

## CHAPTER 25 - PLANNED RESIDENTIAL DEVELOPMENT OVERLAY (PRDO)

### SECTION:

- 25.01: Intent
- 25.02: General Requirements
- 25.03: Procedure for Processing
- 25.04: Data Required
- 25.05: Amendments and Administration
- 25.06: Operating and Maintenance Requirements for Common Open Space and Service Facilities

### **25.01: INTENT.**

To allow for the development of residential areas under a flexible regulatory process as compared to the more rigid development regulations common to traditional zoning districts. The Planned Residential Development Overlay (PRDO) District provides for a joint planning design effort by developers and city officials rather than the City establishing maximum limits to which the developers must conform. Benefits resulting from the PRDO District include an opportunity to protect and preserve valuable natural resources and amenities and to create new public amenities, such as parks, trails, open spaces, and housing variety; in so doing, contributing more than a conventional development does to a higher quality living environment. The PRDO will provide for the development as an integrated, coordinated unit as opposed to traditional parcel-by-parcel, approach to development. It is further intended that PRDO Developments are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and a harmonious selection and efficient distribution of uses.

### **25.02: GENERAL REQUIREMENTS.**

The City Council, after receiving the recommendation of the Planning Commission, may authorize departures from traditional dimension standards requirements of this Ordinance for a PRDO, consistent with the intent and uses permitted in the R-1 and R-2 Districts of the Zoning Ordinance, if the Council determines, after considering the Planning Commission's recommendation and reviewing a complete plan, that the development is consistent with the general purposes of this Ordinance and that the project complies with the special requirements in this Section and general development goals of the City.

- A. Ownership: The tract of land included in the PRDO is under unified control at the time of application and is scheduled to be developed as one development.
- B. Minimum Size: ~~*There is no minimum size requirement for the PRDO. The area included in the project consists of not less than five (5) acres of contiguous land.*~~  
(Ordinance No. 82 - January 3, 2012)
- C. Density: Increased density may be permitted if intended and demonstrated to encourage the preservation of natural topography and geological features, however the provisions of this Chapter shall not require the City to provide concessions in setbacks, density or lot size to protect waterways or waterbodies, steep slopes or other areas which would normally not be developable.
- D. Minimum Lot Size: The minimum lot size requirements of other Sections of this Ordinance do not apply to a PRDO except that the minimum lot size requirements of the underlying zone shall serve as a guideline to determine the maximum dwelling unit density of a total development. The maximum dwelling unit density shall be determined by the area remaining after appropriate space for street right-of-ways and any other public dedications have been determined and subtracted from the total PRDO area. If the property involved in the PRDO includes land in more than one (1) zoning district, the number of dwelling units or the square footage residential uses in the PRDO shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts.
- E. Set-Back and Side Yard Requirements: Notwithstanding other provisions of this Section, every lot in a PUD abutting the perimeter of the PUD shall conform to yard requirements for the underlying district within new developments. Side yards between buildings in a PRDO shall be not less than

twenty (20) feet but such buildings may be built without reference to the property lines of the individual lots on which they are built. Buildings shall be spaced no less than twenty (20) feet apart to allow emergency vehicles freedom to maneuver between buildings.  
(Ordinance No. 82 - January 3, 2012)

- F. Access to Public Right-of-way: The site of a PRDO shall abut, and the major internal street or streets serving the PRDO shall be connected to, at least one (1) collector street or street that meets City standards. (Ordinance No. 82 - January 3, 2012)
- G. Utility Requirements: Utilities, including telephone and electrical systems, installed within a PRDO shall be placed underground. Utility appurtenances which can be effectively screened may be excepted from this requirement if the City finds that such exception will be consistent with the objective of this Section and the character of the proposed PRDO.
- H. Open Space: Common open space shall be either held in common ownership by all owners in the PRDO or dedicated for public use with approval of the City Council. Whenever possible, common open space shall be linked to the open space areas of adjoining developments. Common open space shall be of such size, shape, character, and locations as to be useable for its proposed purpose. In addition to the conventional park dedication requirements, a minimum of ten percent (10%) of the residential portion of each PRDO shall be reserved for common open space held in common ownership or dedicated for public use with approval of the Council.
- I. Parking. Off-street parking and loading space shall be provided in each PRDO in the same ratios for types of buildings and uses as required in the underlying zoning district.
- J. Street Width. Requirements outlined in the subdivision ordinance for street widths may be relaxed depending on the number of off-street parking locations and the anticipated density in the PRDO. The Planning Commission, City Engineer and City's Emergency Services (Fire, Ambulance and Police) shall review each PRDO to determine street width requirements.
- K. Landscaping. In any PRDO, the developer shall prepare and submit a landscaping plan as a part of the Final Plan, which shall include a detailed planting list with sizes and species indicated to be approved by the City Council. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PRDO plan.
- L. Public services. The proposed project shall be served by the City water and sewer system and fire hydrants shall be installed at such locations as required by the City Engineer or the Fire Chief to provide fire protection.
- M. Site improvement agreement. Prior to the issuance of a building permit as part of the PRDO, the permit applicant, builder, or developer shall execute and deliver to the City Council a Development Agreement.

### **25.03: PROCEDURE FOR PROCESSING.**

- A. Informational Meeting. Upon filing of an application for a PRDO, the applicant of the proposed PRDO shall arrange for and attend an informational meeting with City staff. At such conference, the applicant shall be prepared to generally describe their proposal for a PRDO. The primary purpose of the meeting shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the conformity to the provisions of this code before incurring substantial expense in the preparation of detailed plans, surveys, and other data.
- B. General concept plan.
  - 1. Purpose. The general concept plan provides an opportunity for the applicant to submit a plan to the City showing their basic intent and the general nature of the entire development without incurring substantial cost. This concept plan serves as the basis for the informational meeting so that the proposal may be considered at an early stage. The following elements of the proposed general concept plan represent the immediate significant elements which the City

shall review and for which a decision shall be rendered:

- a. Overall maximum PUD density range.
  - b. General location of major streets and pedestrian walkways.
  - c. General location and extent of public and/or common open space.
  - d. General location of residential with approximate intensities of development.
  - e. Staging and timetable of development.
  - f. Other special criteria for development.
2. Process. The process for the filing and review of a PRDO shall mirror the process for the filing of a sketch plan, preliminary and final plat, as outlined in the City's Subdivision Ordinance. A public hearing shall not be required for the General Concept Plan or the Final Plan. A hearing shall be conducted by the Planning Commission during the Development Stage Plan review, as outlined in this section.
  3. Optional submission of development stage plan. In cases of a single stage PRDO or where the applicant wishes to begin the first stage of a multiple stage PRDO more expeditiously, he or she may at his or her option submit development stage plans for the proposed PRDO simultaneously with the submission of the general concept plan. In such case, the applicant shall comply with all the provisions of this Section applicable to submission of the development stage plan.
  4. Limitation of general concept plan approval. Unless a development stage plan has been filed within nine (9) months from the date the City Council grants general concept plan approval or, in any case, where applicant fails to file development stage and final plans to proceed with development in accordance with the provisions of this code and of an approved general concept plan, the approval may be revoked by the City Council. The City Council, at its discretion, may extend the filing date for a development stage plan when cause is demonstrated. Approval of the general concept plan should be limited to the general acceptability of the land uses proposed and their relationships to the area. Such action shall in no way bind the City Council to subsequent action on more detailed plans.

C. Development stage plan.

1. Purpose. The purpose of the development stage plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the City Council and with which substantial compliance is necessary for the preparation of the final plan.
2. Submission of development stage plan. Upon approval of the general concept plan, the applicant shall file with the Zoning Administrator a development stage plan consisting of the information and submissions required under the development stage of the entire PRDO, or for one (1) or more stages thereof in accordance with a staging plan approved as part of the general concept plan. The development stage plan shall refine, implement and be in substantial conformity with the approved general concept plan.
3. Review and action by City staff and Planning Commission. Upon receipt of a completed development stage plan, the Zoning Administrator shall refer such plan to the appropriate City staff, Planning Commission and other review agencies.
4. Process.
  - a. Developer makes application for subdivision (first phase of PRDO, development stage plan) at least thirty (30) days prior to the Planning Commission meeting.
  - b. Following the submission of a complete application, the Planning Commission shall

conduct a public hearing, following published notice and mailed notice to property owners within 350 feet of the proposed PRDO. Notice shall occur not less than ten (10) or more than thirty (30) days prior to the hearing. Failure of a property owner to receive notice shall not invalidate the process. The Planning Commission shall review the development stage plan and submit a written report and recommendation to the City Council. If the Planning Commission fails to make a report within thirty (30) days after receipt of the application, the City Council may proceed without the report. Such report shall contain the findings and recommendations of the Planning Commission with respect to the conformity of the development stage plan to the approved general concept plan, with respect to the merit or lack of merit of any departure of the development stage plan from substantial conformity with the general concept plan, and with respect to the compliance of the development stage plan with the provisions of this code and all other applicable federal, state and local codes and ordinances.

- c. Within sixty (60) days of the receipt of a complete application, the City Council will take action to grant approval, grant conditional approval, or deny approval of the plan.
  - d. Upon City Council approval, the City Attorney shall draft a PRDO Development Agreement which stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, City Clerk, and the applicant.
  - e. Where the development stage plan is denied approval, City Council action shall be by resolution setting forth the reasons for its actions. A certified copy of the document evidencing said City Council action shall be delivered to the applicant. The applicant will have sixty (60) days to submit a revised development stage plan to the Planning Commission according to this Chapter. After the sixty (60) day period, a revised general concept plan must be submitted to the Planning Commission unless otherwise arranged with the Zoning Administrator.
  - f. If subsequent submittals of the development stage plan are denied approval two (2) times within one (1) year of the original submission date, the applicant will be required to submit a revised general concept plan according to this Chapter.
  - g. Limitation on Development Stage Plan approval. Unless a final plan covering the area designated in the first stage of the development stage plan has been filed within six (6) months from the date the City Council grants development stage plan approval, or in any case where the applicant fails to file final plans and to proceed with development in accordance with the provisions of this section and/or an approved development stage plan, the approval shall expire. The City Council may, at its discretion, extend for not more than one (1) additional period of six months the filing deadline for any final plan when, for good cause, such extension is necessary. In any case where development plan approval expires, the City Council shall forthwith adopt a resolution repealing the general concept plan approval and the development stage plan approval for that portion of the PRDO that has not received final plan approval, and re-establish the zoning and other ordinance provisions that would otherwise be applicable.
5. Review and evaluation criteria. The evaluation of the proposed development stage plan shall include, but not be limited to, the following criteria:
- a. Adequate property control is provided to protect the individual owner's rights and property values and the public responsibility for maintenance and upkeep.
  - b. The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project resident and the 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 or property values of the surrounding residential uses.

- e. The architectural design of the project is visually compatible with the surrounding area. Architectural style or type of buildings shall not solely be a basis for denial or approval of the development stage plan. However, the overall appearance and compatibility of individual buildings to other site elements of surrounding development will be given primary consideration in the review stages of the Planning Commission and City Council.
  - f. The drainage and utility system plans are submitted to the City Engineer and shall be subject to approval of the City Engineer.
  - g. The development schedule insures a logical development of the site which will protect the public interest and conserve land.
  - h. Proposed unit and accessory use requirements are in compliance with the district provisions in which the development is planned.
6. Final plan.
- a. Purpose. The final plan is to serve as a complete, thorough and permanent public record of the PRDO and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PRDO process. It shall serve in conjunction with other City ordinances as the land use regulation applicable to the PRDO.
  - b. Submission of the final plan. Upon approval of the development stage plan, the applicant shall file with the Zoning Administrator a final plan consisting of the information and submissions required by the final plan stage, for the entire PRDO or for one (1) or more stages. The final plan is intended only to add detail to, and to put in final form, the information contained in the general concept plan and the development stage plan which shall conform to the development stage plan in all respects.
  - c. Review of final plan. The Zoning Administrator and City Engineer shall review the final plans to assure their compliance with the general concept and development stage plans. The Zoning Administrator and City Engineer shall require appropriate revisions by the applicant wherever they do not comply. The City Engineer shall report findings to the Zoning Administrator, who then shall notify the applicant in writing of their recommendations for approval, conditional approval or denial of the final plan.
  - d. City Council action. The City Council may approve the PRDO final plan with a majority vote.
  - e. Recording of final plan. Within thirty (30) days of the Zoning Administrator's notice of approval, the applicant shall record the final plan, or such portions thereof as are appropriate, with the Office of the County Recorder.
  - f. Building and other permits. No building permit shall be granted on land for which a plan for a PRDO is in the process of review or which does not conform to the approved final plan. Upon receiving notice from the Zoning Administrator that the approved final plan has been recorded and upon appropriate application of the applicant, building and other permits may be issued to the applicant if the following conditions are met:
    - i. Public open space, if applicable, has been deeded to the City and officially recorded.
    - ii. A development agreement has been approved and executed by all parties.
    - iii. The homeowner's association (if applicable) by-laws, covenants and deed restrictions have been approved by the City Attorney and officially recorded.
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    - iv. The construction plans for proposed structures have been approved by the Building

Official.

- v. All detailed site plans have been approved by the Zoning Administrator.
7. Limitation of final plan approval. Within one (1) year after the approval of a final plan for PRDO, or such shorter time as may be established by the appropriate development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension has been granted as hereinafter provided, automatically renders void the PRDO permit and all approvals of the PRDO plan. The area encompassed within the PRDO shall thereafter be subject to those provisions of the zoning ordinances and other ordinances applicable in the district in which it is located. In such case, the City Council shall forthwith adopt a resolution repealing the PRDO permit and PRDO approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

#### **25.04: DATA REQUIRED.**

- A. Development Stage Plan. An application for approval of a development plan for a proposed PRDO shall be filed with the Zoning Administrator by the owner(s) of title of property for which the PRDO is proposed. A filing fee, as established from time to time by City Council Ordinance, shall accompany the Development Review Application. Eighteen (18) copies of the application and accompanying statements shall be submitted and shall include:
1. A vicinity map at a scale approved by the Zoning Administrator showing property lines, streets, easements, existing zoning, and such other items as the Planning Commission may require to show the relationship of the proposed PRDO to the comprehensive plan of the City, to existing schools and other community facilities and services, and to the surrounding area;
  2. A preliminary plan of the entire area in such detail as to show the land uses being requested, the densities being proposed, the proposed lots and blocks and the off-street parking system;
  3. A written statement explaining in detail, and with supporting documentation, the specifics of the development plan as it relates to the type of dwelling units proposed and the resultant population, the extent and nature of non-residential development and the resulting traffic generated and parking demands created;
  4. The proposed schedule and/or phasing for the development of the site;
  5. The location, shape, size and character of public or private/common open space which is suitable for the PUD, in accordance with the Subdivision Ordinance requirements for park and open space dedication.
  6. The location and size of all utilities including telephone, electricity, gas, cable, water, sanitary sewer and storm sewer.
  7. Landscape Plan including a detailed planting list.
  8. Size and location of all street right-of-ways and proposed paved widths, in conformance with the City's Subdivision Ordinance.
  9. A statement setting forth the reasons why, in the opinion of the applicant, the PRDO will be in the public interest and consistent with the objectives specified for PRDO 's.
- B. Final Plan Data Requirements. A final application and its supporting documentation shall give the same information as is required of plats under the subdivision control ordinance of the City in addition to such other information as required by this ordinance and by the Planning Commission as a condition for approval of the preliminary plan. In addition, the application shall be accompanied by such other documentation, such as:
1. The location, size, use and arrangement, including height in stories and feet, and total square

feet of ground area coverage and floor area, for proposed building, and existing buildings which will remain, if any.

2. The location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces, access alleys, and all other circulation elements including bicycle, pedestrian walkways, and the total site coverage of all circulation elements.
3. Approximate area, and potential floor area, devoted to commercial or office uses.
4. Approximate area, and potential floor area, devoted to industrial uses.
5. Schedule of construction. When the PRDO is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PRDO public or common open space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.
6. Care and maintenance of open spaces or service facilities. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities shall be submitted. If it is proposed that such open space be owned, operated and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted during the development stage.
7. A preliminary and final plat prepared by a land surveyor, duly registered in the state, in accordance with Minnesota Statutes Section 505 and the City's Subdivision Ordinance, as may be amended from time to time, which shall contain a notarized certification by such surveyor that the plat represents a survey made by the surveyor and that the monuments shown herein exist as located, and all dimensions are correct, and a notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas as required.
8. Detailed utility and infrastructure construction plans, grading plan and drainage plan, approved by the City Engineer.
9. A statement summarizing all changes which have been made to any document, plan data, or information previously submitted, together with revised copies of any such document, plan or data.
10. Such other and further information as the Zoning Administrator, City Engineer, Planning Commission or City Council shall find necessary to a full consideration of the entire proposed PRDO or any stage thereof.
11. Title opinion provided by the developer showing good and marketable title in the names of the owners of the property. This opinion, together with an updated abstract, should be submitted to the City Attorney for review.
12. The Planning Commission may, by a written order, excuse any applicant from submitting any specific item of information required herein which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

#### **25.05: AMENDMENTS AND ADMINISTRATION.**

- A. Generally. Amendments may be made in the approved final plan when they have shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the City.
  1. Minor changes in location, siting and height of buildings and structures may be authorized by the Zoning Administrator if requested, and if caused by unforeseen circumstances and if they

are consistent with the intent and purpose of the final plan and do not increase the size of any building or structure any more than ten percent than originally proposed in the development stage plan.

2. All other changes in use, rearrangement of lots, blocks and open space must be authorized by the Planning Commission and City Council under procedures outlined in Section 25.03 Development Stage Plan.

**25.06: OPERATING AND MAINTENANCE REQUIREMENTS FOR COMMON OPEN SPACE AND SERVICE FACILITIES.**

- A. Whenever common open space or service facilities are provided within the PRDO, the PRDO plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard.
- B. Common open space and service facilities within a PRDO shall be placed under the ownership of one or more of the following or may include a method deemed most appropriate by the City Council.
  1. Landlord control, where only use by tenants is anticipated.
  2. Property owners association, provided all of the following conditions are met:
    - a. Prior to the use, occupancy, sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document as specified in Minnesota Statutes Section 515B, as may be amended from time to time, shall be filed with the Zoning Administrator prior to the filings of the declaration of documents or floor plans with the County Recorder's Office.
    - b. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject the properties to the terms of the declaration.
    - c. The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation may be formed and if such an association or corporation is formed property owners must be members of the 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 effective private control.
    - d. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City, or fails to pay taxes or assessments on properties as they become due, and in the event the City incurs any expenses not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its pro rata share of the expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.
    - e. Membership in the association must be mandatory for each owner and any successive buyer and the association must be responsible for liability insurance, taxes, and the maintenance of the open space facilities to be deeded to it.
    - f. The open space restrictions must be permanent and not for a given period of years.
    - g. Property owners must pay their pro rata share of the cost of the association by means of

an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with state law and the association must be able to adjust the assessment to meet changing needs.

- h. The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PRDO plan.
3. Staging of common open space. The construction and provision of all of the common open space and public improvements and recreational facilities that are shown on the final development plan for a PRDO must proceed at the same rate as the construction of dwelling units or other private facilities.