

ARTICLE 13
PLANNED UNIT DEVELOPMENTS (PUD)

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Section 13.10 Intent.

The intent of this Article is to provide through the use of the Planned Unit Development (PUD) concept, an added degree of flexibility in the density, placement, bulk, and interrelation of buildings and uses within the Agricultural District (A), the Medium Density Residential District (R1), the Low Density Residential District (R2), the Multiple Family Residential District (R3), and the Village General Business District (VGBD).

Further, the intent is to encourage implementation of new design concepts so as to encourage a more efficient and innovative use of land, public services, and the preservation of natural features through the use of a unified, flexible planning approach, while at the same time maintaining adequate amounts of light, air, access, and required open space and facilitating the economical provisions of public services and utilities. To further this intent, PUD district regulations herein may be amended or waived by the Planning Commission, as part of a PUD site plan review, as provided for in this Ordinance. The general boundaries of any PUD approved by the Planning Commission shall be indicated on the Official Mattawan Zoning Map for reference.

Section 13.20 Qualifying Conditions.

The following provisions shall apply to all planned unit developments:

- A. The planned unit development site shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as one (1) integral unit.
- B. A PUD zoning classification may only be approved in conjunction with either an approved overall PUD concept plan or an approved PUD development plan.
- C. A PUD zoning classification shall function as an overlay zoning district, with the underlying zoning districts and their associated standards in effect unless otherwise amended or waived in the PUD approval process.

- D. An area proposed for a planned unit development (PUD) shall consist of an area not less than five (5) acres in size, being a single parcel of land or two (2) or more parcels of land separated only by a road or street, except that a parcel of land completely bounded on all sides by a public street, railroad, or other external barriers may be considered for a PUD, regardless of the size.

Section 13.30 Applications for Approval.

The application process for a PUD involves a two-step process including a pre-application conference and final site plan review by the Planning Commission. The Planning Commission may also approve a preliminary PUD concept plan for those projects having multiple phases. The following procedure shall be followed when applying for planned unit development (PUD) approval:

A. Pre-application Conference.

Before submitting an application for approval of a PUD, the applicant shall confer in a pre-application conference with the Village Manager, the Zoning Administrator, and any other Village staff or consultants retained by the Village that may have an interest in the proposal with the intent being to obtain information and guidance regarding land development regulations, the Village's Master Plan, and the application and review process. At the pre-application conference, the applicant shall submit a preliminary sketch plan for the proposed PUD, containing both maps and a written statement. All maps shall show enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed. The maps which are part of the preliminary sketch plan may be in general schematic form, but must contain enough information to obtain feedback from Village officials and consultants.

B. Planning Commission Review of Final PUD.

Upon completion of the pre-application conference stage, a final PUD application meeting the submission requirements of this Article shall be submitted to the Planning Commission for its review. A public hearing on the final PUD shall be held by the Planning Commission, with notification of the hearing date published in a newspaper which circulates in the Village and sent by regular mail, at least five (5) days but not more than fifteen (15) days prior to the hearing date, to property owners and occupants of each dwelling unit in all structures located within three-hundred (300) feet of the proposed PUD. For structures containing more than four (4) dwelling units owned or leased by different individuals, partnerships, businesses, or

organizations, notice shall be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

After the public hearing, the Planning Commission shall make a decision of approval, approval with modifications, or disapproval of the PUD, as represented by the final PUD plan and accompanying materials. The Planning Commission shall prepare a report stating its conclusions on the PUD request, the basis for its action, the action, and any conditions relating to an approval.

C. Final PUD Site Plan Submittal Requirements.

The final PUD site plan shall include all of the following information, unless the Zoning Official determines that some of the required information is not reasonably necessary for the consideration of the planned unit development.

1. Application form and required fee.
2. A narrative indicating the period of time within which the project will be completed.
3. Building footprints, setbacks, floor plans, and elevations showing height and materials for all proposed structures; typical layout for condominium projects.
4. Proposed locations of utility services (with sizes), noting which will remain and which are to be removed, including storm drainage, sanitary/storm sewer, fire hydrants, and any public or private easements.
5. General description and location of stormwater management system including pre- and post-site development run-off calculations used for determination of stormwater management.
6. A landscape plan indicating proposed plant locations with common plant names, number, and size at installation. Berms, retaining walls, or fences, shall be shown with elevations from the surrounding average grade.
7. A site grading plan with existing and proposed topography at a minimum of two (2) foot contour intervals and with topography extending a minimum of fifty (50) feet

beyond the site in all directions and further where required to indicate stormwater run-off into an approved drain or detention/retention pond.

8. Location of significant natural, historical, and architectural features, that will be designated to remain, an/or location and acreage of areas not to be disturbed; noting protection methods such as a fence, barrier, or police line installed prior to site preparation.
9. Location and method of screening for all refuse storage stations/receptacles.
10. Location and dimension of parking spaces, loading/unloading areas and calculations.
11. Details of exterior lighting including locations, height, and method of shielding.
12. Locations of all signs, including:
 - a. Location, type, height, and method of lighting for identification signs.
 - b. Location and type of any directional or regulatory/traffic signs with details for any sign not conforming to the Michigan Manual of Uniform Traffic Control Devices.
13. Details of site circulation and access design, including:
 - a. Indication of street pavement widths and pavement type;
 - b. Street horizontal and vertical dimensions, including curve radii;
 - c. Dimensions of access points, including deceleration or passing lanes, distance from adjacent driveways or intersection streets, including those across a street;
 - d. Identification of width and material to be used for pedestrian paths.
13. Written verification of access easements or agreements, if applicable.
15. A note on each plan sheet stating ANot to be used for construction.

16. Any additional graphics or written materials requested by the Planning Commission to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public primary and secondary schools and utilities; traffic impact; impact on the significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.

D. Standards for Approval of Final PUD Plan.

Based upon the following standards, the Planning Commission may deny, approve, or approve with conditions, the proposed planned unit development:

1. The Planning Commission shall use the standards for approval of Articles 15 A Site Plan Requirements, Article 14 A General Standards and Exceptions, Article 17 A Design Standards, Article 18 A Landscaping Standards, Article 20 A Parking, Loading, and Access Management Requirements in revising the final PUD development plan. The Planning Commission may also use the standards for approval of Article 21 A Special Use Requirements, should such standards be deemed necessary by the Planning Commission.
2. The applicant must demonstrate in writing that the proposed PUD:
 - a. Includes any areas indicated in the Village's Master Plan as having significant natural, historical, or architectural features.
 - b. Will provide a complimentary mixture of uses or housing types or clustering of units to preserve common open space, in a design not possible under the underlying zoning district dimensional regulations; and/or,
 - c. Will achieve a higher quality development than is otherwise possible with the regulations for the underlying zoning district.
3. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will 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.

4. The number and dimensions of off-street parking shall be sufficient to meet the minimum number required by this Ordinance. However, where warranted by overlapping or shared parking arrangements, the Planning Commission may reduce the required number of parking spaces.
5. All streets and parking areas within the planned unit development shall meet the minimum construction and other requirements of this Ordinance and any other applicable Village Ordinance, unless modified by the Planning Commission.
6. 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 and provide not less than that required in Article 18 A Landscaping Standards.
7. Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land.
8. Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development.
9. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided.
10. 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.
11. The uses proposed shall be consistent with the Village's Master Plan or an approved overall PUD concept plan.
12. Sidewalks shall be provided where appropriate.

The Planning Commission shall prepare a report stating its conclusion on the PUD request, the basis for its decision, the decision, and any conditions relating to an affirmative decision.

E. Status of the Planning Commission Approval.

Approval of a PUD application by the Planning Commission confers on the applicant and any subsequent powers of the PUD property, the right to utilize the property included as part of the approved PUD in accordance with the overall density, dwelling unit mix, and final plan of the approved PUD. However, for the total PUD or for each portion of the PUD, if phasing of the development is planned, a site plan review is required for each phase in accordance with Article 15 A Site Plan Requirements. The approved site plan shall take precedence over the approved PUD preliminary concept plan for the area of the approved site plan.

The Planning Commission may cause to have legal documents, covenants, or contracts prepared and may require the execution thereof by the applicant, which documents involve the Village and are required as a result of the conditions contained in the PUD or the site plan approvals in a PUD area.

The Zoning Official shall inspect the development at each stage to ensure reasonable compliance with the conditions of the approved PUD or approved site plans, as applicable.

F. Revocation or Changes.

The Planning Commission may revoke a PUD or any portion thereof in instances where construction activity has not been ongoing anywhere within the PUD within a two (2) year period. Revocation of any portion of a PUD reverts that portion of the PUD to the status and requirements of the underlying zoning district, without benefit of the PUD provisions. Proposed changes in the PUD, other than those considered a part of the site plan review for all or portions of the PUD, must be processed in the same manner as the original PUD procedure.

Section 13.40 Development Requirements.

A. Residential Development.

The following regulations and standards shall apply to any proposed residential planned unit development (PUD) and shall be incorporated into any proposed preliminary sketch plan and/or final PUD plan:

1. Overall PUD Density. The total number of dwelling units shall not exceed a density of one-hundred-twenty percent (120%) of that otherwise permitted in the underlying zoning district, exclusive of the following:
 - a. Those areas deemed undevelopable, as determined by the Planning Commission;
 - b. Existing or proposed rights-of-way of any major streets, as indicated in the Village's Comprehensive Plan; and,
 - c. Those areas to be dedicated for public use or private use and not primarily intended for residents of the PUD, except that public streets, other than as set forth in subparagraph A.2. hereof, and public parkland donated to and accepted by the Village are allowable areas for calculations of dwelling unit density.
2. Densities per Type of Development Area. For areas of detached single family housing, the density, lot size, and other developmental provisions of the Agricultural, Low Density Residential District, or the Medium Density Residential shall apply; for areas other than detached single family housing, the density, lot sizes, and other developmental provisions of the R3 district shall apply; for areas mixing detached single family housing and other types of housing, appropriate density, lot sizes, and development provisions shall be determined by the Planning Commission, considering the requirements of such districts. However, the overall density of the PUD shall not exceed that specified in subparagraph A. hereof.
3. Dwelling Unit Mix. At least fifty percent (50%) of the total dwelling units shall be in detached single family housing.

4. Open Space and Recreation Areas. At least twenty-five percent (25%) of the total PUD acreage shall be in open space or recreation area. However, undevelopable areas, as determined in subparagraph (1)(a) hereof, may not be counted as part of the minimum open space or recreation requirement. No individual area intended to satisfy the requirements of this subsection shall be less than one (1) acre in size.

Any portion of a PUD proposal for site plan review must include at least twenty-five percent (25%) of its acreage in open space or recreation area, except in instances where previously approved site plans within the PUD include sufficient acreage in excess of the twenty-five percent (25%) requirement to satisfy the deficiencies of the proposed site plan, provided that the Planning Commission is satisfied that the use of the open space or recreation area is available to affected parties.

B. Non-Residential Development.

The following regulations and standards shall apply to any proposed non-residential uses in a planned unit development (PUD), and shall be incorporated into any proposed preliminary sketch plan and/or final PUD plan:

1. Open space and Recreation Areas. At least twenty-five percent (25%) of the total PUD acreage shall be in open space or recreation area. However undevelopable areas, as determined in subparagraph (A)(1)(a) hereof, and any areas provided in compliance with required screening or landscaping, may not be counted as part of the minimum open space or recreation requirement. No individual area intended to satisfy the requirements of this subsection shall be less than one (1) acre in size.

Any portion of a PUD proposal for site plan review must include at least twenty-five percent (25%) of its acreage in open space or recreation area, except in instances where previously approved site plans within the PUD include sufficient acreage in excess of the twenty-five percent (25%) requirement to satisfy the deficiencies of the proposed site plan, provided the Planning Commission is satisfied that the use of the open space or recreation are is available to affected parties.

