

ARTICLE 14

PLANNED UNIT DEVELOPMENTS

Section 14.01 Intent.

It is the intent of these regulations to permit planned development for the purposes of:

1. Fostering innovation in land use planning, development, and redevelopment consistent or compatible with the City's Master Plan.
2. Achieving a higher quality of development than would otherwise be achieved under conventional zoning standards.
3. Encouraging assembly of lots and redevelopment of inefficient or outdated land uses or structures.
4. Supporting in-fill development on sites that would be difficult to develop according to conventional standards because of the shape, size, abutting development, accessibility, environmental status or other unique features or conditions related to the site.
5. Providing enhanced housing, employment, and shopping opportunities.
6. Creating a development framework that promotes appropriate business activity that improves the economic vitality of the City.
7. Enhancing and expediting the redevelopment process for parcels, such as brownfield sites, that present complex solutions for re-use.

These planned development regulations are intended to result in development that is substantially consistent with the zoning standards generally applied to the proposed uses, but allowing for modifications to the general zoning requirements to assure a superior quality of development.

Section 14.02 Scope.

The provisions of this Article may be applied to any parcel of land located in any zoning district and which is under single ownership, subject to a determination that the proposed project and site satisfy Section 14.03 (Eligibility Criteria). These regulations are not intended as a device for ignoring the more specific standards of the City or the planning upon which the standards are based.

Section 14.03 Eligibility Criteria.

To be eligible for planned development approval, the applicant must demonstrate that the following criteria will be met:

A. Recognizable and Substantial Benefit.

The planned development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community.

B. Land Area.

Sufficient land area shall be provided to comply with all applicable regulations of this Ordinance, to adequately serve the needs of all permitted uses in the PUD project, and to ensure compatibility between uses and the surrounding neighborhood.

C. Availability and Capacity of Public Services.

The proposed type and density of use shall not exceed the capacity of existing public services, facilities, and utilities.

D. Compatibility with the Master Plan.

The proposed development shall be consistent or compatible with the City's Master Plan.

E. Compatibility with the Planned Development Intent.

The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 14.01 (Intent).

F. Economic Impact.

The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance or planned in the adopted City Master Plan.

G. Unified Control of Property.

The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity responsible for completing the entire project.

H. Preservation of site features.

Long-term conservation of significant site features or open space will be achieved, where such features would otherwise be destroyed or degraded by development as permitted by the underlying zoning district(s).

Section 14.04 Regulatory Flexibility.

Unless otherwise waived or modified as part of an approval in accordance with this Section and Article, the standards of this Ordinance shall be applicable to uses proposed in a planned unit development. To encourage flexibility and creativity consistent with the planned development concept, limited deviations from specific Ordinance standards may be authorized, subject to the following:

1. Proposed deviations shall be identified on the PUD site plan, and shall be subject to review and recommendation by the Planning Commission and approval by City Council.
2. Such deviations may include modifications to yard and bulk standards, height requirements, density standards, use provisions or parking, loading, lighting, landscaping or other Ordinance requirements.
3. Such deviations shall result in a higher quality of development than would be possible without the granting of the deviation.

Section 14.05 Project Use Standards.

Proposed planned developments shall comply with the following use standards:

A. Permitted Uses.

Any land use authorized in Article 3 (Land Use Table) may be included in a planned development as a principal or accessory use, subject to the following:

1. **Compatibility with the Master Plan.** Permitted uses within the development area of a PUD project shall not impair the public health, safety, and welfare and shall be compatible with the goals and objectives of the City Master Plan, as determined by the Planning Commission.
2. **Exclusions.** Specific use groups or individual uses may be excluded by the City Council from any PUD, upon recommendation by the Planning Commission.
3. **Use standards.** The specific standards of Article 5 (Use Standards) shall apply to all uses permitted within a PUD project, except where deviations are authorized as part of the approved PUD.
4. **Dimensional standards.** The specific standards of Article 4 (Dimensional Standards) shall apply to development approved under this Article, except where deviations are authorized as part of the approved PUD.

B. Residential Development.

The minimum land area per dwelling unit standards of Article 4 (Dimensional Standards) shall apply to residential uses in a PUD project, except where deviations are authorized as part of the approved PUD:

1. **General standards for increased density.** Modifications to the density of residential development may be permitted upon determination that the desired density will not adversely impact water and sewer services, storm water drainage, road capacity, traffic flow, parks and recreation services, fire and police services, schools, character of the area, and any planned public or private improvements in the area.

2. **Requirement for a mix of housing options.** The Planning Commission may require that a variety of housing options be provided as part of a residential PUD project, including detached and attached single-family dwellings, two-family dwellings, townhouses, and other multiple-family dwellings.
3. **Clustering of dwelling units.** The City Council may, after recommendation from the Planning Commission, permit a residential PUD project to include clustering of dwelling units on smaller lots than otherwise permitted in Article 4 (Dimensional Standards) for the purpose of preserving contiguous open space or providing additional recreation area as part of the PUD project.

C. Non-Residential Uses.

Non-residential uses shall be accessed by public streets and sited in such a manner as to not encourage through traffic in existing residential neighborhoods or any potential residential area within the PUD.

D. Permitted Mix of Uses.

A PUD project may include a mix of compatible residential and non-residential uses, subject to Planning Commission recommendation and City Council approval. Mixed-use PUD projects shall be subject to the following additional standards:

1. Where the existing zoning district classification or Master Plan future land use designation is non-residential in character, compatible residential uses may be permitted as part of a planned development at the discretion of the Planning Commission and City Council, provided that the applicant shall demonstrate that non-residential uses will continue to be predominant.
2. Where the existing zoning district classification or Master Plan future land use designation is residential, compatible non-residential uses may be permitted as part of a planned development at the discretion of the Planning Commission and City Council, subject to the following:
 - a. The applicant shall demonstrate that the residential uses will continue to be predominant.
 - b. The Planning Commission shall determine predominance of use after taking into account the following criteria for each of the proposed uses:
 - (1) Amount of traffic generated.
 - (2) Hours of operation or use.
 - (3) Noise, odors, overall environmental impact on adjoining uses.
 - (4) Land area allocated to each use.
 - (5) Building area allocated to each use.

Section 14.06 Project Design Standards.

Proposed planned developments shall comply with the following project design standards:

A. Access and Circulation.

The internal circulation system shall provide adequate systems for vehicular and non-vehicular circulation, subject to the following:

1. **Streets.** The proposed development shall provide logical extensions of existing or planned streets in the City and shall provide suitable street connections to adjacent parcels, where applicable. Streets shall be designed to meet the City's engineering design standards and shall be dedicated to the public. Curb cuts and driveway access shall comply with the standards of Section 7.11 (Access Management).
2. **Sidewalks and pedestrian paths.** Pedestrian circulation shall be provided within the site and shall interconnect all use areas. The pedestrian system shall provide for a logical extension of pedestrian ways outside of the PUD where applicable.
3. **Parking and loading.** Off-street parking and loading spaces shall be provided in accordance with Article 7 (Parking, Loading, and Access Management).
4. **Traffic impacts.** Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, 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 neighborhood. A traffic impact study may be required by the Planning Commission, per Section 7.12 (Traffic Impact Studies).
5. **Emergency access.** The configuration of buildings, driveways, and other improvements shall allow convenient and direct emergency vehicle access.

B. Setbacks and Screening.

The City Council may, after recommendation from the Planning Commission, require additional setbacks or screening between land uses within the PUD project or between the PUD and abutting land uses or zoning districts. Such screening shall be consistent with the standards of Section 8.04 (Methods of Screening and Buffering).

C. Utilities.

All new utilities serving a planned development, including electric, telephone, and cable television lines, shall be placed underground where feasible.

D. Privacy for Dwelling Units.

The design of a planned development shall provide visual and sound privacy for any and all dwelling units within and surrounding the development. Fences, walks, and landscaping shall be used in the site design to protect the privacy of dwelling units.

E. Open Space Requirements.

PUD projects that include residential uses shall provide and maintain one (1) or more areas of usable open space or common recreation land reserved for passive or active recreational uses or for the preservation of natural features within the development area. Such areas shall subject to the following:

1. **Minimum area.** The Planning Commission may require that up to twenty percent (20%) of the net contiguous land area of the residential component of any PUD be designated and maintained as common recreation areas accessible and available to the residents of the PUD project.
2. **Continuity.** The location of such common recreation areas shall be coordinated with surrounding uses and lands, as well as the natural features of the site.
3. **Wetlands, floodplains or open water.** A maximum of twenty-five percent (25%) of any required common recreation area may be occupied by wetlands, floodplains or open water.
4. **Use of common recreation areas.** Use of common recreation areas shall be limited to farming and agricultural activities, nature preserves, passive recreation (walking paths, trails, etc.) or active recreation (riding stables, playgrounds, ball fields, golf courses, etc.).
5. **Not included as recreation areas.** Common recreation areas shall not include land areas occupied by road rights-of-way, driveways, off-street parking areas or the lot area of individual lots within the PUD.
6. **Irrevocable conveyance.** The applicant shall provide for a conservation easement, deed restriction, Master Deed or similar device satisfactory to the City Attorney to ensure that the common recreation areas will be irrevocably committed for that purpose. Such conveyance shall:
 - a. Indicate the proposed use(s) of the common recreation areas.
 - b. Include a long-term maintenance plan for the common recreation areas, including standards and provisions for financing of future maintenance and improvements. Such areas shall be maintained by the private property owners with an interest in the open space.
 - c. State whether public access will be allowed for such common recreation areas.
 - d. Provide notice of possible assessment to the private property owners by the City for the cost of necessary maintenance, in the event that a lack of

maintenance causes the open space to become a public nuisance.

- e. Be recorded with the Sanilac County Register of Deeds to provide record notice of the restrictions to all persons having a property interest in the PUD.

Section 14.07 Project Phasing.

Where a planned development project is proposed to be constructed in phases, the following standards shall apply:

A. Phasing Plan.

The applicant shall submit a revised phasing plan for review and approval by the Planning Commission. Once construction of a planned development has commenced, approval of any revisions to the phasing plan shall be approved only if the revised phasing does not materially change the integrity of the approved planned development.

B. Integrity of Each Phase.

The PUD project shall be designed so that each phase shall be complete in terms of the presence of services, construction, facilities, and open space and shall contain the necessary components to ensure the health, safety, and welfare of the users of the planned development and the residents of the City.

C. Rate of Completion of Residential and Non-residential Components.

If a planned development project includes both residential and non-residential components to be constructed in phases, a minimum of fifty percent (50%) of the total number of residential dwelling units in any planned unit development shall be constructed and be ready for sale prior to the construction of any commercial portion of the planned unit development.

1. Site grading, road construction, and utility installations related to the commercial portions of the planned unit development may be undertaken concurrent with the development of residential units and public or private recreation uses.
2. The Planning Commission may authorize the construction of commercial uses prior to the completion of fifty percent (50%) of the total number of residential dwelling units, based on supportive evidence provided by a professional market study or upon determination that such authorization is necessary to ensure the successful completion of the PUD project.
3. For purposes of carrying out this provision, the percentages shall be based upon the floor area and land area allocated to each use as presented in documents submitted by the applicant.

Section 14.08 Required Application Information.

Applications for planned unit development approval shall include the following:

1. A written explanation of the relationship of the proposed planned development to the City's Master Plan and documentation that the PUD application satisfies the standards of Section 14.03 (Eligibility Criteria).
2. Total site acreage and percent of total PUD project in various uses, including the proposed density of residential uses. A detailed description of all proposed uses shall be provided on the PUD site plan.
3. A detailed development plan, as applicable to the type of project proposed, shall be submitted by the applicant in accordance with the following:
 - a. A detailed site plan, per the requirements of Section 12.01M (Required Information for Site Plans).
 - b. A final preliminary plat in conformance with the Land Division Act (P.A. 288 of 1967, as amended).
 - c. A condominium subdivision plan as provided by Article 13 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended).
4. Identification and descriptions of any proposed modifications from the standards of this Ordinance.
5. Depiction of proposed development phases and estimated schedule for completion, per Section 14.07 (Project Phasing).
6. Fees for the review of a PUD application submittal shall be in accordance with the schedule of fees adopted by resolution of the City Council.
7. Other data and graphics that will serve to further describe the proposed PUD and any additional information required by the Zoning Administrator or Planning Commission to ensure complete and efficient review of the proposed development.

Section 14.09 Pre-Application Conference.

Applicants are encouraged to meet informally with the Zoning Administrator, other City officials or designated City consultants to discuss a proposed development concept, site issues, application of Ordinance standards, and City land development policies and procedures prior to submitting plans for formal review.

Any person may also request that a conceptual PUD plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. Comments and suggestions by the City regarding a conceptual plan shall constitute neither an approval nor a disapproval of the plan, nor shall the City be bound in any way by such comments or suggestions during the subsequent review of a PUD application.

Section 14.10 PUD Review Procedures.

The following procedures are intended to provide a consistent and uniform method for review of planned development applications and to ensure full compliance with the standards of this Ordinance, other applicable local ordinances, and state and federal laws:

A. Application.

The application shall be submitted by the owner of an interest in land for which planned development approval is sought, or by the owner's duly designated agent. The PUD application and development plan shall be prepared in the manner specified in this Article.

The PUD application materials, required fees, and sufficient copies of the completed development plan shall be submitted to the Zoning Administrator for review. PUD applications or development plans that are found by the Zoning Administrator to be incomplete or inaccurate shall be returned to the applicant, and shall not be formally reviewed until revised to be substantially complete.

B. Technical Review.

Prior to Planning Commission consideration, the PUD application materials shall be distributed to appropriate City officials and staff for review and comment. The Zoning Administrator may also submit the application materials to applicable outside agencies and designated City consultants for review.

C. Public Hearing.

Upon receipt of a complete PUD submittal, a public hearing shall be scheduled and held before the Planning Commission in accordance with the City and Village Zoning Act (P.A. 207 of 1921, as amended) and Section 12.03 (Public Hearing Procedures). The Planning Commission and City Council may hold a joint public hearing on a PUD application.

The public hearing and notice required by this Section shall satisfy the public hearing and notice requirements of the City and Village Zoning Act (P.A. 207 of 1921, as amended) for amendment of the Zoning Ordinance.

D. Planning Commission Recommendation.

After the public hearing, the Planning Commission shall review the PUD application and development plan, together with any reports and recommendations from City officials, consultants, and other reviewing agencies, along with any public comments. The Planning Commission shall make a determination based on the requirements of this Article and Ordinance and shall submit a report on the public hearing and the Planning Commission's recommendation to the City Council in accordance with the following:

1. **Tabling.** Upon determination by the Planning Commission that the PUD application or development plan is not sufficiently complete for consideration, failure of the applicant to attend the meeting or upon request by the applicant, the Planning Commission may postpone consideration and action on the PUD application and development plan until a later meeting.

2. **Plan revision.** If the Planning Commission determines that revisions are necessary to bring the planned development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan. Following submission of a revised plan, the planned development proposal shall be placed on the agenda of the next available scheduled meeting of the Planning Commission for further review and possible recommendation to Council.
3. **Recommendation of approval.** Upon determination that the PUD application and development plan conforms with the standards of this Article and Ordinance, the Planning Commission may recommend to the City Council that the PUD application, development plan, and Zoning Map amendment be approved.
4. **Recommendation of approval subject to conditions.** The Planning Commission may recommend approval of a PUD application, development plan, and Zoning Map amendment to the City Council, subject to reasonable conditions necessary to:
 - a. Ensure that public services and facilities affected by the proposed development will be capable of accommodating increased service loads caused by the development.
 - b. Protect the natural environment and conserve natural resources.
 - c. Ensure compatibility with adjacent uses of land.
 - d. Promote the use of land in a socially and economically desirable manner.
 - e. Protect the public health, safety, and welfare of individuals in the development, neighboring residents or the community as a whole.
 - f. Achieve the intent and purpose of this Article and Ordinance.
5. **Recommendation of denial.** Planning Commission shall recommend to the City Council that the PUD application be denied upon determining that the PUD application or development plan:
 - a. Fails to meet the standards of Section 14.03 (Eligibility Criteria);
 - b. Fails to conform with specific provisions of this Article or Ordinance;
 - c. May be injurious to the public health, safety, welfare or orderly development of the City; or
 - d. Is otherwise not in conformance with the intent of this Article.

A written record shall be provided to the applicant and the City Council listing the reason(s) for such denial.

E. PUD Agreement.

The applicant shall prepare a PUD agreement setting forth the conditions upon which the approval is based for review by the City Attorney, Zoning Administrator, and designated City consultants. The Agreement shall be subject to the mutual approval of the City Council and the applicant and shall be recorded by the applicant in the Sanilac County Register of Deeds office upon approval. Proof of recording shall be provided to the City.

1. **Contents.** At a minimum, the Agreement shall provide:
 - a. Certified survey and legal description of the PUD project site.
 - b. List of permitted uses and any conditions attached to the establishment of a specified use.
 - c. Statement regarding the developer's intentions regarding sale or lease of all or portions of the PUD project, including common open space areas, dwellings units, nonresidential development sites and buildings, and recreational facilities.
 - d. Provision assuring that the common open space areas shown on the PUD plan for use by the public or residents will be or have been irrevocably committed for that purpose and that the satisfactory maintenance of these areas is assured.
 - e. Statement of covenants, easements (including easements for public utilities), and other restrictions to be imposed upon the uses in the PUD.
 - f. Statement regarding the phasing and timing of development phases.
 - g. The cost of installing all required infrastructure improvements and utilities has been assured by a satisfactory means, including the manner for assessments and the enforcement of any assessments and costs.
 - h. The approved PUD plan shall be attached as an exhibit.
2. **PUD Agreement required for completion of approval process.** The City Council may approve the PUD Agreement in conjunction with or following approval of the PUD application. The PUD approval process shall not be complete until the City Council has approved the PUD application, site plan, rezoning, and PUD Agreement.

F. City Council Authorization.

The City Council shall review the public hearing report and the Planning Commission recommendation. The City Council may approve, approve with modifications, or deny the PUD application, or may refer the PUD application back to the Planning Commission for further consideration or revision. The applicant shall be notified of the City Council's actions in writing. If the City Council denies the PUD application, the written notification shall include the reasons for the denial.

Section 14.11 Effect of Approval.

Approval of a planned development application, site plan, and PUD Agreement shall constitute an amendment to the Zoning Ordinance to revise the official Zoning Map to designate the subject property as “PUD” (Planned Development District). The PUD Agreement, approved PUD site plan, and all conditions of approval granted under this Article shall constitute an inseparable part of the zoning amendment.

1. All improvements and land uses of the site shall be in conformity with the planned development amendment and any conditions imposed and the approved development agreement.
2. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in the City and Village Zoning Act (P.A. 207 of 1921, as amended).
3. The applicant shall record the approved PUD Agreement with the Sanilac County Register of Deeds and shall provide copies of the recorded documents to the Zoning Administrator and the Sanilac County Chief Building Official.

Section 14.12 Outside Agency Permits and Approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies. Proof of such permits or approvals shall be provided to the Zoning Administrator.

Section 14.13 Revision to Approved Plans.

Revisions to an approved PUD site plan shall be subject to review and approval by the Planning Commission, provided that the proposed revisions will not affect the character nor the intensity of use, the general configuration of a buildings and uses on the site, vehicular or pedestrian circulation, drainage patterns or the demand for public services.

Proposed alterations to the PUD boundaries, Agreement or list of permitted uses shall be subject to review and approval in accordance with the procedures specified in Section 14.10 (PUD Review Procedures).

Section 14.14 Zoning Board of Appeals Authority.

The ZBA shall have no authority to consider any appeal of a decision by City Council or Planning Commission concerning a planned development application.

Section 14.15 Expiration of Final PUD Approval.

If construction has not commenced within 365 calendar days of final PUD approval by the City Council, all PUD approvals become null and void and a new PUD application shall be required to continue the project. Upon written request received prior to the expiration date, City Council may grant one (1) extension of up to 365 calendar days, provided that the approved PUD plan

remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site.

Section 14.16 Performance Guarantees.

Performance guarantees may be required for all public and common improvements in single- and multi-phased developments, in accordance with Section 1.08 (Fees and Performance Guarantees). Cost estimates for completing such improvements shall be made or verified by the Zoning Administrator or designated City consultants.

Section 14.17 Compliance Required.

Any violation of the approved final PUD plan or PUD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to enforcement action and penalties as described in this Ordinance. No construction, grading, tree removal, topsoil stripping or other site improvements or alterations shall take place, and no permits shall be issued for development on a zoning lot under petition for PUD approval until the requirements of this Article have been met.

Section 14.18 Rescinding Approval of a PUD.

Approval of a planned unit development (PUD) may be rescinded by the City Council upon determination that the approved PUD plan or PUD agreement have been violated, or that the site has not been improved, constructed or maintained in compliance with approved permits, approved PUD plan or PUD agreement. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the City Council in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the developer of the PUD project, the owner of an interest in land for which PUD approval was sought or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the City Council with regard to the rescission shall be made and written notification provided to the developer, owner or designated agent.

