

ARTICLE 12
"PUD" PLANNED UNIT DEVELOPMENT DISTRICT

12.01 PURPOSE

The provisions of this article provide requirements and standards for the submission, review, and approval of applications for planned unit development (PUDs). The purposes and objectives of these PUD regulations include the following:

- A. To accomplish the intent, purposes, and objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- B. To permit flexibility in the regulation of land development.
- C. To encourage innovation in land use and variety in design, layout, and type of structures constructed.
- D. To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- E. To encourage provision of useful open space and more desirable living and shopping environments by preserving the natural character of open fields, stands of trees, wetland and surface water features, floodplains, hills, and similar natural assets.
- F. To provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the city and to encourage the development of recreational facilities and neighborhood commercial facilities in a generally central location within reasonable distance of all living units.
- G. To ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.

12.02 PERMITTED USES

The following uses of land and buildings may be permitted within a PUD pursuant to an approved site plan and in accordance with all other applicable requirements of this article:

- A. Single-family, two-family, and multiple-family dwelling units and accessory uses incidental to those permitted principal uses.
- B. In PUDs with a minimum size of 20 acres, up to 10 percent of the land area may be considered for use for commercial retail and service uses primarily serving the residents of the PUD and adjacent areas. Such commercial uses shall be encouraged to locate at major intersections rather than on local residential streets. Appropriate screening between commercial and residential uses may be required.

12.03

MINIMUM REQUIREMENTS

- A. Except as otherwise expressly provided by Section 12.04 (Modification of Minimum Requirements) or Section 12.05 (Clustering), the area, depth, frontage, setback, height, and other bulk and placement regulations for permitted uses in a PUD shall not be less than the minimum standards provided for the use by this section as follows:
 - 1. Single-family, detached dwellings shall meet, as a minimum, the regulations applicable in the R-1 District as provided by Section 4.05.
 - 2. Two-family dwellings shall meet, as a minimum, the regulations applicable in the R-2 District as provided by Section 5.05.
 - 3. Multiple-family dwellings shall meet, as a minimum, the regulations applicable in the R-3 District as provided by Section 6.05.
 - 4. All other uses permitted within the PUD district shall meet, as a minimum, the regulations that would otherwise be applicable to the use as provided by the "Schedule of District Regulations" in Section 3.06. If the use is permitted in more than one district or is subject to more than one set of regulations, the most restrictive regulations applicable to that use shall constitute the minimum standards for purposes of the PUD in question.
- B. Parking requirements for the PUD shall be equal to the sum of the parking requirements for all uses proposed for the PUD as provided by Article 18.

12.04

MODIFICATION OF MINIMUM REQUIREMENTS

- A. Notwithstanding Section 12.03, if the planning commission determines that a better or more appropriate project design can be achieved, consistent with the purposes and objectives of this article, by not applying the otherwise applicable minimum requirements provided by this ordinance, and that, based on the application of site planning criteria and the characteristics of the project area, adherence to those minimum requirements is not required to ensure the health, safety, and welfare of those using the development or adjacent property or to achieve the purposes and objectives of this ordinance, then the planning commission may authorize less restrictive minimum requirements to be integrated into the approved PUD site plan for the project in question.
- B. The overall site density for a PUD project for which any of the minimum requirements have been modified as provided by Section 12.04, Paragraph A., shall not exceed the density that would otherwise be permitted by the density limitations applicable under this article without any modification of the minimum requirements. See Section 12.05, Paragraph D., for the procedures for calculating maximum densities.

12.05

CLUSTERING

- A. The purpose of permitting residential clustering is to provide savings in sewer, water, facilities, land resources, and energy use through the concentration of dwellings, construction, and physical impact to specific areas of a tract. Cluster development permits variation in lot size, shape, and orientation without an increase in overall site density.
- B. Clustering may be permitted by the planning commission for PUD developments approved pursuant to this article. The decision of the planning commission as to whether or not to permit clustering for a particular project shall be guided by the following standards:
 - 1. Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural features and topography.
 - 2. Individual lots and buildings shall be arranged and situated to relate to surrounding properties to provide improved views from the buildings.

3. Individual lots, buildings, streets, and parking areas shall be situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site and to lessen the area devoted to motor vehicles.
 4. Diversity, originality, lot layout, and individual building design shall be encouraged to achieve a more compatible relationship between development and the land.
 5. Cluster open space intended for recreational or public use shall be easily accessible to pedestrians. Open space intended for scenic value shall be visible from a significant number of units or buildings.
- C. Front, side, and rear yard requirements and lot areas that are otherwise required by this ordinance shall not apply in a cluster development except for perimeter lots. Variations from these required dimensions shall be shown on the PUD site plan and must be approved by the planning commission.
- D. The number of dwelling units (and other permitted nonresidential uses) permitted in a cluster development shall not exceed the density that would be permitted by applying the following procedure:
1. Determine the gross site area of the PUD.
 2. Subtract all wetland areas as defined in Act 203 of 1979.
 3. Subtract all areas to be used for street right-of-way purposes.
 4. Divide the remaining net area available by the applicable lot size requirements of this article.

12.06

APPLICATION PROCEDURES

Applications for PUD approval shall be submitted as provided by this section.

- A. An application for PUD approval shall require submission of a site plan as required by Article 20. To the extent not otherwise provided pursuant to the requirements of Article 20, the site plan for the PUD shall also contain the following information:

1. The square footage or acreage allocated to each proposed permitted use.
2. The locations of all structures, including proposed setbacks, typical layout, and elevation for each type of use.
3. Density calculations, number and types of residential units, and floor area per habitable space.
4. A description of all proposed permitted nonresidential uses, if any.
5. A landscape plan showing all woodlands, vegetation, and other natural features to be preserved or added, topography, and similar features.
6. The location and area of each development phase of a multi-phased development.

B. An application for PUD approval shall also require submission of a fully completed PUD application form. The PUD application form shall require the applicant to provide information regarding the proposed PUD in sufficient detail for the planning commission to determine compliance with this article and with other applicable laws or regulations, including, at a minimum, information regarding the following characteristics of the proposed PUD development:

1. The scope and nature of the proposed PUD and the objectives and purposes to be served by the PUD.
2. Compliance with all applicable requirements under local, state, or federal laws.
3. The development and construction schedule indicating the approximate date for commencement of construction, the stages or phases in which the project will be built, and the expended starting and completion dates of each stage.
4. The identification and description of the organization or individual that will own and maintain all land areas within the PUD, including common open space.
5. Compliance with the city's master plan.

6. The impact of the PUD on public utilities, facilities, or services on surrounding properties and on the natural environment.
 7. The status of ownership or control of the PUD such that there is a single person or entity having responsibility for completing the PUD in conformance with an approved site plan.
- C. If the site of a proposed PUD has not previously been rezoned as a PUD district, the applicant must also apply for the necessary rezoning as provided by Article 25 as a part of the application for PUD approval.
- D. The required PUD application materials shall be filed with the ordinance enforcement officer, who shall transmit the materials and the petition for rezoning to the planning commission. The application must be filed at least 30 days prior to the planning commission hearing at which it is first to be considered. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the city council. No part of this fee shall be refundable. No transmittals shall be made unless the required fees have been paid in full.

12.07

PLANNING COMMISSION REVIEW OF SITE PLANS AND REQUEST FOR REZONING

- A. Following receipt a completed PUD application, the planning commission shall schedule a public hearing on the request for PUD approval, including a review of the PUD site plan and consideration of a petition for PUD rezoning. Notice of the public hearing shall be given in the same manner as required by Section 19.02, Paragraph C., of this ordinance for public hearings on special land uses.
- B. At the public hearing or within a reasonable time following the public hearing, the planning commission shall take the following actions:
1. The planning commission shall approve, approve with conditions, or deny the request to approve the PUD site plan. The planning commission shall prepare a report stating its conclusions on the request to approve the site plan, the basis for its decision, and any conditions relating to an affirmative decision.

2. The planning commission shall also review and make a recommendation to the city council on the proposed rezoning of the property to a PUD district in accordance with the standards for approval for rezoning requests as provided by Section 25.04 of this ordinance.
 3. The planning commission's report and recommendation to the city council, as required by Sections 12.06, Paragraph B., Nos. 1., and 2., above, shall include its determination as to whether the PUD project as described by the site plan meets the standards provided in Section 12.06, Paragraph C
- C. A PUD site plan shall not be approved by the planning commission unless the commission finds that the PUD project, as proposed, will meet each of the following conditions and requirements as applicable to the project in question:
1. The proposed development conforms to the intent and to all applicable requirements and standards of this article and complies with all other applicable local, state, or federal laws and regulations.
 2. The proposed development conforms to the city's master plan.
 3. The overall density of the PUD does not exceed that which would be allowed under the applicable minimum density limitations for single-family dwellings units, two-family dwelling units, multiple-family dwelling units, and any permitted nonresidential uses as applied to the actual number of each of those types of units and uses included within the PUD.
 4. The project is designed to enhance environmental features, such as the preservation of trees, floodplains, and natural areas, and promotes proper site landscaping.
 5. The proposed development will be adequately served by public facilities and services, such as highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, and refuse disposal; or the persons or agencies responsible for the proposed development shall be able to provide, in a manner acceptable to the planning commission, any such facilities and services.

6. The common open space, any other common properties, individual properties, and all other elements of the PUD are so planning that they will achieve a unified open and recreational area system with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land.
7. The applicant has made provision, satisfactory to the planning commission, to assure that open space areas and rights-of-way shown on the site plan for use by the public or by residents of the development will be or have been irrevocably committed for that purpose. The applicant has also made provision, satisfactory to the planning commission, for the financing of any improvement shown on the plan for open space area and common use areas that are to be included within the development; and maintenance of such improvements is assured by a means satisfactory to the planning commission.
8. The location of the proposed uses, the layout of the site, and its relation to streets giving access to it is such that traffic to, from, and within the site and assembly of persons in connection therewith will not be hazardous or inconvenient to the project or the surrounding areas. In applying this standard, the planning commission shall consider, among other things, convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed project to main thoroughfares and street intersections, and the general character and intensity of the existing and potential development of the surrounding area. Where open parking areas or roadways are to be located immediately adjacent to any peripheral boundary, a separation or buffer of a type sufficient to ensure the privacy of the adjacent property shall be provided.
9. The mix of housing unit types and densities and the mix of residential and nonresidential uses, if any, is acceptable in terms of convenience, privacy, compatibility, and similar measures.
10. Noise, odor, light, or other external effect from any source whatsoever that is connected with the proposed use will not adversely affect adjacent and neighboring lands or uses.
11. Streets follow the topography, are properly spaced, and are located and aligned in accordance with the intended

function of each street. The plans provide for logical extensions of public streets and provide suitable street connections to adjacent parcels, where applicable.

12. Adequate access for fire and other emergency vehicles shall be provided on the site.
 13. Pedestrian circulation is provided for within the site, as appropriate, and interconnects all residential areas, community areas, and commercial and other services, where applicable. The pedestrian system provides a logical extension of the pedestrianways from outside the site and provides pedestrian connections to the edges of the site, where appropriate.
 14. If a project is proposed for construction in phases, the planning and designing is such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area.
- D. Reasonable conditions may be required by the planning commission, in conjunction with the approval of a PUD site plan, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity; protecting the natural environment and conserving natural resources and energy; ensuring compatibility with adjacent uses of land; and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project; those immediately adjacent; and the community, as a whole. The conditions shall be necessary to meet the intent and purpose of this article and shall be related to the objective of ensuring compliance with the standards of this article. All conditions imposed shall be made a part of the record of the approved PUD site plan.

12.08

CITY COUNCIL REVIEW OF REQUEST FOR REZONING

- A. The city council shall be provided with a copy of the planning commission's report regarding its decision of approval, approval with conditions, or denial of the PUD site plan along with a

summary of comments received at the public hearing, minutes of all proceedings, and all documents related to the PUD request.

- B. The city council shall also be provided with the planning commission's recommendation on the proposed rezoning of the PUD site. After receipt of the recommendation of the planning commission on the proposed rezoning, the city council may hold a public hearing to consider the rezoning request. Notice of the public hearing, if held, shall be given in the same manner as required by Section 19.02, Paragraph C., of this ordinance.
- C. In making its determination on the proposed PUD rezoning, the city council may consider the planning commission's report and decision regarding the planning commission's approval or denial of the PUD site plan; but the city council shall not engage in a substantive review of the details of the site plan that has been approved by the planning commission.
- D. The city council shall approve or deny the petition to rezone the site, subject to the site plan, as approved by the planning commission, or shall refer the petition to the planning commission for further review.
- E. No construction shall commence, and no construction permits shall be issued for all or any phase of a PUD until a site plan has been approved by the planning commission and the property has been rezoned by the city council as provided by this article.

12.09

EFFECT OF APPROVAL OF SITE PLAN BY PLANNING COMMISSION

The PUD site plan, as approved by the planning commission, including all approved maps and accompanying written materials and any conditions of approval, shall be binding upon the applicant and owners of record and upon their heirs, successors, and assigns with respect to all future development of the property. No construction of buildings or structures or any other site improvements or changes shall be made except in strict compliance with the approved site plan.

12.10

AMENDMENT OF SITE PLAN

An approved PUD site plan shall not be varied or modified in any respect without an amendment approved by the planning commission. An application for a proposed amendment to a PUD site plan shall be reviewed and approved, approved with conditions, or denied by the

planning commission pursuant to the procedures prescribed by this article for original submittal and review of the site plan.

12.11 PERFORMANCE GUARANTEES

Performance guarantees to assure compliance with the provisions of this ordinance and any conditions imposed under this ordinance may be required by the planning commission at the time of approval of a site plan as authorized under Section 4e of Act No. 207 of the Public Acts of 1921, as amended.

12.12 ENFORCEMENT

A site plan approved by the planning commission in connection with a PUD shall have the full force and effect of the zoning ordinance. Subsequent actions relating to the use or activity authorized shall be consistent with the site plan as approved. Any violation of an approved site plan shall be grounds for the city to order that all construction be stopped and to order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until adequate guarantee of removal of the violation is provided to the city. In addition, a violation of any approved site plan or failure to comply with any requirements of this section, including conditions of approval, shall be considered a violation of this ordinance.