

PLANNED UNIT DEVELOPMENT PROCESS & SUBMITTAL REQUIREMENTS

17.2.09 Creation of a Planned Unit Development (PUD) Overlay District.

Subd. 1 Applicability. A tract of land proposed to be developed as a Planned Unit Development (PUD) shall be under the control of a single owner, partnership, or corporation, where each owner agrees in advance to be bound by the conditions and regulations that will be effective within the district and to record such covenants, easements, and other provisions with the County.

The provisions of this Section are generally intended for application to larger and / or unique sites where a flexible approach to zoning regulations would facilitate more efficient use of the site and protection of natural resources achieved through clustering development and other innovative site planning and design techniques.

Subd. 2 General Review Process. The creation of a PUD Overlay District requires a Zoning Map Amendment pursuant to *Section 17.2.07: Zoning Map Amendment (Rezoning)*, and a text amendment pursuant to *Section 17.2.08: Zoning Ordinance Text Amendment*. In addition, the review process for the creation of a PUD Overlay District involves two phases: review of a PUD – General Development Plan (PUD-GDP) and review of a PUD- Specific Implementation Plan (PUD-SIP). The following describes each review phase. An applicant has the option to submit an application for a PUD- Specific Implementation Plan at the same time as an application for a PUD- General Development Plan.

Subd. 3 PUD- General Development Plan Review Process.

- A. Pre-application Meeting. The property owner of a proposed development that is intended to proceed as a PUD is encouraged to request a pre-application meeting pursuant to *Section 17.2.01, Subd. 4, A: Pre-application Meeting*.
- B. Initiation. Application for a PUD-General Development Plan (PUD-GDP) shall be initiated by the property owner or their designated agent. The application shall have control of all property in the proposed PUD.
- C. Application Submittal. A complete application shall be submitted to the Zoning Administrator or other Authorized Agent for approval of a PUD- General Development Plan pursuant to *Section 17.2.01, Subd. 4, B: Application Forms and Fees* and *Section 17.2.01, Subd. 4, C: Application Deadline*. The application shall contain the following information:
 - (1) Context map. A map of the project including its relationship to the surrounding properties, topography, or other prominent site features;
 - (2) Statement. A statement as to why the Planned Unit Development (PUD) zoning is proposed. The statement shall identify reasons why Planned Unit Development (PUD) zoning is preferable to development under standard zoning districts.
 - (3) Site plan. A site plan of the Planned Unit Development (PUD) at a scale of not less than one inch equals one hundred feet (1"=100') showing the following:

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- a. Land use and development densities;
- b. The size, arrangement, and location of parcels;
- c. The proposed general location of buildings or groups of buildings;
- d. The location of public and private streets;
- e. The location of recreational areas and open space, and description about who will own and maintain;
- f. A general landscaping plan;
- g. A general grading plan, indicating onsite storm water management facilities and indicating the amount and location of off-site drainage;
- h. Identification of mature vegetation on the site and a proposal to preserve such vegetation worthy of protection;
- i. Identification and / or delineation of wetlands and floodplains within the site and a proposal to protect such areas from encroachment or degradation;
- j. Statistical data on the size of the development, density / intensity of various sub-areas, and expected phasing or staging.
- k. A description of the intended organizational structure for a property owner's association, if any; and
- l. A description of the deed restrictions or restrictive covenants, if any.

(4) Additional plans. The Planning Commission or City Council may require other special studies, plans, or additional information that would aid in consideration of the proposed development.

D. Staff Review. The Zoning Administrator or other Authorized Agent shall complete the following tasks:

- (1) Determine if the application is complete pursuant to *Section 17.2.01, Subd. 4, D: Application Completeness*;
- (2) Notice the public hearing pursuant to *Section 17.2.01, Subd. 6.: Public Hearing and Noticing Requirements*; and
- (3) Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.

E. Planning Commission Recommendation. The Planning Commission shall complete the following tasks:

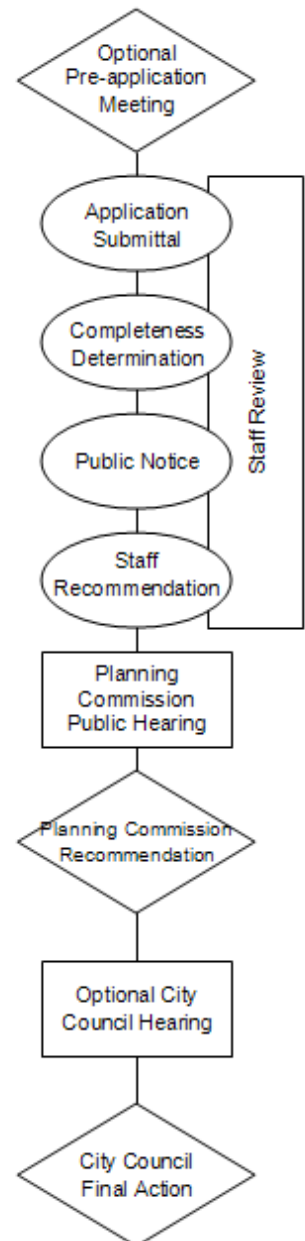
- (1) The Planning Commission shall hold a public hearing pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements*; and

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- (2) The Planning Commission (considering the approval criteria) shall make a recommendation of approval, approval with conditions or denial to the City Council within forty-five (45) days of the receipt of a petition.
- (3) If no recommendation is transmitted by the Planning Commission within sixty (60) days after referral the City Council shall take action upon the application.

F. City Council Final Action.

- (1) After reviewing the recommendation of the Planning Commission, the City Council may order a second public hearing before the City Council pursuant to *Section 17.2.01, Subd. 6.: Public Hearing and Noticing Requirements.*
- (2) Within sixty (60) days of the City’s receipt of a complete application, the City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested ordinance amending the Zoning Map and the PUD- General Development Plan. The ordinance associated with the PUD- General Development Plan is an interim zoning classification that does not enable any development until the PUD- Specific Implementation Plan is approved.
- (3) Approval, or approval with conditions of the PUD- General Development Plan shall require a majority vote of the entire City Council.
- (4) Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request. *See MN Statute 15.99: Time Deadline for Agency Action.*
- (5) The City may extend the time limit of this section before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.
- (6) An applicant may by written notice to the City request an extension of the time limit under this section



Subd. 4 PUD – Specific Implementation Plan Review Process.

- A. Initiation. Application for PUD- Specific Implementation Plan (PUD – SIP) shall be initiated by a property owner or

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their designated agent. The Applicant shall have control of all property in the proposed PUD.

B. Application Submittal.

- (1) A complete application shall be submitted to the Zoning Administrator or other Authorized Agent for approval of a PUD- Specific Implementation Plan pursuant to *Section 17.2.01, Subd. 4, B.: Application Forms and Fees* and *Section 17.2.01, Subd. 4, C: Application Deadline*. The application shall contain all the information required for the General Development Plan review specified in this Section, except that the information shall be in final and detailed form. In addition, the applicant shall submit all other required plans for review and action.
- (2) The application shall be submitted within twelve (12) months of approval of the PUD- General Development Plan. Failure to provide the PUD- Specific Implementation Plan within twelve (12) months of approval of the PUD- General Development Plan shall result in the automatic repeal of the previously approved PUD – Specific Implementation Plan.

C. Staff Review. The Zoning Administrator or other Authorized Agent shall complete the following tasks:

- (1) Determine if the application is complete pursuant to *Section 17.2.01, Subd. 4, D: Application Completeness*; and
- (2) Review the PUD – Specific Implementation Plan. If the PUD- Specific Implementation Plan is consistent with the PUD – General Development Plan, then the Zoning Administrator or other Authorized Agent shall prepare a report and a recommendation to the Planning commission that directs the Planning Commission to hold an informational meeting to take their final action on the plan.
- (3) If the PUD – Specific Implementation Plan is not consistent with the PUD – General Development Plan, then the Zoning Administrator or other Authorized Agent shall prepare a report to the Planning Commission that identifies the discrepancies and directs the Planning Commission to hold a public hearing pursuant to the public hearing requirements for the PUD – General Development Plan.

D. Planning Commission Recommendation. The Planning Commission shall complete the following tasks:

- (1) If the Zoning Administrator or other Authorized Agent’s report identifies that the PUD – Specific Implementation Plan is substantially consistent with the approved PUD- General Development Plan, then the Planning Commission (considering the approval criteria) shall hold an informational meeting and make a recommendation to the City Council to approve, approve with conditions, or deny the PUD- Specific Implementation Plan.

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- (2) If the Zoning Administrator or other Authorized Agent's report identifies that the PUD – Specific Implementation Plan is substantially inconsistent with the approved PUD – General Development Plan, then the Planning Commission shall hold a public hearing pursuant to the public hearing requirements for the PUD – General Development Plan. Following the public hearing, the Planning Commission (considering the approval criteria) shall make a recommendation to the City Council to approve, approve with conditions, or deny the PUD – specific Implementation Plan.

E. City Council Final Action.

- (1) After reviewing the recommendation of the Planning Commission, the City Council may order another public hearing before the City Council pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements.*
- (2) Within sixty (60) days of the City's receipt of a complete application, the City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested ordinance amending the Zoning Map and approving the PUD – Specific Implementation Plan. The ordinance associated with the PUD – Specific Implementation Plan shall incorporate the Specific Implementation Plan, including any conditions or restrictions that may be imposed by the City Council.
- (3) Approval, or approval with conditions, shall require a majority vote of the entire City Council.
- (4) Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request. *See MN Statute 15.99: Time Deadline for Agency Action.*

Subd. 5 Approval Criteria. In determining whether to approve, approve with conditions, or deny a PUD- General Development Plan or a PUD- Specific Implementation Plan, the Planning Commission and City Council shall consider the approval criteria for a Zoning Map Amendment as specified in *Section 17.2.07* as well as the following approval criteria with special consideration given to whether the plan would or would not be in the public interest:

A. Criteria.

- (1) Comprehensive Plan. Consistency with the City of Cloquet Comprehensive Plan.
- (2) Consistency with this Chapter. The extent to which the plan departs from the provisions of this Chapter otherwise applicable to the subject property, including, but not limited to, density, bulk, and use, and the reasons why such departures are or are not deemed to be in the public interest.
- (3) Provisions for services. The manner in which the plan does or does not make adequate provisions for public services / utilities, traffic, and recreational amenities.

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- (4) Open space. The nature and extent of open space, the reliability and sufficiency of the proposal for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space in terms of the densities proposed in the plan.
- (5) Effect on the neighborhood. The relationship, beneficial or adverse, of the Planned Unit Development project upon the neighborhood in which it is proposed to be established.
- (6) Phasing. In the case of a plan that proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the plan.
- (7) Relationship to existing structures. In developed areas, the suitability of the proposed structures in relation to existing structures to remain and anticipated future development of the area.

Subd. 6 Conditions that may be attached to a PUD. The City Council may attach any conditions to the approval of a PUD – General Development Plan and / or the approval of a PUD- Specific Implementation Plan that it deems necessary to address any of the following conditions or other applicable conditions not herein listed:

A. Conditions.

- (1) Minimize any adverse impact of the development upon other land, including the hours of use and operation and the type and intensity of activities that may be conducted;
- (2) Control and sequence of development, including when it must be commenced and completed;
- (3) Control the duration of the use of development and the time within which any structures must be removed;
- (4) Ensure that development is maintained properly in the future;
- (5) Designate the exact location and nature of development; and
- (6) Establish more detailed records by submission of drawings, maps, plats, or specifications.

Subd. 7 Effect of the PUD – Specific Implementation Plan Approval. The approved PUD – Specific Implementation Plan, together with the conditions and restrictions imposed by the City Council, shall constitute the final zoning for the subject property. The zoning provisions applicable to the underlying zoning districts shall continue to be applicable where consistent with the PUD – Specific Implementation Plan.

Subd. 8 Building Permit Restrictions. Development permits and building permits for a Planned Unit Development shall not be issued until the PUD – Specific Implementation Plan is approved by the City Council. No building permit shall be issued for any structure within the PUD – Specific Implementation Plan until the Zoning Administrator or other Authorized Agent certifies that it conforms to the provisions of the PUD – Specific Implementation Plan and all other applicable provisions of this Chapter. Any change of

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the PUD – General Development Plan or the PUD – Specific Implementation Plan prior to approval of the PUD – Specific Implementation Plan shall be submitted to the Zoning Administrator or other Authorized Agent. If the Zoning Administrator or other Authorized Agent determines that the change constitutes a substantial modification, the applicant or developer will be required to amend the PUD – Specific Implementation Plan, and if necessary, the PUD – General Development Plan, following the review procedures set forth in this section. If in the opinion of the Zoning Administrator or other Authorized Agent, such changes do not constitute a substantial alteration of either of the PUD- General Development Plan or the PUD – Specific Implementation Plan, the change may be accomplished by approval of the Zoning Administrator or other Authorized Agent. Such approved changes or modification shall be documented and recorded in the official file of the City on the Planned Unit Development.

Subd. 9 Expiration. If substantial development progress has not occurred within twelve (12) months of a PUD – Specific Implementation Plan approval, the City Council, following a Planning Commission recommendation, may revoke the PUD- General Development Plan and the PUD – Specific Implementation Plan approval and revert the site zoning to its previous zoning district classification.