

## **Chapter 18.11 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**

### **Sections:**

#### **18.11.010 Intent.**

The planned unit development (PUD) standards are a supplementary list of "overlay" zoning standards which apply to properties simultaneously with one of the other zoning districts established in this title, hereinafter referred to as the "underlying" zoning district. For properties approved for PUD designation, these PUD standards replace the height and placement requirements listed for the underlying zoning districts in Chapters 18.03, Residential Districts, 18.05, Manufactured Home Park District, 18.06, Commercial Districts, 18.07, VCA District, 18.08, Office and Research Districts, and 18.09, Industrial Districts.

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 Wixom 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 may allow the city to relax or waive one 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.

(Ord. 08-05 § 1 (part), 2008)

#### **18.11.020 Permitted uses.**

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

- A. R-1, R-2, R-3 and R-4. All permitted 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.

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- B. RM-1 and RM-2. All permitted uses of the underlying district shall be permitted. The list of permitted uses includes 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 acres, up to ten percent of the total site acreage may be developed with uses permitted in the B-1 district. Such uses must front a public street and be developed in conjunction with, or following, development of the residential uses.
  - C. VCA. All business, service, professional office, and other commercial uses, or any combination of these uses, listed as permitted uses 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.
  - D. OS-1, B-1, B-2, B-3, FS and I-S. All business, service, professional offices, and other commercial uses, or any combination of these uses, listed as permitted uses in the underlying zoning district shall be permitted. In addition, other business, service, office, and residential uses may be permitted, if determined by the planning commission to be compatible with other proposed PUD uses and surrounding uses.
  - E. IRO, M-1 and M-2. All manufacturing, warehousing, research and development, business, service, professional offices, and other industrial uses, or any combination of these uses, listed as permitted uses in the underlying zoning district shall be permitted. In addition, other business, service, and office uses may be permitted, if determined by the planning commission to be compatible with other proposed PUD uses and surrounding uses.

(Ord. 08-05 § 1 (part), 2008)

### **18.11.030 Special land uses.**

All uses listed as special land uses in the underlying district are considered as special land uses within the PUD designation.

(Ord. 08-05 § 1 (part), 2008)

### **18.11.040 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 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 that provides a benefit to the city over conventional development;
  - 3. Creative design that cannot be achieved by underlying district standards;
  - 4. Common open space for passive or active recreational use;
  - 5. Mitigation to offset community impacts;
  - 6. Redevelopment of a nonconforming site where creative design can address unique site constraints.

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- B. Availability and Capacity of Public Services. The proposed type and density of use(s) 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 Wixom master plan.
  - D. Compatibility with the PUD Purpose. The proposed PUD shall be consistent with the intent of this chapter and spirit of this title.
  - E. Development Impact. The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this title.

(Ord. 08-05 § 1 (part), 2008)

#### **18.11.050 Dimensional requirements.**

- A. Base Zoning Regulations. Unless modified by the planning commission, according to the PUD standards, all zoning ordinance requirements for the underlying zoning district shall remain in full force, except as modified by this chapter.
- B. Regulatory Flexibility. To encourage flexibility and creativity, the planning commission may grant specific departures from the requirement of the zoning ordinance as a part of the approval process. Yard, lot width, and bulk standards may be modified, provided that such modifications result in preservation of open space, enhanced buffering from adjacent land uses, screening along major roadways, preservation of natural features, a more efficient use of land or improved compatibility with adjacent land uses.
- C. Approval of Modifications. Any regulatory modification shall be approved through a finding by the planning commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the zoning board of appeals. No part of a PUD plan may be appealed to the zoning board of appeals. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan or the requirements of the chapter.
- D. Table of Modifications. A table shall be provided on the site plan which specifically details all deviations from the established zoning district's lot area, height and setback regulations, off-street parking regulations, general provisions, subdivision regulations or other zoning ordinance provisions which would otherwise be applicable to the uses and development proposed in the absence of this PUD chapter. This specification should include ordinance provisions, from which deviations are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this title and the city master plan shall be considered.

(Ord. 08-05 § 1 (part), 2008)

#### **18.11.060 Application and review procedure for preliminary and final PUD site plan.**

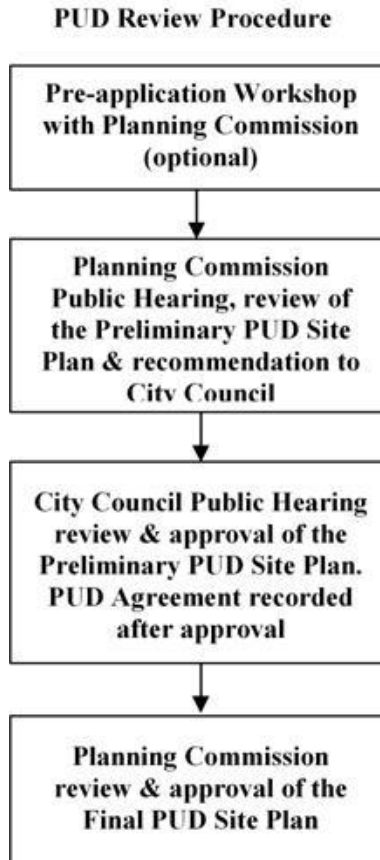
The application process for a PUD involves a three step process including review of a preliminary site plan by both the planning commission and city council. Upon approval of the preliminary plan, a final site plan shall be reviewed by the planning commission. The procedures are described below.

- A. The applicant shall meet with city staff to review the PUD requirements and confirm that application materials are complete. 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

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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 submit the preliminary PUD site plan, meeting the requirements of Section 18.11.070, at least thirty days prior to the meeting at which the planning commission shall first review the request; twenty-one days for an applicant who has had a pre-application workshop on the proposal within sixty days of the preliminary PUD site plan submittal.
- C. The planning commission shall review the preliminary PUD site plan, and shall conduct a public hearing in accordance with Section 18.21.110. 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 18.11.080. The planning commission shall then 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 18.21.110 on the preliminary PUD site plan. The city council shall take final action on the preliminary PUD site plan.
- E. Any conditions imposed upon the approval of the preliminary PUD site plan by the city council shall be made part of the approval and shall be reflected in the final PUD site plan. The city attorney shall prepare a PUD agreement stating the conditions upon which the PUD is based, which shall be submitted to the city council for approval. The applicant shall reimburse the city for all costs related to the preparation of the PUD agreement. The agreement, after approval by the city council, shall be entered into between the city and the applicant and be recorded in the office of the Oakland County Register of Deeds. The applicant shall pay all costs associated with recording the PUD agreement. The agreement must be recorded prior to submitting an application for final site plan approval.
- F. Approval of the preliminary PUD site plan shall be effective for a period of two years. If a final PUD site plan for at least the first phase of the project is not submitted and approved within two years of the preliminary approval, the preliminary PUD site plan shall terminate and a new application must then be filed and processed. The two-year period for preliminary PUD approval may be extended for not more than one year, if applied for by the petitioner prior to expiration and granted by the city council, based upon a recommendation by the planning commission.
- G. If the approved preliminary PUD site plan indicated that the proposed development was to occur in phases, final PUD 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. Roads, utilities and other infrastructure for each phase shall be designed to fully operate in accordance with city engineering standards and not be dependent upon the completion of subsequent phases. Subsequent phases shall also follow the process for final PUD site plans outlined in this chapter.
- H. The applicant shall submit the final PUD site plan, as described in Section 18.11.090, for all, or any phase of, the approved preliminary PUD site plan at least thirty days prior to the planning commission meeting at which the planning commission shall first review the request.
- I. Upon submission of all required materials and fees, the planning commission shall review the final PUD site plan and shall take final action on the final PUD site plan, in accordance with the standards and regulations of this title.
- J. If the final PUD site plan was approved with conditions, the applicant shall submit a revised final PUD site plan to the building official for approval prior to the issuance of any building permits.



(Ord. 08-05 § 1 (part), 2008)

#### **18.11.070 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 in the preliminary PUD site plan submittal:

- 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 with written authorization from the owner.
- B. Written Documentation. Written documentation that the preliminary PUD site plan meets the standards of Section 18.11.040.
- C. Application Form and Fees. A completed application form, supplied by the building official, and an application/review fee; a separate escrow deposit shall be required for administrative charges to review the PUD submittal.
- D. Sheet Size. Sheet size of submitted drawings shall be at least twenty-four inches by thirty-six inches, with graphics at an engineer's scale of one inch equals twenty feet for sites of twenty acres or less; and one inch equals one hundred feet or less (i.e., one inch equals twenty to one hundred feet) for sites over twenty acres.
- E. Cover Sheet. Cover sheet providing:

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1. Applicant's name;
  2. Name of the development;
  3. Preparer's name and professional seal of architect, engineer, surveyor, and landscape architect as applicable indicating license in the state of Michigan;
  4. Date of preparation and any revisions;
  5. Complete and current legal description and size of property in acres;
  6. Small location sketch of the subject site and area within one-half mile, and scale;
  7. 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.
- 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, nonregulated wetland areas two or more acres in size, and a tree survey indicating the location and diameter (in inches, measured four feet above grade) of existing trees;
  2. Existing and proposed topography at five-foot contour intervals, and a general description of grades within one hundred feet of the site;
  3. An aerial photograph of the entire site and all areas within one mile of the site, taken not more than one year prior to the date of the PUD application;
  4. 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;
  5. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain and which are to be removed;
  6. 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;
  7. General engineering information for utilities and drainage;
  8. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained;
  9. Size, type, and location of proposed identification signs;
  10. North arrow;
  11. Property lines and dimensions;
  12. Lot lines and all structures on the property and within one hundred feet of the PUD property lines;
  13. Location of any vehicle access points on both sides of the street within one hundred feet of the PUD site along streets where vehicle access to the PUD is proposed.
- G. PUD Development Agreement. A draft written PUD development agreement specifying all the terms and understandings of the PUD development. The content of the agreement shall be based on the extent of the proposed development, but shall at a minimum provide the following:

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1. A survey of the acreage comprising the proposed development;
  2. The manner of ownership of the developed land;
  3. The amount, manner of the ownership and proposed method of dedication or mechanism to protect any areas designated as common areas or open space;
  4. Land use description including list of proposed uses, residential density, dwelling types, lot dimensions, setbacks and other dimensional standards;
  5. Description of improvements to common areas, recreational facilities and nonmotorized pathways;
  6. General description of any improvements to roads or utilities. The cost of installing and maintaining all streets and the necessary utilities shall be assured by a means satisfactory to the city;
  7. Provision assuring that open space areas shown on the plan for use by the public or residents of the development will be irrevocably committed for that purpose. The city may require conveyances or other documents to be placed in escrow to accomplish this;
  8. Provisions 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;
  9. Provisions to ensure adequate protection of natural features;
  10. Financial assurances to guaranty the completion of all improvements;
  11. An acknowledgement by the applicant that the terms and conditions of any approval are fair, reasonable, and equitable, and that the applicant shall be bound by each and every condition and provision of the development agreement;
  12. The preliminary PUD site plan shall be incorporated by reference and attached as an exhibit.
- H. 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.
- I. 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: market studies; impact on public primary and secondary schools and utilities; traffic impact study; 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.

(Ord. 08-05 § 1 (part), 2008)

### **18.11.080 Preliminary PUD site plan standards for approval.**

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 preliminary PUD site plan.

- A. The PUD shall meet the qualifying conditions of Section 18.11.040.

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- B. The PUD must be consistent with the city of Wixom master plan.
  - C. The 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.
  - D. Any modifications to the dimensional standards of this title, 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.
  - E. 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 review of the preliminary PUD site plan.
  - F. The number and dimensions of off-street parking shall be sufficient to meet the minimum required by Chapter 18.15, Off-Street Parking, Loading, Access and Circulation Requirements. 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 18.15.010(G).
  - G. All streets and parking areas within the PUD shall meet the minimum construction and other requirements of city ordinances, unless modified by city council.
  - H. 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.
  - I. 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 be consistent with or exceeding the standards of Section 18.14.020.
  - J. 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.
  - K. Public water and sewer facilities shall be available or shall be provided by the developer as part of the site development.
  - L. Building design shall be of a high quality, be consistent with or exceeding the standards of Section 18.14.010.

(Ord. 08-05 § 1 (part), 2008)

#### **18.11.090 Final PUD site plan submittal requirements.**

The final PUD site plan shall include all the following information, unless the building official 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 18.17.030.
- B. Any additional graphics or written materials requested by the planning commission to assist in determining the impacts of the proposed PUD 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.



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- C. 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 title, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

(Ord. 08-05 § 1 (part), 2008)

#### **18.11.100 Final PUD site plan standards for approval.**

The planning commission shall use the standards for approval of Section 18.17.040, and any design requirements developed specifically for the PUD by the city council, in reviewing the final PUD site plan.

(Ord. 08-05 § 1 (part), 2008)

#### **18.11.110 Deviations from approved final PUD site plan.**

- A. Deviations and amendments from the approved final PUD site plan and associated design guidelines shall be reviewed and approved in accordance with Section 18.17.090.
- 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 site plan.
- C. Any deviation from the approved final PUD site plan, except as authorized in this section, shall be considered a violation of this chapter and treated as a misdemeanor. Further, any such deviation shall invalidate the PUD designation.

(Ord. 08-05 § 1 (part), 2008)

#### **18.11.120 Appeals and variances.**

Appeals and variances related to a PUD cannot be taken to the zoning board of appeals. Modifications can only be granted by the planning commission when it is determined that the requested amendments are in keeping with the overall intent of a PUD, as identified in Section 18.11.010.

(Ord. 08-05 § 1 (part), 2008)