

CHAPTER 17.58 PLANNED UNIT DEVELOPMENT

17.58.010 STATEMENT OF PURPOSE

Planned unit development (PUD) is intended to offer an alternative to traditional development by permitting flexibility in the regulations for development. The PUD standards are provided to allow a combination of uses, while maintaining a consistent implementation of the goals and objectives of the city's Master Plan.

17.58.020 REGULATIONS

A. ZONING. A PUD may be permitted in all zoning districts.

B. LAND AREA. A PUD shall contain a minimum land area of one acre.

C. USAGE.

Any land use authorized in this Ordinance may be included in a PUD, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.

D. DENSITY.

Project density shall be based on the density permitted in the zoning district in which the property is situated immediately prior to classification under this Article. Where a PUD is proposed for a land area that includes multiple underlying zoning districts, density shall be determined separately for each respective zoning district, then combined for a maximum permitted dwelling unit density for the overall project.

17.58.030 RECOGNIZABLE BENEFIT

The applicant shall demonstrate to the City that the PUD provides at least three of the following site design elements that could not be attained through a project designed under conventional zoning.

- A.** High quality architectural design, beyond the site plan requirements of this title.
- B.** Extensive landscaping, beyond the site plan requirements of this title.
- C.** Preservation or enhancement of historic resources.
- D.** Provision of open space or public plazas.
- E.** Efficient consolidation of poorly dimensioned parcels.
- F.** Shared vehicular access between properties or uses.
- G.** A complementary mix of uses or a variety of housing types.

In granting the relaxation of any district requirements, the City may require the applicant to demonstrate through documentation that the project will not be detrimental to the public health, safety, welfare of the future occupants, the surrounding neighborhood, or the City as a whole. Such documentation may include, but is not limited to, traffic impact studies, environmental

impact studies, market needs assessments, infrastructure impact studies and any other reports or studies.

17.58.040 APPROVAL PROCEDURE

The approval of a planned unit development application shall require rezoning of the property in accordance with Section 17.60.060 *Amendments*, based upon a recommendation of the Planning Commission and approval of the City Council.

A. PRE-APPLICATION CONFERENCE. Prior to the submission of an application for PUD approval, the applicant shall meet with the Building Official. The applicant shall present the following:

1. A sketch plan illustrating a development using conventional zoning permitted under the Hazel Park City Code.
2. A sketch plan illustrating the development proposed under the PUD.
3. Each sketch plan shall include the following information: total number of acres in the project; a statement of the number of residential units, if any; the number and type of nonresidential uses, the number of acres to be occupied by each type of use; the known deviations from ordinance regulations to be sought; and the number of acres to be preserved as open or recreational space.
4. Documentation indicating how the proposed development represents a Recognizable Benefit, Section 17.58.030.

If the Building Official agrees that the PUD proposal has merit and has potential to meet the Standards for Approval, an application may be filed for plan review in conformance with the requirements in Section 17.58.050. If the Building Official does not agree that the proposed PUD meets the Standards for Approval, he shall deny the proposal and provide reasons in writing to the applicant.

B. PLAN REVIEW. Following the preapplication conference, the applicant shall submit a site plan of the proposed PUD and all other necessary documents stipulated in Section 17.58.050. The site plan shall be prepared in accordance with the standards set forth in Section 17.60.080, *Site Plan Review*.

1. **Planning Commission Action.** The site plan shall be noticed for public hearing as a rezoning before the Planning Commission and otherwise acted upon by the Planning Commission and the City Council, as provided by law. Following the hearing, the Planning Commission shall review the site plan and shall take one of the following actions:
 - a. **Approval.** Upon finding that the site plan meets the criteria and standards set forth herein, the Planning Commission shall recommend approval. Approval shall constitute approval of the uses and design concept as shown on the site plan. Recommendation of the site plan by the Planning Commission shall not bind the City Council to approve the site plan.

- b. Postponement.** Upon finding that the site plan does not meet the criteria and standards set forth herein, but could meet such criteria if revised, the Planning Commission may postpone action until a revised plan is resubmitted.
- c. Denial.** Upon finding that the site plan does not meet the criteria and standards set forth herein the Planning Commission shall recommend denial.

The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the PUD project including, without limitation, recommendations with respect to matters on which the City Commission shall exercise discretion.

- 2. City Council Action.** Upon receiving a recommendation from the Planning Commission, the City Council shall review the site plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth herein, the City Council shall approve, postpone, or deny the site plan.

Prior to approval of a site plan, the City Council shall require all standards and conditions of approval to be incorporated in a development agreement. The City Council may cause to have legal documents, covenants, or contracts prepared and may require the execution thereof by the applicant, which documents involve the City and are required as a result of the conditions contained in the PUD approval.

17.58.050 APPLICATION

- A.** A site plan in accordance with Section 17.60.080.
- B.** A narrative report prepared by the applicant shall accompany the site plan providing the following
 - 1.** A description of the project, including all proposed uses
 - 2.** A discussion of the market concept and feasibility of the project,
 - 3.** An explanation of the manner in which the Standards for Approval have been met.
 - 4.** A separately delineated specification of all deviations from this Ordinance which would otherwise be applicable to the uses and development proposed in the absence of the application of the PUD Article.
 - 5.** Hours of operation of the proposed uses
 - 6.** A specific schedule of the intended development and construction details, including phasing or timing.
 - 7.** A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
 - 8.** A specification of the exterior building materials with respect to the structures proposed in the project.
 - 9.** Signatures of all parties having an interest in the property at the time of submission.
 - 10.** Identify the person or entity that will have control over the project.

17.58.060 CONDITIONS

Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.

17.58.070 STANDARDS FOR APPROVAL

The City shall consider the following standards when determining whether to approve, approve with conditions or deny a proposed PUD:

- A.** A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations.
- B.** The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
- C.** There shall be underground installation of utilities, including electricity and telephone, as found necessary by the City.
- D.** The proposed development shall be consistent with the public health, safety and welfare of the City.
- E.** The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
- F.** The proposed development shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with this Ordinance.
- G.** The proposed development shall be consistent with the Goals and Policies of the Master Plan.
- H.** The proposed development shall be compatible with adjacent uses of land.

17.58.080 FEES

Any application for a PUD shall be accompanied by a fee as determined by the City Council. It is the intention of this chapter that the fee schedule shall incorporate all fees necessary to completely pay the cost for professional planning, engineering, and legal reviews of the PUD proposal as may be required by the Planning Commission and the City Council.

17.58.090 PHASING

Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. In addition, in developments that include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Plan Commission.

17.58.100 COMMENCEMENT OF CONSTRUCTION

To ensure completion of required improvements, the City is authorized to impose performance guarantees in accordance with Section 17.04.100. Substantial construction shall be commenced within one year following final approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by Section 17.58.050. If construction is not substantially commenced and continues within such time, approval of the PUD shall expire and be null and void. In the event approval of the PUD has expired, the City Council shall require a new application that shall be reviewed in light of then existing and applicable law and ordinance provisions.

17.58.110 EFFECT OF APPROVAL

When approved, the PUD with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such authorization. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Oakland County Register of Deeds.

17.58.120 AMENDMENTS

An approved PUD may be amended at the discretion of the City consistent with the procedures for original approval. Further the Zoning Board of Appeals shall not have the authority to grant variances for the standards contained in this Chapter for any duly approved PUD, such authority being specifically reserved to the City Council.