

Village of Lake Isabella - Codified Ordinances

Article XII – Planning & Zoning

Chapter 1282 – Planned Unit Development

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1282.01 PURPOSE

The Planned Unit Development (PUD) is a method by which creative large-scale development of land is encouraged in appropriate locations. The PUD is a device which makes use of varying lot sizes and integrates different building structures and should incorporate multiple uses in an effort to develop a sustainable neighborhood. Typically, structures in these developments are clustered in such a manner as to achieve the same overall density that would be achieved if the developer had laid out the development in the conventional grid zoning pattern. In addition to the clustered structures, open spaces are provided to insure recreational opportunities.

The intent of a PUD is to allow for special conditions for which normal zoning regulations are inappropriate. Approval of PUDs are intended to be reserved for special situations, such as preserving natural area, development on larger parcels, allowing multiple uses on the same property, or innovative project design.

PUDs are commonly used to address difficult site and land use situations where a rezoning or use variance is not an appropriate remedy. Although PUDs will generally be located on larger parcels, there may be unique circumstances where small parcel or multiple parcel PUDs are a suitable solution to a specific problem.

PUD is a device which allows a development to be planned and built as a unit and which permits variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development. PUD, therefore, is both a type of development and a regulatory process. As a development type, PUD permits flexibility in site design that allows buildings to be clustered; mixture of housing types such as detached houses, townhouses, or garden apartments, combining housing with such other ancillary uses as neighborhood shopping centers; better design and arrangement of open space; and retention of such natural features as floodplains or steep slopes.

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Often communities define PUDs as large sites developed as a single unit combining a variety of structures and perhaps uses, in which ownership is retained by a single individual, partnership, corporation or association. Because of the trend to conserve and protect open space, sensitive land resources and the natural environment, a PUD may be the only feasible type of development where particular site conditions (floodplains, rolling or uneven terrain, wetlands, poor soils) demand clustering or grouping of structures on only part of the site.

PUD is a flexible concept which includes cluster zoning, planned developments, community unit plans, planned residential developments, and other terminology denoting zoning requirements designed to accomplish the objectives of a zoning ordinance through a land development process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

The major purpose of a PUD is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space; and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of an area.

1282.03 AUTHORITY

1. Because the PUD process diverges from zoning approvals "by right" and by "special land use" it requires a special set of standards and procedures. Procedure for PUD review and approval are outlined in the Michigan's Zoning Enabling Act, as amended. The liberal definition of "planned unit development" in this legislation gives Michigan planners tremendous flexibility in applying the PUD technique. PUDs in Michigan could range from a planned community to a small apartment complex to the adaptive reuse of an historic structure on a single lot. The PUD technique may be applied to any land use or mix of uses.
2. The Planned Unit Development is a more accommodating application of zoning. Sometimes it is called cluster zoning, community unit plan, or planned residential development.

1282.05 PRE-APPLICATION CONFERENCE

1. Before submitting an application for approval of a PUD, the applicant shall confer in a meeting with the Planning Commission to obtain information and guidance regarding land development regulations, the Village's Master Plan, and the application process. At the pre-application conference, the applicant shall submit a preliminary sketch plan for the proposed PUD. All maps shall show enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed. The Planning Commission shall review the preliminary sketch plan to determine its conformance with the intent of this Chapter, codified ordinances of the Village of Lake Isabella, and the Village's Master Plan.

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2. The maps which are a part of the preliminary sketch plan may be in general, schematic form and must contain the following:
 - A. A recent map of the site, reflecting area size and boundary line dimensions.
 - B. Existing and proposed land uses and their approximate locations.
 - C. Existing topographic character of the site.
 - D. The character, approximate net residential density and expected final population of the proposed PUD.
 - E. Circulation patterns including pedestrian walkways and arterial, collector or local streets.
 - F. Any proposed public or common use areas including schools, parks, open space, etc.
 - G. Existing floodplains, bodies of water and other unbuildable areas.

1282.07 APPLICATION AND APPROVAL PROCESS

1. Upon completion of the pre-application review, an application may be submitted to the Planning Commission. Such application shall be accompanied by the following:
 - A. An application fee.
 - B. A completed site plan as required in Chapter 1214 provided that if the PUD is to be developed in phases, a sketch site plan may be accepted for the entire site and a detailed site plan shall be submitted for each phase as approval is sought.
 - C. A development schedule indicating:
 1. Approximate date for commencement of construction.
 2. Phases, if any, in which the project will be built and the expected starting and completion dates of each project.
 3. Size and location of each area of common use for recreation or open space purposes which will be completed at each phase.
 - D. Proposed agreements, covenants, deed restrictions or other provisions which are proposed to govern the use, maintenance and continued protection of the PUD and any of its common use and open areas.
 - E. The following additional information may also be required at the discretion of the Planning Commission:
 1. A description of the proposed operation in sufficient detail to indicate the noise, smoke, odor, vibration, dust and dirt, noxious gases, glare and heat, fire hazards, industrial wastes and traffic which may be produced by such operation.

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2. Engineering and architectural plans for controlling problems of the type enumerated above, if deemed necessary by the developer or if required by the Planning Commission.
 3. Final development architectural sketches or general specifications as to the type of construction materials to be used in the proposed PUD.
 4. A market analysis, stating the economic justification and need for the establishment of the type and size proposed by the applicant.
 5. A traffic survey, prepared by a qualified traffic engineer, indicating the effect of the proposed shopping center on adjacent streets. Said survey shall disclose the points of origin, direction and amount of traffic flow to and from the proposed PUD as well as adequate means of ingress and egress.
 6. Engineering and architectural plans for: The treatment and disposal of sewage; the disposal of storm waters from roofs, parking lots, and all hard surfaced areas of the development; and the proposed handling of traffic congestion, glare, air pollution, fire or safety hazards.
2. Upon receipt of the application and accompanying materials, the Planning Commission shall conduct a public hearing, notice of which shall be given in accordance with the statutory requirements for special land uses. In formulating its decision, the Planning Commission shall consider the following:
 - A. General requirements for special land uses as stated in the zoning code.
 - B. General objectives of a PUD as stated in herein
 - C. Specific purpose, qualifying conditions, permitted uses and applicable requirements for the district in which the proposed PUD is located.
 3. Final approval or disapproval of the site plan shall be made by the Village Council. The Planning Commission shall prepare a report stating its conclusions on the request for a Planned Unit Development, the basis for its decision to approve or disapprove the request, the decision and the conditions relating to that approval. A copy of the report and the approved final site plan, shall be forwarded to the Village Council for final approval.
 4. The Village Council is specifically authorized to require the recording of a plat in connection with any such application when required by statute.

1282.09 PERMITTED USES

The following uses may be permitted within the Districts in which the PUD is located: All uses allowed by right in the A-1, LR-1, MFR, West Coldwater Business and C-1 Districts; plus all uses allowed as a Special Land Use within each District.

1282.11 REQUIRED CONDITIONS FOR PLANNED UNIT DEVELOPMENTS

The following minimum conditions and requirements shall be complied with and shown on all plans and specifications.

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1. **Density.** The density of the Planned Unit Development shall not exceed the density of the district in which the proposed PUD is located except that the Planning Commission may authorize a density increase of up to 15 percent where evidence is documented which shows no adverse effect on public services and facilities, on adjacent properties, the natural environment or county plans, provided that an equal amount of land is preserved as usable open space (not including wetlands). In determining the gross site area of the proposed development, wetlands or lands within the floodplain shall not be included.
2. **Height.** A dwelling or principal building shall be not more than two and one-half stories, nor exceed 35 feet in height. Accessory buildings shall not exceed a height of 20 feet.
3. **Building Spaces.** The front, side and rear yard requirements of the District the PUD is located in shall serve as the building space standards for all PUD's although the Planning Commission has the discretion of altering these standards where necessary.
4. **Usable Open Space.** A minimum usable open space area of 65 square feet per dwelling shall be provided within group housing developments. Such open space shall be provided at ground level, unoccupied by principal or accessory buildings, and available to all occupants of the group housing development. Each open space area, so provided, shall have a minimum total area of 1,200 square feet and shall be unobstructed to the sky. It shall not be devoted to service driveways or off street parking or loading space, but shall be usable for greenery, drying yards, recreational space and other leisure activity.
5. **Closed Courts.** No closed courts shall be permitted. Open arcades or garden walls not over six feet in height shall not be deemed enclosing features.
6. **Lot Area.** Minimum site areas for a Planned Unit Development shall be as follows:
 - A. Residential PUD's shall have a minimum lot size of five acres.
 - B. Commercial PUD's shall have a minimum lot size of 3 acres.
 - C. Industrial PUD's shall have a minimum lot size of 5 acres and industrial parks shall have a minimum lot size of 20 acres.
 - D. Mixed use PUD's shall have a minimum lot size of 10 acres.
7. **Lot Width.** The minimum width for a lot used for group housing shall be that area necessary for achieving open space requirements and yard requirements.
8. **Parking, Signs, & Exterior Lighting.** Off-street parking, signs, and exterior lighting shall comply with the codified ordinances of the Village of Lake Isabella.
9. **Environmental Design.** Planned Unit Developments shall be designed to enhance environmental features such as the preservation of trees, flood plains, natural areas and shall promote proper site landscaping.
10. **Perimeter Area.** To ensure the PUD is compatible with adjacent land uses, there shall be a buffer zone surrounding the development. This buffer zone shall be left

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to the discretion of the Planning Commission to ensure uniformity with adjacent districts.

1282.13 PERFORMANCE BONDS

Performance bonds relating to the PUD shall be used to ensure that necessary facilities are constructed and conditions are met. These bonds may coincide with a phasing program. Both the phasing program and performance bonds shall be established by the Planning Commission. The minimum amount of the bonds shall be \$1,000 per acre, although the Planning Commission has the discretion of increasing this amount if conditions warrant.

1282.15 PROCEDURE

The establishment of a PUD shall conform in all respects to procedure set forth in this Ordinance in regard to Special Land Uses unless specifically otherwise set out in this Article.