

ARTICLE XVIII

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT (amended 11/10/04)

SECTION 1801 INTENT

The intent of the Planned Unit Development District, PUD, is to permit flexibility in the regulations for development which either includes a mix of land uses or is proposed for a site containing unique natural features which the developer and City desire to preserve. The standards of this section are intended to encourage innovative design and create opportunities which may not be obtainable through the conventional standards of other articles of this Zoning Ordinance.

The PUD standards are not intended to be used as a technique to circumvent the intent of the Zoning Ordinance, to avoid imposition of specific Zoning Ordinance standards, or the planning upon which it is based, unless there is a clear public benefit consistent with the overall intent of the Zoning Ordinance. Thus, the provisions of this section are designed to promote land use substantially consistent with the character of the surrounding area and the City's Master Plan, with modifications and departures from generally applicable requirements made to provide the developer with flexibility in design on the basis of the total PUD plan approved by the City.

SECTION 1802 DEFINITIONS

Mixed Use PUD: A Mixed Use PUD is a unified development project, comprised of a variety of complimentary uses, located on a specific parcel of land or several contiguous parcels of land, for which a comprehensive development plan meeting the requirements of this Article is approved by the City Council.

Open Space/Residential PUD: An Open Space/Residential PUD is a residential development in which dwelling units are placed in a more compact arrangement than is typical of a conventional subdivision, to preserve natural features and provide open space /recreation areas.

SECTION 1803 ELIGIBILITY

Planned unit developments may be allowed upon determination by the City Council, following a recommendation by the Planning Commission, that the site and proposed project meet the following eligibility criteria:

- a. The subject site shall be a minimum size of five (5) acres of contiguous land; provided, the minimum site area may be waived by the Planning Commission for previously developed sites that are proposed to be redeveloped with a mixed-use PUD, or for PUD sites that will be an infill development utilizing innovative design to achieve compatibility with surrounding land uses.
- b. The subject site shall be under the control of one owner or group of owners operating collectively, and shall be capable of being planned and developed as one integral unit. An approved PUD plan runs with the land, not with the owner. If the land is sold or otherwise exchanged, the approved PUD plan shall remain in effect unless the applicant submits a request to amend or terminate the PUD plan.
- c. The site shall have frontage along, and direct access to a street(s) capable of accommodating anticipated traffic volumes. Any project over five acres shall have direct access to a Major Street (per the Act 51 Map) or an arterial or collector road as identified in the City's Master Plan.
- d. The site contains significant natural or historic features which will be preserved to a greater extent through development under the PUD standards than if the site was developed under conventional

zoning, or the PUD will provide a complementary mixture of uses or housing types within a unique, high quality design as determined by the Planning Commission.

- e. The planned unit development offers higher design quality and/or provides amenities that will result in a recognizable and substantial benefit to the ultimate users of the project and to the City, where such benefit would otherwise be unfeasible or unlikely to be achieved through conventional zoning. These benefits shall be demonstrated in terms of preservation of natural features, unique architecture, extensive landscaping, special sensitivity to adjacent land uses, particularly well designed access and circulation systems, integration of various site features into a unified development and/or contribution to infrastructure and facility improvements to help offset the impacts of the PUD project.
- f. A finding that the proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities compared to permitted uses under conventional zoning.
- g. The proposed development shall be consistent with the City Master Plan.

SECTION 1804 PUD SUBMITTAL AND APPROVAL PROCESS

A PUD may be designated by the City or may be requested by the applicant. If the City initiated the PUD, and the site is already designated PUD on the City Zoning Map, the applicant is still responsible for the submission of a PUD preliminary plan and materials as described below, however the site shall already be deemed as meeting the eligibility criteria of Section 1802 above.

The PUD submittal and approval process is as follows:

- a. **Optional Preapplication Conference.** Prior to formal submission of an application for planned unit development approval, the applicant may request a meeting with City staff and consultants to obtain guidance that will assist the applicant in preparation of the application and plan. The City shall charge a fee for the conference to cover administrative and consultant costs.
- b. **Submit PUD Request and Preliminary Plan:** The applicant shall prepare and submit the following to the Building and Zoning Administrator:
 - 1. A completed application form and application fee. A separate escrow deposit may be required for administrative costs and consultant fees to cover meeting costs and to review the PUD submittal.
 - 2. Proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
 - 3. A complete and current legal description and size of property in acres.
 - 4. An Impact Assessment meeting the requirements of Section 328. The number of submittal copies shall be determined by the Building and Zoning Administrator.
 - 5. A site analysis map illustrating the location of existing buildings and structures, rights-of-way and easements; driveways adjacent to and across from the subject site; woodlands and trees outside woodlands over twelve inches (12") in caliper; significant historical features; existing drainage patterns (by arrow), surface water bodies, floodplain areas and wetlands; topography at two (2) foot contour intervals; and surrounding land uses, zoning and buildings within 100 feet of the subject site.

6. A preliminary site plan illustrating a conceptual layout of proposed land use, acreage allotted to each use, residential density (calculations shall be provided for both overall and buildable acreage as described in Section 322), building footprints, structures, required setbacks, roadways, parking areas, drives, driveways, pedestrian paths, conceptual landscape plan, natural features to be preserved and a preliminary plan for utilities and stormwater management. If a multi-phase Planned Unit Development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density proposed by phase.
 7. A list of anticipated deviations from the Zoning Ordinance regulations which would otherwise be applicable.
 8. Any other information which the Planning Commission or Council require to determine if the proposed project meets the eligibility criteria (e.g. preliminary building elevations, floor plans, sign plans, etc.)
 9. A PUD Development Agreement that identifies any modifications from conventional zoning, obligation of the developer and subsequent owners, provisions for maintenance and similar information to clarify conditions of approval.
- c. **Planning Commission Review:** The Building and Zoning Administrator shall submit the information to the Planning Commission. The Planning Commission may request a joint introductory meeting with the City Council to discuss eligibility and help establish direction. The Planning Commission shall review the PUD rezoning request and submittal information, conduct a public hearing, and make a recommendation to the City Council based on the review standards of Section 1804.
 - d. **City Council Review:** Following receipt of a recommendation from the Planning Commission, the City Council shall conduct a public hearing on the requested PUD rezoning and the preliminary PUD site plan and either approve, deny or approve with a list of conditions made part of the approval. The City Council shall review the request based on the standards of Section 1804. The City Council may require a re-submittal of the preliminary PUD site plan reflecting the conditions for approval by the Building and Zoning Administrator prior to submittal of a PUD Final Site Plan. The City Council may impose additional reasonable conditions to insure public services and facilities will be capable of accommodating increased service and facility loads caused by the PUD, to protect the natural environment, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
 - e. **Final Site Plan Approval:** If the rezoning and preliminary site plan are approved by the City Council, the applicant shall submit a site plan for review by the Planning Commission in accordance with Article XXIV and/or a subdivision for review in accordance with the Subdivision Regulations. The Planning Commission shall ensure that any phasing shall be logical, provide sufficient access if later phases are delayed and provide amenities and infrastructure improvements at least in proportion to the extent of the phase.
 - f. **Amendments:** If the Planning Commission determines that a proposed use or site plan is not consistent with the approved PUD, the applicant shall be directed to submit a request to amend the PUD following the same procedures outlined above.

SECTION 1805 DESIGN AND REVIEW STANDARDS FOR A MIXED USE PUD

Any Mixed Use PUD shall comply with the following project design standards:

- a. **Eligibility:** The proposed Mixed Use PUD meets the eligibility criteria of Section 1803.

- b. **Uses Permitted:** Any residential, office, commercial, or industrial use may be permitted upon a determination by the City that the uses would meet the intent of this Article, the City's Master Plan, and is compatible with surrounding land uses. Any proposed use listed as a Special Land Use in Article XXI shall meet the standards listed in Section 2110.
- c. **Harmony with surrounding uses:** The uses and design of the Mixed Use PUD will be harmonious with the character of the surrounding area in terms of density, intensity of use, size and height of buildings, architecture and other impacts.
- d. **Dimensional Standards:** The setbacks and other dimensional standards for various uses shall generally be consistent with the standards associated with the most applicable district(s) for the various uses listed in Article XX - Schedule of Regulations. Where the proposed design deviates from the typical standards, the applicant shall provide a table that clearly compares each requested modification to the Ordinance standard and provides justification for the modification for approval by the City Council. Unless variations are specifically requested and approved by the City, the site plan or subdivision plan shall comply with applicable City standards. In no case shall the setbacks for buildings adjacent to existing single family homes be less than fifty (50) feet.
- e. **Architecture:** Buildings shall provide harmony with adjacent uses in terms of texture, materials, peaked roof lines, scale and massing. However, there shall be a variation of front facade setbacks and architectural style to avoid repetition along the street edge. Nonresidential buildings shall utilize brick as the primary material for all exterior walls that are visible from a public road or a parking lot. Other accent materials may be used where the materials are durable and compatible with the type of use and development proposed in keeping with the character of the city. Roofs shall be pitched with architectural shingles. Unifying elements, accents, style, color, and materials shall be provided for different uses within the project.
- f. **Residential Uses:** For a mixed-use PUD with a residential component, portions of the site that are allocated towards residential use shall comply with the requirements of section 1806.
- g. **Natural Features:** The development shall be designed to promote preservation of any significant natural or historic features on the site.
- h. **Infrastructure:** The uses and design shall be consistent with the available capacity of the existing street network and utility systems or the applicant shall upgrade the infrastructure as required to accommodate the Mixed Use PUD. (amended 2/14/96)
- g i. **Additional Considerations:** The Planning Commission and City Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.
- j. **Design:** The site design, site elements and architecture shall be of high quality, coordinated and consistent with the City's design guidelines.

SECTION 1806 DESIGN AND REVIEW STANDARDS FOR AN OPEN SPACE/RESIDENTIAL PUD

Any Open Space/Residential PUD shall comply with the following project design standards:

- a. **Eligibility:** The proposed Open Space/Residential PUD meets the eligibility criteria of Section 1803.

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- b. **Uses Permitted:** Only residential uses as listed in Articles V, VI, and VIII are permitted. Attached residential units shall be permitted only upon a determination by the City when the following criteria are met.
 - 1. Attached unit buildings shall meet the dimensional standards set forth in Article XX for either LDMF or HDMF Districts.
 - 2. Attached unit buildings shall be arranged and designed to promote compatibility with adjacent uses.
 - 3. Attached unit buildings shall provide a variation in building height, setbacks, rooflines, window, door openings, materials, and colors.
 - 4. The units shall relate well to the streetscape and minimize the visual dominance of garage doors in the front yard through the provision of front porches, doors, windows, architectural details that face the street, and a variation in garage door design and location (e.g. side entry, recessed from front building line, limited projection beyond front building line).
 - 5. The arrangement of units maximizes the preservation of open space and the protection of natural features.
 - 6. The overall density is no greater than could be achieved through the underlying zoning. See “d” below.

- c. **Harmony with surrounding uses:** The uses and design of the Open Space/Residential PUD will be harmonious with the character of the surrounding area in terms of density, intensity of use, size and height of buildings, architecture and other impacts.

If the proposed units are to be developed as part of a golf course, the arrangement of units should not unduly interfere with the operations of the golf course. The City may require a review by an independent golf course design professional.

- d. **Density Standards:** The permitted density within an Open Space/Residential PUD shall not exceed the density allowed by the underlying residential zoning district as described in Article XX Schedule of Regulations.
 - 1. The maximum number of dwelling units permitted within an Open Space/Residential PUD project shall be the number of units permitted under a conventional plan. This shall be demonstrated through the preparation of a comparison plan that illustrates how many dwelling units could feasibly and practically be constructed on the subject site in accordance with all dimensional requirements of the zoning district and design standards for stormwater and public streets. Portions of a MDEQ regulated wetland shall not be located within an individual lot. The lots on the comparison plan shall not require exceptional or unusual engineering to accommodate residential construction, as determined by the City.
 - 2. The area used for density calculations shall not include public street rights-of-way, private road access easements, lakes, streams, detention ponds, or submerged wetlands containing surface water or open water ponds during at least one (1) month of the year.

- e. **Dimensional Standards:** The setbacks and other dimensional standards for various uses shall be consistent with the standards associated with the various uses listed in Article XX - Schedule of Regulations. Where the proposed design deviates from the typical standards, the deviations

shall meet the intent of this Article and the applicant shall provide a table that clearly compares each requested modification to the Ordinance standard. Unless variations are specifically requested and approved by the City, the site plan or subdivision plan shall comply with applicable City standards. In no case shall the setbacks for buildings adjacent to existing single family homes be less than fifty (50) feet.

f. Open Space

1. Area included in the open space calculations
 - a. At least twenty (20) percent of the sites gross area or two (2) acres, whichever is greater, shall be dedicated open space and held in common ownership.
 - b. The total area of dedicated open space shall equal or exceed any reduction in area for minimum lot sizes in the development based on the parallel plan, except where a density bonus is approved as permitted herein.
 - c. The minimum size of an individual open space area shall be 20,000 square feet with a maximum width to depth ratio of 3:1. This standard is intended to ensure open space is valuable and usable rather than scattered, isolated, or remnant lands. The City may waive this standard for clearly identified pathway corridors between a single row of lots intended to connect open spaces, if such corridors are determined to be desirable.
 - d. At least 50% of the open space must be usable to the residents for passive or active recreation, exclusive of permitted water bodies, stormwater facilities, or other required site plan elements. At least one active neighborhood park area shall be provided that includes facilities such as playground equipment, picnic pavilions, soccer fields, ball fields or similar facilities.
 - e. All natural land, including fairways, associated with golf courses.
 - f. No more than twenty-five (25) percent of any required open space shall include detention ponds, surface water bodies, or wetlands regulated by the Michigan Department of Environmental Quality. Detention ponds that do not provide a natural appearance and are not incorporated into the overall plan as an amenity, as determined by the City, shall not be included as required open space.
 - g. Any building or use accessory to recreation, conservation, or an entryway may be erected within the dedicated open space, subject to the approved open space plan. Accessory structures or uses of a significantly different scale or character than the abutting residential districts shall not be located near the boundary of the development if it may negatively impact the residential use of adjacent lands, as determined by the City.
2. To be included in the calculations for the minimum open space area, the following design standards must be met.
 - a. The open spaces shall be organized around the site's most important natural features on the site and link existing and planned greenways, as illustrated on the City Pathways and Parks and Recreation Plans. A preliminary meeting with City staff, consultants and/or the Planning Commission to discuss the site analysis, natural feature priorities and development concepts prior to preparation of plans is encouraged.

- b. The open space shall include pathways to link adjacent open spaces, public parks, bike paths or non-motorized routes.
- c. In addition to preservation of the most important natural features, where possible additional open space shall be located and designed to achieve the following:
 - 1. preserve or create a buffer from adjacent land uses where appropriate;
 - 2. maintain existing natural viewsheds; and
 - 3. open space shall be located within prominent and highly visible areas of the development, such at the terminus of key views along roads, at the intersection of arterial or collector streets, at high points or centrally located within a residential area.
- 3. The following land areas shall not be included in calculations for required open space:
 - a. the area within any existing or future public street right-of-way;
 - b. the area within private road easements or other easements that include roads, drives, or overhead utility lines;
 - c. the area located below the ordinary high water mark of an inland lake, river or stream or any pond with standing water year round;
 - d. the required setback areas around, or minimum spacing between buildings, except that the setback area around a permitted open space accessory building may be considered open space;
 - e. parking and loading areas, except those exclusively associated with a recreation facility or common open space area; and
 - f. any other undeveloped areas not specifically addressed in this Article, but determined by the Planning Commission to inadequately meet the intent and standards for open space.
- 4. Protection of Open Space

The dedicated open space shall be set aside by the developer through an irrevocable conveyance and protected by a Maintenance Agreement, in a form and manner acceptable to the City. Such conveyance shall assure the open space will be protected from alteration and all forms of development, except as shown on an approved site plan or subdivision plat. Said documents shall bind all successors and future owners in fee title to commitments made as part of the proposal, but shall allow transfer of ownership and control to a subdivision or condominium association consisting of residents within the development, provided notice of such transfer is provided to the City. Such conveyance shall indicate the allowable use(s) within the dedicated open space. Upon transfer to a successor of the developer, the open space shall be maintained by the property owners association or condominium association. The City may require the inclusion of open space restrictions to prohibit activities such as the following:

- a. dumping or storing of any material or refuse;
- b. activity that may cause risk of soil erosion or threaten plant material;

- c. cutting or removal of plant material except for removal of dying or diseased vegetation;
 - d. use of motorized off-road vehicles;
 - e. cutting, filling or removal of vegetation from wetland areas; and
 - f. use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
- g. **Infrastructure:** The uses and design shall be consistent with the available capacity of the existing street network and utility systems or the applicant shall upgrade the infrastructure as required to accommodate the Open Space/Residential PUD. (amended 2/14/96)
- h. **Architecture:** Typical elevations shall be approved by the planning commission as part of the final site plan or, alternatively, design guidelines or a “pattern book” or design code shall be included in the Development Agreement. Identical or similar single family buildings or elevations may not be repeated more frequently than every sixth house along the same side of any street. Buildings shall be considered similar if they have similar door and window configuration, direction of roof pitch, building mass and building form. Attached unit buildings shall provide a variation in building height, setbacks, rooflines, window, door openings, materials and colors. Buildings shall relate well to the streetscape through the provision of front porches, doors, windows and architectural details that face the street and assist in minimizing the dominance of garages. For at least 50% of all units, garages shall be side entry, rear entry or front entry with the garage recessed a minimum of five (5) feet behind the front building line.
- i. **Additional Considerations:** The Planning Commission and City Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

SECTION 1807 APPEALS, VIOLATIONS, VARIANCES AND EXPIRATION

- a. The Board of Appeals shall have the authority to hear and decide appeal requests by property owners for variances from the Zoning Ordinance. However, the Board of Zoning Appeals shall not have the authority to change conditions or make interpretations to the PUD site plan or written agreement.
- b. A violation of the PUD plan or agreement shall be considered a violation of this Ordinance.
- c. The Board of Zoning Appeals shall not have authority to grant variances from the approved PUD plan pertaining to uses, perimeter setbacks, perimeter landscaping or setbacks. Such changes shall require an amendment to the PUD plan.
- d. Approval of the PUD rezoning and preliminary site plan by the City Council shall confer upon the applicant the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for final site plan approval is not requested within this time period, re-submittal of the application shall be required. The City Council may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.