

Planned Unit Development is intended to permit the private or public development or redevelopment of areas throughout the City which shall be substantially in accord with the goals and objectives of the City of Marysville Master Plan in providing for a balanced land use pattern for homes, business, industry, community facilities and services. The land use patterns of the areas involved shall provide a desirable environment and shall be harmonious to the general surrounding uses permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience and general welfare. It is further the intent of the Planned Unit Development to provide for development, which will be carried out in such manner as to preserve natural features such as waterfront areas and their accessibility to the public and to promote energy efficient development. Such Planned Unit Development may embrace a mixture of one (1) or more uses or zoning categories all in accord with the City of Marysville Master Plan for Future Land Use. Within a land development project designated as a Planned Unit Development, regulations relating to use of land, including but not limited to permitted uses, shall be determined in accordance with the Planned Unit Development regulations as set forth in this Ordinance.

1. Criteria For Qualifications:

In order to qualify for a Planned Unit Development, it must be demonstrated that all of the following criteria will be met.

- a. The use of this option shall not be for the sole purpose of avoiding applicant zoning requirement. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety, welfare and economic benefit in the area affected and the City as a whole.
- b. The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.
- c. The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request, such objectives should be pursued through the normal zoning process by requesting a zoning change or variance.
- d. The Planned Unit Development must meet, as a minimum, one of the following objectives of the City:
 - (1) To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between areas.
 - (2) To permanently establish land use patterns that are compatible or that will protect existing or planned uses.
 - (3) To accept dedication or set aside open space areas in perpetuity.

- (4) To provide alternative uses for parcels that can serve as transition buffers to residential areas.
- (5) To guarantee the provision of a public improvement that could not otherwise be required and that would further the public health, safety, or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.
- (6) To promote the goals and objectives of the Master Plan for Future Land Use.
- (7) To foster the aesthetic appearance of the City through quality building design and site development, the provision of trees and landscaping beyond the minimum requirement; the preservation of unique and/or historic sites or structures, and the provision of open space or other desirable features of a site beyond minimum requirements.
- (8) To bring about redevelopment of sites where an orderly change of uses is desirable and a Planned Unit Development will provide the necessary flexibility for such a transition.

2. Procedure for Application:

Application shall be made to the City Council. The applicant shall be required to make a submittal of the following material for review and recommendation by the Planning Commission.

- a. A property areas survey of the exact area being requested (scale: one (1) inch equals one hundred (100) feet).
- b. A proof of ownership of land where land is being requested for rezoning.
- c. A topography map of the entire area at a contour interval showing one (1) foot changes in elevation. This map shall indicate all natural and man-made features (scale: one (1) inch equals one hundred (100) feet).
- d. A preliminary plan of the entire area carried out in such detail as to show the land use being requested, the business area, industrial buildings and uses, the housing densities being proposed where applicable, the system of collector streets, and off-street parking system.
- e. Evaluation drawings of proposed building or buildings and proposed building materials.
- f. A written statement explaining in detail the full intent of the applicant indicating the specifics of the development plan as it relates to the type development, such as:

- (1) in the case of a residential development, the type of dwelling units contemplated and resultant population;
- (2) in the case of a nonresidential development, the type of nonresidential development describing the exact type of use including, but not limited to, extent of nonresidential development;
- (3) if the use is industrial in nature, the exact type of use which will occur on the property, a description of any manufacturing or industrial facilities which will be constructed on the property, the compatibility with surrounding uses, the impact on natural resources and
- (4) the resultant traffic generated and parking demands created; and providing supporting documentation such as but not limited to: market studies, economic impact studies, environmental impact studies, supporting land use request, and the intended scheduling of development.

3. Stage I Preliminary Site Plan:

The preliminary site plan shall be referred to the PUD Liaison, a designee of the City Manager, who will be the point of contact for all PUD transactions. The PUD Liaison will be responsible for attending all meetings pertaining to the PUD process as well as referring the PUD to other City agencies or consultants to the City as may be deemed necessary to provide guidance to the Planning Commission and the City Council in their review of the project. In reviewing and approving the preliminary site plan, the following procedures and conditions shall be followed:

- a. The proposed Planned Unit Development shall be of such area as to represent a sound carrying out of the master plan of land use and be compatible with surrounding uses. If the proposed use represents a deviation from the permitted land use in the master plan and the City's zoning ordinances, the applicant shall present information to demonstrate why the plan contains the necessary elements to protect the health, safety and welfare of the residents of the surrounding area, the City residents and insures protection of the natural resources.
- b. The preliminary site plan shall be reviewed and a report with recommendation shall be made by the Planning Commission to the City Council relative to the plans meeting the intent and the requirements of the Master Plan of Future Land Use and the requirements of the Zoning Ordinance.
- c. Recommendation by the Planning Commission shall be given only after public hearing. Such hearing shall be carried out in accord with requirements of Act 110 of 2006 as amended.

- d. Approval of the preliminary plan by the City Council shall not constitute approval of the final site plan. It shall be deemed as approval of the land use plan submitted and shall serve as a guide in the preparation of the final plan. The approval by the City Council may be approval as recommended by the Planning Commission or approval with additional conditions.
- e. Acceptance of the preliminary site plan or approval as amended by the City council shall be effective for a period of two (2) years.
- f. In an area zoned Planned Unit Development, no development shall take place therein nor use made of any part thereof except in accordance with the site plan as originally approved, or in accordance with an approved amendment thereto.

4. Stage II Final Site Plan:

The final site plan shall be submitted to the City Council and referred to the City Building Official or his/her designee, and to other City agencies or Consultants to the City as may be deemed necessary to provide guidance to the Planning Commission and the City Council in their review of the project.

In reviewing the final site plan, the following conditions shall be followed:

- a. A final overall site plan for the entire area being requested under this Planned Unit Development shall be submitted. This plan shall be worked out in detail showing specific uses, building location or locations, off-street parking, street alignment changes, open spaces and other physical plan details being proposed. Supporting documentation in the form of building floor plans, building elevation drawings, type of building material and schedule of construction shall be submitted.
- b. The final plan shall reflect and adhere to those use patterns as approved in the preliminary plan. Standards for building, density, height, bulk, setbacks from public streets and off-street parking shall be equal to at least the minimum standards set forth for like uses in the schedule of regulations and off-street parking requirements of this ordinance, provided however, the Planning Commission and City Council may modify these standards where the objectives of the Master Plan can be proved to be better served by such modifications. Density standards for multiple family dwellings shall generally follow the requirements of the RM district for one (1), two (2), and two and a half (2 ½) story buildings and the RMA district requirements for buildings above 2 ½ (2.5) stories subject to modification where it can be shown that such modification will provide a more desirable planned development. In those instances where mixed uses utilize a Planned Unit Development, the Planning Commission may vary setback and height requirements to accomplish a desirable planned development.
- c. For a proposed industrial development, the application and site plan shall include, at a minimum, the exact type of use or manufacturing

- d. activity which will occur on the property: a description of any manufacturing or industrial facilities which will be constructed on the property; the compatibility with surrounding properties of the proposed use and facilities to be constructed; the environmental impact of the proposed use; the economic impact of the proposed use; and, the long term economic viability of the proposed use.
- e. A presentation of the final site plan shall be made to the City Council. Prior to action by the City Council, the final site plan shall be forwarded to the Planning Commission for review and recommendation.

5. Stage II Final Site Plan Approval of Site Plan:

In approving the final plan, the following conditions shall be set forth:

- a. Approval of the final site plan (Stage II) may be granted by the City Council after review and recommendation is made by the Planning Commission. A Public hearing shall not be required on the Stage II site plan, however, a resolution of the City Council is required determining that such Stage II site plan is in compliance with the planned development representations made at the time of approval of the Stage I site plan, and also meets the requirements set forth in Section 5 which follows. Final approvals may be granted in stages provided such stages are in keeping with previously approved preliminary site plans.
- b. All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site.
- c. Upon issuance of a certificate of site plan approval the site plan, building elevations and other development proposals including the proposed uses, shall become an integral part of the PUD and for purposes of recordation, shall be referred to as "Planned Unit Development No. _____" which number shall be recorded on the appropriate properties of the city zoning map. All approved plans shall be filed with the City Clerk.
- d. Approval of the final site plan shall be effective for a period of three (3) years; providing that development is commenced within one (1) year, as evidenced, at a minimum, by issuance of a building permit. If development is not commenced within one (1) year or not completed within three (3) years, the Planning Commission shall review progress to date and make a recommendation to the City Council as to action relative to permitting continuation under original approval.
- e. This Planned Unit Development Ordinance does not require amendment of a zoning ordinance to authorize a planned unit development. As a result, the City Council shall review and approve, approve with conditions or deny

the proposed planned unit development.

76. Stage II Required Conditions:

The following are the required conditions of the Planned Unit Development:

- a. Provisions satisfactory to the City Council have been made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the City Council.
- b. City Council. Such assurance may include bonding or other suitable guarantee of performance.
- c. The cost of installing all streets, necessary utilities and site amenities has been assured by a means satisfactory to the City Council.
- d. The final plan of each project area of the approved plan is in conformity with the overall approved plan. Any changes or amendments requested shall suspend approval of the overall plan until such changes or amendments have been reviewed and approved as in the instance of the first submittal, it being the intent of this section that no other administrative or board of appeals action shall constitute official approval of such changes or amendments to the overall plan. Denial by City Council of any requested changes or amendments shall not void the originally approved plan.
- e. A change of occupancy, a change in type of use, or the alteration of a building or the site in a previously approved Planned Unit Development shall require the review of the Building Official. The Building Official may request a review by the Planning Commission where a question arises relative to whether such change falls within the intent of the previously approved Planned Unit Development.
- f. Fees for review of plans and for services required to supplement City staff as may be required to provide background for decisions of the Planning Commission and the City Council shall be established by resolution of the City Council.

7. Other site plan review standards and procedures:

- a. Phased development. Should the applicant elect to develop the site in phases, each phase shall be clearly delineated on the final site plan by phase development lines. Each such phase shall be clearly identified as phase 1, 2, or A, B, etc.; the type and extent of development in each phase shall be clearly identified, including the amount of commercial and office floor area to be developed in each phase as well as the number of dwelling units, if any, in each phase. Each development phase shall be able to stand

on its own in terms of meeting the dwelling density and numerical off-street parking requirements of the district. Upon completing its review the city council may at its option, elect to grant final site plan approval only to the development phase to be first developed. In such case, each subsequent development phase shall require final site plan approval by the city council.

- b. Site plan revisions. Except as otherwise set forth in this subsection, revisions to a previously approved final site plan shall require review and approval by city staff and the planning commission with a recommendation from the planning commission to the city council for final site plan approval. Except, upon review of a revision to a previously approved preliminary or final site plan that the city staff responsible for reviewing site plans determines to be of:
- (1) Such minor consequence that it does not alter the location of any buildings; or
 - (2) Involves the relocation of not more than one or two parking spaces; or
 - (3) Diminish the number of planting materials approved for the site; or
 - (4) Does not create or establish new items or adds new elements to the layout that were not part of the previously approved site plan; then the city staff responsible for reviewing site plans may approve the change and inform the planning commission and the city council of the change. If the city staff responsible for reviewing site plans is uncertain if a revised site plan contains a significant enough change to warrant sending the revised plan or plans to the planning commission for review, the staff shall forward the revised site plan or plans to the planning commission for review and action.