

SECTION 16. "PUD" PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

¹ Subsection 1. Purpose. This district is established to achieve the coordinated integration of land parcels and large commercial and retail establishments into the community, as well as appropriate mixes of residential, commercial, and industrial uses. It is recognized that traditional setbacks, parking, open space requirements, use, and subdivision regulations may not always be appropriate to achieve high quality development. Specifically, the PUD District is intended to encourage:

- (A) Innovations in residential development to provide for greater variety in tenure, type, design, and siting of dwellings, open space, and parking; and to promote conservation and more efficient use of land.
- (B) More convenience in location of accessory commercial and service areas.
- (C) The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- (D) To allow variation from the provisions of this Ordinance including setbacks, height, lot area, width, depth, yards, etc.

¹ (E) A high standard of site and building design for commercial and retail establishments that integrate well into the community.

Subsection 2. Authorization. A PUD approval may allow the following:

- (A) Variety. Within a comprehensive site design concept, a mixture of land uses, housing types and densities.
- (B) Sensitivity. Through the departure from the strict application of required setbacks, yard areas, lot sizes, minimum house sizes, minimum requirements and other performance standards associated with traditional zoning, a PUD can maximize the development potential of land while remaining sensitive to its unique and valuable natural characteristics.
- (C) Efficiency. The consolidation of areas for recreation and reductions in street lengths and other utility-related expenses.
- (D) Density Transfer. The project density may be clustered, basing density on a number of units per acre in place of specific lot dimensions.
- (E) District Integration. The combination of uses that are allowed in separate zoning districts such as:
 - (1) Mixed residential uses to allow both densities and unit types to be varied within the project.
 - (2) Mixed residential uses with increased density based upon the greater sensitivity of PUD projects to regulation.
 - (3) Mixed land uses with the integration of compatible land uses within the project.

¹ Subsection 3. Approval Standards. The City shall consider a proposed PUD from the point of view of all standards and purposes of the Comprehensive Plan and the Design Guidelines in Section 24 of this Ordinance to achieve a maximum coordination between the proposed development and the surrounding uses, the conservation of woodlands, wetlands, other natural features and the protection of health, safety and welfare of the community and residents of the PUD. To these ends, the City shall consider the location of the buildings, compatibility, parking areas and other features with respect to the topography of the area and existing natural features such as streams, bluffs, and woodlands; the efficiency, adequacy and safety of the proposed layout of parking, internal streets and driveways; the adequacy and location of green areas; the adequacy, location and screening of parking areas; and such other matters as the City may find to have a material bearing upon the stated standards and objectives of the Land Use Plan.

¹⁰ Subsection 4. Approval Standards for NRSF and LDSF Districts.

(A) This purpose of this subsection is intended to encourage creative site design for the conservation of land and provision of other public benefits through density incentives and by allowing deviation from the strict provisions of this Chapter related to setbacks, heights, lot area, width, depth, and yards. Density incentives are provided to owners and developers of all land in the Natural Resource Single Family Residential and Low Density Single Family Residential Districts regardless of size. Density incentives are offered in exchange for public benefits that achieve Comprehensive Plan goals for open space, habitat and rural character protection, low impact stormwater design, trails, high quality housing and use of public sewer and water service by:

- (1) Defining in quantified terms the significant public benefits that can be used to earn density incentives.
- (2) Providing rules and formulas for guiding the calculation of density incentives earned by each benefit.
- (3) Preserving land for wildlife habitat and unique natural resources and reducing negative impacts on the environment.
- (4) Designing land efficiently resulting in smaller networks of utilities and streets thereby lowering development costs and public investments.
- (5) Creating common open space that provides a unified landscape for the use and enjoyment of the neighborhood community and/or the general public.
- (6) Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment.

(B) The density incentive system is described and defined as follows:

- (1) The density incentive is expressed as additional dwelling or bonus units (BU) earned per specified amount of public benefit provided.
- (2) Bonus units may be earned through any combination of the listed public benefits or amenities.

- (3) Through the review process, public benefits and bonus units not identified in this section may be proposed by either the developer or the City.
- (4) The awarding of bonus units for each proposed public benefit shall be guided by the following framework. The applicant, Planning Commission, City Council and Staff may suggest other award levels for benefits that are in keeping with the overall purpose of this Section. The City Council shall award the bonus units based on its evaluation of the entire PUD proposal. Based on this evaluation, the Council may deviate from the following framework at its discretion. In its evaluation of each project, the city will consider the capacity of the land to handle increased densities. The City may determine that the land cannot support the proposed densities due to physical limitations or potential negative impacts which may include but are not limited to: soils, slope, loss of vegetation, drainage, habitat, sewer capacity and traffic.

Bonus Density Incentive Framework

Public Benefit or Amenity	Qualifying Condition	Bonus Unit (BU)
Dedication of active or passive recreation public open space or corridor contributing to the rural character of Dundas.	Dedication of land or granting a permanent easement for land containing public open space to the City of Dundas (or designee) meeting Dundas' standards for open space	.5 BU per acre of buildable land exceeding the 10% park dedication requirement.
Improved Park	Improvements to a dedicated public park site.	.5 - .8 BU per acre of park depending on the amount and quality of improvements. Bonus units earned shall be in addition to bonus units earned by dedication of raw land.
Improved Trail	Improvement to a dedicated corridor land segment meeting City of Dundas multi-purpose trail standards.	.3 - .8 BU per quarter-mile of trail constructed depending on level and quality of improvements.
Tree preservation	Preservation of 70 percent or more of tree canopy within developed area (lots, streets, stormwater mgmt, etc.). At least 50% of developed area must be covered by tree canopy to qualify.	1 BU per allowable unit at base density if 70-75% of canopy preserved. 2 BU per allowable unit at base density if 75-80% of canopy preserved. 3 BU per allowable unit at base density if over 80% of canopy preserved.
Low impact Design Stormwater management systems	The implementation Low Impact Design stormwater systems that retain and infiltrate annual runoff volumes on-site to that of predevelopment conditions with natural vegetation.	2 BU per allowable unit at base density for runoff volume no greater than predevelopment natural vegetative conditions.

Public Benefit or Amenity	Qualifying Condition	Bonus Unit (BU)
LEED (Leadership in Energy Efficient Design) Certification of residential houses built in subdivisions.	All homes in project achieve U.S. Green Building Council (USGBC) LEED certification as defined and updated by USGBC.	Bonus units are awarded per allowable unit at base density for each LEED performance tier: .25 bonus units “certified” .50 bonus units “silver” .75 bonus units “gold” 1.0 bonus units “platinum”
Accessible Design	20 % of homes in project achieve a performance level of “Bronze” for accessible design as defined and updated by the City.	Bonus units are awarded per allowable unit at base density for the following performance tiers: .25 bonus units “bronze” .50 bonus units “silver” .75 bonus units “gold”
Other Benefit	Developer or city proposed benefits not listed above.	Bonus units assigned through staff recommendation and Commission and Council review and approval.

(C) The rules for determining total permitted dwelling units are defined as follows:

- (1) The formula for calculating the total number of dwelling units (DW) permitted through the review process shall be:

$$\begin{array}{rcl} \text{Dwelling Units} & & \\ \text{allowed at base} & + & \text{Bonus Units (Bu)} \\ \text{density} & & = & \text{Total Dwelling} \\ & & & \text{Units} \end{array}$$

- (2) The dwelling units allowed at base density is determined by dividing the total buildable area (acres) of the project site by the minimum lot size allowed in the base zoning district. Buildable area excludes slopes of 12 percent or greater, wetlands, poor soils and resources identified to be protected in the Comprehensive Plan.
- (3) The bonus units for each public benefit shall be calculated individually and rounded to the nearest tenth. In summing the bonus units for more than one public benefit, fractional numbers shall be added together and rounded to the nearest whole number; .5 or more dwelling units are rounded up.
- (4) The total number of dwelling units may not exceed a gross maximum density of two units per buildable acre. Higher maximum densities may be allowed based on demonstrated land development capacity, environmental impact, impact on adjacent properties and transportation system as well as available capacity of city sewer and water service.

- (D) All properties, regardless of size, in the NRSF and LDSF Districts are subject to this subsection, which creates a PUD Overlay district to encourage Density Incentives within said Districts.

Subsection 5. Permitted Uses.

- ^{1,8} (A) The PUD development plan shall identify all the proposed land uses. A majority of the uses within a PUD should be those allowed in the underlying zoning district. Additional uses in the PUD District may be allowed provided they are compatible with the permitted uses normally allowed in the district. The subdivision and/or development of parcels greater than two (2) acres shall require zoning as a PUD, unless the applicant requests waiver of the PUD, the Planning Commission considers the waiver request at a public hearing, and the City Council approves the request for waiver of a PUD, and determines that a PUD is not essential to the orderly development of the parcel(s).
- (B) Any change in the uses presented in the Final Development Plan will be considered an amendment to the PUD and must follow the procedures specified in this Section.

Subsection 6. Provisions of Original District. The provisions of the zoning district within which the PUD is established shall guide preparation of a PUD except as otherwise provided in approval of the Final Development Plan.

Subsection 7. Coordination With Subdivision Regulations. If a PUD involves the subdivision of land, then a subdivision review shall be carried out simultaneously with the review of the PUD. The plans required under this Section shall be submitted in a form that will satisfy the requirements for a sketch/concept plan, preliminary plat and final plat.

Subsection 8. Application Conference. Prior to filing of an application for a PUD, the Developer shall arrange for and attend a conference with the Zoning Administrator, and City Engineer. The primary purpose of the conference shall be to provide the Developer with an opportunity to gather information and obtain guidance as to the general suitability of Developer's proposal for the area for which it is proposed, and its conformity to the provisions of this Section, before incurring substantial expense in the preparation of plans, surveys and other data.

¹ Subsection 9. Sketch/Concept Plan. The sketch plan provides an opportunity for an applicant to submit an informal plan to the City. Twenty (20) copies and one electronic file shall be submitted, showing the applicant's basic intent and general nature of the development. The sketch plan is intended to provide feedback from the Planning Commission before the applicant incurs substantial cost in the preparation of formal plans. The Sketch Plan shall be considered a partial, incomplete application prior to formal submittal of the complete application and scheduling of hearings.

¹ Subsection 10. Preliminary Development Plan. The purpose of a Preliminary Development Plan is to formally present a PUD application, and a preliminary plat application if subdivision of land is a part of the PUD, in a public hearing before the Planning Commission. The application shall include twenty (20) copies and one electronic file of the Preliminary Development Plan, including all of the following exhibits, analyses and plans:

- (A) Preliminary plat for any land being subdivided.
- (B) The landowner's name and address and the landowner's interest in the Property.
- (C) The Developer's name and address if different from the landowner.

- (D) The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.
- (E) Evidence that the Developer has sufficient control over the Property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the Property and including an up-to-date certified abstract of title or registered property report and such other evidence as the City Attorney may require to show the status of title or control of the Property.
- (F) Evidence that the Property is not less than 1 acres in area.
- (G) The address and legal description of the Property.
- (H) The existing zoning classification and present use of the Property and all lands within 300 feet of the Property.
- (I) A map depicting the existing development of the Property and all land within 300 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within 100 feet of the Property.
- (J) A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the City's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.
- (K) Overall maximum PUD density.
- ¹ (L) General location of all streets and pedestrian ways.
- ¹ (M) General location and extent of public and private open space.
- (N) General location of residential and nonresidential land uses with approximate type of intensities of development.
- (O) Staging and time schedule of development.
- (P) A Traffic generation and routing analysis prepared by a licensed professional.
- (Q) Graphic reproductions of the existing site conditions at a scale of not less than one inch equals 100 feet including:
 - ¹ (1) Grading plan with contours; minimum two-foot intervals.
 - (2) Area devoted to residential use by building type.
 - ¹ (3) Area devoted to private open space.
 - (4) Area devoted to public open space.

- (5) Approximate area devoted to streets.
- ¹ (6) Approximate area devoted to, and number of, off-street parking.
- (7) Parking and loading spaces and related access.
- (8) Approximate area and floor area devoted to commercial uses.
- (9) Approximate area and floor area devoted to industrial or office use.
- (10) Total area of the Property.
- (R) When the PUD 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 PUD public or common open space and dwelling units to be provided or constructed during each stage and overall chronology of development to be followed from stage to stage.
- (S) 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.
- (T) Any restrictive covenants that are to be recorded with respect to Property included in the proposed PUD.
- ¹ (U) A complete plan set as described in Section 3, Subsection 3 of this Ordinance.
- (V) The City may require the submission of any additional information or documentation that it may find necessary.

Subsection 11. Exceptions to Submittal Requirements. The City may excuse a Developer from submitting any specific item of information or document required in this stage that it finds to be unnecessary to the consideration of the specific proposal.

Subsection 12. Schedule for City Review of the Preliminary Development Plan

- ¹ (A) Within 30 days after verification by the Zoning Administrator that the required plan and supporting data is adequate, the Planning Commission shall hold a public hearing. The Dundas planning application schedule provides specific deadlines for the application process.
- (B) The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
- (C) The City may request additional information from the Developer concerning operational factors or retain expert testimony at the expense of the Developer concerning operational factors.

- (D) If the Planning Commission fails to take action on the matter on or before a date 60 days after the application is deemed adequate, then the City Council may proceed without the Planning Commission's recommendation.

Subsection 13. Final Development Plan. Following approval of the Preliminary Development Plan, the applicant shall submit an application for the Final Development Plan, and a final plat if subdivision of land is a part of the PUD. The application shall proceed and be acted upon in accordance with the code requirements for zoning district changes. If appropriate, because of the limited scale of the proposal, the Zoning Administrator may permit the Preliminary Development Plan and Final Development Plan to proceed through the review and approval processes simultaneously.

Subsection 14. Final Development Plan Submission Requirements. The Final Development Plan submission should depict and outline the proposed implementations of the Preliminary Development Plan for the PUD. Information from the Preliminary Development Plan may be included for background and to provide a basis for the submitted plan. The Final Development Plan submissions shall include, but not be limited to:

- (A) A final plat for any land to be subdivided and information required by this Code.
- ¹ (B) Twenty (20) sets of final plans, including one electronic file, drawn to a scale of not less than one inch equals 100 feet (or other scale requested by the City Engineer) containing at least the following information:
 - (1) Proposed name of the development, which shall not duplicate nor be similar in pronunciation to the name of any plat previously recorded in Rice County.
 - (2) Property boundary lines and dimensions of the Property and any significant topographical or physical features of the Property.
 - (3) The location, size use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any.
 - (4). Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.
 - ¹ (5) Location, designation and total area of all public and private open space.
 - (6) Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
 - (7) Proposed lots and blocks, if any and numbering system.
 - (8) The location use and size of structures and other land uses on adjacent properties.
 - (9) Detailed sketches and provisions of proposed landscaping.
 - (10) General grading and drainage plans for the developed PUD.

- (11) Any other information that may have been required by the Planning Commission, or other affected agency, in conjunction with the approval of the Preliminary Development Plan.
- (C) An accurate legal description of the entire area within the PUD for which Final Development Plan approval is sought.
- (D) A tabulation indicating the number of residential dwelling units, expected population, and traffic generation.
- (E) A tabulation indicating the number of non-residential uses, and expected traffic generation.
- (F) Preliminary architectural "typical" plans indicating use, floor, plan, elevations and exterior wall finishes of proposed building, including manufactured homes.
- (G) A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, blocks, public and common open space, general landscaping plan, structures, including manufactured homes, and uses.
- (H) Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The Final Development Plan should clearly reflect the site treatment and its conformance with the approved Preliminary Development Plan.
- (I) A final plat prepared in accordance with this Code if land is being subdivided.
- (J) A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service, MPCA, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.

Subsection 15. Ordinance Approval Procedures and Recording. The City Council shall assign an ordinance numerical reference to each Final Development Plan and PUD Agreement text approved. The City Council may attach such additional conditions as it deems reasonable and appropriate. Approval shall require a majority vote of the entire City Council. After approval by the City Council, the PUD zoning ordinance map amendment shall be published, with reference made to the PUD Agreement text. The Developer shall be responsible for recording the ordinance and PUD agreement in the office of the Rice County Recorder and/or Registrar of Titles prior to issuance of any building permit or within 60 days, whichever is less. The official PUD ordinance and PUD Agreement shall also be filed in the City Clerk's office.

Subsection 16. Effective Date. The effective date of the PUD shall be after:

- (A) Approval of the PUD overlay ordinance and text, the Final Development Plan documents, and the Developers Agreement and its requirements.
- (B) Publication of the ordinance.

Subsection 17. Procedures for Post Approval Changes. Revisions and/or Changes to Plans Between Final Approval and Construction.

- (A) Minor Changes in Location, Placement and Height. Minor changes in 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 final plan was approved and filed with the Zoning Administrator.
- (B) Significant Changes in Use Location Size and Height. Changes in uses, significant changes in location, size, or height of structures, any rearrangement of lots, blocks and building tracts, changes in provision of common open spaces and all other changes to the approved Final Development Plan may be made only after a public hearing conducted by the Planning Commission. Upon determination by the Zoning Administrator that a major change has been proposed, the Developer shall apply for an amended PUD. The application to amend the PUD shall be treated as a new zoning application. Upon acceptance of a complete application, the Planning Commission shall hold a hearing as set forth in this Code. Any changes shall be recorded as amendments to the recorded copy of the Final Development Plan, and shall include an amended Developers Agreement, as appropriate.

Subsection 18. Construction Progress. If substantial development has not occurred as established by the PUD agreement, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.

Subsection 19. Compliance with Conditions of Approval. Within the PUD Agreement, the City may schedule formal City Council review periods on an annual or less frequent basis to ascertain that actual development on the site meets the conditions of the approved PUD.

Subsection 20. Phasing and Guarantee of Performance.

- (A) Comparison with Approved Development Schedule. The Planning Commission shall compare the actual development accomplished in the various portions of the PUD with the approved development schedule.
- (B) Extension of Limits of Development Schedule. Upon recommendation of the Planning Commission and for good cause shown by the Developer, the City Council may extend the limits of the development schedule.
- (C) Construction Rates of Dwelling and Open Space. The construction and provision of all of the common open space and public and recreational facilities that are shown on the Final Development Plan must proceed at the same rate as the construction of dwelling units, if any. The Zoning Administrator shall review all of the building permits issued for the PUD and examine the construction that has taken place on the site. If it is found that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, the Zoning Administrator shall forward this information to the City Council for action.
- (D) Security. A irrevocable letter of credit in form acceptable to the City shall be required to guarantee performance by the Developer. The amount of the letter of credit and the

specific elements of the development program that it is intended to guarantee will be stipulated in the PUD Agreement.

Subsection 21. Control of PUD Following Completion.

- (A) Final Development Plan Governs. After a certificate of occupancy has been issued for all or any portion of a PUD, the use of the land covered by the certificate of occupancy and the construction, modification and alteration of any buildings or structures within the PUD shall be governed by the Final Development Plan.
- (B) Changes After Issuance of Certificate of Occupancy. After a certificate of occupancy has been issued for all or any portion of a PUD, no changes shall be made in the approved Final Development Plan except upon application as provided below:
 - (1) Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Zoning Administrator if they are consistent with the purposes and intent of the Final Development Plan. No change authorized by this Section may increase the mass or volume of any building or structure by more than 10%.
 - (2) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Final Development Plan unless an amendment to the Final Development Plan is approved under this Section.
- (C) Changes in the use of the common open spaces may be authorized by an amendment to the Final Development Plan by the City Planning Commission after a public hearing as provided in this Code and without all the documents necessary for the original application.
- (D) Any other changes in the Final Development Plan must be authorized by an amendment of the Final Development Plan under this Section.