

CHAPTER 1 PLANNED UNIT DEVELOPMENTS.

Subd. 1. Purpose.

- A. The purpose of this Chapter is to provide for planned unit projects within the City of Avon for larger tracts of land under single or unified ownership, developed with community or public sewer.
- B. Planned Unit Development projects may allow:
 - 1. A mixture land uses, housing types and densities within a comprehensive site design concept.
 - 2. Departure from strict application of required setbacks, yard areas, lot sizes, minimum dwelling unit sizes, minimum requirements and other performance standards associated with traditional zoning, thereby maximizing the development potential of land while remaining sensitive to its unique and valuable natural characteristics.
 - 3. Consolidation of areas for recreation and reductions in street lengths and other utility related expenses.
 - 4. The clustering of units/project density, basing density on the number of units per acre rather than specific lot dimensions.
 - 5. A combination of uses which are allowed in separate zoning districts such as:
 - a. Mixed residential uses allowing both densities and unit types to be varied within the project.
 - b. Mixed commercial, industrial, residential or institutional land use with the integration of compatible land uses within the project.
- C. Planned unit development projects shall be developed in accordance with an overall design and an integrated development plan and otherwise in accordance with the City Subdivision Regulations. Such projects shall be consistent with the intent and purpose of this Ordinance and shall not adversely effect the property adjacent to the land included in the project.

Subd. 2. Regulations.

- A. Planned unit developments are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land provided they are allowable per underlying district(s) standards.
- B. Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the City's Official Zoning Map.
- C. Specific allowed uses and performance standards for each PUD shall be delineated in a development plan as approved by the City Council. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses within the PUD with the acceptance of the development plan. Any change in the uses presented in the development plan shall require the approval of an amendment to the PUD by the City Council in the manner prescribed by this Chapter.
- D. The PUD adheres to additional requirements, including but not limited to tree, water and woodland preservation, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of this Ordinance, as may be amended.
- E. All residential planned unit developments shall contain at least five (5) dwelling units or sites.

- F. The density of development within the PUD shall be the same as would be allowed in the underlying zoning district under typical development standards. If the property involved in the PUD includes land in more than one zoning district, the number of dwelling units or the square footage of commercial, industrial or institutional uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts.
- G. Projects shall be so designed as to provide adequate sewer and water facilities and public access; lots should be of adequate size to provide emergency and/or service vehicle public access. Buildings shall be spaced to allow emergency vehicles freedom to maneuver between buildings.
- H. An application for PUD and the development plan must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.
- I. The City shall consider the proposed PUD from the point of view of all standards and purposes of the City's Comprehensive Plan and this Ordinance to achieve a maximum coordination between the proposed development and the surrounding use, the conservation of woodlands and wetlands, the protection of the health, safety and welfare of the community and residents/tenants of the PUD. To those 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 and large trees; the efficiency, adequacy and safety of the proposed layout of 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 Comprehensive Plan and the zoning ordinance.

Subd. 4. *Coordination with Subdivision Regulations.*

Subdivision review under the Subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this Chapter shall be submitted in a form which will satisfy the requirements of the existing Subdivision regulations.

Subd. 5. *Development Agreement, Guarantee of Performance, Phasing.*

- A. Prior to final plan approval by the City Council, the Subdivider(s)/Developer(s) shall execute and submit to the Council an agreement for development of the PUD which contains adequate assurances that he/she will provide the following at his/her expense, binding on his/her heirs, personal representatives, and assigns, including, but not limited to:
 - 1. A summary of the Development Plan for the PUD.
 - 2. A listing or schedule of when and what improvements (subject to approval by the City Engineer, as recommended by the Planning Commission and subject to the approval of the City Council) shall be required , phasing (if any), construction timeline, completion date, etc.
 - 3. A certification by the City Engineer or City Clerk that all improvements, agreements, and documents meet the minimum requirements of all applicable ordinances.
 - 4. A provision containing all conditions, if any, imposed by the City Council upon approval of the final plan.

5. A provision outlining the procedure or alternative to be utilized in the financing of required improvements.
 6. A provision requiring a performance bond or letter of credit to guarantee performance by the developer. The amount of this bond or letter of credit, and the specific elements of the development program that it is intended to guarantee shall be stipulated in a Development Agreement.
 7. If the development shall occur in phases, the Development Agreement shall outline the various phases of development.
- B. The City may review all building permits and certificates of occupancy issued for the PUD and examine the construction which has been actualized to determine Developer adherence to the approved Development Agreement prior to authorizing the next phase of development.

Subd. 6. Additional Standards Applicable to the Shoreland Overlay District.

In the shoreland overlay district each proposed new or expansion to an existing planned unit development must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation:

- A. The project shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward.

Shoreland(Lake)/Tier	Unsewered (ft)	Sewered (ft)
General Development Shoreland (Middle & Lower Spunk): first tier	200	200
General Development Shoreland (Middle & Lower Spunk): All other tiers	267	200
Natural Environment Shoreland (Linneman, Ochotto, Lake Anna): All tiers	400	320
Recreational Development (Minnie Lake): All tiers	267	267

Shoreland(River & Stream)/Tier	Unsewered (ft)	Sewered (ft)
Tributary Stream Spunk Creek	300	300

- B. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential (Subsection C) or commercial planned unit development (Subsection D) density evaluation steps to arrive at an allowable number of dwelling units or sites.
- C. Residential planned unit development density evaluation steps and design criteria are contained in sub-items 1-3 as follows (Allowable densities may be transferred from any tier to any other tier further from the waterbody, but shall not be transferred to any other tier closer):
1. The suitable area within each tier is divided by the single residential lot size standard for lakes which shall then be used to yield a base density of dwelling units or sites for each tier.
 2. The data calculated in the above equation is then compared with the proposed locations and numbers of dwelling units or sites for the residential planned unit development.

3. If all performance standards in the underlying zoning district are achieved and the design criteria identified elsewhere in this Chapter (Chapter 17) are met, the City may allow minimal dwelling unit or site density increases for residential planned unit developments provided they do not exceed the maximum allowable dwelling unit or site density increases for residential PUD identified in the following table:

Density Evaluation Tiers	Maximum Density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

D. Commercial PUD 'base' density evaluation:

1. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
2. Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development
Floor Area Ratios*

Average Unit Floor Area (sf)	Sewered general development lakes; first tier on unsewered general development lakes.	Second and additional tiers on unsewered general development lakes; recreational development lakes	Natural environment lakes; remote river segments
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1000	.108	.054	.027
1100	.116	.058	.029
1200	.125	.064	.032
1300	.133	.068	.034
1400	.142	.072	.036
1500	.150	.075	.038

* For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

3. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.

4. Divide the total floor area by tier computed in Item (c) above by the average inside living area size determined in item (a) above. This yields a base number of dwelling units and sites for each tier.
5. The project may be eligible for additional density increases if the project meets all design standards in this Chapter and applicable underlying zoning classification(s). The City may allow minimal site density increases for commercial planned unit developments provided they do not exceed the maximum allowable dwelling unit or site density increases for residential PUD identified in the following table:

Density Evaluation Tiers	Maximum Density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

E. Maintenance and Design Criteria.

1. Before final approval of a planned unit development in the shoreland overlay district, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
2. Impervious surface coverage within any one tier is limited to a maximum of twenty-five (25) percent of the gross area of the tier.
3. Open space preservation. Deed restrictions, covenants, permanent easement, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments shall include all of the following protections:
 - a. Commercial uses prohibited (for residential PUD/s);
 - b. Vegetation and topographic alterations other than routine maintenance prohibited;
 - c. Construction of additional buildings or storage of vehicles and other materials prohibited; and
 - d. Uncontrolled beaching of watercraft prohibited.
4. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments shall use an owners association with the following features:
 - a. Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchases;
 - b. Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 - c. Assessments must be adjustable to accommodate changing conditions; and
 - d. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
5. Open Space Requirements. Planned unit developments within the shoreland overlay district shall contain open space meeting all of the following criteria:

- a. At least fifty (50) percent of the total project area must be preserved as open space.
 - b. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
 - c. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
 - d. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites and by the general public.
 - e. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
 - f. Open space shall not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities.
 - g. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance or other equally effective and permanent means; and
 - h. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.
6. Centralization and design of facilities and structures within the shoreland overlay district are subject to the following:
- a. Non-public water supply and sewage treatment systems shall be centralized and designed and installed to meet standards contained in Chapter 21 of this Ordinance.
 - b. On site sewage treatment systems shall be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors shall be provided for a replacement soil treatment system for each sewage system.
 - c. Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. Said units or sites shall be designed and located to meet or exceed dimensional standards included in the shoreland overlay district including, but not limited to, setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water mark shall be increased in accordance with this Chapter for developments with density increases.
 - d. Shore recreation facilities, including but not limited to, swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (not withstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment may be provided for use by occupants of dwelling units or sites located in other tiers.
 - e. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

- f. Accessory structures and facilities, except water oriented accessory structures, shall meet the required principal structure setback and shall be centralized.
 - g. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in appropriate underlying zoning classification and Chapter 22, Subd. 3(A) of this ordinance and are centralized.
- F. In the shoreland overlay district, the City may allow land uses and facilities to be converted to residential planned unit developments if the following standards are met, in addition to all other applicable standards of this Ordinance:
 - 1. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards shall be identified.
 - 2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
 - 3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
 - b. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
 - c. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation off dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
 - 4. Existing dwelling unit or dwelling site densities that exceed standards in this Chapter may be allowed to continue but must not be allowed to be increase, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems or by other means.

Subd. 7. Administrative Procedure.

- A. Upon filing an application for PUD, the applicant of the proposed PUD is encouraged to meet with the City Clerk/Zoning Administrator and Planning Commission in an informal review session to provide an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area in which it is proposed and its conformity to the provisions of this Chapter. The informal review session is intended to prevent the applicant from incurring substantial expense in the preparation of plans, surveys and other data.
- B. The proponents of a Planned Unit Development shall submit a preliminary Subdivision plat and a development and site plans, along with an application for a Conditional Use Permit, to the City Planning Commission and City Council. Such preliminary plat and site plan shall conform to the provisions of this Ordinance and the City Subdivision regulations. Such site plan shall include:
 - 1. General Information:
 - a. The landowner's name and address and his interest in the subject property.

- b. The applicant's name and address if different from the landowner.
 - c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, engineer and surveyor.
 - d. Evidence the landowner has significant control over the subject property.
 - e. Deed restrictions, covenants, permanent easements or other instruments that: properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's; and ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Chapters 12, 15, 16, 22 and 23 of this ordinance.
2. Present Status Information:
- a. The address and legal description of the subject property.
 - b. The existing zoning classification, site development and present use of subject property and all lands within one thousand (1000) feet of the subject property.
 - c. Property boundary lines and dimensions of the subject property.
 - d. Graphic Reproductions of Existing Site Conditions including a minimum of (all graphics should be the same scale to allow for easy cross reference):
 - (1) Topographic contours at 10 foot intervals or less.
 - (2) Slope analysis.
 - (3) Location and extent of waterbodies, wetlands, streams and floodplains within the subject property and those within three hundred (300) feet of the subject property.
 - (4) Proposed sewage treatment and water supply systems (if public systems will not be provided).
 - (5) Existing drainage patterns.
 - (6) Soil Conditions.
 - e. A written statement generally describing the proposed PUD and the market which it is intended to serve and how the proposed PUD is to be designed, arranged and operated. When requested and/or when appropriate: the number of residential dwelling units and expected population; the gross square footage of commercial and industrial floor space by type of activity (i.e. drug store, supermarket, salon); preliminary architectural plans including floor plan, elevations and exterior wall finishes of proposed building(s). When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial or a combination of the two.
 - f. The proposed name of the development.
 - g. Existing adjacent development.
 - h. Proposed public or community sanitary sewer and water systems, including size, type and capacity.
 - i. Proposed roadway, private or public, type and capacity of surfacing Roadways that are private in PUD's shall remain private and are not subject to public maintenance.
 - j. Proposed site development and development schedule.
 - k. Size and location of proposed and existing buildings on the subject site.
 - l. Proposed landscaping.

- m. Site and lot dimensions.
 - n. Allocation and disposition of park and open space.
 - o. Type of use and density of each building, including a relief drawing of the general building design or theme intended for all buildings other than single and two-family units.
 - p. Location, type and sizing of signage.
 - q. A preliminary plat prepared in accordance with the Subdivision Chapter of the City Code.
 - r. A property owners association agreement (for residential PUD's) with mandatory membership, and in accordance with the requirements this Chapter and Chapter 22 of this Ordinance.
 - s. The City may excuse an applicant from submitting any specific item of information or document required which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.
 - t. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD or any aspect thereof.
3. Public hearing: Within thirty (30) days of receiving the preliminary Subdivision plat, development plan, site plan, and application for a Conditional Use Permit from the proponents of a Planned Unit Development the Planning Commission shall hold a public hearing on said proposal. Legal notice of said hearing shall consist of the property's legal description, a description of the request and a general description of the property's location. Said legal notice shall be published in the City's official newspaper a minimum of ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to the hearing to all land owners of record within three hundred fifty (350) feet of the boundary of the property in question, the Minnesota Department of Natural Resources and other applicable entities identified in Chapter 23, Subd. 10 and Chapter 25 of this Ordinance. Failure of property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.
 4. Within thirty (30) days of the public hearing, or such further time as may be agreed to by the applicant, the Planning Commission shall make a finding of fact and submit its recommendation to the City Council. If the Planning Commission fails to act within the time specified herein, it shall be deemed to have recommended the plan for approval.
 5. Upon receiving the recommendation of the Planning Commission, but not longer than sixty(60) days after the completed application was received, unless an extension is provided for in accordance with State Statute 15, the City Council shall place the recommendation on the agenda and take action on said recommendation. Such recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
 6. Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:
 - a. Approve or disapprove the request as recommended by the Planning Commission, or

- b. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Council's records, or
 - c. Refer the recommendation back to the Planning Commission for future consideration. This procedure shall be followed only one (1) time on a singular action.
7. If the Conditional Use Permit for the preliminary plat and site plan is approved, the preliminary plat and site plan shall be attached to and become a part of the Conditional Use Permit. Any modification to the preliminary plat or site plan will require a re-submission to and approval by the City Planning Commission and the City Council.
 8. If the Conditional Use Permit is approved, the final plat shall be submitted to the City in accordance with the City Subdivision Regulations and the provisions of this Ordinance.
 9. Within one (1) year after the approval of a final plat for a PUD, or such time as may be established by an approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within allotted schedule shall automatically render void the PUD permit and all approvals of the PUD plan unless an extension is granted by the City Council.

C. Final Plat.

1. The proponents of a PUD shall submit a final plan to the Planning Commission within one (1) year of the approval of the preliminary plat which shall depict and outline the proposed implementations of the preliminary plan/plat phase. The final plan shall incorporate all changes, modifications and revisions required by the City during approval/conditional approval of the preliminary plan/plat. Information from the general concept stage may be included for background and to provide a basis for the submitted Plan. The final plan shall include, but may not be limited to:
 - a. A final plat and information required by Chapter 25 of this ordinance and/or the City's Subdivision Ordinance.
 - b. Supplementary documents as requested by the City.
2. Within 60 days of receiving the request for final plan/plat approval the Planning Commission shall review the final plan request and forward its recommendation to the City Council for consideration at its next meeting. The City Council shall approve, deny or conditionally approve the request.