

ARTICLE XXIII
Planned Unit Development (PUD)

Section 46-600 Purpose.

The purpose of this Article is to provide development options in all zoning districts, where flexibility in design and use, including accommodating a mix of land uses and residential density levels on the same site, is appropriate based upon lot size, location, and surrounding land uses.

Section 46-601. Planned Unit Development Objectives.

A development plan must satisfy the following objectives:

- (a) Result in an innovative, unique, and varied development through flexibility in use and design, that would not otherwise be permitted or could be reasonably accommodated under the zoning designation of the property to be developed.
- (b) Accommodate uses that have an economic benefit the community such as new housing employment opportunities, and access to commercial goods and services that are either not currently available in the City or would make them more convenient to its residents.
- (c) Use of enhanced architectural designs and high-quality materials that improve exterior building appearances beyond the general requirements of this Chapter.
- (d) Advance the concepts, goals and objectives of the City's Master Plan and City Council's adopted priorities.
- (e) Promote connectivity to the City's nonmotorized pathway and sidewalk systems, by providing access to schools, parks & open spaces, businesses, and other amenities.
- (f) Preserve natural features of the site, including wetlands, densely wooded areas and mature trees that are in a healthy state of growth where they can be reasonably accommodated.

Section 46-602. Basic Criteria.

In addition to fulfilling the objectives listed in Section 46-601, the following criteria must be met in order to qualify for consideration of a Planned Unit Development:

- (a) The proposed development can be adequately served by and will not place excessive demands on public services, facilities, streets, and utilities.
- (b) The proposed use(s) are of a nature that will not generate nuisances or a level of activity that would negatively impact surrounding uses.
- (c) The proposed use(s) and site design cannot be reasonably accommodated under the permitted uses and development requirements of the underlying zoning district in which the property is located.
- (d) The proposed development will have no negative impacts on the health, safety, and welfare of the community.

Section 46-603, Procedure for review.

Approval of a Planned Unit Development is a three-step process: administrative review of a conceptual plan, approval of a preliminary plan by the City Council, following review and a recommendation by the Planning Commission and approval of a final site plan by the Planning Commission in accordance with Section 46-20 of this Chapter.

- (1) Preapplication conference. Prior to the submission of an application for PD approval, the applicant shall meet with the City Manager or the City Manager's designee, along with any staff and consultants the City Manager deems appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the proposed PD, as well as the following information: total number of acres in the project; a statement of the number of residential units, if any; the number and type of nonresidential uses; the number of acres to be occupied by each type of use; and the number of acres to be preserved as open or recreational space, if any. Following the preapplication conference, the City Manager or City Manager designee will direct the applicant to pursue conventional zoning or invite the development of a preliminary plan and pursuit of PD approval.
- (2) Preliminary plan. Following the preapplication conference, and upon invitation by the City Manager or City Manager's designee, an applicant wishing to pursue PD approval, shall submit a preliminary plan for the proposed PD, in accordance with following information, along with any other information requested during the preapplication conference, narrative prepared by the applicant shall accompany the site plan providing a description of the project, the regional market strength for the concept and feasibility of the project, and an explanation of the manner in which the criteria set forth in Section 46-601 have been satisfied or exceeded:
 - (a) Information required. A site plan and application for a PD shall contain the following information:
 1. A site plan in accordance with all requirements of Section 46-20 (d) (1)-(3).
 2. A separately delineated list of all deviations from this chapter which would otherwise be applicable to the uses and development proposed in the absence of the application of the PD.
 3. A specific schedule of the intended development and construction details, including phasing or timing.
 4. A specific schedule of the general improvements for the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
 5. Exterior building elevations and specifications of the exterior building materials with respect to the structures proposed in the project.
 6. Identification of public and private streets, as well as driveway locations and residential shared driveways.
 7. Signatures of all parties having an interest in the property at the time of submission.
 8. The contact information for the person or entity having control over the project.

- (b) The Planning Commission shall hold a public hearing in accordance with the requirements of Section 46-586 of this Chapter before making its recommendation to the City Council. The recommendation must be based upon findings as to whether the development plan complies with the purpose, objectives, and criteria described in this Article and the requirements of all other applicable ordinance provisions.
 - (c) The City Council shall review the recommendation of the Planning Commission and either approve, approve with conditions as provided for in Section 46-604 or deny the Planned Unit Development overlay zone.
- (3) Final Site Plan Review
- (a) Within one (1) year from the date of the Planned Unit Development overlay zone approval by the City Council, the applicant shall submit a site plan and other documentation, in accordance with the requirements of Section 46-20 (d) of this Chapter for consideration by the Planning Commission. This includes a projected time frame for the start and completion of all aspects of the project and the information required by Section 46-20 (e) for projects to be developed in phases.
 - (b) The site plan shall be reviewed administratively by the Zoning Administrator, the City Engineer, and other members of the City management team for compliance with all applicable ordinance/code and municipal standard provisions.
 - (c) The site plan must substantially conform to the approved preliminary plan and shall have incorporated the required conditions related thereto.
 - (d) The Planning Commission may approve the site plan, conditioned upon administrative approval of a revised site plan addressing issues of a technical nature that will not impact the general layout of the plan. Additional conditions may be attached to the approval of the plan in accordance with Section 46-605 of this Article.
 - (e) Final site plan approval shall not be granted until the City Engineer, Zoning Administrator, and all departments charged with reviewing site plans have approved the site plan, in writing, for the requirements of their respective fields and departments.

Section 46-604. Conditions.

The City may impose reasonable conditions on the approval of a development plan, as authorized by the State of Michigan Zoning Enabling Act, for the following purposes:

- (1) Ensure compatibility with adjacent uses of land.
- (2) Preserve natural features.
- (3) Protect the health, safety, and welfare of the community.
- (4) Ensure pedestrian and vehicular safety.

Section 46-605. Design standards.

- (1) The plan must be designed in accordance with all applicable provisions of the Zoning

Ordinance and municipal standards. The City Council, following a recommendation by the Planning Commission, may waive or modify the dimensional requirements, design requirements and density restrictions of the Zoning Ordinance, including, but not limited to setbacks, landscaping, and the number and location of parking and loading areas, in order to achieve the objectives of this Article, during the preliminary phase of the process.

- (2) No deviation from any municipal standard including but not limited to public or private road construction and all improvements related thereto, utilities, stormwater management facilities and driveway locations shall be approved without written consent of the City Engineer assigned to the project.
- (3) In addition to the requirements of the Zoning Ordinance and Municipal Standards, the site shall be designed to preserve natural features including, but not limited to wetlands, densely wooded area and mature trees that are in a healthy state of growth throughout the site, to the extent possible without interfering with or preventing reasonable development of the property.
- (4) All utilities, including electrical and telephone lines shall be installed underground, unless otherwise permitted by the City based upon circumstances which justify relief from this requirement.
- (5) The City may require additional methods of screening and noise buffering around the perimeter of the site as deemed necessary to preserve the peaceful enjoyment and visual appeal of less intensive and less dense adjoining residential properties.
- (6) Approval of a development plan and waivers or modifications of any ordinance provision related thereto, shall require a finding that the plan complies with the following standards:
 - a. Is generally consistency with the Master Plan and Future Land Use Plan component thereof.
 - b. Demonstrates innovative site planning and enhanced architectural and site design quality.
 - c. Will be compatible with adjacent land uses.
 - d. Provides adequate public safety access.
 - e. Includes pedestrian trails, sidewalks, and other improvements that advance non-motorized mobility.
 - f. Includes amenities that enhance the use of the and the quality of life for the residential occupants of the development.
 - g. A determination that the benefits resulting from the development are unlikely to be achieved without approval of a plan under this Article.

Section 46-606. Private streets and shared residential driveways.

- (1) Private streets. The City at its sole discretion may allow private streets in lieu of public streets, provided that the private streets are designed to standards adequate to support the type and number of vehicles that they are intended to serve. Private streets shall be designed and constructed with materials that provide for minimal maintenance for the first ten (10) years

after construction. The City Engineer shall review and approve private streets to determine that the construction and drainage standards are adequate. The City Engineer may review inspection reports and construction activities to ensure conformance to approved plans.

- (a) Private streets plans shall be designed and sealed by a registered civil engineer. Construction plans for private streets shall be submitted with Final Site Plan(s) Section xxxx of this article.
 - (b) Private streets shall be designed to accommodate public safety vehicles, school buses, package delivery trucks, rubbish trucks, and similar vehicles. Private streets that dead end, must provide a turnaround that is approved by the Fire Department/Authority.
- (2) Shared residential driveways. The City at its sole discretion may allow shared residential driveways. Shared residential driveways are permitted subject to the following:
- (a) The minimum width of the shared driveway is 20 feet.
 - (b) The maximum number of residential units without public safety approved turnarounds is four (4) and the residential units are located within 150 feet of a public street.
 - (c) Public safety approved turnarounds are required for 5 – 10 residential units located on a shared driveway. A fire hydrant maybe required. No plan will be approved which shows more than 10 residential units on a shared residential driveway. This requirement maybe waived in the event that the residential driveway is accessible by a public street on both ends and approved by the Fire Department/Authority.
- (3) Private streets and shared residential driveways additional requirements.
- (a) The applicant must demonstrate that permanent access is afforded to all residential units located on private streets and residential shared driveways.
 - (b) The applicant must submit to the City a short term and long-term maintenance plan for all private streets and shared residential driveways. The plan must detail projected maintenance required and clearly identify the costs necessary to complete the maintenance and the funding source to cover the maintenance costs. Further the plan must identify how the funding will be secured and how the funding will be sustained and guaranteed for the useful life of the private streets and shared residential driveways.
 - (c) The maintenance plan, all sales and rental agreements, as well as governing documents shall clearly indicate that the streets and shred residential driveways are private and that no City or State funds are used or can be used for the construction and maintenance of the private streets and shared residential driveways.
 - (d) Easements acceptable to the City Attorney shall be executed and provided, prior to installation of public water mains and fire hydrants.

Section 46-607. Pre-Construction Requirements.

- (1) The Zoning Administrator shall not grant zoning approval for any permits or site work until all of the following have been provided:
 - (a) Written approval of the site plan from the City Engineer and all departments charged

with reviewing site plans including the Zoning Administrator who shall be responsible for ensuring that all conditions of the Planning Commission and City Council approvals have been addressed.

- (b) Receipt of the following permits, as applicable:
 - (1) A right-of-way permit for all new driveways, public road improvements and traffic control mechanisms from the government agency having jurisdiction over the affected right-of-way.
 - (2) Soil and sedimentation control permits from the County Drain Commissioner of jurisdiction.
 - (3) Utility and environmental permits from the State of Michigan Department of Environment, Great Lakes, and Energy.
 - (c) A Public Infrastructure Agreement, if required by the City Manager, duly executed, and recorded with the jurisdictional County Register of Deeds.
 - (d) Payment of all required utility installation/connection fees and inspection fees.
 - (e) The City Manager confirms that all required performance guarantees have been provided in the proper format and amount(s).
- (2) A preconstruction meeting is held in accordance Chapter 4 of the City's Municipal Standards.
 - (3) All required easements, in accordance with the Municipal Standards and other applicable City ordinances have been recorded with the County Register of Deeds having jurisdiction over the property to be developed and copies provided to the City.

46-608. Construction

- (1) Construction of the development shall commence within one (1) year from the date of approval of the site plan by the Planning Commission. The Planning Commission may grant an extension up to two (2) years upon based upon a written statement from the applicant explaining the reason(s) for the delay and assurance that construction will commence within the extended time frames. Failure to start construction within the approved time period shall nullify the site plan and the applicant will be required to resubmit the site plan for approval, following the same procedures as the original approval.
- (2) Construction shall proceed in substantial conformance with the schedule provided by the applicant and shall progress meaningfully towards completion. If no or little construction activity has occurred within a period of one-hundred and eighty (180) calendar days, the Zoning Administrator shall notify the developer in writing that approval of the Planned Unit Development overlay district shall be revoked and become null and void, ninety (90) calendar days from the date of the notice, unless an extension is granted by the City Council prior to the deadline. Upon revocation of the Planned Unit Development overlay zone, the zoning of the property shall automatically revert to the underlying zoning district and the developer must reapply for the overlay zone following the same procedures as the original approval.

46-609. Street & Shared Residential Driveway Maintenance (This Section is being still being evaluated administratively)

- (1) The applicant must submit to the City, a short-term and long-term maintenance plan for all private streets and shared residential driveways. The plan must detail projected maintenance required and clearly identify the costs necessary to complete the maintenance and the funding source to cover the maintenance costs. Further the plan must identify how the funding will be secured and how the funding will be sustained and guaranteed for the useful life of the private streets and shared residential driveways.

- (2) The maintenance plan, all sales, and rental agreements, as well as governing documents shall clearly indicate that the streets and shared residential driveways are private and that no City or State funds are used or can be used for the construction and maintenance of the private streets and shared residential driveways.