

ARTICLE 13 PLANNED UNIT DEVELOPMENT (PUD) OVERLAY

Sec. 13.01 Purpose

The Planned Unit Development (PUD) standards are a supplementary list of "overlay" zoning standards which apply to properties simultaneously with one (1) of the other zoning districts established in this Ordinance, hereinafter referred to as the "underlying" zoning district. For properties approved for PUD designation, these PUD standards replace the schedule of regulations listed for the underlying zoning district in *ARTICLE 15 SCHEDULE OF REGULATIONS*.

The PUD standards are provided as a design option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership (such as condominiums), and variety in design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment, and shopping opportunities particularly suited to residents of the City; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.

The standards are intended to accommodate development on sites with significant natural, historical, and architectural features, as noted in the City of Fenton Master Plan, on land which exhibits difficult development constraints, and/or to provide the opportunity to mix compatible uses or residential types, and/or to allow clustering of residential units to preserve common open space and natural features. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth.

In order to encourage PUD developments on specific properties, these standards relax or waive one (1) or more of the requirements of the underlying district. The PUD also allows the developer the opportunity to mix compatible uses or residential types on a single property, allows clustering to reduce construction costs, and may enhance marketability through the preservation of significant natural, historical, and architectural features.

Sec. 13.02 Principal Permitted Uses

Principal uses permitted under the PUD standards are based on the underlying zoning district, as indicated below:

- a. **RDR, LDR, LMR, MDR.** All principal uses of the underlying district shall be permitted. In addition to those uses, low density multiple-family dwellings or a mixture of single and multiple-family dwellings on a planned basis, through the use of attached dwellings, townhouses, apartment buildings, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses may be permitted within the PUD.
- b. **MHR, HDR, MHD.** All principal uses of the underlying district shall be permitted. The list of permitted uses includes low density multiple-family dwellings or a mixture of single and multiple-family dwellings on a planned basis, through the use of attached dwellings, townhouses, apartment buildings, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses. In addition, for sites having a minimum size of twenty (20) acres, up to ten percent (10%) of the total site acreage may be developed with uses permitted in the NBD. Such uses must front a public street and be developed in conjunction with, or following, development of the residential uses.
- c. **NBD.** The PUD development option is not permitted in this district.

- d. **CBD.** All business, service, professional office, and other commercial uses, or any combination of these uses, listed as principal uses permitted in the underlying zoning district shall be allowed. In addition, other business, service, and residential uses may be permitted, if determined by the Planning Commission to be similar to other uses in the surrounding area.
- e. **GBD, OSD, OPD, IND.** All business, service, professional offices, light manufacturing, and other commercial uses, or any combination of these uses, listed as principal permitted uses in the underlying zoning district shall be permitted. In addition, other business, service, office, light manufacturing, and residential uses may be permitted, if determined by the Planning Commission to be compatible with other proposed PUD uses and surrounding uses.

Sec. 13.03 Special Land Uses

All uses listed as special land uses in the underlying district are considered as special land uses within the planned unit development designation.

Sec. 13.04 Qualifying Conditions

In order to qualify for PUD approval, the applicant must demonstrate in writing that each of the following criteria will be met by the proposed PUD:

- a. **Demonstrated Benefit.** The PUD shall provide two (2) or more of the following benefits not possible under the requirements of another zoning district, as determined by the Planning Commission:
 - 1. Preservation of significant natural or historic features.
 - 2. A complementary mixture of uses or a variety of housing types.
 - 3. Common open space for passive or active recreational use.
 - 4. Mitigation to offset community impacts.
 - 5. Redevelopment of a nonconforming site where creative design can address unique site constraints.
- b. **Availability and Capacity of Public Services.** The proposed type and density of use shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.
- c. **Compatibility with the Master Plan.** The proposed PUD shall be compatible with the overall goals and recommendations as proposed in the City of Fenton Master Plan.
- d. **Compatibility with the PUD Purpose.** The proposed PUD shall be consistent with the purpose of *Article 13* and spirit of this Ordinance.
- e. **Development Impact.** The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance.
- f. **Unified Control of Property.** The proposed PUD shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with the PUD regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is provided to the City.

Sec. 13.05 Application and Review Procedure for Preliminary PUD Site Plan and Final PUD Site Plan

The application process for a PUD involves a three (3) step process including review of a preliminary (conceptual) site plan by both the Planning Commission and City Council. Upon approval of the preliminary

plan, a final site plan shall be reviewed by the Planning Commission. The procedures are described below and illustrated on *Figure 2.2 Development Approval Process*.

- a. An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.
- b. The applicant shall prepare and submit to the City Clerk fifteen (15) copies of a preliminary PUD site plan for a PUD, meeting the requirements of *Section 13.06 Preliminary PUD Site Plan Submittal Requirements*, at least thirty (30) days prior to the meeting at which the Planning Commission shall first review the request; twenty-one (21) days for an applicant who has had a pre-application workshop on the proposal within sixty (60) days of the preliminary PUD site plan submittal. The Building Official/Zoning Administrator shall promptly transmit this plan to the members of the Planning Commission.
- c. The Planning Commission shall review the preliminary PUD site plan, and shall conduct a public hearing in accordance with *Section 26.05 Public Hearings*. During this review, the Planning Commission may request additional materials supporting the PUD proposal, or recommend modifications or conditions based on the standards of *Section 13.07 Standards for Approval of Preliminary PUD Site Plan*. The Planning Commission shall then, within sixty (60) days of the submittal, make a recommendation on the preliminary PUD site plan to the City Council. The applicant shall incorporate these modifications or conditions recommended by Planning Commission prior to the review by the City Council.
- d. Following receipt of the Planning Commission recommendations, the City Council shall conduct a public hearing in accordance with *Section 26.05 Public Hearings* on the preliminary PUD site plan and petition. The City Council shall take final action on said plan and petition within ninety (90) days of the date it receives a report from the Planning Commission or such reasonable extension of time as may be necessary for adequate review.
- e. If any conditions are imposed upon the approval of the preliminary PUD site plan by the City Council, a list of those conditions shall be made part of the approval and shall be reflected in the final PUD site plan.
- f. Approval of the preliminary PUD site plan by the City Council shall confer upon the owner the right to proceed through the subsequent PUD plan review phases for a period not to exceed three (3) years from date of approval. This period may be extended by the City Council for one (1) additional three (3) year period.
- g. The applicant shall submit fifteen (15) copies of detailed final site plans to the City Clerk, as described in *Section 13.08 Final PUD Site Plan Submittal Requirements*, for all, or any phase of, the approved preliminary PUD site plan at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request.
- h. Upon submission of all required materials and fees, the Planning Commission shall review such and shall approve, deny, or approve with conditions, in accordance with the standards and regulations of this Zoning Ordinance, the final PUD site plan.
- i. If the final PUD site plan was approved with conditions, the applicant shall submit a revised site plan to the Building Official/Zoning Administrator in accordance with *Section 16.12 Projects Eligible for Sketch Plan Review and Administrative Approval* for approval prior to the issuance of any building permits.

- j. If the approved preliminary PUD site plan indicated that the proposed development was to occur in phases, final site plan approval may be granted on each phase of the development, provided that each phase contains all the necessary components to insure protection of significant natural, historical, and architectural features, and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. Subsequent phases shall also follow the process for final PUD site plan outlined in this Article.
- k. In the CBD District, the City Council may, upon recommendation of the Planning Commission, approve an overall PUD plan for multiple sites and then require each subsequent developer to follow the process for final PUD site plan outlined in this Article. The City Council shall then require each developer to enter into a separate PUD Agreement for each individual site or series of projects.

Sec. 13.06 Preliminary PUD Site Plan Submittal Requirements

The preliminary PUD site plan shall set forth the proposed uses to be developed in the PUD. The following specific information shall be provided on a site plan:

- a. **Proof of Ownership.** Current 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.
- b. **Written Documentation.** Written documentation that the proposal meets the standards of *Section 13.04 Qualifying Conditions*.
- c. **Application Form and Fees.** A completed application form, supplied by the Building Official/Zoning Administrator, and an application/review fee; a separate escrow deposit may be required for administrative charges to review the PUD submittal.
- d. **Sheet Size.** Sheet size of submitted drawings shall be at least twenty-four (24) inches by thirty-six (36) inches, with graphics at an engineer's scale of one (1) inch equals twenty (20) feet for sites of twenty (20) acres or less; and one (1) inch equals one hundred (100) feet or less (i.e. one (1) inch equals twenty (20) to one hundred (100) feet) for sites over twenty (20) acres.
- e. **Cover Sheet.** Cover sheet providing:
 - 1. Applicant's name.
 - 2. Name of the development.
 - 3. Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.
 - 4. Date of preparation and any revisions.
 - 5. North arrow.
 - 6. Property lines and dimensions.
 - 7. Complete and current legal description and size of property in acres.
 - 8. Small location sketch of the subject site and area within one-half (1/2) mile, and scale.
 - 9. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site.
 - 10. Lot lines and all structures on the property and within one hundred (100) feet of the PUD property lines.
 - 11. Location of any vehicle access points on both sides of the street within one hundred (100) feet of the PUD site along streets where vehicle access to the PUD is proposed.
- f. **PUD Site Plan.** A site plan sheet indicating:
 - 1. Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, MDEQ designated or regulated wetlands

- with supporting documentation (see *ARTICLE 24 ENVIRONMENTAL PROTECTION STANDARDS*), nonregulated wetland areas two (2) or more acres in size, and a tree survey indicating the location and diameter (in inches, measured four (4) feet above grade) of "landmark" trees.
2. Existing and proposed topography at five (5) foot contour intervals, and a general description of grades within one hundred (100) feet of the site.
 3. Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths.
 4. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain and which are to be removed.
 5. Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For developments with residential components: the number, type, and density of proposed housing units.
 6. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained.
 7. Size, type, and location of proposed identification signs.
- g. **Site Analysis.** A separate plan sheet indicating locations of significant natural, historical, and architectural features, including landmark trees, that will be designated as "areas not to be disturbed" and secured through installation of a snow fence, other fencing, or police line during development of the PUD, including acreage of designated areas.
- h. **PUD Development Agreement.** A draft written PUD Development Agreement specifying all the terms and understandings of the PUD development as prescribed in *Section 13.08 Final PUD Site Plan Submittal Requirements* may be required when deemed necessary by the Planning Commission.
- i. **Multi-Phased PUD.** If a multi-phase PUD is proposed, identification of the areas included in each phase; for residential uses identify the number, type, and density of proposed housing units within each phase.
- j. **Additional Information.** Any additional graphics or written materials requested by the Planning Commission or City Council to assist the City in determining the appropriateness of the PUD such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impact using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

Sec. 13.07 Standards for Approval of Preliminary PUD Site Plan

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Council may deny, approve, or approve with conditions the proposed PUD.

- a. The uses proposed shall be consistent with the City's adopted Master Plan. Such uses must have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed must not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone or that of any other zoning district.
- b. Any amendments to the dimensional standards of this Ordinance, such as lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards shall be reviewed and approved by the Planning Commission.

- c. Any increase in the density requirements of the underlying zoning district must be approved by the City Council upon recommendation of the Planning Commission and be included under preliminary review of the site plan.
- d. The number and dimensions of off-street parking shall be sufficient to meet the minimum required by *ARTICLE 19 OFF-STREET PARKING AND LOADING STANDARDS*. However, where warranted by overlapping or shared parking arrangements, the Planning Commission or City Council may reduce the required number of parking spaces in accordance with *Section 19.02 General Requirements*.
- e. All streets and parking areas within the PUD shall meet the minimum construction and other requirements of City ordinances, unless modified by City Council.
- f. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
- g. Sidewalks shall be provided in accordance with *Section 2.29 Sidewalks, Bikepaths, and Other Pedestrian Pathways*.
- h. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features shall exceed the standards of *ARTICLE 21 LANDSCAPE STANDARDS AND TREE REPLACEMENT*.
- i. Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land, including MDEQ regulated and nonregulated wetlands.
- j. Surface water shall be retained on the site wherever possible.
- k. The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Building Official/Zoning Administrator.
- l. Public water and sewer facilities shall be available or shall be provided by the developer as part of the site development.
- m. Building design shall be of a high quality, exceeding the standards of *Section 2.20 Non-Residential Design Requirements*.

Sec. 13.08 Final PUD Site Plan Submittal Requirements

The final PUD site plan shall include all the following information, unless the Building Official/Zoning Administrator determines that some of the required information is not reasonably necessary for the consideration of the PUD:

- a. All information required for site plan submittal in accordance with *Section 16.05 Site Plan Submittal Requirements*.
- b. Any additional graphics or written materials requested by the Planning Commission to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.

- c. A proposed written Development Agreement specifying all the terms and understanding of the PUD development including:
 - 1. A survey of the acreage comprising the proposed PUD.
 - 2. All conditions upon which the PUD approval is based, with reference to the approved preliminary PUD plan and a description of all deviations from City regulations which have been requested and approved.
 - 3. The manner of ownership of the developed land.
 - 4. The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
 - 5. Provisions assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the City may require conveyances or other documents to be placed in escrow to accomplish this.
 - 6. Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas, and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the City Council.
 - 7. The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the City Council.
 - 8. Provisions to ensure adequate protection of natural features and assurance for replacement of any trees and woodlands.
 - 9. Any other concerns raised by the Planning Commission or City Council regarding the construction and maintenance of the PUD.
 - 10. The preliminary PUD plan shall be incorporated by reference and attached as an exhibit.

- d. A written draft of PUD Design Guidelines specific to the PUD. Such document shall include provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage. The Design Guidelines shall also include any variations to the dimensional standards of this Ordinance, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

Sec. 13.09 Standards for Approval of Final Site Plan

The Planning Commission shall use the standards for approval of *Section 16.06, Standards for Site Plan Approval*, and any design requirements developed specifically for the PUD by the City Council, in reviewing the final PUD site plan.

Sec. 13.10 Conditions of Approval

The Planning Commission may attach conditions to the final PUD site plan approval to meet the intent of this Article and *Section 16.08 Conditions of Site Plan Approval*.

Sec. 13.11 Validity of Approved Final PUD Site Plan

- a. **Project Commencement.** Construction on the approved final site plan, or for a phase thereof, shall be commenced and proceed in a reasonably diligent manner, within twelve (12) months of approval. If the PUD has not commenced and proceeded beyond site grading to include, at a minimum, installation of footings or foundations and underground utilities at the end of that twelve (12) month period, then the site plan shall be invalid and void.

- b. **Project Completion.** The approved site plan shall remain valid for a three (3) year period following the date of final site plan approval, provided that the requirements of *paragraph a.* above are met.

- c. **Extensions.** The three (3) year period for project completion may be extended for one (1) year, if applied for by the petitioner and granted by the Planning Commission in writing following public notice and a public hearing. Failure on the part of the owner to secure the written extension shall result in a stoppage of all construction.

Sec. 13.12 Deviations from Approved Final PUD Site Plan

- a. Deviations and amendments from the approved final PUD site plan shall be reviewed and approved in accordance with *Section 16.11 Deviations from Approved Site Plan*.
- b. Should the Planning Commission determine that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the modification shall be required and must be approved by the City Council as a new preliminary PUD plan.
- c. Any amendment to the PUD Design Guideline requirements established specifically for the PUD by the City Council shall be adopted by resolution of the City Council, upon recommendation of the Planning Commission, and will not require amendment of this Article of the Zoning Ordinance. Amendments to this document must be reviewed and approved in accordance with paragraph a. above.
- d. Any deviation from the approved PUD site plan, except as authorized in *Section 13.12 Deviations from Approved Final PUD Site Plan* shall be considered a violation of this Article and treated as a misdemeanor. Further, any such deviation shall invalidate the PUD designation.

Sec. 13.13 Appeals and Variances

Amendments, appeals, and variances related to a PUD cannot be taken to the Zoning Board of Appeals in a PUD. Amendments can only be granted by the Planning Commission when it is determined that the requested amendments are in keeping with the overall purpose of PUD, as identified in *Section 13.01 Purpose* and improve the quality of the development.

Sec. 13.14 PUDs Approved Prior to this Ordinance

All properties zoned as PUD under the zoning district classifications in place prior to the adoption of this Ordinance shall be treated as follows:

- a. Approved residential PUDs shall be rezoned to the appropriate residential district in conformance with their approved density. These and future such locations will be noted on the map as being approved PUD overlay zone districts. Any changes to the preliminary PUD plan and/or final site plans or revisions shall be regulated by this Ordinance.
- b. Approved preliminary PUD site plans for mixed use PUDs shall be considered zoned as a mixed use PUD in the Office Service District (OSD). The approved uses within such PUDs shall be in accordance with the approved locations of commercial, office, and residential uses as designated on the preliminary PUD site plan.
- c. Any changes to the uses and/or their locations as approved on a mixed use preliminary PUD plan shall meet *Section 13.07 Standards for Approval for Preliminary PUD Site Plan*. The applicant shall present graphics to illustrate the requested change, submit written materials documenting the need for the change and the adherence with the overall approved PUD concept, and submit updated copies of any traffic, environmental, or market studies which the Planning Commission or City staff consider necessary to review the impacts of the proposed change.

- d. All final site plans or revisions to final site plans for PUDs approved prior to the adoption of this Ordinance shall be regulated and reviewed in accordance with this Article.