

Article XII: Planned Unit Development (PUD)

Section 1 Purpose

The purpose of allowing planned unit development as an alternative development tool is to permit flexibility in the use and design of structures and land in situations where a divergence from the zoning district requirements will not be contrary or harmful to the surrounding development. Its primary intention is to preserve open space while allowing lot size reduction to achieve a density that would be allowed by a normal sub division.

Section 2 Geographic Scope

The following Table displays those land use districts in which planned unit developments (PUD) will be considered, and the type of planned unit developments that can be considered in each land use district or overlay. All planned unit developments require a Conditional Use Permit.

**Table 12.1
Land Use Districts in Which Planned Unit Developments Are Permitted**

Type of Use	FAM-1	FAM-2	FAM-3	MUNS-4	SMU- 8	SMU-6	SCO-8A	SCO-8B	COM	LIU-3A	SMU-6A
Mixed Use Planned Development	∅	∅	∅	∅	∅	∅	C	C	C	∅	C
Commercial Planned Unit Development	∅	∅	∅	∅	∅	∅	C	C	C	∅	C
Residential Planned Unit Development	C	C	C	C	C	C	∅	∅	∅	∅	C

Note: An ∅ in the table means that Planned Unit Developments of a given type are not permitted in that zone district.

Section 3 Minimum Development Area Required

The following table displays the minimum number of acres required in each district or overlay for a Planned Unit Development.

**Table 12.2
Minimum Acreage Required for Planned Unit Developments**

Type	FAM- 1	FAM-2	FAM-3	MUNS- 4	SMU-6	SMU-6A	SMU- 8	SCO-8A	SCO-8B	COM	LIU-3A
Mixed Use	Ø	Ø	Ø	Ø	Ø	6	Ø	3	3	9	Ø
Commercial	Ø	Ø	Ø	Ø	Ø	6	Ø	3	3	9	Ø
Residential	120	60	20	20	6	6	3	Ø	Ø	Ø	Ø

An “Ø” in the table means that Planned Unit Developments of a given type are not permitted in that zone district.

Section 4 Conditional Use Permit Required

- A. **Conditional use.** Planned Unit Developments must be processed as a conditional use.
- B. **Environmental review.** If an environmental review is required, approval cannot occur until the environmental review is complete.

Section 5 Administrative Process

- A. **Pre-application meeting.** A pre-application meeting is required between the applicant and the Planning Director to discuss the following.
 - 1. The PUD process.
 - 2. Requirements for planned unit developments.
- B. **Existing resource, site analysis, and preliminary concept plan.** The Town of Duluth requires that planned unit developments conduct specific studies and analysis prior to submitting an application to be considered by the Planning Commission.
 - 1. The applicant will conduct a resource survey and site analysis, as described in this Article.
 - 2. Based on the site analysis, the applicant will prepare and review the preliminary concept plan with the Planning Director.
 - 3. The Planning Director will submit copies to those agencies listed in this section, **Item B-4**, below, and the recipients will have twenty (20) days to respond to the Preliminary Concept Plan. If no report is received within twenty (20) days, the Planning Commission will:
 - a. Assume that there are no objections to the Plan or plans as submitted. If any department listed in this section, **Item B-4**, below, disapproves the plan as submitted, then the reasons for disapproval shall be fully stated in writing. In addition, the agency or entity shall give recommendations, modifications, or revisions requested for their approval.

- b. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, the plan shall identify for all residential planned unit developments the structure and bylaws of the owners' association.
The association must have the following features:
 - (i) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
 - (ii) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
 - (iii) Assessments must be adjustable to accommodate changing conditions.
 - (iv) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
- 2. At the time of final application, planning, and scheduled development of the proposed facility shall be under unified control or ownership.
- 3. The applicant will provide a detailed development plan to the Planning Commission that must include a detailed description of:
 - a. The property under consideration, including property boundaries, contours, on-site features, roads, lakes, rivers, wetlands, rock outcroppings, wooded areas, and other relevant features.
 - b. Property boundaries must be identified on-site by monuments, stakes or flags as described on the submitted plans.
 - c. In commercial applications the applicant shall identify building elevations, location on site, proposed uses, number of units, and commercial operations.
 - d. The final plan must provide details on the property owners' association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of Minnesota law.
 - e. Parking areas and driveways for both residences and commercial activities, vehicle loading/unloading areas, proposed public road entrances, and projected traffic generation of the proposed development.
 - f. Proposed phasing of the final development.
 - g. Description of how the project will operate after completion.
 - h. Nature of proposed ownership after completion.
 - i. Proposed fire protection.
 - j. Proposed homeowner and/or road association agreements, where applicable.
 - k. Detailed landscape plan which shows existing vegetation, proposed alterations, new plantings and landscaping that is consistent with shoreland alteration guidelines.
 - l. Recreational space location and use.
 - m. Open space.
 - n. Adequate water sources and water supply system plans.
 - o. Proposed sewage treatment system plans.
 - p. Storm water runoff plans (construction and operation).
 - q. Erosion control plan for shoreline, where applicable.
 - r. Erosion and sediment control plan for site (construction and operation) consistent with National Pollution Discharge Elimination System Phase II standards.
 - s. Receipt of appropriate permits; County, State and Federal.
 - t. Evidence of availability of necessary public utilities.
 - u. Proposed financial plans and necessary performance bonds or escrow agreements to protect the Town's financial liability for site restoration, landscaping, erosion control measures, and sewage treatment systems.
- 4. Any other information deemed necessary by the Planning Commission will be provided by the applicant.
- 5. The Planning Commission may require plan modifications or require special conditions or performance standards, including environmental review, as part of its approval of the project.
- 6. The proposed development plan will demonstrate that the development will conform with adjacent development and be screened from lakes, adjacent roads and adjacent properties.

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Section 6 Resource Analysis

The following will be considered, at a minimum, in the site analysis.

1. Topography
2. Wetlands and buffers
3. Floodways and floodplains
4. Moderate and steep slopes
5. Watershed boundaries
6. Woodlands, type, age, density
7. Soils
8. Farmland/open pastureland
9. Significant wildlife habitat
10. Historic/cultural features
11. Scenic viewsheds – aspect and prospect
12. Geologic formations

Section 7 Preliminary Concept Plan

Based on the Resource Analysis and guided by sustainable design principles the Concept Plan will be developed with consideration given to the following.

- A. **Delineation.** The delineation of Open Space areas and their reasons for preservation.
- B. **Infrastructure.** Location of infrastructure.
- C. **House sites.** Location of house sites.
- D. **Lot lines.** Location of lot lines to meet dwelling, privacy and resource considerations.

Section 8 Preliminary Concept Plan Information Requirements

Information. The following information is required for PUD Preliminary Concept Plans:

1. Ten (10) copies of the preliminary plan that shall include a map or maps of the proposed development prepared in the manner and containing the data, documents, and information required by this Ordinance.
2. The required number of site plans and/or plats for the projects, at a scale of not less than one inch equals 200 feet, showing the legal description of property and any proposed lot divisions.
3. Names and addresses of applicant and owner, surveyor, and designer of the plan.
4. Graphic scale and arrow indicating the **North** direction.
5. Date of preparation.
6. Total acreage of proposed plan and acreage of each proposed subdivision parcel.
7. Existing conditions in the parcel(s) and within three-hundred (300) feet surrounding the boundaries of the development.
8. All streams, creeks, ponds, and swamps shall be correctly located and plainly shown and designated on the plan.
9. Layout of existing and proposed roads, showing right-of-way widths.
10. Provisions for required open space.
11. Erosion control and stormwater management plan.
12. Existing and proposed structures and other facilities.
13. Proposed land alterations.

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14. Location of sewage treatment and water supply systems (where public systems will not be provided).
15. Refuse disposal.
16. Proposed location of utilities.

17. All easements that cross the property.
18. Topographic contours at ten (10) foot intervals or less.

Section 9 Development Density

The density standards found in this article are maximum allowed densities and the Planning Commission, after considering land use and environmental impacts, may decrease the permitted densities.

Section 10 Base Residential Density Calculation

- A. **Density.** The residential density of a PUD shall be based on the density allowed in the zoning districts in which the proposed PUD lies.
- B. **Calculation of base density.** Base density (full yield) shall be calculated by dividing the gross area of all parcels in the proposed development (excluding road right-of-ways), by the minimum lot size requirement of the zoning district in which the property lies.

Section 11 Density Increase Bonuses

- A. **Bonus limitations.** In **SMU-6, SMU-8, SMU-6A, SCO-8A, and SCO-8B** there will be no bonus increase in density.
- B. **Planning Commission discretion.** In **FAM-1, FAM-2, FAM-3 and MUNS-4**, the overall residential density of the PUD may be increased at the discretion of the Planning Commission if the development meets the design criteria contained in this Article, **Section 13**. However, the density increases may not exceed fifty percent (50%) of the base residential density calculated as provided in this Article, **Section 10**, above.
- C. **Bonus conditions.** Density bonuses may be allowed to meet the following conditions:
 1. If public usage is allowed onto the development's designated open space.
 2. To encourage the provision of housing that would be more affordable to a broader range of residents.

Section 12 Commercial Development

- A. **Land use limitation.** Commercial development is allowed only in Commercial districts.
- B. **Mixed use.** Residential development may be allowed in commercial districts and combined with commercial developments to form a mixed use PUD with the requirements described in this section, item C, below.
- C. **Commercial area limitation.** A mixed-use development (residential and commercial) is allowed only in Commercial areas and must meet the following requirements:
 1. In a mixed-use PUD, 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.
 2. Not more than fifty percent (50%) of the units may be commercial.
 3. When possible, compact site development is preferred, with commercial uses occupying main levels and residential uses in upper floor levels.

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4. In commercial and mixed-use developments, the development shall provide at least one- and-one-half (1½) parking spaces per unit, and one (1) parking space for each non-resident employee, and two (2) parking spaces for each five (5) seats of seating capacity for restaurants and bars.- Space for loading and unloading vehicles shall be provided for buildings used for commercial purposes.

Section 13 Design Criteria for Residential Planned Unit Developments

Planned unit developments must meet the following design criteria:

- A. Exterior setback standards, screening, and lighting.** The exterior standards are noted below.
1. Exterior setback and public road setbacks shall be twice that required for the particular zone district in which the planned unit development is located.
 2. Development in open fields, former fields in early stages of woodland succession, and meadows are likely to be most readily seen and disruptive to the rural landscape. Therefore, location and siting of structures will be in areas that provide the minimum of visual intrusion and are designed to reduce adverse visual effects through screening, increased setbacks, or reduced densities.
 3. Screening, consisting of existing natural elements will be used. Plantings may be required when the current natural screening is not available.
 4. Structures, parking areas, and other facilities must be designed and placed to reduce visibility as viewed from lakes, roads and adjacent shore lands by vegetation, topography, increased setbacks, color, or other means, assuming summer, leaf-on conditions.
 5. Outdoor lighting must be designed and placed in accordance with the provisions of this Ordinance. The result should be a development that is visually unobtrusive to the natural environment or surrounding properties.
 6. Accessory structures and facilities may be allowed if they meet zone district standards.
- B. Lot Sizes and Siting.** The development must meet the following lot size and siting requirements.
1. Minimum lot sizes must be based on the land use district in which they occur.
 2. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development.
 3. Each planned unit development shall have no less than three (3) units.

Section 14 Open Space Requirements

All planned unit developments must meet the following open space requirements:

- A. Minimum open space.** At least fifty percent (50%) of the total project area must be permanently preserved as open space.
- B. Open space limitations.** Dwelling units or sites, road right-of-ways, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and should not be included in the computation of minimum open space.
- C. Required open space areas.** 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. Recreational facilities.** Open space may include outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.

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- E. Required protection.** 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.
- F. Individual Sewage Treatment Systems (ISTS).** Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
- G. Shore Land Overlay (SLO)** The shoreland overlay along streams must be included as open space.

Section 15 Water Supply and Sewage Requirements

- A. Water and wastewater infrastructure.** Residential planned unit developments must be connected to publicly owned water supply and sewer systems, if available.
- B. Centralized ISTS.** On-site Individual Sewage Treatment Systems (ISTS) must be centralized if feasible, and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency, and St. Louis County.
- C. ISTS location.** On-site Individual Sewage Treatment Systems (ISTS) must be located on the most suitable areas of the development. Sufficient area free of limiting factors must be provided for a replacement, soil treatment system for each sewage system.
- D. No Occupancy without a working wastewater system.** No occupancy of any unit or use of any commercial structure of any planned unit development shall be allowed until the approved sewage disposal system is in place and fully operational.