



Application Received: _____
Fee Received: _____
Staff Initials: _____

PLANNED UNIT DEVELOPMENT APPLICATION

APPLICANT INFORMATION

Name(s): _____
Mailing Address: _____
Telephone: _____ Fax: _____
E-mail Address: _____

PROPERTY OWNER INFORMATION (if different from above)

Name(s): _____
Mailing Address: _____
Telephone: _____ Fax: _____
E-mail Address: _____

REQUEST IS FOR: (check one)

_____ PUD from _____ (existing zone)

_____ PUD AMENDMENT of PUD # _____

PURPOSE OF PUD OR AMENDMENT: _____

PROPERTY INFORMATION

Describe Location: _____
Parcel Number(s): _____
Legal Description (attach if lengthy): _____

Applicant Signature(s) _____ Print Name _____ Date _____

Property Owner Signature(s) _____ Print Name _____ Date _____

Property Owner Signature(s) _____ Print Name _____ Date _____

SUBMIT APPLICATION AND SUBMISSION REQUIREMENTS TO:

Planning & Zoning Division, 500 Center Avenue, Fourth Floor, PO Box 779, Moorhead, MN 56561-0779

APPLICATION DEADLINE: Completed application and submission requirements must be received by 12:00 p.m. on the deadline date (at least three weeks prior to the scheduled Planning Commission meeting).

APPLICATION SUBMISSION REQUIREMENTS: The following must accompany this application:

_____ Proof of Title to the property or written authorization from owner(s) if applicant is not the owner

_____ Application fee of \$300 + County Recorder Fee of \$46 = **\$346 payable to the City of Moorhead.**

_____ Written statement describing the proposed PUD, market which it is intended to serve and other submission requirements noted within 10-17A-3A (see following pages)

_____ Scaled detailed drawings of proposed PUD

_____ Proposed schedule of development stages, if any

CRITERIA FOR CONSIDERATION: Section 10-1-3-A of the Moorhead Zoning Ordinance provides a process for amending the City Zoning Ordinance that requires the Planning Commission and Council to consider the following factors. **Please provide any information you want the reviewers to know about the proposed amendment.** The Planning Commission has the authority to request additional information as needed.

1. The proposed action is consistent with the specific policies and provisions of the official City Comprehensive Plan;
2. The proposed use is or will be compatible with present and future land uses of the area;
3. The proposed use conforms to all performance standards contained herein (i.e., parking, loading, noise, etc.);
4. The proposed use will not have an adverse effect upon the area in which it is proposed;
5. The proposed use will not depreciate the property value of the area in which it is proposed;
6. Traffic generation by the proposed use is within the capabilities of streets serving the property;
7. The proposed use can be accommodated with existing or future public services and facilities including parks, streets, and utilities, and will not overburden the City's service capacity.

SECTION:

[10-17A-1: Purpose](#)

[10-17A-2: General Requirements And Standards](#)

[10-17A-3: Submission Requirements](#)

[10-17A-4: Procedure For Processing A Planned Unit Development](#)

10-17A-1: PURPOSE:

This article is established to provide comprehensive procedures and standards designed to allow greater flexibility, uniqueness, innovative design and energy conservation in the development of neighborhoods or areas by incorporating a mixture of densities/intensities or use types when applied to a PUD district. The PUD process, by allowing deviation from the strict provisions of this title related to setbacks, height, lot area, width and depth, yards, etc., by conditional use permit or the mix of uses by PUD zoning, is intended to encourage:

- A. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design and siting of structures and by the conservation and more efficient use of land in such developments.
- B. Higher standards of site and building design through the use of land planners, architects and landscape architects.
- C. More convenience in location and design of development and service facilities.
- D. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- E. A creative use of land and related physical development which allows a phased and orderly transition of land from rural to urban uses.
- F. An efficient use of land resulting in smaller networks of utilities and streets thereby lowering development costs and public investments.
- G. A development pattern in harmony with the objectives of the comprehensive plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
- H. A more desirable and creative environment than might be possible through the strict application of zoning and subdivision regulations of the city. (Ord. 2004-40, 1-3-2005)

10-17A-2: GENERAL REQUIREMENTS AND STANDARDS:

- A. Ownership: An application for PUD must be filed by the landowner or jointly by all landowners of the property or their agent(s) 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.
- B. Comprehensive Plan Consistency: The proposed PUD shall be consistent with the city comprehensive plan.
- C. Sanitary Sewer Plan Consistency: The proposed PUD shall be consistent with the city comprehensive sewer plan.
- D. Compatibility: The proposed PUD shall be compatible with the adjacent land uses.
- E. Common Open Space: Common open space at least sufficient to meet the minimum requirements established in the comprehensive plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents/users of the PUD shall be provided within the area of the PUD development.
- F. Operating And Maintenance Requirements For PUD Common Open Space/Facilities: Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common open space and service facilities within a PUD may be placed under the ownership of one or more of the following, as approved by the city:
 - 1. Dedicated to public, where a communitywide use is anticipated and the city agrees to accept the dedication.
 - 2. Landlord control, where only use by tenants is anticipated.
 - 3. Property owners' association, provided all of the following conditions are met:
 - a. Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tracts or common area, a declaration of covenants, conditions and restrictions or an equivalent document or document such as specified by laws 1963, chapter 457, section 11 and a set of floor plans such as specified by laws 1963, chapter 457, section 13 shall be filed with the city, said filing with the city to be made prior to the filings of said declaration or document or floor plans with the recording officers of Clay County.
 - 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 said properties to the terms of said declaration.
 - c. The declaration of covenants, conditions and restrictions shall provide that an owners' association or corporation shall be formed and that all owners shall be members of said 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. The intent of this requirement is to protect the property values of the individual owner through establishing 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 in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the city shall have the right to assess each property its prorated share of said 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 must be mandatory for each owner and any successive buyer.
- f. The open space restrictions must be permanent and not for a given period of years.
- g. The association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities to be deeded to it.

h. Property owners must pay a prorated 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 Minnesota statutes.

- i. The association must be able to adjust the assessment to meet changed needs.

G. Staging Of Public And Common Open Space: When a PUD provides for common or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

H. Density: The maximum allowable density in a PUD zoning district shall be determined by standards negotiated and agreed upon between the applicant and the city. In all cases, the negotiated standards shall be consistent with the development policies as contained in the comprehensive plan. Whenever a PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds one hundred percent (100%) of the proposed residential density of the entire PUD. A PUD by conditional use permit must comply with the applicable base zoning district.

- I. Utilities: In any PUD, all utilities, including telephone, electricity, gas and telecable shall be installed underground.

J. Utility Connections:

1. Water Connections: Where more than one property is served from the same service line, individual unit shutoff valves shall be provided as required by the city.

- 2. Sewer Connections: Must comply with the state plumbing code.

K. Roadways: All streets shall conform to the design standards contained in the subdivision title of this code, unless otherwise approved by the city. In any PUD, at the request of the city, the applicant shall submit a snow removal plan.

L. Landscaping: In any PUD, landscaping shall be provided according to a plan approved by the city, which shall include a detailed planting list with sizes and species indicated as part of the final plan. In assessing the landscaping plan, the city shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.

M. Urban/Rural Servicing Requirements: All development will be carefully phased so as to ensure that all developable land will be accorded a present vested right to develop at such time as services and facilities are available. Lands which have the necessary available municipal facilities and services will be granted approval in accordance with existing city code provisions and development techniques. Lands which lack the available public facilities and services may be granted approval for development, provided that all applicable provisions of this title, this code and state regulations are complied with.

N. Setbacks: The front and side yard restrictions of the periphery of the planned unit development conditional use permit site at a minimum shall be the same as imposed in the base zoning districts. (Ord. 2004-40, 1-3-2005)

10-17A-3: SUBMISSION REQUIREMENTS:

Eight (8) large scale copies and one reduction, eight and one-half inches by eleven inches (8¹/₂" x 11"), of the following exhibits, analysis and plans shall be submitted to the city during the PUD process, at the times specified in chapter 3 of this title.

A. General Concept Stage:

1. General Information:

- a. The landowner's name and address and their interest in the subject property.
- b. The applicant's name and address if different from the landowner.
- c. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up to date certified abstract of title or registered property report, and such other evidences as the city attorney may require to show the status of title or control of the subject property.

2. Present Status:

- a. The address and legal description of the subject property.
- b. The existing zoning classification and present use of the subject property and all lands within one thousand feet (1,000') of the subject property.
- c. A map depicting the existing development of the subject property and all land within one thousand feet (1,000') thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet (100') of the subject property.

3. Written Statement: 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 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.

4. Site Conditions: Graphic reproductions of the existing site conditions at a scale of one inch equals one hundred feet (1" = 100').

- a. Contours: Minimum one-half foot (1/2') intervals.
- b. Location, type and extent of tree cover.
- c. Slope analysis.
- d. Location and extent of water bodies, wetlands and streams and floodplains within three hundred feet (300') of the subject property.

- e. Existing drainage patterns.
- f. Soil conditions as they affect development.

All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for clear reference.

5. Schematic Drawings: Schematic drawing of the proposed development concept including, but not limited to, the general location of major circulation elements, public and common open space, residential and other land uses.

6. Dwelling Units And Allocation Of: A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

- a. Area devoted to uses.
- b. Area devoted to use by building type.
- c. Area devoted to common open space.
- d. Area devoted to public open space.
- e. Approximate area devoted to streets.
- f. Approximate area devoted to, and number of, off street parking and loading spaces and related access.

7. Schedule Of Development: 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 such 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 such stage, and the overall chronology of development to be followed from stage to stage.

8. Care And Maintenance Of Open Space/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.

9. Restrictive Covenants: General intent of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

10. Utilities Plans: Schematic utilities plans indicating placement of water, sanitary and storm sewers.

11. Exemption From Submittal Requirements: The city may excuse an applicant from submitting any specific item of information or document required in this stage, which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

12. Additional Information: 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 or stage thereof.

B. Development Stage: Development stage submissions should depict and outline the proposed implementations of the general concept stage for the PUD. Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include, but not be limited to:

1. Zoning classification required for development stage submission and any other public decisions necessary for implementation of the proposed plan.

2. Eight (8) sets of preliminary plans, drawn to a scale of not less than one inch equals one hundred feet (1" = 100') or scale requested by the city and one reduction eight and one-half inches by eleven inches (8¹/₂" x 11"), containing at least the following information:

- a. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat theretofore recorded in Clay County).
- b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.
- c. 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, and existing buildings which will remain, if any.
- d. 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 elements.
- e. Location, designation and total area of all common open space.
- f. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
- g. Proposed lots and blocks, if any, and numbering system.
- h. The location, use and size of structures and other land uses on adjacent properties.
- i. Detailed sketches and provisions of proposed landscaping.
- j. General grading and drainage plans for the developed PUD.
- k. Any other information that may have been required by the city in conjunction with the approval of the general concept plan.

3. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.

4. A tabulation indicating the number of residential dwelling units and expected population.

5. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g., drugstore, dry cleaning, supermarket).

6. Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed buildings, including mobile homes.

7. 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, structure, including mobile homes and uses.

8. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan.

9. A preliminary plat prepared in accordance with the subdivision title of this code.

10. A soil erosion control plan acceptable to watershed districts, department of natural resources, soil conservation service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.

11. A statement summarizing all changes which have been made in any document, plan, data or information previously submitted, together with revised copies of any such document, plan or data.

12. Such other and further information as the city shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.

13. The city may excuse an applicant from submitting any specific item of information or document required in this article it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

C. Final Plan Stage: After approval of a general concept plan by the planning commission for the PUD and approval of a development stage plan by the city council for a section of the proposed PUD, the applicant will submit the following material for review by the city prior to issuance of a building permit.

1. Proof of recording any easements and restrictive covenants prior to the sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.

2. All certificates, seals and signatures required for the dedication of land and recording of documents.

3. Final architectural working drawings of all structures.

4. A final plat and final engineering plans and specifications for streets, utilities and other public improvements, together with a city/applicant agreement for the installation of such improvements and financial guarantees for the completion of such improvements.

5. Any other plan, agreements, or specifications necessary for the city to review the proposed construction. All work must be in conformance with the state uniform building code. (Ord. 2004-40, 1-3-2005)

10-17A-4: PROCEDURE FOR PROCESSING A PLANNED UNIT DEVELOPMENT:

A. General Processing Requirements: The PUD request shall be processed according to chapter 3 or chapter 4 of this title as may be applicable, except as herein modified.

B. Application Conference: Prior to filing of an application for PUD, the applicant of the proposed PUD is encouraged to arrange a conference with the city. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this article before incurring substantial expense in the preparation of plans, surveys and other data.

C. General Concept Plan:

1. Purpose: The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his basic intent and the general nature of the entire development without incurring substantial cost. The following elements of the proposed general concept plan represents the immediately significant elements for city review and comment.

a. Overall maximum PUD density range.

b. General location of major streets and pedestrianways.

c. General location and extent of public and common open space.

d. General location of residential and nonresidential land uses with approximate type and intensities of development.

e. Staging and time schedule of development.

f. Other special criteria for development.

2. Schedule:

a. The applicant shall file the concept stage application, together with all supporting data and filing fee as established by council resolution.

b. Within thirty (30) days after verification by the city that the application and required supportive material is completed and adequate, the request shall be processed in accordance with the applicable procedures and schedule as defined by chapter 3 of this title.

3. Optional Submission Of Development Stage Plan: In the case of single stage PUDs or where the first stage of a multiple stage PUD is to begin immediately, the applicant may initially submit development stage plans and supportive material. In such case, the city shall consider and act upon such plans according to the applicable provisions of this article.

4. Effect Of Concept Plan Approval: Unless the applicant shall fail to meet time schedules for filing development stage and final plans, or shall fail to proceed with development in accordance with the plans as approved, or shall in any other manner fail to comply with any condition of this title or of any approval granted pursuant to it, a general concept plan which has been approved shall not be modified, revoked or otherwise impaired pending the application of development stage and final plans by any action of the city without the consent of the applicant.

5. Limitation On General Concept Plan Approval: Unless a development stage plan covering at least ten (10) dwelling units or the area designated in the general concept plan as the first stage of the PUD, whichever is greater, has been filed within six (6) months from the date city grants general concept plan approval, or in any case where the applicant fails to file development stage and final plans and to proceed with development in accordance with the provisions of this title and of an approved general concept plan, the approval shall lapse. Upon request by the applicant, the council at its discretion may extend for additional periods, not in excess of six (6) months each, the filing deadline for any development stage plan, when, for good cause shown, such extension is necessary.

D. Development Stage:

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 council and with which substantial compliance is necessary for the preparation of the final plan.

2. Submission Of Development Stage: Upon approval of the general concept plan, and within the time established in subsection C5 of this section, the applicant shall file with the city a development stage plan consisting of the information and submissions required by subsection 10-17A-3B of this article for the entire PUD or for one 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:

a. Immediately upon receipt of a completed development stage plan, said plan shall be referred to the following city staff and/or official bodies for the indicated action.

(1) The city attorney for legal review of all documents.

(2) The city engineer for review of all engineering data and the city/developer agreement.

(3) The building official for review of all building plans.

(4) The city manager or his agent for review of all plans for compliance with the intent, purpose and requirements of this title and conformity with the general concept plan and comprehensive plan.

(5) The planning commission for review and recommendation to the council.

(6) When appropriate, as determined by the city manager to other special review agencies and governmental jurisdictions.

b. The review and action by city staff and/or official bodies so designated shall be completed within ninety (90) days of the receipt of a completed development stage plan.

4. Council Action: Within one hundred fifty (150) days of the receipt of a completed development stage plan, the city council shall act to deny or approve the request.

5. PUD Enactment: Final approval of a PUD conditional use permit or PUD zoning district map amendment shall be considered granted only at the time of development stage plan approval by the city council.

6. Limitation On Development Stage Plan Approval: Unless a final plan covering the area designated in the development stage plan as the first stage of the PUD has been filed within six (6) months from the date 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 title and/or an approved development stage plan, the approval shall expire. Upon application by the applicant, the council at its discretion may extend for not more than six (6) months, the filing deadline for any final plan when, for good cause shown, such extension is necessary.

7. Site Improvements: At any time following the approval of a development stage plan by the council, the applicant may, pursuant to the applicable city code provisions, apply for, and the city may issue, grading permits for the area within the PUD for which development stage plan approval has been given.

E. Final Plan:

1. Purpose: The final plan is to serve as a complete, thorough and permanent public record of the PUD 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 PUD process. It shall serve in conjunction with other city code provisions as the land use regulation application to the PUD. The final plan is intended only to add detail to, and to put in final form, the information contained in the development stage plan and shall conform to the development stage plan in all respects.

2. Schedule:

a. Upon approval of the development stage plan, and within the time established in subsection D6 of this section, the applicant shall file with the city a final plan consisting of the information and submissions required in this section for the entire PUD or for one or more stages. This plan will be reviewed and approved or denied by city staff.

b. Within thirty (30) days of its approval, the applicant shall cause the final plan, or such portions thereof as are appropriate, to be recorded with the county recorder or registrar of titles. The applicant shall provide the city with a signed copy verifying county recording within forty (40) days of the date of approval.

3. Building And Other Permits: Except as otherwise expressly provided herein, upon receiving notice from the city that the approved final plan has been recorded and upon application of the applicant pursuant to the applicable city code provisions, the city may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved final plan; provided, however, that no such permit shall be issued unless the city is first satisfied that the requirements of all codes and city code provisions which are applicable to the permit sought, have been met.

4. Limitation Of Final Plan Approval: Within one year after the approval of a final plan for PUD, or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted as hereinafter provided, automatically render void the PUD permit and all approvals of the PUD plan, and the area encompassed within the PUD shall thereafter be subject to those provisions of this title, and other city code provisions, applicable in the district in which it is located. In such cases, the council shall forthwith adopt a resolution repealing the PUD permit and all PUD approvals and reestablish the zoning and other city code provisions that would otherwise be applicable. The time limit established may, at the discretion of the council, be extended for not more than one year.

5. Inspections During Development:

a. Compliance With Overall Plan: Following final plan approval of a PUD, or a stage thereof, the city shall, at least annually until the completion of the development, review all permits issued and construction undertaken and compare actual development with the approved development schedule.

b. Noncompliance With Schedule: If the city finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD plans as finally approved, the city shall either by ordinance revoke the PUD permit, and the land shall thereafter be governed by the regulations applicable in the district in which it is located; or shall take such steps as it shall deem necessary to compel compliance with the final plans as approved; or shall require the landowner or applicant to seek an amendment to the final plan. (Ord. 2004-40, 1-3-2005)