

CHAPTER 1276

Planned Unit Developments

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CROSS REFERENCES

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

1276.01 INTENT.

The intent of this chapter is to provide an optional method for residential land development which allows for flexibility in the application of the standards governing the types of residential structures permitted and their placement on the property. A Planned Unit Development will provide for the development of residential land as an integral unit which incorporates within a single plan the location and arrangement of all buildings, drives, parking areas, utilities, landscaping and any other improvements or changes within the site. Deviation from the specific site development standards of this Zoning Code may be allowed, so long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed. A Planned Unit Development shall be designed to achieve compatibility with the surrounding area, and shall also be designed to encourage innovation and variety in the design, layout and type of residential development; to achieve economy and efficiency in the use of land, natural resources and energy; to provide for efficiency and economy in

providing public services and utilities and to encourage the development of more useful open space.

(Ord. Unno. Passed 12-14-87.)

1276.02 DEFINITIONS.

As used in this chapter:

- (a) "Planned Unit Development" means a residential development, planned and developed as a unit, under unified control, developed according to comprehensive and detailed plans, including a program providing for the continual maintenance and operation of such improvements, facilities and services which will be for the common use of the occupants of the Planned Unit Development.
- (b) "Common open space" means lands within the Planned Unit Development, under the common ownership of all residents in the Planned Unit Development, to be used for park, recreation or environmental amenity. These lands shall not include public or private streets, driveways or parking areas. Within these lands only facilities and structures for recreational purposes may be constructed, with the total impervious areas of roofs and paving constituting not more than ten percent of the total open space.
- (c) "Attached single-family dwelling" means a single-family dwelling unit attached to one or more single-family dwelling units by means of a common party wall or by a connecting wall or similar architectural feature, such as a garage or carport, and with such dwelling having its own doors which open to the outdoors.
- (d) "Home owners association" means an association of all owners of a project organized for the purpose of administering, managing and maintaining the common open space and common property and facilities. This association shall be described in all covenants, deeds or other recorded legal documents which affect the title to any land within the development.

(Ord. Unno. Passed 12-14-87.)

1276.03 DEVELOPMENT STANDARDS AND MODIFICATIONS.

A Planned Unit Development will be developed in accordance with the following standards, except that upon a recommendation by the Planning Commission, Council may waive part or all of these requirements where, because of parcel size or shape or other extenuating factors, such a restriction would be to the detriment of quality development, and through site design any adverse effects to adjoining properties can be eliminated.

- (a) Minimum Size Requirement. The minimum size requirement is three acres, except that Council, after receiving a recommendation from the Planning Commission, may approve a Planned Unit Development for a site of not less than one acre in area when, because of location, parcel size and/or shape, and the type of development proposed, it is determined to be in the general interest of the Village to allow such development.
- (b) Permitted Principle Uses. Permitted principal uses are R-1 Single-Family Residence Districts, single-family dwellings, two-family dwellings and attached single-family dwellings limited to a cluster of units not more than 150 feet in length.
- (c) Allowable Densities. The maximum density permitted in a Planned Unit Development shall be five dwelling units per acre in an R-1 District.

Where a Planned Unit Development includes land in more than one zoning district, the dwelling units must be distributed throughout the project in accordance with the allowable density of the zoning district in which they are located.
- (d) Permitted Accessory Uses. Permitted accessory uses are:
 - (1) Common open space for passive or active recreation and a golf course area specifically for the residents of the Planned Unit Development;
 - (2) Streams or ponds;
 - (3) Parking lots; and
 - (4) Other uses which, as the result of the plan review process, are determined to be designed to serve the residents of the Planned Unit Development.
- (e) Common Open Space. At least forty percent of the total land area within a Planned Unit Development shall be in common open space, and it shall be distributed more or less uniformly throughout the total site area.
- (f) Unified Control. All lands within a proposed Planned Unit Development shall be under the control of a single applicant, with that applicant being an individual, partnership, corporation or group of individuals, partnerships or corporations. All buildings, structures, landscaping and other improvements in a Planned Unit Development shall be under the unified control of the same applicant.
- (g) Access and Circulation.
 - (1) Roadway access for Planned Unit Developments shall be reviewed in accordance with standards set forth in the State Subdivision Control Act.
 - (2) Private roadway width shall be at least twenty feet. Roadways will be paved in accordance with specifications by the Village Engineer.

- (3) Improved walkways will be provided within the Planned Unit Development as dictated by internal circulation requirements, and walkways shall connect to external walks providing access to schools, parks and other pedestrian traffic generators.
- (h) Parking Standards.
 - (1) One and one-half spaces are required for one bedroom units and two spaces are required for units of two or more bedrooms. Guest parking shall be as dictated by project design.
 - (2) In R-1 Districts, design and layout shall be as follows:
 - A. Parking must be arranged so as to be compatible with the surrounding development in that District. Parking for residents and guests must be considered in the overall design. Private drives and garages are allowed.
 - B. Parking lot size shall be as follows:
 - 1. Parking space dimensions shall be in accordance with Section 1280.03.
 - 2. A single parking area shall contain not more than twenty parking spaces.
 - 3. Within a parking area, not more than ten spaces shall be permitted in a continuous row without being interrupted by landscaping.
 - C. Separate parking or storage areas may be provided to accommodate motor homes, campers, boats and similar vehicles and equipment. Such areas will be screened from both within and without the Planned Unit Development.
 - (3) Parking areas shall be screened from adjacent roads and buildings with hedges, fences, walls, dense plantings or berms.
 - (4) All areas shall be adequately lighted. Lighting shall be so arranged as to direct light away from any residential buildings.
- (i) Yard Requirements; Site Perimeter.
 - (1) Where a Planned Unit Development abuts a residential zoning district, all structures shall be at least thirty feet from any perimeter boundary line, except that such structures in excess of forty feet in length shall be set back an additional foot for every five feet of building length parallel to such boundary line.
 - (2) Where a Planned Unit Development abuts a zoning district other than a residential zoning district, all structures shall be set back at least twenty-five feet from any perimeter boundary line.
 - (3) Where a Planned Unit Development abuts a residential zoning district, no intensive recreational building or facility shall be located within fifty feet of any perimeter boundary line.

- (4) Except for single-family detached dwelling units, where a Planned Unit Development abuts a residential zoning district, no parking area shall be within fifty feet of any perimeter boundary line.
- (j) Yard Requirements, Interior. A yard in the interior of a Planned Unit Development may be smaller than the requirements in the zoning district within which it is located. Development may occur without any provision for interior yards, but in no case shall buildings be closer than ten feet from each other (zero lot line development).
- (k) Underground Utilities. All utilities within a Planned Unit Development shall be constructed underground.
- (l) Lot Sizes. Lot sizes may be reduced from the regulation of the specific zoning district within which they are located. Provisions may be made for developments without lot area.
- (m) Dwelling Unit Access. Dwelling units may front on and take access from private roadways which are part of the commonly held lands within the development.
(Ord. Unno. Passed 12-14-87.)

1276.04 APPLICATION PROCEDURE.

Applications shall be filed with the Village as follows:

- (a) Applicant. An application for approval of a Planned Unit Development shall be submitted by or on behalf of an applicant who has a demonstrable legal interest in all of the lands within the proposed development.
- (b) Preapplication Conference. An applicant shall meet with the Planning Commission staff prior to the submission of a formal application. The purpose of the conference is to review the procedure necessary for the submission of an application. Special problems concerning utilities, street access, site design and zoning will be identified to enable the developer to better plan for the project. Time requirements for plan approval shall be reviewed.
- (c) Preliminary Plan Application. Before submitting a final plan, an applicant shall submit a preliminary plan of the Planned Unit Development in accordance with this section. Such plan shall show the name, location and principal design elements so as to enable the Village to make a determination as to whether the Planned Unit Development is in conformity with this Zoning Code. The approval of a preliminary plan shall confer on the applicant the conditional right that the general terms and conditions under which the preliminary plan approval was granted will not be changed.

- (d) Final Plan Application. Upon approval of a preliminary plan application, a developer shall prepare and submit a final plan application in accordance with this section. A final plan submitted in accordance with an approved preliminary plan shall warrant approval by the Planning Commission and Council. Upon approval of a final plan application by Council, the developer may obtain necessary building permits for the construction of the Planned Unit Development.
- (e) Submission Requirements; Preliminary Plan Application. A preliminary plan application shall include:
- (1) Two copies of the applicant's name, address, phone number, proof of property interest and the name, address and phone number of the architect, engineer or designer preparing the application;
 - (2) Two copies of a written legal description of the total site area proposed for development;
 - (3) Ten copies of a site plan and supporting maps and drawings containing the following information at a scale of not more than one inch equals 100 feet and sufficiently dimensioned so as to identify the size and location of the various elements of the plan, including:
 - A. A location map;
 - B. Site topography, existing and proposed, at intervals not greater than two feet;
 - C. The location of all existing and proposed buildings and structures;
 - D. Public and private roadways within and adjacent to the site;
 - E. Walkways within and adjacent to the site;
 - F. Park areas, driveways and loading and service areas;
 - G. Open areas and a description as to use;
 - H. A written tabulation of statistical data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of all common open space and the number of parking spaces provided;
 - I. A general plan of landscaping within the site, with specific details of plan size to be shown for any landscaping provided to comply with any required screening within the project;
 - J. The location and screening of any outside trash containers;
 - K. The location and size of all existing utilities and drainage facilities;
 - L. The general location and size of all proposed utilities and drainage facilities; and
 - M. The dimensions of all parcels to be created as a part of the development;

- (4) Two copies of building elevation drawings showing the architectural style to be used in the development; and
- (5) A submittal fee as established by Council resolution which may be adjusted from time to time.
- (f) Submission Requirements; Final Plan Application. A final plan application shall include:
 - (1) Two copies of the applicant's name, address, phone number, proof of property interest, and the name, address and phone number of the architect, engineer or designer preparing the application;
 - (2) Two copies of a written legal description of the total site area proposed for development;
 - (3) Two copies of a letter of transmittal setting forth the proposed development schedule, including the sequence of any phases of development;
 - (4) Ten copies of a site plan and supporting maps and drawings containing the following information at a scale of not more than one inch equals 100 feet, and dimensioned so as to identify the size and location of the various elements of the plan, including:
 - A. A location map;
 - B. Site topography, existing and proposed at intervals not greater than two feet;
 - C. The location of all existing and proposed buildings and structures;
 - D. Public and private roadways within and adjacent to the site;
 - E. Walkways within and adjacent to the site;
 - F. Park areas, driveways and loading and service areas;
 - G. Open areas, and a description as to use;
 - H. A written tabulation of statistical data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of all common open space and the number of parking spaces provided;
 - I. A general plan of landscaping within the site, with specific details of plan size to be shown for any landscaping provided to comply with any required screening within the project;
 - J. The location and screening of any outside trash containers; and
 - K. The dimensions of all parcels to be created as part of the development;
 - (5) The organizational structure of the homeowner's association to be formed for the operation and maintenance of all common open space and common property and facilities within the development;

- (6) Two copies of all covenants pertaining to the development; and
- (7) Plans and specifications for all sanitary sewer, storm drainage, water and roadways within the project. Such plans and specifications shall be prepared by a professional engineer in accordance with the standards of the Department of Public Health of the State, as they pertain to public utilities. (Ord. Unno. Passed 12-14-87.)

1276.05 PRELIMINARY PLAN; PLANNING COMMISSION REVIEW AND APPROVAL.

(a) Public Hearing and Notice. The Planning Commission shall conduct a public hearing on the proposed Planned Unit Development. Notice of such public hearing shall be published in the local newspaper not less than five, but not more than fifteen, days prior to the date of the public hearing. All property owners of land within 300 feet of the property in question and the occupants of all structures within 300 feet of the property in question shall be notified by first class mail.

(b) Planning Commission Action. After a study of the application for a Planned Unit Development, and within sixty days of receipt of such application, the Planning Commission shall recommend to Council the approval, approval with modification or disapproval of the project. The Planning Commission shall prepare a report explaining its action and any modifications and conditions of approval or denial. The decisions of the Planning Commission shall be based on:

- (1) The standards incorporated in Section 1276.03 and any other applicable standard set forth in the ordinances and regulations of the Village;
- (2) A determination that the development is not detrimental to the health, safety and welfare of the community; and
- (3) A determination that the development will not be detrimental or injurious to the character of the neighborhood in which it is to be located and that the development is compatible with such neighborhood.

The review period may be extended upon receipt of a written request by the applicant. (Ord. Unno. Passed 12-14-87.)

1276.06 PRELIMINARY PLAN; COUNCIL REVIEW AND APPROVAL.

(a) Public Hearing and Notice. Upon receipt of a recommendation from the Planning Commission, Council shall conduct a public hearing on the proposed Planned Unit Development. Notice of such public hearing shall be published in the local newspaper not less than five, but not more than fifteen, days prior to the date of the public hearing. All property owners of lands within 300 feet of the property in question and the occupants of all structures within 300 feet of the property in question shall be notified by first class mail.

(b) Council Action. Within forty-five days after receipt of a recommendation from the Planning Commission, Council shall conduct a public hearing and shall approve, approve with modification or disapprove of the proposed Planned Unit Development. The basis for Council action and any modifications or conditions of the approval of the Planned Unit Development shall be set forth in writing as a part of official Council action.

This review and approval by Council shall be based on:

- (1) The standards incorporated in Section 1276.03 and any other applicable standards set forth in ordinances and regulations of the Village;
- (2) A determination that the development is not detrimental to the health, safety and welfare of the community; and
- (3) A determination that the development shall not be detrimental or injurious to the character of the neighborhood in which it is to be located and that the development is compatible with such neighborhood.

(c) Developer Action. After receiving Council approval of the preliminary plan, the developer may proceed with the installation of any public works improvements, as defined in these Codified Ordinances, required to serve the development. Such improvements shall be in accordance with the approved preliminary plan, and plans and specifications shall have been approved by the Village. The developer shall have paid to the Village the required fee for an engineering inspection prior to the Village Engineer's performance of inspection services. The developer shall not be permitted to proceed with any further or additional construction or development until receiving final plan approval. (Ord. Unno. Passed 12-14-87.)

1276.07 FINAL PLAN; REVIEW AND APPROVAL.

(a) Submission of Plan. A developer may submit to the Village for final plan approval all or part of the plan for which preliminary approval has been received. Any final plan for a part of the larger development shall be such that its proportional share of the common space shall be included in and contiguous to the area to be developed, and such partial development shall be capable of standing on its own with respect to necessary improvements, circulation, facilities and open space.

(b) Planning Commission Action. After a study of the proposed final plan for a Planned Unit Development or part thereof, the Planning Commission shall, within thirty days of the receipt of such plan, recommend to Council approval, approval with modification or disapproval of the project. The Commission shall prepare a report explaining its action. The Commission shall recommend

approval of a final plan unless it is determined that such final plan is not in accordance with the approved preliminary plan, or unless such final plan, when a part of a total proposed plan, does not represent a proportion of all of the critical elements of such plan.

(c) Council Action. Within thirty days of the receipt of a recommendation from the City Planning Commission, and after the execution of the agreement by the developer, as required in subsection (d) hereof, Council shall approve, approve with modification or disapprove of the final plan. A final plan shall be approved unless it is determined that it is not in conformance with the approved preliminary plan or that such final plan, when a part of the total proposed plan, does not represent a proportional part of all the critical elements of such plan. Council shall set forth in writing the basis for its decision and any conditions relating to an affirmative decision.

(d) Agreement Required. Prior to final plan approval by Council, the developer shall have executed and submitted, in duplicate to the Village Clerk, an agreement with the Village setting forth:

- (1) The specific location and use of all common lands and common facilities within the development;
- (2) The organizational structure of the homeowner's association and the provisions for implementation of transfer of control to such association from the developer;
- (3) The methods for levying assessments on the common lands and facilities, both with respect to taxes, and operation and maintenance fee;
- (4) Provisions enabling the Village to enter in and maintain such common lands and facilities when the developer or the homeowner's association has failed to do so, along with the procedure for assessing such costs back to the development;
- (5) Provisions whereby the Building Inspector shall not issue a Certificate of Occupancy until all the required improvements as set forth in the site plan have been completed, or until a financial guarantee sufficient to cover the cost of any improvements not completed has been provided to the Village as prescribed in accordance with Section 1276.09; and
- (6) Provisions to allow the Village to enter and complete such improvements if the developer has failed to do so within the stated period of time.

This agreement shall be approved as to form and content by the Village Attorney.

(e) A copy of the approved final plan shall be transmitted to the Building Inspector.

(Ord. Unno. Passed 12-14-87.)

1276.08 APPROVAL PERIOD.

(a) Preliminary Plan. The length of approval of the preliminary plan for a Planned Unit Development shall be eighteen months from the date of Council action. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by Council twice, each for a period of one year.

(b) Final Plan. The length of approval of a final plan for a Planned Unit Development shall be two years from the date of Council action. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by Council twice, each for a period of one year. Where a Planned Unit Development is being developed in phases, the initiation of each new development phase shall automatically extend the approval for two years from the date of issuance of a building permit.

(Ord. Unno. Passed 12-14-87.)

1276.09 PERFORMANCE GUARANTEE.

(a) Issuance of Temporary Certificate of Occupancy. If, when a Certificate of Occupancy is requested, all required site improvements have not been completed, the Building Inspector may issue a temporary certificate of occupancy upon receipt from the developer by the Village Clerk of a financial guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount sufficient to cover the cost of outstanding improvements.

(b) Amount. The amount of the performance guarantee shall be limited to cover the estimated cost of improvements necessary to comply with this Zoning Code and any conditions attached to the Planned Unit Development approval. Such improvements shall include, but are not limited to, roadways, lighting, utilities, sidewalks, screening and drainage.

(c) Exemptions. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit or surety bond has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended (M.C.L.A. Sections 560.101 to 560.293).

(d) Completion Time. All required improvements covered by the performance guarantee shall be completed within 240 days of the issuance of the temporary certificate of occupancy.

If all required improvements are not completed within the time period provided, the Village, by resolution of Council, may proceed to have such work completed and may reimburse itself for the cost thereof from the security furnished by the proprietor.

(e) Release. Upon the written request of the developer for the release of all or a portion of the financial security provided for the completion of the improvements, and upon certification by the Building Inspector that the proportion of the financial security requested to be released is equal to or less than the proportion of the improvements installed at the date of such request, the Village may authorize the release of such financial security to the developer or to such other source as shall be directed by the developer. Any written request from the developer seeking the release of a portion of the financial security shall be accompanied by written certification from the developer's engineer or architect certifying what part of the improvements have, in fact, been completed.

(Ord. Unno. Passed 12-14-87.)

1276.10 AMENDMENTS TO PLANS.

Minor changes in the location, siting or character of buildings and structures may be authorized by the Zoning Administrator, if required by engineering or other circumstances not foreseen at the time the final development program was approved. No change authorized under this section may increase by more than ten percent, or decrease by more than twenty percent, the size of any building or structure, or change the location of any building or structure by more than ten feet in any direction. The Zoning Administrator shall not permit changes beyond the minimum or maximum requirements set forth in this Zoning Code.

All other changes in the Planned Unit Development, including changes in the site plan and the development schedule, must be made under the procedures that are applicable to the initial approval of the Planned Unit Development.

(Ord. Unno. Passed 12-14-87.)

1276.11 SUBDIVISION REQUIREMENTS.

Any Planned Unit Development which will result in the creation of parcels of land under separate ownership, as defined in Act 288 of 1967, the Subdivision Control Act, or Act 59 of 1978, the Condominium Act, shall comply with such Acts.

(Ord. Unno. Passed 12-14-87.)