

## ARTICLE XIII PUD PLANNED UNIT DEVELOPMENT DISTRICT

**Section 13.01 - Purpose of Planned Unit (overlay) Development** The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one (1) principal building on one (1) lot. These requirements would in certain developments have results that would less serve the public health, safety, and welfare than if a controlled degree of flexibility were allowed. A development may be of such size as to justify permitting certain specifically defined departures from the regulations of the zoning district. Permitting these uses can in certain cases increase convenience, be comparable with the overall character of the district, and not be injurious to the adjoining properties, subject to limitations of the zoning district in which the property is currently located.

**Section 13.02 - Intent.** A Planned Unit Development is intended to encourage the following:

- A. Preserves open space and other sensitive lands through uses of creative design that takes advantage of special features including geography, vegetive cover, topography, site size or shape for their best potential, and
- B. Incorporates a variety of land uses including residential, commercial and industrial purposes plus their accessory uses allowing a creative approach in the development of a specific site to meet anticipated residential, commercial and industrial demand.

**Section 13.03 - Applicability to 5 Acre Sites - Land Division and Condominium Plats** Any plat of subdivision submitted for recording under the terms of the State of Michigan Land Division Act, P.A. 87 of 1997, as amended (formally Subdivision Control Act) or any plan of subdivision the Condominium Act, P.A. 58 of 1978, as amended consisting of five (5) or more acres of land area, shall be submitted and processed as a Planned Unit Development, pursuant to the terms of this Article and other applicable sections of this Ordinance.

**Section 13.04 - Procedures for Submission of PUD Plans.** These procedures are intended to state the requirements at each stage of the review process. However, each applicant shall have the opportunity to submit an application for approval of a Planned Unit Development at either the Preliminary PUD Development Plan stage or the Final PUD Development Plan stage, if the application and other submission documents have been prepared according to the terms of this Ordinance.

**Section 13.05 - Pre-Application Conference.** Before submitting an application for a Planned Unit Development, an applicant at his option may confer with the Village Planning Commission to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, etc.

**Section 13.06 - Contents and Submission of a Preliminary PUD Development Plan.** Proceedings are commenced by application for approval of a Planned Unit Development, to the Village Planning Commission with a Preliminary PUD Development Plan prepared in accord with the following specifications:

A Preliminary PUD Development Plan should include maps and/or diagrams showing enough of the area surrounding the proposed Planned Unit Development to demonstrate the relationship of the Planned Unit Development to adjoining uses and sufficient information to explain the nature of the proposed development and the relationship of the development to the existing supply of public utilities. The maps and/or diagrams which area part of the Preliminary Planned Unit Development maybe in general schematic form but must containing, at minimum, the following information:

1. The existing topographic character of the land with contours shown at intervals of not greater than ten (10) foot intervals;
2. Existing and proposed land uses and the approximate location of buildings and other accessory structures;
3. The character, type, and number of dwelling units or other principal and accessory buildings proposed (if buildings will contain commercial and/or industrial uses);

4. The approximate location of streets including their ingress/egress ways and provision for parking vehicles;
5. The locations of all public uses, including schools, parks, playgrounds, common open spaces, walkways/trailways, etc.;
6. The approximate location and sizing of existing and proposed utility systems;
7. Any land area intended to remain in open space and means of permanent preservation, and
8. Such other information, maps and plans as the Planning Commission may request.

**Section 13.07 - Approval of Preliminary PUD Development Plan.** Procedures for the approval of a Preliminary PUD Development Plan are as follows:

- A. **Public Hearing for Rezoning to PUD Zoning District.** Upon submission of a complete application for approval of a Preliminary PUD Development Plan, the Planning Commission shall, conduct a public hearing with public notice provided as required for rezoning pursuant to Article XXIV, Section 24.02.
- B. **Approval of Rezoning to PUD Zoning (overlay) District.** Upon the completion of the public hearing, the Planning Commission shall consider a decision recommending the approval or denial of the rezoning of the property to the Village Council for consideration of an amendment to rezoning the subject property.
- C. **Grant Tentative Approval/Denial of the Preliminary PUD Development Plan.** Upon the completion of the public hearing, the Planning Commission shall consider a decision recommending approval or denial of the Preliminary PUD Development Plan submitted by the applicant. The recommendation may consider a motion that the rezoning and plan:
  - A. be granted approval as submitted,
  - B. be granted tentative approval subject to specific conditions, or
  - C. be denied approval.
- D. **Form of PUD Development Plan Approval or Denial Action.** The grant or denial of a tentative approval shall be in the form of a written statement and shall include findings of fact and such other factual findings that set forth the reasons for the approval or denial of the applicants request for Rezoning and approval of the PUD Development Plan.

**Section 13.08 - Zoning Map Designation.** Upon approval of the rezoning to Planned Unit Development (overlay) District pursuant to this Article, the Village Clerk shall indicate the subject property on the Official Zoning Map as a Planned Unit Development (overlay) District by designating the property "PD" and including the date of the rezoning approval in the record of Map amendments.

**Section 13.09 - Status of Preliminary PUD Development Plan After Approval.** Procedures for the notification of the applicant and status of the approval of a rezoning and Preliminary PUD Development Plan are as follows:

- A. **Notification of Applicant.** Within five days after the approval of the rezoning of the subject property and upon approval of the rezoning and Preliminary PUD Development Plan by the Planning Commission, notice of approval of rezoning ordinance and approval of the Preliminary PUD Development Plan shall be mailed via first class postage to the applicant by the Zoning Administrator.
- B. **Status of Preliminary PUD Development Plan.** Approval (or approval with conditions or denial) of a Preliminary PUD Development Plan shall not qualify as a Land Division Act plat of subdivision or Condominium Act plan of

subdivision for the purposes of recording with the Berrien County Register of Deeds. A PUD Development Plan which has been given tentative approval as submitted or which has been given tentative approval subject to conditions that the applicant agrees to comply, shall not be modified or revoked or otherwise impaired by action of the Village pending an application or applications for final approval without the express consent of the applicant; provided an application for final approval is filed, or in the case of staged development, provided applications are filed within the time or times specified in the action granting approval or tentative approval of the Preliminary PUD Development Plan by the Planning Commission.

- C. **Abandonment of Preliminary PUD Development Plan by Applicant.** In the event that a Preliminary PUD Development Plan is given tentative approval and thereafter, but prior to final approval, the applicant shall choose to abandon said Preliminary PUD Development Plan or shall fail to submit an application or application for final approval within the required time period, the approval or tentative approval shall be deemed revoked, and such action shall be noted in the record of the Village Clerk. Upon abandonment, the Planning Commission may consider action recommending rezoning of the subject property from PUD Planned Unit (overlay) Development to its prior zoning district classification.

**Section 13.10 - Approval of Final PUD Development Plan.** Procedures for the approval of a Final PUD Development Plan are as follows:

- A. **Submission Deadline and Extension.** Within a reasonable time after the approval of the rezoning and Preliminary PUD Development Plan, but not more than six (6) months thereafter, the applicant shall file with the Planning Commission a Final PUD Development Plan containing in final detailed form the information required as herein after provided. At its discretion and for good cause, the Planning Commission may extend for six (6) months the period for filing the Final PUD Development Plan. Contents of the Final PUD Development Plan shall include a land division (subdivision) plat or condominium (Exhibit E) plan prepared in conformance with the specification required for recording a plat under the terms of the State of Michigan Land Division Act, P.A. 87 of 1997, as amended (formally Subdivision Control Act) or the Condominium Act, P.A. 58 of 1978, as amended, signed and sealed by a State of Michigan Registered Surveyor. Water and sewer system engineering drawings with accompanying State of Michigan Department of Public Health or State of Michigan Department of Environmental Quality system extension permits signed and sealed by a State of Michigan Licensed Professional Civil Engineer shall accompany the PUD Development Plan submission. Also to be submitted by the applicant for approval by the Village Engineer are a storm water drainage system management plan and plans and specifications for all streets prepared in conformance with the Village of Three Oaks development standards, which from time-to-time are adopted by the Village Council prepared, signed and sealed by a State of Michigan Licensed Professional Civil Engineer. In addition, the Planning Commission may require other maps and/or drawings as deemed necessary to render a decision concerning the approval of a Final PUD Development Plan.
- B. **Optional Public Hearing.** The Planning Commission, at its discretion, may give notice and provide an opportunity for the public to comment on the proposed Final PUD Development Plan.
- C. **Approval or Denial of Final PUD Development Plan.** The Planning Commission shall review the proposed Final PUD Development Plan, and shall approve the Final PUD Development Plan if it is in substantial compliance with the Preliminary PUD Development Plan and contains, in final detailed form, the information herein set forth.
- D. **Application of Conditions and Restrictions.** Prior to the approval of any Final PUD Development Plan, the Planning Commission may recommend the adoption of such covenants, conditions, and restrictions upon the establishment, location, constructions, maintenance, and operation of the Planned Unit Development as the Planning Commission deems necessary for the purposes of the public interest and to secure compliance with the criteria specified in this Ordinance.
- E. **Status of Final Approval of PUD Development Plan.** After approval has been given, the use of land and the construction, modification or alteration of any building or structures within the Planned Unit Development will be governed by the approved Final PUD Development Plan rather than by any other provision of this Ordinance.

- F. **Minor Changes to Final PUD Development Plan.** Any minor extensions, alternations, or modification of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the Final PUD Development Plan.
- G. **Major Changes to Final PUD Development Plan.** Any major change to a Final PUD Development Plan, as determined by the Planning Commission, shall be made by the Planning Commission after processing an amendment to the Final PUD Development Plan pursuant to the approval process for both the Preliminary and Final PUD Development Plan approval.
- H. **Rescinding / Abandonment of Final PUD Development Plan Approval.** In any case where construction has not yet begun on an approved Planned Unit Development within one (1) year after the date of Final Approval of a PUD Development Plan, or after a one (1) year extension thereof by the Planning Commission upon showing of cause or upon written notification by the applicant that the proposed Planned Unit Development will not be constructed, the Planning Commission may rescind the Final PUD Development Plan approval and take such other action to rezone the subject property back to its original zoning district classification.

**Section 13.11 - Standards and Criteria For Planned Unit Developments.** The PUD Development Plan of the Planned Unit Development shall be consistent with the following standards for use of land, the use of, type and mass, design and location of buildings, the density, common open space and public facilities servicing the site:

1. **Variety of Building Types and Layout Design.** The PUD Development Plan may increase the residential (or commercial or industrial building area) density of the underlying zoning district classification in accordance with the bonus density provision for the CD Cluster Development (overlay) District (Article VII), where a variety of housing or building types including clustered housing, buildings sharing common walls, etc. are incorporated in a unique design meeting the open space requirements of CD Cluster Development (overlay) District.
2. **Building Lot Coverage.** The building coverage ratio may be increased for the number of allowed residential units (or the total commercial or industrial building area) in accordance with the bonus density provisions of the CD Cluster Development (overlay) District (Article XII), when a proposed development meets the requirements of paragraph one (1) above.
3. **Height Restrictions.** The PUD Development Plan must conform to the height requirements of the underlying zoning district in which the subject property is located.
4. **Mixture of Uses Permitted.** A mixture of uses is permitted in any PUD Development Plan, amount and location subject to approval by the Planning Commission.
5. **Perimeter Setback Requirement.** Where ever possible, the applicant shall provide perimeter setbacks to abutting properties at the same dimensions as required of the underlying zoning district classification in which the property is located subject to approval of the Planning Commission which may require greater setback distances when in the opinion of the Planning Commission the proposed Planned Unit Development will have a detrimental effect on abutting land uses.
6. **Conveyance of Open Spaces and/or Common Elements.** Any area designated as open space or common elements (included limited common elements), shall be conveyed to an appropriate public body or private owners' association, as required by law.
7. **Off-Street Parking and Loading.** Off-street parking and loading shall be in conformance with the minimum specifications of Article XVII for the land uses proposed within the Planned Unit Development.
8. **Utilities.** The proposed PUD Development Plan shall provide for installation of public water, sanitary sewer and storm drainage meeting the standards of the Village of Three Oaks.

9. **Landscaping and Screening.** Landscaping and screening shall be in conformance with the minimum specifications of this ordinance as they pertain to the specific uses proposed within the Planned Unit Development. The Planning Commission may require additional landscaping and screening when in the opinion of the Planning Commission the proposed Planned Unit Development will have a detrimental effect on abutting land uses.
10. **Pedestrian Pathways and Sidewalks.** Pedestrian pathways and sidewalks shall be in conformance with the minimum specifications of this ordinance and the development standards of the Village, as they pertain to the specific uses proposed within the Planned Unit Development. The Planning Commission may require additional pathways and sidewalks when in the opinion of the Planning Commission the intensity of development requires additional pathways and sidewalks to safely move pedestrian traffic throughout the Planned Unit Development.
11. **Signs.** Signs in the Planned Unit Development District shall conform with the provisions of Article XVIII.