

ARTICLE VIII: PLANNED UNIT DEVELOPMENT

Section 801 Intent

- A. To permit greater flexibility in the **use** and design of structures and land in situations where modifications of specific provisions of this Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur. A **Planned Unit Development (PUD)** should result in development which maximizes the provision of **open space**, preserves natural features, and provides a harmonious arrangement of structures and **uses**. More than one **principal use** and/or **structure per lot** may be permitted.
- B. Development in accordance with the **Planned Unit Development** provisions of this Ordinance can be in the form of a platted **subdivision**, a **site condominium** development or other legal means.
- C. Development for a **shopping center** shall be as a **Planned Unit Development**.

Section 802 Eligibility

- A. In order to receive consideration by the **Planning Commission**, a proposed **Planned Unit Development** shall:
 - 1. Be located in one of the following **districts**, R-2, L-2, H-1, H-2, D, T, LC, C, I-1, or I-2.
 - 2. Be located on a parcel equal to the greater of either:
 - (a) two **acres** or
 - (b) the total square footage for all **buildings**, including storage, garages, etc. divided by the **floor area ratio** of .15.
 - 3. Provide for **open space** and preservation of natural features; clustered development and similar design methods are encouraged.
 - 4. Minimize the amount of the impervious surface created.
 - 5. Provide a harmonious and efficient arrangement of all structures and **uses** in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of **buildings**. Arrangements of **buildings** shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

Section 803 Application and Modification Powers

- A. The applicant shall submit an application to the **Planning Commission** in accordance with the procedures in Section 804 through Section 807.
- B. In acting upon the application, the **Planning Commission** may alter **setback** requirements, building size limits, off-street parking regulations, landscaping rules, and density and intensity limits. It may also authorize **uses** not permitted in the **district**.
- C. The provisions of this section shall be applied to the existing zoning **district** as defined on the zoning map where the **PUD** is to be located.

Section 804 Preliminary Conference

- A. Prior to preparing a formal application, the applicant shall meet with the **Planning Commission** to discuss the proposed development and application procedures. No decision regarding any proposed **PUD** is to be reached at this conference.

Section 805 Preliminary Application

- A. Following the preliminary conference, the applicant shall prepare and submit copies to be distributed to individual **Planning Commission** members, and three copies for city administration of a preliminary application to the **Zoning Administrator** which consists of the following written and graphic documents, together with any fee(s) which have been imposed by the City Commission:
 - 1. A written description of the proposed **PUD**, including:
 - How the proposed **PUD** is consistent with the intent of Section 801 and with the eligibility criteria in Section 802.
 - a. How the proposed **PUD** is consistent with the intent of Section 801 and with the eligibility criteria in Section 802.
 - b. A statement identifying all intended **uses**, including future sales or leasing arrangements of all or portions of the proposed **PUD**.
 - c. A legal description of the proposed **PUD** parcel.
 - d. A listing of all owners, holders of easements, and other interested parties.
 - e. A projected assessment of the proposed **PUD** demands on public services and utilities, including, but not limited to, water, sewer, electrical service, **streets** and roads, sidewalks, refuse disposal, and emergency services.

2. A preliminary **site plan** at a scale adequate to illustrate the proposed activity, shall include the following information: (If the preliminary **site plan** has been prepared in digital format (.dwg, .dxf, etc.), a copy shall be provided to the City.)

- The legal description and **street** address of the **lot(s)**.
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 - b. The name, address and telephone number of the owner, developer, and/or designer.
 - c. The date the **site plan** was prepared.
 - d. North arrow and scale.
 - e. The actual dimensions of the **lot(s)** as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with survey stakes visible. The requirement for a survey may be waived if building dimensions will not change as a result of the proposed activity.
 - f. The relationship of the subject **lot(s)** to **abutting** properties.
 - g. Depiction of all existing structures, including signs, on the subjects **lot(s)** shown to scale.
 - h. The dimensions of all proposed structures on the subject **lot(s)**, including height of proposed **buildings**.
 - i. Depiction of any **buildings** slated for eventual demolition.
 - j. Distances between existing structures and proposed structures on the subject **lot(s)** and distance between **lot lines** and proposed structures.
 - k. **Use** of all existing or proposed structures on the subject **lot(s)**.
 - l. The location of all proposed fences and planting **screens**, green areas, or other **buffers**.
 - m. The location and right-of-way widths of all **streets, alleys**, private road easements and/or railroads located within or **abutting** the subject **lot(s)**. Named **streets** should be labeled.
 - n. The location of all existing and proposed ingress/egress points, sidewalks, driveways and parking areas on the subject **lot(s)**.
 - o. The locations of existing ingress/egress points, driveways, **streets, alleys** and/or railroads within 300 feet of the boundaries of the subject **lot(s)**.
 - p. The size and location of all existing and proposed public and private utilities.
 - q. The location of natural features affecting development, such as rock outcrops, water, wetlands, etc.
 - r. The location of existing and proposed surface water impoundments and surface water drainage pattern.
 - s. The location and extent of all planned earth movement. Indicate status of any necessary permits, such as sedimentation and soil erosion permit, wetlands permit, etc.
 - t. Any other information necessary, in the opinion of the **Zoning Administrator**, to establish compliance with this Ordinance or any other applicable ordinances.

3. A development schedule; a list of proposed covenants or deed restrictions; any proposed maintenance agreements on **open space** or common ownership areas; and a description of the type of financial guarantees to be utilized to insure **PUD** development.
 4. Any other information the **Planning Commission** may reasonably require to show the applicant's intent for the development and viability of the proposal.
- B. The **Planning Commission** shall hold a public hearing in accordance with the requirements of Section 1103 to review the preliminary application. In making its review of any portion of the **PUD** preliminary application, the **Planning Commission** shall find that the proposed **PUD** is consistent with the standards outlined in Section 808 and Section 704 and other relevant provisions of this Ordinance. Following the review, the **Planning Commission** shall approve, approve with conditions or subject to modifications, or deny the preliminary application. Action taken on the preliminary application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.
- C. All application materials must be received in the office of the **Zoning Administrator** before a public hearing notice can be submitted for publication.
- D. The applicant may request of the **Zoning Administrator** that the requirement of Section 806 for a final application be waived, and include all of the information required for a final application with the preliminary application. If, upon submittal, the **Zoning Administrator** finds that all items required by Section 805 A (1) through (4) above, and Section 806 1 through 5, are included, the requirement for a final application and final public hearing may be waived. If the requirement for a final application is waived, the public hearing notice and all other materials pertaining to the preliminary application should clearly state that the final application requirement has been waived, and that no further public hearings on this application are anticipated.
- E. Approval of the preliminary application does not constitute recording of the plan or plot nor authorize the issuance of building permits.
- F. Within a maximum of 12 months following preliminary approval, the applicant shall file for final application as outlined below. For good cause, the **Planning Commission** may extend this time period for six months. If the applicant fails to apply for final application for any reason, approval or conditional approval shall be revoked.

Section 806 Final Application

- A. Following approval or approval with conditions of the preliminary application, the applicant shall prepare and submit sufficient copies for individual **Planning Commission** members and three for city administration of a final application which shall include:
1. All information as required by the **Planning Commission** for preliminary approval or conditional approval of the preliminary application, including modifications required to meet conditions imposed on the preliminary application, if any.
 2. Signed copies of any preliminary plats, in accordance with the Land Division Act (Act 288 of 1967, as amended).
 3. A detailed development time schedule.
 4. Deed restrictions or covenants of the parcel.
 5. Any other plans, documentation, or specifications, as the **Planning Commission** may require to insure final engineering review and approval, which may include building plans, elevation and perspective drawings, drainage, road or other facility designs, and letters of commitment or intent insuring adequate financing for public utilities and/or services.
- B. All the application materials must be received in the office of the **Zoning Administrator** before a public hearing notice can be submitted for publication.
- C. If a separate final application is received, the **Planning Commission** shall hold a second public hearing, and shall determine whether or not the final plans substantially conform to the approved preliminary development plan and are in proper form for final recording. Action taken on the final application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.

Section 807 Authorization and Issuance of Conditional Use Permit

- A. Where the **Planning Commission** determines that the final application is consistent with this Section and other requirements thereof, and is in proper form for recording, it shall authorize a **PUD Conditional Use Permit** for development and use in accordance with the final accepted development plan. Authorizing the **PUD Conditional Use Permit** shall not obligate the **Planning Commission** or the City Commission to enforce any deed restrictions or covenants of the development parcel.
- B. The **PUD Conditional Use Permit** shall be issued following evidence of recording of the **PUD** final development plan with the Alger County Register of Deeds.

Section 808 Planned Unit Development Standards

- A. All preliminary and final applications shall be evaluated with respect to the following standards:
1. Dimensional requirements: **Yard, setback**, maximum **lot coverage** ratio, **lot** size, type of **dwelling unit**, height, and frontage requirements and restrictions may be waived for the **PUD**, provided, however, that the spirit and intent of this Article as defined in the intent statement, are incorporated within the total development plan. The **Planning Commission** may determine that certain **setbacks** be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent of this Article.
 2. Access: Every **structure** or **dwelling unit** shall have access to a public **street**, or to a private roadway built to city specifications and dedicated to common **use**. A maintenance agreement shall be required for private roadways. Commercial **buildings** shall have a service road at the rear of the **building**. Private agreements shall provide adequate provisions for the removal of snow, necessary **street** repairs and regular maintenance.
 3. Sidewalks: For areas of residential development and significant pedestrian **use**, all **streets** and roadways within the **PUD** shall have a sidewalk at least four feet in width on at least one side of the **street** or roadway, unless otherwise excluded or altered by the **Planning Commission**.
 4. Land Usage: **Structures** and **uses** shown on the development plan shall be arranged so as not to be detrimental to existing or proposed **structures** within the development or surrounding neighborhood.
 5. Privacy: Each development shall provide reasonable visual and acoustical privacy or provide for reasonable spatial separation for **dwelling units**. Fences, walks, barriers, and landscaping or **open space** shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, **screening** of objectionable views or **uses** and reduction of noise.
 6. Off-Street Parking: Parking convenient to all **dwelling units** and other **uses** shall be provided pursuant to the requirements of Sections 416, 418, and 419 of this Ordinance. Common driveways, parking areas, walks, or steps may be required together with appropriate lighting, in order to insure the safety of the occupants and the general public. **Screening** of parking and service areas may be required through **use** of trees, shrubs, hedges or **screening** walls.
 7. Utilities: **PUD's** shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private

extensions thereof. In no instance shall the **PUD** place demands in excess of the capabilities of the affected public facilities and services.

8. Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added where feasible for privacy, shade, beauty of **buildings** and grounds, and to **screen** out objectionable features.
9. Review standards: The **PUD** shall be consistent with the standards of this Ordinance.

Section 809 Changes in Approved PUD

- A. Changes in the location site or character of the **building** and **structures** may be authorized by the **Planning Commission**, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- B. Changes which cause a change in the **use**, character, or intent of the development, an increase in the intensity of **use**, changes in the overall coverage of the **structures**, or problems of traffic circulation, utility services, or similar services, or a reduction in the approved **open space**, off-street parking and **loading space**, or pavement width requirements may be authorized by the **Planning Commission** following a public hearing.
- C. Changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.