

Sec. 30-555. - Planned unit development.

- (a) *Established.* A district known as the "planned unit development district," also referred to as the "PUD district," is established and as used in this section, "planned unit development" includes such terms as cluster zoning, planned development, community unit plan, and planned residential development and other terminology denoting zoning requirements designed to accomplish the 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) *Purpose.* The purpose of the planned unit development district is to permit flexibility in the regulation of land development; encourage innovation in land use and variety and design, layout and type of structures constructed; achieve economy and efficiency in the use of land, natural resources and the provision of public services and utilities; provide adequate housing, additional commercial establishments and new employment or maintain current employment; encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts do not provide adequate protection and safeguards for the site or its surrounding areas; encourage the provision of open spaces and the development of recreational facilities in a location within reasonable distance of planned living units; and minimize the adverse impact that new development may have on the natural environment or public facilities, such as drainage systems, sewage disposal systems, water systems and other publicly provided systems, services and facilities. All such development shall be consistent with the public health, safety, convenience and welfare.
- (c) *Principal permitted uses.* Principal permitted uses within the planned unit development district shall be all residential uses, including multiple-family apartments, or a mixture of single-family and multiple-family units on a planned basis, through the use of cluster homes, row houses, townhouses and/or apartment houses; all business, service and professional offices; all manufacturing or industrial uses; all commercial uses; or any combination of such uses.
- (d) *Permitted accessory uses.* Accessory uses permitted in the planned unit development district shall include any accessory uses, which are permitted in any residential, commercial, office and/or industrial district in accordance with the regulations set forth in this article.
- (e) *Site plan submission.* All owners, or the holders of a lawful option, within the planned unit development district shall file with the zoning administrator a proposed site plan and detailed description of the structures to be erected, the other facilities of the project and the land uses involved. In addition, such owners, or the holders of a lawful option, shall furnish such other information as the zoning administrator and/or the zoning commission may reasonably require, consistent with the purposes set forth in subsection (b) of this section.
- (f) *Applicability of section.* The provisions of this section may be applied, upon application of a proper person, to any parcel exceeding one-half acre in size, except where the parcel is located in the R-1 district.
- (g) *Approval standards.* Based upon the standards set forth in this subsection, the zoning committee may recommend denial, approval or approval with conditions, and the city commission may deny, approve or approve with conditions a proposed planned unit development. In making such a decision, the zoning committee shall rely upon the following standards:
  - (1) The uses proposed within the planned unit development will have a beneficial effect, in terms of public health, safety, welfare or convenience, on present and future potential land uses. The uses shall not adversely affect, in a material manner, the public utility and circulation system, surrounding properties or the environment.
  - (2) Off-street parking within the planned unit development shall be sufficient to meet the minimum parking required by section 30-583; however, if it is deemed necessary in order to achieve the purposes set forth in subsection (b) of this section, the zoning committee may require more or less parking than that required by such section.

- (3) All streets and parking areas within the planned unit development shall meet the minimum requirements set forth in city ordinances, unless modified by the zoning committee to achieve the purposes set forth in subsection (b) of this section.
  - (4) Landscaping or screening shall be provided, if necessary, within the planned unit development in order to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property.
  - (5) Effort shall be made to ensure the preservation of natural and architectural features, trees, hedge rows, wood lots and the integrity of the land within the planned unit development.
  - (6) The site for the planned unit development shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material.
  - (7) Public water, sewer and electrical facilities shall be available within the planned unit development or shall be provided by the developer as part of the site development.
  - (8) The proposed density, setbacks and heights of the planned unit development shall be no different than the density, setbacks and heights which would be required for each of the component uses of the development. However, if it is deemed necessary in order to achieve the purposes set forth in subsection (b) of this section, the zoning committee may require greater or lesser density, setbacks or heights within such planned unit development than those required by this article.
  - (9) Traffic and accessory conditions regulations shall be as follows:
    - a. Safe, convenient, uncongested and well defined vehicular and pedestrian circulation within and to the planned unit development district shall be provided.
    - b. Drives and streets shall not be laid out so as to encourage outside traffic to traverse the planned unit development, nor to create unnecessary fragmentation of the development into small blocks.
    - c. No material impediment to the visibility of automotive traffic, cyclists or pedestrians shall be created or maintained.
  - (10) All buildings shall conform to city codes and ordinances.
- (h) *Procedural requirements.* Upon receipt of a planned unit development application and site plan, the zoning administrator shall transmit the application and plan to the zoning committee. The zoning committee shall hold a public hearing in the same manner and give notice of such hearing as required for zoning amendments under section 30-475.
  - (i) *Rezoning of parcel.* Approval of the planned unit development by the zoning committee shall be a recommendation to the city commission to rezone the property to a planned unit development zoning classification for the uses as shown on the planned unit development application and site plan.
  - (j) *Time for completion of development.* Within 18 months of the approval of an application and site plan for a proposed planned unit development, or for a phase of such development, all proposed buildings, parking spaces, landscaping, usable open spaces and amenities included in the site plan shall be started or the planned unit development district will revert to its previous zoning. Work shall be continued in a reasonably diligent manner and completed within three years of the approval by the city commission. Such 18-month and three-year periods may be extended if applied for by the applicant and granted by the city commission in writing following a public notice and public hearing. Failure on the part of the owner to secure the applicable written extension shall result in a stoppage of all construction.
  - (k) *Consequences of approval.* After approval of a planned unit development, the parcel to which it pertains shall be developed and used in its entirety only as authorized and described in the resolution approving the planned unit development.
  - (l) *Changes.* Minor changes to a previously approved planned unit development site plan may be approved without the necessity of action by the zoning committee or city commission if the zoning administrator certifies in writing that the proposed revision does not alter the basic design, nor any

specified conditions of the site plan as approved by the city commission. Any changes or alterations, other than minor changes as set forth in this section, may be made only by following the same procedures as required for the adoption of a planned unit development in the first instance.

- (m) *Appeal.* A party aggrieved by the decision of the city commission may appeal to the circuit court for the county in which the property is located as provided under subsection 30-511(g) of this Code.

(Code 1976, § 150.22; Ord. No. 453, § 308, 12-8-1986; Ord. No. 470, § 2, 5-28-1991; Ord. No. 564, § 2, 3-26-2007)

**State Law reference**— Planned unit developments, MCL 125.3503.