a new application.
4. The fee for processing a planned unit development shall be established by resolution. (Ord. No. 539, 2-25-86; Code of 2001)

Sec. 7-230. Standards.

- (1) The minimum size for a planned unit development approved under this Article shall be four acres of land area and 30,000 total square feet of gross floor area in the buildings included in the planned unit development.
- (2) The property to be included in the planned unit development shall be in single ownership or under the management or supervision of a central authority, or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this Article.
- (3) Uses permitted in a planned unit development shall be those permitted uses, accessory uses, and uses by special permit that are allowed in the zoning classification of the land to be included in the planned unit development. At the time of approval of a planned unit development, the City Council may restrict or expand the uses that would otherwise be allowed in the District. (Code of 1988, Code of 2001 Ord. No. 691, 7-24-01)
- (4) A planned unit development shall conform to all applicable sections of Chapter 26 of the City Code and to the Zoning Code except as hereinafter modified or exempted and any amendments to said codes as will be adopted from time to time to better meet the stated purposes of the Chapter.
- (5) Nothing in this Article shall be construed to prohibit the approval of a planned unit development having only a single building.
- (6) Architectural styling shall not be the sole basis for denial of a planned unit development.
- (7) The maximum gross floor area for the sum of all buildings in a project shall not exceed 45 percent of the total land area in the planned unit development. For purposes of determining compliance with this provision, the first two aboveground floors of structures used exclusively for parking of vehicles shall not be included as part of the gross floor area of the development. Subject to approval of the City Council, the gross floor area may be increased for any new Planned Unit Development that is located in the area known as the Northwest Quadrant project area, as defined by the Northwest Quadrant Framework Plan approved by the City Council. (Ordinance No. 795, 01-11-2011)
- (8) All buildings shall observe the following setbacks unless otherwise specified by the Council at the time of approval of the planned unit development:
 - A. There shall be a minimum setback of the height of the building, or thirty feet, whichever is greater, from all property lines that form the perimeter of the entire plan of the planned unit development. Subject to approval of the City Council, building setbacks may be decreased from the perimeter setback requirement for any new Planned Unit Development if pedestrian linkages to neighboring developments for residents, employees, or shoppers are provided along with an approved streetscape plan with enhanced landscaping.
 - B. There shall be a minimum setback of the height of the building, or sixty feet, whichever is

greater, from any property zoned R-1 or R-2. Subject to approval of the City Council, the setbacks referenced in this sub-section may be decreased for any new Planned Unit Development that is located in the area known as the Northwest Quadrant project area, as defined by the Northwest Quadrant Framework Plan approved by the City Council on June 28, 2005. (Ord. No. 747 05/08/2007)

- C. There shall be a minimum setback of the height of the building, or sixty feet, whichever is greater, from any public street. Subject to approval of the City Council, the setbacks referenced in this sub-section may be decreased for any new Planned Unit Development that is located in the area known as the Northwest Quadrant project area, as defined by the Northwest Quadrant Framework Plan approved by the City Council on June 28, 2005. (Ord. 737 2-28-2006)

(9) Any improvement, such as streets, sidewalks, or utilities to be located on or in land dedicated to the public, shall be ordered and financed in accordance with Sections 25-16 through 25-45 of the City Code. (Code of 2001)

Sec. 7-240. Criteria for Planning Commission and City Council Action.

The Planning Commission may recommend and the City Council may act to approve, approve with conditions, or deny a preliminary or final plan for a planned unit development. The Planning Commission, in making a recommendation, and the City Council, in acting upon a plan, shall consider the following factors:

- (1) The consistency of the proposed development with the adopted or proposed comprehensive plan for the City.
- (2) The extent to which the proposed development is designed to form a desirable and unified environment within its own boundaries in terms of relationship of structures, patterns of circulation, visual character, and sufficiency of drainage and utilities.
- (3) The extent to which the proposed uses will be compatible with present and planned uses in the surrounding area.
- (4) That the design of the development justifies any exceptions to the standard requirements of the Zoning Code.
- (5) The sufficiency of each phase of the planned development size, composition and arrangement in order that its construction, marketing, and operation is feasible without dependence upon any subsequent unit.
- (6) The burden or impact created by the planned development on parks, schools, streets, and other public facilities and utilities.
- (7) The impact of the planned development on environmental quality and on the reasonable enjoyment of surrounding property. (Code of 2001)

Sec. 7-250. Effect of Approval of Planned Unit Development.

- (1) No building permit shall be issued for any building on land for which a plan for a planned unit

development has been approved that does not conform to the approved final plan.

(2) Development of land for which a planned unit development has been approved that does not conform to the approved final plan shall only be allowed after one of the following:

A. Amendment to the approved final plan as provided for in this Chapter.

B. Vacation of the approved planned unit development by the City Council after a public hearing notice in the same manner as required for approval of a planned unit development. The City Council may condition its approval of the vacation of a planned unit development in order to better protect the public health, safety, and welfare. (Code of 2001)

(3) At the time of approval of a PUD, the City Council shall specify a Commencement Date and a Compliance Date. If development of the PUD in stages is approved, the Council shall specify Commencement Date and a Compliance Date for each stage. For purposes of this Section, Commencement Date means the date by which the applicant must qualify for and receive a building permit for the development of the PUD. If no building permit is issued by the Commencement Date, PUD approval shall expire and be of no further force or effect. The Compliance Date is the date by which the construction and development of the PUD or an approved stage must be complete, including all site improvements and landscaping, and all conditions of approval satisfied. Failure to meet such requirements by the Compliance Date is a violation of this Code. If no Commencement or Compliance Dates are specified, the Commencement Date shall be six (6) months after the date of approval of the PUD and the Compliance Date shall be eighteen (18) months after the date of approval of the PUD. The City Council may, upon application, in accordance with the procedures and requirements of paragraph (3) of Section 7-100, extend Commencement and Compliance Dates and the dates for completion of site plan improvements under Section 8-040. (Ord. No. 791, 4-27-2010)

Section 7-260. Amendments

(1) An amendment to an approved planned unit development shall be considered either minor or major. Minor amendments may be approved administratively by the City Planner. Major amendments may be approved by the City Council only after a recommendation is made by the Planning Commission following the notification and public hearing procedure in Section 7-220 (2)

(2) Amendments to an approved planned unit development shall be considered minor only if they meet the following requirements:

A. The amendment includes only changes in engineering details, stormwater functions, or landscaping changes in plant type as approved by the City Planner; and

B. The City Planner determines that the changes will not have land use impacts that are materially different than the original approved plan.

(3) Amendments to an approved planned unit development shall be considered major if they include any changes in uses, building location, building size, building height, types and distribution of exterior building materials, open space arrangements, landscaping improvements, arrangements of lots and blocks, signs not part of an approved Comprehensive Sign Plan, or any other changes not meeting the definition of a minor amendment.

(4) All planned unit development standards of Section 7-230 shall apply to all planned unit development amendments, except as otherwise allowed through the original approval.

(5) The review procedure for any major amendment shall follow the single-step procedure of Section 7-220 (2) (A) unless a subdivision is involved, which shall follow the two-step procedure of Section 7-220 (2) (B).

(6) Approval of any amendment to an existing planned unit development shall be dependant on its conformance with the stated factors of Section 7-240 (1-7). (Ord. 784, Adopted 10/27/2009)