

## **ARTICLE 15**

### **PLANNED UNIT DEVELOPMENT**

#### **SECTION 1501 INTENT AND PURPOSE**

- A. Planned Unit Development (“PUD”) regulations are intended to provide for various types of land uses planned in a manner in order to meet the intent and purposes provided in Article 5 for the implementation of a PUD district. The provisions of this Article provide enabling authority and standards for the submission, review, and approval of an application for a PUD district and development within a PUD district.

#### **SECTION 1502 PLANNED UNIT DEVELOPMENT GENERAL STANDARDS**

- A. A PUD may be applied for in any area of the City. The granting of a PUD application shall require an amendment of the Zoning Map upon the recommendation of the Planning Commission and approval of the City Council.
1. Any land use authorized in this Ordinance in any district may be included in a PUD, subject to adequate public health, safety, and welfare protection mechanisms and conditions to ensure the compatibility of land use within and beyond the boundaries of the PUD boundaries.
- B. The applicant for PUD must demonstrate all of the following as a condition to being entitled to consideration under this Article:
1. Granting of a PUD will result in one (1) of the following:
- a. A recognizable and material benefit to the community, where such benefit would otherwise be unfeasible or unlikely under typical zoning provisions or unlikely to be achieved without application of the provisions of this Article; or
- b. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of this Article; or
- c. A non-conforming use or uses shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district and future land use classification in which it is situated.
2. The proposed PUD shall be consistent with the protection of the public health, safety and welfare of the residents and business owners of the City and the proposed type and intensity of use shall not:

- a. result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
  - b. result in an unreasonable negative environmental impact on the subject site or surrounding land, or
  - c. result in an unreasonable negative economic impact upon surrounding properties.
3. The PUD shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the proposed development under the PUD in conformity with this Ordinance.
  4. The PUD shall be consistent with the goals, objectives and policies of the City of Laingsburg Master Plan.

### **SECTION 1503      PROCEDURE FOR REVIEW**

- A. Prior to the submission of an application for PUD approval, the applicant shall meet with the Zoning Administrator, together with any staff or consultants deemed appropriate by the Zoning Administrator for a pre-application meeting.
  1. The applicant shall present at such meeting at least a sketch plan of the proposed PUD, as well as the following information:
    - a. Total number of acres in the project;
    - b. a statement of the number of residential units;
    - c. the number and type of nonresidential uses;
    - d. the number of acres to be occupied by each type of use;
    - e. the known deviations from Ordinance standards and regulations to be sought;
    - f. the number of acres to be preserved as open or recreational space; and
    - g. all known natural resources and natural features to be removed and/or preserved.
  2. Within six (6) months following the pre-application meeting, the applicant shall submit a Preliminary Plan of the proposed PUD for consideration by the Planning Commission. If a Preliminary Plan is not submitted within six (6)

months following the date of the pre-application meeting, another pre-application meeting shall be had.

B. A Preliminary Plan submitted for review and approval shall contain information as required under Section 604.A in addition to and in consideration of the following:

1. For buildings/structures known at the time of petition to be located within the PUD, show the location, outline, general dimensions, distances between, floor area, number of floors, height, general floor plans and elevations, number and type of dwelling units.
2. For use areas (which are portions of the PUD site dedicated to a particular uses to be petitioned for implementation in the future through site plan review), provide the location and dimensions of use areas, a listing of the uses permitted in the use areas, dimensional requirements for future development, maximum floor coverage, and density.
3. For structures known at the time of the petition to be located within the PUD and for use areas where development is anticipated in the future through site plan review, provide parking information, such as dimensions of spaces and aisles, surface type, and a schedule of regulations for parking, or parking calculation table.
4. Anticipated infrastructure construction and development phasing for the overall PUD site.
5. A narrative describing the project, a discussion of the market concept and feasibility of the project, and an explanation as to the manner in which the criteria set forth in this Ordinance have been met.
6. A separately delineated specification of all deviations from this Ordinance, which would otherwise be applicable to the uses and development proposed in the absence of an application for a PUD

B. Utilizing the process and procedure outlined in Article 9, the Preliminary Plan shall be noticed for public hearing as a zoning amendment before the Planning Commission. Following the hearing, the Planning Commission shall review the Preliminary Plan and shall take one of the following actions:

1. Upon finding that the Preliminary Plan meets the criteria and standards set forth in Sections 606 and finding that the petition generally satisfies the provisions of Sections 704.A and 903.C, the Planning Commission shall grant preliminary approval.
  - a. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall confer upon the applicant the right to proceed with the preparation of the Final Plan.

- b. Approval of the Preliminary Plan by the Planning Commission shall not constitute rezoning of the property to PUD nor bind the Planning Commission or the City Council to approval of the Final Plan. The Planning Commission shall inform the City Council of its action to approve the Preliminary Plan.
  2. Upon finding that the Preliminary Plan does not meet the criteria and standards set forth in Section 606 and/or satisfy the provisions of Sections 704.A and 903.C, but could meet such criteria if revised, the Planning Commission may table action until a revised Preliminary Plan is resubmitted.
    - a. If a revised Preliminary Plan is not submitted within six (6) months of the action to table by the Planning Commission, the application for PUD shall automatically be null and void.
  3. Upon finding that the Preliminary Plan does not and cannot meet the criteria and standards set forth in Section 606 and/or satisfy the provisions of Sections 704.A and 903.C, the Planning Commission shall deny the Preliminary Plan. The Planning Commission shall inform the City Council of its action to deny the Preliminary Plan.
- B. Within six (6) months following receipt of the Planning Commission approval of the Preliminary Plan, the applicant shall submit a Final Plan and supporting materials conforming to this Section and information requested to be provided as part of the review of the Preliminary Plan. If a Final Plan is not submitted by the applicant for final approval within six (6) months following receipt of Planning Commission approval, the Preliminary Plan approval shall automatically be null and void.
- C. A Final Plan submitted for review and approval shall contain information as required under Section 605.A in addition to and in consideration of the following:
  1. Description of land division mechanism, or property transfer mechanism, to be utilized in the implementation of the PUD (i.e. simple land division, plat, site condominium, condominium, lease, etc.).
  2. Specific requirements for residential developments and use areas.
    - a. A complete schedule of the number of lots/sites, lot area per dwelling unit and type of dwelling units; density requirements (minimums & maximums).
    - b. A schedule of regulations for dimensional requirements depending on the development type, use area, and the list of permitted uses cited for the particular area.

- c. A schedule of landscaping regulations and requirements depending on the development type, use area, and the list of permitted uses and density cited for the particular area.
  - d. Amount and location of recreation spaces; type of recreation facilities to be provided in identified recreation space.
  - e. Community building criteria and other accessory uses, such as swimming pools, clubhouses, etc.
  - f. Architectural standards for buildings; sample facades and elevations are to be provided.
3. Specific requirements for non-residential developments and use areas.
- a. Ground floor coverage and floor area ratio minimums and/or maximums.
  - b. A schedule of regulations for dimensional requirements depending on the development type, use area, and the list of permitted uses and intensity of use cited for the particular area.
  - c. A schedule of landscaping regulations and requirements depending on the development type, use area, and the list of permitted uses cited for the particular area.
  - d. Architectural standards for buildings using sample facades and elevations.
4. A separately delineated specification of all deviations from this Ordinance, which would otherwise be applicable to the uses and development proposed in the absence of an application for a PUD.
5. A schedule of the general improvements for the development of the site, including, without limitation, roadways, utilities, landscaping, etc.
6. A traffic impact study, the geographic scope of which to be determined by the Planning Commission as part of the Preliminary Plan review.
- D. Utilizing the process and procedure outlined in Article 9, the Final Plan shall constitute an application to amend this Ordinance and shall be noticed for public hearing as a zoning amendment before the Planning Commission, and otherwise acted upon by the Planning Commission and the City Council, as provided by law.
- 1. Upon finding that the Final Plan meets the criteria and standards set forth in Sections 606 and satisfies the standards for approval set forth in Sections

704.A and 903.C, the Planning Commission shall recommend approval to the City Council.

- a. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the PUD project including, without limitation, recommendations with respect to matters on which the City Council must exercise discretion.
2. Upon finding that the Final Plan does not meet the criteria and standards set forth in Section 606 and/or the standards for approval set forth in Sections 704.A and 903.C, but could meet such criteria if revised, the Planning Commission may table action until a revised Final Plan is resubmitted.
    - a. If a revised Final Plan is not submitted by the applicant for final approval within six (6) months following the tabling of the Final Plan application, the Preliminary Plan approval and application for Final Plan approval shall automatically be null and void.
  3. Upon finding that the final plan does not and cannot meet the criteria and standards set forth in Section 606 and/or the standards for approval set forth in Sections 704.A and 903.C, the Planning Commission shall recommend denial to the City Council.
- E. Upon receiving a recommendation from the Planning Commission, the City Council shall review the Final Plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth in Section 606 and finding that the Final Plan meets or does not meet the standards for approval set forth in Sections 704.A and 903.C, the City Council shall approve, table or deny the Final Plan.
1. Prior to approval of a Final Plan, the City Council shall require all standards and conditions of approval to be incorporated in a Development Agreement. The Development Agreement may be reviewed by the City Attorney and shall be approved by the City Council, and signed by both an agent of the City and the applicant.

## **SECTION 1504 PROJECT DESIGN STANDARDS**

### **A. Residential Design Standards**

1. Density for residential uses are as permitted by the Planning Commission based upon the provisions of the Master Plan, uses being proposed and corresponding densities in other districts where such uses are permitted by right and special land use.

2. The architectural design of the development shall be of a high quality. A range of elevations and floor plans shall be provided for single-family unit and identical elevations shall not be permitted for units adjacent to or facing each other.
3. In addition to the standards of Article 12, landscaping and screening shall be considered in accordance with the overall plan for development, including separation of contrasting land uses and intensity of uses. Landscaping and screening shall not only be used for such purposes of separation, but for integration of land uses, vehicular routes and pedestrian ways.

B. Non-Residential Design Standards

1. Density and ground floor coverage minimums and maximums are to be permitted by the Planning Commission based upon the provisions of the Master Plan, the uses being proposed, and corresponding densities and ground floor coverage's in other districts where such uses are permitted by right and by special land use.
2. Non-residential uses may be permitted in combination with other non-residential uses or as part of a common development with residential uses. Non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.
3. The architectural design of the development shall be of a high quality and intended to reduce the large-scale visual impact of buildings, encourage integrative design for individual buildings, and to create a complex of buildings compatible with the streetscape.
4. In addition to the standards of Article 12, landscaping and screening shall be considered in accordance with the overall plan for development, including separation of contrasting land uses and intensity of uses. Landscaping and screening shall not only be used for such purposes of separation, but for integration of land uses, vehicular routes and pedestrian ways.

C. General Design Standards.

1. All regulations applicable to setbacks, parking and loading, general provisions, density and other requirements shall be met in relation to each respective land use in the PUD based upon zoning districts in which the uses are listed as permitted uses, or uses permitted by special land use.
  - a. Deviations with respect to such regulation may be granted as part of the overall approval of the PUD, provided features or elements demonstrated by the applicant and deemed adequate by the Planning

Commission are designed into the PUD plan for the purpose of achieving the intent and purpose of this Article.

2. To the maximum extent possible, the PUD shall be designed so as to preserve natural resources and features.
3. Road, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
4. Underground installation of utilities shall be required, including electricity and telephone.
5. Pedestrian walkways shall be separated from vehicular circulation, unless such integration is part of the overall development concept.
6. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
7. Where non-residential uses adjoin off-site residentially zoned, planned or used property, noise reduction and visual screening shall be employed.

#### **SECTION 1505      CONDITIONS**

- A. Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facilities caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a manner consistent with the intent and purpose of the Master Plan, Ordinance and this Article.
- B. All conditions imposed shall be made a part of the record of the approved PUD and included in the development agreement.

#### **SECTION 1506      PHASING, DEVELOPMENT REVIEW AND COMMENCEMENT OF CONSTRUCTION**

- A. For a PUD to be constructed in phases, the design shall be such that, upon completion, each phase shall be capable of standing on its own as it pertains to services, facilities, and open space, and shall contain the necessary components to



ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.

1. All conditions that are phase specific shall be completed during development of the subject phase, and cannot be postponed for completion during other phases.
  2. In developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable at the discretion of the Planning Commission and City Council.
- B. Uses approved as part of the adoption of a PUD District shall be permitted by right as long as such uses are implemented in accordance with the approval by the City Council of the Final Plan and development agreement.
1. All development proposed within the PUD must receive final site plan approval pursuant to Article 6 of this Ordinance.
  2. Those proposed developments requiring review under the Land Division Act (Public Act 288 of 1967, as amended) or the Condominium Act (Public Act 59 of 1978, as amended), especially in the case of the platting of a subdivision, must file proper application for review under respective processes contained herein.
  3. The application for final site plan review, application under the Land Division Act or Condominium Act will be reviewed utilizing the regulations set forth in the PUD district and must be found in compliance with said district, the Final Plan and development agreement.
- C. To ensure completion of required improvements, the City is authorized to impose performance guarantees for all, or portions of the PUD.
- D. Initial construction of the PUD shall commence within one (1) year following final approval of and shall proceed substantially in conformance with the phasing plan and schedule set forth in the Final Plan.
1. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the City Council upon good cause shown.
  2. In the event that approvals have expired, the City Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and Ordinance provisions.

**SECTION 1507      EFFECT OF APPROVAL**

- A.     Upon approval, the PUD and corresponding amendment to the Zoning Map, with all conditions imposed, shall constitute the land use authorization for the property, and all future improvement and use shall be in conformity with such amendment.
  
- B.     Notice of adoption of the Final PUD Plan and Development Agreement shall be recorded by the applicant with the Register of Deeds, evidence of which shall be supplied to the Zoning Administrator.